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SECTION 7

REEL No.

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Description of Document LEGISLATIVE COUNCIL DEBATES. VOL. LXIX.

Covering Dates 17th April to 22nd June, 1956.

Reference No. From Central Government Library.

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SECTION 7.

CONTINUED FROM

REEL No.

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ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It is now the time laid down for the suspension of business.

I would like to announce that after the completion of this consideration of the vote we are at present discussing, we will take next Votes XXIX, XXX and XXXI as a unit, which are all within the Portfolio of the Minister for Local Government, Health and Housing. Vote XXXII, which comes within the same Portfolio, will be taken at a later stage.

Council will stand adjourned until 2.30 p.m. to-morrow, Wednesday, 23rd May, 1956.

Council rose at fifteen minutes past Six o'clock.

Wednesday, 23rd May, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Education Department Annual Summary, 1955.

(By THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coultts))

ORAL NOTICE OF MOTION

NATIVE LANDS COFFEE RULES REVISION

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

That this Council requests the Government to revise the Native Lands Coffee Rules, 1951, so as to enable the African with suitable land to grow coffee on a plantation scale.

MOTION

SUSPENSION OF STANDING ORDERS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move:—

That under Standing Order 168 the Standing Orders be suspended to the extent necessary to enable Council to sit at 9.30 a.m. and not at 2.30 p.m. on Tuesday, 29th May, Tuesday, 5th June, and Thursday, 7th June, 1956, and to continue to sit on each of those days until 6.15 p.m., with a break from 12.30 p.m. to 2.30 p.m.

MR. HARRIS seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXXVIII—MINISTRY OF FOREST DEVELOPMENT, GAME AND FISHERIES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of Debate adjourned on 22nd May, 1956.)

MR. CROSSKILL: Mr. Speaker, Sir, when Council adjourned yesterday evening, I had started to comment on one or two facets of the Game Department. I said, Sir, that game is one of our great assets in this country, not only aesthetic and scientific, but economic. We, Sir, in this Council, are all very conscious of the precariousness of our economy based, as it is, almost exclusively on agriculture at the present time. And when we find a tremendous asset of this kind which has its economic advantage as well as others, we must protect it to the full, foster it and encourage its development.

Now, I think we must pay great attention to the question of poaching. It has been brought to our attention more than ever during this past year by the formation of the Wild Life Society. I think we, on this side of the Council, are all glad to see that, in spite of financial stringency, it has been possible to increase the staff to some small extent of the Game Department. We see, for instance, that there is now an increase of 12 game scouts, a few other minor posts and also the addition of one police officer with some constables to the Game Department. That is a slight increase, but I would, Sir, like an expression of opinion from the Minister as to whether he considers that he will be able to carry out effective protection of the game, and prevention of poaching, with that slender increase in staff. I think particular attention should be given to this aspect, judging from a report in the brochure issued by the Wild Life Society, giving its aims and objects that some 600 elephants are estimated to have been killed by poachers during the last year. Now, Sir, I am not in a position to know whether that is a very considerable number in comparison with the elephant population of the country, but it appears to be a staggering number and it indicates that very severe measures are required to stop this poaching.

I would, Sir, request the Minister when he is replying to let us know what his country-wide policy is, whether it is possible for him to protect and control the killing and trapping of game throughout the whole country, or whether he must confine that protection to the Game Parks and to the reserves. There must, presumably, be an element of conflict between the development of agriculture

and the protection of game in certain parts of the country. Is it not possible to perhaps have greater liaison between the agricultural officers, administrative officers and the Game Department so that they will help in the protection, having once unified their policy and reconciled their differences of opinion?

But, Sir, it seems to me that however much we do increase the personnel of the Game Department and of the National Parks, we shall be unable to stop this illicit poaching, unless there are deterrent penalties when culprits are found and brought to book. It seems to me, Sir, that that is the first thing that should be done—to increase the nature of the punishments so that they are really deterrent.

Now, Sir, I believe it is customary in the United Kingdom for Government to declare at certain times that certain crimes are prevalent ones, which indicates to the judges or magistrates that when anyone is found guilty of one of these crimes that they will inflict the very maximum sentence as a deterrent. I would ask the Minister for Legal Affairs if he would give an opinion as to whether that is possible.

Another point with regard to the judicial aspect of the punishments, I would like him also to let us know, Sir, whether it is possible to place the onus on the possessor of ivory and other trophies to prove that it is indeed his. It may sound rather anti-British in deeming somebody to be guilty unless he is proved not guilty—the reverse to our normal procedure—but I believe, Sir, that the conditions at present make it quite necessary that some serious and rather extraordinary step such as that be taken. I believe that if we did that, the law placing the onus on the possessor of a trophy to show that he is justifiably in possession of it, would assist quite considerably in stopping poaching.

I think there are other matters that should be considered, other steps to be considered, to prevent poaching. I believe that in this year of grace it is quite unnecessary for any African tribe to possess poisoned arrows. They cannot be said to be necessary for defence nor, I suggest, for offence. It may seem that it would be extremely difficult to take active steps to prevent them hav-

[Mr. Crosskill] ing these arrows. That, undoubtedly, is true, Sir, but I do believe it would be a step in the right direction to make it illegal so that whenever natives were found by game scouts to be in possession of such arrows, they could be confiscated and suitable action taken against them.

I suggest those steps, Sir, because I would reiterate in conclusion that unless we do take such steps to penalize, and effectively penalize, poaching, to whatever extent we increase the staff of the Game Department I believe we shall not be able adequately to deal with it.

Mr. Speaker, I beg to support it.

MR. COWIE: Mr. Speaker, Sir, there has been a good deal of focus recently on the whole aspect of game preservation in Kenya. If I may, Sir, I would like to give a fairly brief review of the achievements of the National Parks Organization and the position of game in Kenya as I see it.

May I take you back first perhaps a few hundred years, or even a thousand years, and ask you to imagine what was going on in East Africa. It is anybody's guess, but I believe that this country had very many more wild animals in it than it has to-day. That is indisputable. But probably for thousands of years, there has been a kind of balance, a balance maintained between people and wild animals, a balance between predators and the rest. Now, something has maintained that balance, otherwise one side would have destroyed the other, and what has happened in this century is that we, as men, in a more civilized form, have entered the arena and, I maintain, have upset to a great extent this balance of nature. That, Sir, makes the survival of the wild creature very much more doubtful, very much more difficult. They have to contend with droughts, with diseases and all sorts of other problems which destroy them—in other words, the checks which nature has imposed to maintain this balance. We now, in our zeal, enter a new land, with new methods of agriculture and development; the impact of that is obviously very great.

It is perfectly logical that a country should be developed and zoned so that certain portions are devoted to the needs of men and certain portions, I maintain,

to the needs of the wild creature. That is a perfectly logical argument. That is what I think we have attempted to do, certainly over the last ten years or so, but, in all this assessment of the problems of survival of the wild creature, there has entered a new enemy and that is the poacher. When I say new, Sir, it is not new in the sense that poaching never went on before.

As there has been a good deal of discussion on this subject of poaching, I feel compelled to offer some more accurate and detailed information. Culling of wild animals has undoubtedly gone on possibly for hundreds or even thousands of years, and I do not know anyone who could say whether it has increased, as compared with five hundred years ago, but one thing is certain that the impact is now very much greater. The number of wild animals that remain in parts of Kenya are obviously less and so, if the culling goes on at the same rate, destruction is very much greater, and the disaster is imminent.

Poaching has, undoubtedly, been stimulated in recent years by certain factors. One is that prices have risen, prices particularly of ivory and rhino horn. I was informed only yesterday that a recent sale of rhino horn fetched a price of Sh. 81 per pound. Now that is the highest price, in my experience, that it has yet reached.

In addition, during the period of the Emergency, a large number of members of the Game Department and of the National Parks, were, quite naturally, withdrawn to assist in the campaign against the terrorists. I can speak with some certainty on that because during the period that I endeavoured to direct manpower, European manpower, I had the difficult decision as to whether I was entitled to take as many men as we did from these two departments knowing full well that I recognized their obligations in their own sphere of activity. The two organizations were, however, very much pruned, and I think rightly so, but as a result, the poachers had free sway.

Furthermore, Sir, there has been a development in the sale of meat. There are certain markets which have opened up which were not available before and poachers now resort to trapping and snaring smaller game for the profit they

[Mr. Cowie] can make out of the meat. These methods are quite despicable because there is no discrimination. We have found places where there are lines of pits, and in those pits there are creatures some alive, but very often dead and left to rot. There are other places where there are miles of bush fences with wire snares put across each gap; usually two kinds of snare—a high strong one for animals like giraffes, and a smaller one for the lesser creatures. In some of these snares, we have found animals in their last stages of exhaustion and, in other places, they have been ham-strung because the poachers could not use all the meat at that point and so they cut their ham strings and leave them alive, but immobile until they require to remove them as fresh meat.

Now, Sir, those are facts which I present to hon. Members to show the ghastly methods used and the extent of this poaching.

The hon. Member for Mau has mentioned a figure of 600 elephants poached in a year and, I think, Sir, he, and perhaps others, would like to know how that figure was arrived at. In some of our records we have evidence of the number of people forming a poacher gang, and we know almost for certain how many animals each member destroys. There are approximately 150 active poachers in the zone straddling from the railway up to the Tana River on the Coast belt. There are approximately 26 traders who we know that operate in this black market. Therefore, Sir, the figures compiled are based on some substantial basis.

In addition in one of the stores near Voi there are approximately 200 butts of tusks which to us indicate the deaths of approximately 100 elephants. Most of those butts, on examination, show that they are not very old and, to be fair, one can say that those 100 animals were killed in one small zone alone in the course of one year. Those are only the butts which the poachers have discarded because they are not so easily marketable.

That, Sir, is roughly what is happening in the main poacher focus in the Coast belt. In addition, there is a considerable amount of trapping going on

all across the country, snaring birds, rodents and other creatures simply because it is easy to do so and because certain people have found that it is profitable to do so.

I am not proposing, Sir, to advocate solutions for this problem, because, although I have my own views as to how it could be checked, I think it is not a difficult problem, it is something which I believe the newly appointed Game Policy Committee should consider and I am, therefore, not in a position to anticipate their recommendations.

Now, Sir, I would like to ask an awkward question, a question which I personally dislike and that is, why preserve wild animals? Many people in various countries have put that question to me, and I have had the greatest difficulty in answering it reasonably and logically. But I think it must be faced and I will endeavour to do so.

The first heading under the answer, Sir, I would call economic. A good deal has been said on that score, but I will only give one illustration, which I think might make the point. If there were only one rhino left in the world, that rhino would have an unlimited value. It could be sold for an unlimited price; there would be many thousands, perhaps millions, of people who would want to see it as a last living relic of what might be called a prehistoric animal. Now, that value is purely relative. We, in this country, have more than rhino. We are in the privileged position of having a fair abundance and variety of wild life, which does not exist in other continents, and that is why it has such a special and distinctive value not only in attracting tourists but also in the actual value to residents of the country.

I think, Sir, enough has been said and there is enough support in most quarters for the economic value of game.

The next heading, Sir, is intangible. This is where I know we usually get into difficulties. There are very strong points of view both ways, but, I do suggest to hon. Members who have lived in this country for a good many years, to think back and recollect what are the moments which have been probably most enjoyable, or most memorable, in their experiences in Kenya. I wonder, Sir, if those

[Mr. Cowie] are not unconnected with wild moments are not unconnected with wild life. A pretty scene or a pretty valley in which the interest is glamorized by the excitement of wild animals is something which cannot be paralleled. It is something like pictures. One might say, why have artists? Why have pictures gracing our walls and only being filled with dust? Why not destroy the lot and save all that labour and money that is spent on painting pictures? The argument, Sir, is much the same—it is intangible.

Lastly, Sir, without wishing to be sloppy, I must refer to what I call the spiritual aspect. We, in this Dominion, have the privileged position of being rulers, but I doubt if that position gives us a mandate to destroy, and deliberately to destroy, the lesser creature.

Under this heading, Sir, there is one further question which I would like to face. It is often said—it is said in this Council, that the preservation of wild animals in Kenya is a scheme designed for rich, cultured communities, mostly for the European, mostly for rich visitors from overseas—and the African himself, has little interest in it. In fact, there are certain hon. African Members who have said in this Council, or implied, that we might be better off if all wild animals were destroyed. My answer, Sir, is this: I believe it is only a question of time—and not a very long time—before the Africans themselves will realize that wild animals have a value; they have a value economically as well as intangibly, because I maintain they are part of ourselves. I would quote the example of the American war against the West. It is recorded that General Grant said, "Destroy the buffalo and you will destroy the Red Indian". They almost destroyed the buffalo, and I leave the hon. Members to judge whether they destroyed the Red Indian. It may not be easily accepted, but the destruction of wild animals in the western states destroyed a great part of the culture and life of the Red Indian. I have had the living in their own reservations, remembering the story-books when one reads of Howling Wolf, the Great White Vulture, and all the names that are associated with wild life and to see them to-day somewhat lost without that part of their life. It is for that reason, Sir, that I would say to the hon. African

Members, that this is a trust for which we are all responsible and it is no use saying that it is only a project of interest, either to the Europeans, or other races, or to visitors from overseas. It is a heritage which we all possess. As time goes on, they, themselves, will recognize its value.

I claim, therefore, Sir, that the case for preservation is accepted. It was accepted by this Legislature some ten years ago when the National Parks Ordinance was passed. It was accepted well before that when the Game Department was set up, and when the reserves were set aside. There is no dispute as to whether it is accepted or not.

The difficulty is this. The acceptance of that policy varies in districts. It varies very much according to the interests and whims of the officers concerned. It has been my experience over a number of years that the actual policy of preservation is not parallel even in adjoining districts of Kenya. That is why it is so difficult to promote a scheme which must, for its success, have the general support, essentially of the Administration, and also essentially of the police.

Now, Sir, without wishing to tread on anyone's toes, I would like to mention something else concerned with the Game Department. Let us remember that whatever achievement we may have made in Kenya in the field of preservation, our tributes must go to those men who devoted most of their time and lives to it. I have in mind, particularly, Blaney Percival, Captain Archie Ritchie, Captain Caldwell and the present holder of the post. There is a chain of men who have built up a system and a method of which we are proud. By the Minister, Sir, in opening this debate, we were told of the scheme in view for the integration within the Ministry of certain departments. That is not a subject on which I wish to offer any comments. It is not in my sphere, but I would commend just two points to the Minister. The Game Department is one which, as far as overseas visitors are concerned, is as it were our *prima donna*. It has the glamour of being a department to which all interesting people go. I do hope, Sir, in whatever scheme is arranged, it will be possible to preserve the character and interest of the Game Department. I also

[Mr. Cowie] from those projects has taken care of that development.

But the difficulty now is this Sir, the rate at which revenue increases, or can be increased, is being outstripped by the rate at which costs are rising. The increased cost of transport, to give one example, is going higher than can be taken care of by the increase in revenue. Therefore the problem arises as to how the Trustees are going to face the increase in expenditure rather inescapably brought about by the recommendations of the Lidbury Commission.

In the Budget itself, Sir, there is a remark that £4,000 has been added to assist the Trustees of the National Parks in meeting their obligations under the Lidbury Commission. The actual amount involved is very nearly £8,000, and so the choice is either to reduce the staff, so as to pay them the right amount, or to increase fees. Obviously, one cannot at this stage, with poachers getting the upper hand, talk in terms of reducing ranger staff. The difficulty with fees is this, I always have a great deal of sympathy with the local resident who feels that he should be able to use these national parks at a very small cost and enjoy a holiday, especially with his children and when they are out from school. There is therefore, a very definite limit on the amount of fees which one can charge. On the other hand, there are rich visitors from overseas and it would be logical to charge them more. But it is quite impossible to distinguish between one kind and another, or to have a staff which could discriminate at gates. There will therefore have to be a middle line, and I hope that this does not mean that the fees charged for *safari* lodges will become too high for the local farmer and the local resident to enjoy and value our national parks.

Before leaving finance, Sir, I would like to mention one more point, and that is in ordinary terms of accountability. The capital expenditure of the National Parks and Reserves has been to the end of December last year, a little over £220,000. The annual direct revenue brought into National Parks and Reserves was approximately ten per cent. It is therefore an investment earning a direct revenue of ten per cent. In that, Sir, there is no account taken of all the

additional revenue brought into this country by tourists, and even the taxation paid by those visitors—when I say taxation I mean such things as excise duty.

In conclusion, Sir, I would like to express a hope—I hope for two things. One is for the immediate period, that it will be possible for the National Parks and the Game Department to continue their fight for preservation, their fight against very difficult enemies, their fight against the general advancement of civilization. The other hope is that as a long-range plan, I hope that this newly appointed Game Policy Committee will be able to produce a report from which a definite policy will emerge. If we can have a definite policy accepted in all quarters in this country, it will be very much easier to settle these conflicts between cattle and game, between perhaps, one kind of department and another. Once there is a change of heart, and an acceptance that wild life is to be preserved, the only argument then is how to do it. I believe we have now gone far enough in the last 50 years to know what we should do, and in doing that we must concede that certain portions of our country must be allocated to the wild animal, while other portions admittedly are to be allocated to the entire needs of the human being.

The hon. Members, Sir, of this Council occupy, I believe, a unique position to-day, because they and other people who have decisions for the future of this country in their control, have to decide whether we will, in fact, set up and maintain the successful preservation of our wild animals, or whether we must face defeat in the advancement of civilization and the expansion of our human requirements. It is a unique position because there are few countries in the world which have been in a position to make that decision. In America it was too late, in South Africa it was almost too late, but we here in Kenya have been blessed—I say blessed deliberately because I mean it—with a great abundance and variety of wild animals. They constitute part of ourselves. If we destroy them or allow them to be destroyed we will be destroying something that can never be recreated. Therefore, Sir, I do ask hon. Members to bear these points in mind when I come

[Mr. Cowie] to formulating perhaps a sound game policy for future years.

I beg to support, Sir.

MR. CONROY: Mr. Speaker, Sir, I should like to answer the two questions which were asked by the hon. Member for Mau.

The first question was—he asked whether it would be possible for the Government to declare poaching prevalent with a view to more severe sentences being imposed by the courts on convicted poachers. Mr. Speaker, there is no procedure by which a crime can be declared prevalent and, although the hon. Member did mention that he thought it might be used in England, I have never known of such a procedure being used.

There is, however, another method by which it can be ensured that the courts impose sentences appropriate to the gravity of the offence. The procedure is this. The prevalence of a crime is a question of fact, and is one of the facts on which the court bases its decision, and it is proper for a public prosecutor, in assisting the court to arrive at a just conclusion, to draw the attention of the court to the fact that a crime is prevalent. Then the court can properly exercise its juridical discretion in imposing a substantial punishment.

Sir, another safeguard to ensure that adequate punishments are imposed for crimes by subordinate courts, is that the Supreme Court enjoys a supervisory jurisdiction over proceedings in a subordinate court. One has seen, recently, examples of punishments being increased on revision by the Supreme Court, not in respect of poaching but in respect of certain other crimes, and I cite that as an example of the way in which the Supreme Court can exercise supervisory jurisdiction and amend any sentence which, in the opinion of the Supreme Court, is inappropriate to the crime, which has been imposed by a subordinate court.

Mr. Speaker, I think the Members of the Council would agree that it would be improper for Government to declare the crime to be prevalent, or the Government in any way to attempt to influence the Judiciary in such a way that the

executive branch of Government is purporting to exercise control over the Judiciary.

Now, Mr. Speaker, the second question that the hon. Member for Mau asked was whether the burden of proof might not be shifted to the accused where he is caught in possession of game trophies such as ivory. Mr. Speaker, I am not yet wholly familiar with all the minutiae of the Laws of Kenya, but my recollection was that they already do so provide. My learned leader, if I may so describe him, or as I would so describe him in another place, has corroborated what I have just said, Sir. The law already does so provide.

Mr. Speaker, Sir, those are the two answers to the two questions, and I trust the hon. Member finds them satisfactory.

THE EUROPEAN MEMBER WITHOUT PORTFOLIO (Mr. Maconochie-Welwood): Mr. Speaker, I wish to reply briefly to two points, one of which was raised by the hon. Member for Mau in connexion with forest villages and forest squatters, in as much as this is particularly a security issue. He asked whether, when Kikuyu were sent to forest villages again, that they would be subject to the same checks and the same caution as to the return of the Kikuyu to the settled areas of Rift Valley. The answer to that is yes; most certainly they will be. No Kikuyu village is set up without its being first carefully scrutinized, obviously by the Minister for Forests and subsequently by the War Council, who have to final say whether security permits of a village being established.

He asked one other point, which was the matter of Kikuyu squatters-resident labourers in forest villages who would be looked after by one European forester. When I was Minister for Forests, this matter was endlessly discussed (as he said himself, I think) with district councils. A tentative figure was suggested at that time of about 130 squatters per forester. But I would like to say one word of caution on this, that when you get a forest village which is very centralized and the work is all adjacent to it, it is often possible for a European to look after considerably more than where the work may be scattered and it may be necessary to have, say, two villages at some slight distance

[The European Minister without Portfolio]

apart. I hope people will remember this, that there are two sides to this: security, and there is economy and efficiency to be considered. Security is paramount, but within those limits it is not always possible to say that there will be a cut-and-dried number of squatters for each European who supervises them.

There is one other point I wish to mention, in the hope that it need not be discussed again in the course of this debate, it is this, that, in fact, over this matter of game Government have not been idle. They have formed the Game Policy Committee, of which I am the chairman, not in my capacity as Minister, but individually named for this task. That committee has sat a good many times already. On it there are representatives of the various conflicting interests, the parks, the game wardens, African Affairs, and an African who happens to be a Masai, and the committee is endeavouring to arrive at a solution to the many knotty problems, most of which have been mentioned to-day. It is not going to be an easy job, because, of course, there are conflicting interests involved. There will be places, such as the parks, where game and its needs are paramount. There are other areas where human needs inevitably are paramount. There are many other areas where a situation of co-existence—which one hopes will remain peaceful—between the human inhabitants and the game has always existed, and I think we should remember that in the Masai country, at any rate, the Masai have always co-existed with the game and lived at peace with them. That is a thing for which we in this country should be grateful; that the game still exists there is due to their attitude towards it, and we hope that that co-existence may be continued.

As regards poaching, it is one of the first things on which the committee has been asked to report. The committee will report in the first instance to Government and Government will decide whether it supports and will implement our findings. I hope that in the very near future we shall be able to put in an interim report on one or two of the most burning questions, of which poaching is one of first importance.

Mr. Speaker, I beg to support.

Mr. HARRIS: Mr. Speaker, Sir, my only excuse for intervening in this debate is due to the absence of my hon. friend the Member for Aberdare. I was recently in his constituency, Sir—with his permission—and some of his constituents were very disturbed on the matter which has just been dealt with by the European Minister without Portfolio, namely the establishment of Kikuyu villages in the forest lands. I am, Sir, sure that had the Member for Aberdare been here he would have said that he hoped that the mass nature of this scheme should not be such as to prevent good administration. That kind of thing has happened before in Government, and I do hope, Sir, that in establishing these villages due regard will be given to the individual desirability of the families to be settled.

There is considerable disquiet in some of the settled areas where individual choice has been made of returning Kikuyu and it is hoped that Government will carry out the same policy in regard to these forest villages.

Now, Sir, while I am on my feet, the hon. Solicitor General has dealt with the question of declaring the prevalence of the crime of poaching, and explained the difficulty in any such declaration, but he has suggested two other methods, namely, that the prosecutors in such cases should indicate to the courts prevalence of the crime, and, secondly that the Supreme Court has, in fact, supervisory powers over the subordinate courts. Whilst, Sir, I agree with him that it is most undesirable that there should be any attempt to influence the Judiciary, I feel sure that both the prosecutors and the Supreme Court would like to know that it is the wish of both sides of this Council that they, the custodians of our laws, should deal most heavily with the crime of poaching.

Mr. USHER: Mr. Speaker, Sir, I wish to say a few words about the Fisheries section of the Minister's Portfolio. We have on our coast an abundance of fish which is well known to all, and has been variously estimated, and so highly by some people, that one wonders whether, in fact, we should not be introducing some system of family planning for the fish. Our great difficulty is to introduce the fish that are there to, if

[Mr. Usher] I may say so, Mrs. Clarke, to the housewives who are agitated by Mrs. Clarke, and who, in turn, agitate hon. Members of this Council.

The real difficulty, of course, is not only to catch the fish but to store them, and I believe that great improvement, in fact, has been made in the method of inshore fishing.

Well, Sir, if it is true, as we believe, that sufficient fish is to be had by inshore fishing to supply to whole of this country adequately, and I do believe it, then it is a matter of vital importance that we should take the necessary steps to store it. I think, at this time, just about now, when the close season is beginning, there will, in fact, be a great shortage of fish, whereas just recently it is well known that fish have been thrown back into the sea.

The trouble is that we have no deep-freeze storage, and the difficulty is to know how to achieve that very necessary part of the fish industry. It is quite well known that the Railways and Harbours Administration have a cold store in Mombasa. It is not suitable for the storage of fish, which by the deep-freeze method can in fact be stored for as much as nine months. Whether that store is capable for conversion or use in part for this purpose I do not know. But the great difficulty is, as with so many other things in this country, in getting together the interested parties. There is meat of various sorts, including the pig industry, who are interested in this; there is the fish industry, and so on. And I have in mind to introduce in this Council a short Motion with a view to instituting an inquiry as to how we should achieve the storage we require and how it should be financed.

I am not suggesting at all that it is necessarily, or even properly, a matter for Government finance, but until we know what is the scope of the subject and what will be the cost of our requirements, it is quite useless to go any further. I would ask the Minister, if he would, to expatiate a little in his reply upon the Fisheries as part of his portfolio and to advise us in what manner we should achieve this cold storage which seems to be so vital to our economy in the food sense. Sir, I beg to support.

Mr. COOKE: Mr. Speaker, I was very interested in the suggestion of integrating the Game Department in the Ministry. My hon. friend, Mr. Cowie, also dealt on that and I think he saw the dangers which I also see. From the financial point of view it is probably, certainly, quite attractive; but there are certain imponderables entering into a matter like this. Now the Game Department has always been a department which has had a certain amount of glamour about it. It stood out from the other departments, and it was a department which came very closely into touch with the public, especially the sporting public of this country, and with American visitors. I have the same fear that, if it becomes too much a departmental matter, and if a visiting American who wants to know something about the habits of game is met, perhaps, by some pan-faced secretary who hardly knows the difference between the front and the back of a pachyderm, he will be discouraged from coming to this country in future. Therefore, we will have to be, I think, careful to see that the Game Department retains its entity and retains its personality, because, as my hon. friend said, and I can go back 40 years in this respect, we have always had in the Game Department people noted particularly for their personality. We must keep them in touch with the public and, if possible, retain the present rooms and the present offices of the Game Department near the Coryndon Museum. I would like strongly to support that suggestion.

Sir, I was very glad to see that Government is going ahead with this re-forestation scheme. The time has come now, and more than come, when we must integrate the Kikuyu again in the economy of this country. It is no use thinking that you can keep hundreds of thousands of people idle, or practically idle, in detainee camps and other Government camps. They are an absolute necessity to our economy. I, myself, who have been living probably more in the forest than anybody in this room at any rate, have no fear whatever from any political activities or from any violent activities of the Kikuyu in the future. I think they must be given a trial now under very strong discipline, of course. I did suggest with regard to personnel looking after these people, I suggested to my hon.

(Mr. Cooke)

the friend the Minister for Defence or the Minister for the War Cabinet, that he should appoint honorary forest wardens, chosen firstly from retired people who would be willing to live in the forest and could lend a hand in looking after these people—looking after the payrolls, looking after their discipline, and save the country, perhaps, a lot of money which would have to be paid to fully employed officers. At any rate, my hon. friend was attracted by the idea when I first suggested it to him, and I hope it will still be kept in mind. There might easily be quite a number of people who would very much enjoy living on a small plot in the forest, where they could have fishing as a hobby and where they would look after, or help to look after, these forest people. I hope these Kikuyu will be properly graded and disciplined; they should really be under a sort of semi-military discipline, with, I would say, sergeants and sergeant-majors and that sort of thing living in the villages; and, of course, they must have village halls and schools, and so on. It must be a privilege to them to be allowed to live in the forest. We do not want a second example of what happened in Olenguruone, where we no sooner got the squatters into that model village when they became very difficult to handle and they had eventually to be turned out. I do not think all the fault lay with them. I think it lay with the initial scheme not having been properly gone into; and there was not the proper European personnel chosen in the first place. I think it is absolutely essential that we must start this scheme without any hesitation as soon as possible and we should put the correct, the right men, in charge.

I would also support the plea of my hon. friend, Colonel Cowie, in his eloquent speech, when he drew attention to the scarcity and poverty of funds with which he has had to work during the past ten years. I am a member of the Trustees of the National Parks and fully appreciate the position. I think it is simply intolerable that when the Lidbury recommendations put up the charges the cost of living allowance and so on, what we had to pay out on the cost of living allowances was put up to about £8,000, and we only got £4,000 extra, I

think I am correct in saying, to pay out what really cost us £8,000.

It does seem to me the height of injustice and folly to have put the parks in the position that they have to cut down on very necessary work in order to pay, to carry out, their obligations under the Lidbury Report. My hon. friend, the Financial Secretary, and I do not always see eye to eye on productive expenditure. I personally think that expenditure is productive expenditure on something that brings money into this country, and then you can use that money which is brought in to make the schools and other social services; but we must begin, I think, with productive expenditure; and that will bring in the money to pay for all the social services.

Sir, I should like to support the Motion.

CAPTAIN HAMLEY: Mr. Speaker, I should like to continue briefly, if I may, on the theme raised by my hon. colleague from Mombasa on the question of sea fish, and I wonder if the Minister will be so good as to tell us what exactly the difficulties are. As my hon. friend on my right stated, this country is blessed as a country teeming with wild life, and everybody seems to agree that the sea bordering the Colony also teems with a great variety of sea food.

We get from time to time various experts out here. I remember some eight years ago we had a Hull trawler out here; the owners agreed that the sea did teem with good sea fish, and they went trawling and produced a lot of fish, and then they gave it up because their trawls caught in the bottom. In due course we had the next fish investigation, and people came up from South Africa and agreed that the sea teemed with fish, and they fished it, and went away, and nothing happened.

There is some difficulty which I cannot fathom. I have visited most of the sea-girt countries of the world, and this, I must say, is the most backward fishing country I have ever been in. Here you see the natives go out in prehistoric dug-out canoes and come back and bring some fish with them, and when they have caught enough fish to pay for their target for the day they pack up fishing, and sell to the housewives at, I consider, a very exorbitant price.

(Captain Hamley)

But, Sir, I wonder whether any hon. Members have been to Japan. There one sees the whole coast of Japan lit up at night—lit up with the lights of the fishing fleets. They go in for a very cheap and economical form of diesel-powered fishing vessel, and they produce fish in uncountable quantities, and I cannot for the life of me see why we cannot do the same thing here.

As I say, from time to time, while I was in charge of the ports, this fishing business investigation blew up but came to nothing at all, and I would like to know why it always comes to nothing at all.

I must disagree with my hon. colleague from Mombasa about one thing. He says that the cold storage at Mombasa is not capable of—or appears to be incapable of—storing fish. Well, I have seen two or three hundred ton chambers in Mombasa Port cold storage full of fish, frozen as hard as bricks, but where it goes I have never been able to fathom. It never appears on the markets of Kenya. It goes somewhere, but where? And, as I say, there is something "phoney" about this business. It crops up, it goes 'on and no fish comes out, and perhaps the Minister would tell us what the difficulties are, Sir.

Mr. Speaker, I beg to support.

MR. MATHU: Mr. Speaker, I just have one point I would like to comment on, Sir, and that is in regard to this Kikuyu Settlement Scheme in the Kenya forests. I should like to say, Sir, that the history of our forests in Kenya cannot be separated from the Kikuyu. They both go together, and I would like to say, Sir, that I support this scheme, and I would like to say, Sir, that if other hon. Members agree—that it must develop, our forestry estate, so that not only will we preserve that aspect of our flora life but, at the same time, enhance our economy. Then I suggest, Sir, that there could be no other scheme that would lead us to that goal than by employing the Kikuyu who, as I say, and the forest, have the same history.

Now, my hon. friend, the Minister without Portfolio, did put the security aspect of the problem before the Council.

and I support him, but I would like to point out to hon. Members on my right who have gradually—apart from my hon. friend, the Member for the Coast—supported this and suggest to them, Sir—as my hon. friend, the Member for Trans Nzoia did in regard to maize—if the Kikuyu is not the man to develop the forests, where will you produce the tribes who will be able to develop the forests in Kenya? There is nothing whatever to prevent any hon. Member advocating a scheme of settlement for any tribe they like in Kenya to develop our forests. What prevents them from doing so?

Having said that, Sir, I would suggest that if the Government is satisfied that the security angle would be safeguarded, and that we have after all—as my hon. friend, the Member for the Coast, did put it nicely—entertained and liked the Kikuyu in our Colony, and the sooner the better for us, and the better for the people, and then I suggest they should support the Government in regard to this matter without any hesitation whatever. It is for the good of the country all round, and there could be no other word for it, and I would like to repeat again, Sir, that I would be the first person to support any hon. Member on this side of Council to produce 6,000 Africans from any tribe he likes in Kenya, to put the money in the forest and to support our forest industry. I will go further. If they want me to import Africans from the Belgian Congo to do the undertaking, I will support him.

Sir, I support the Motion.

DR. HASSAN: Sir, I rise to support this Motion. Colonel Cowie, in a very elaborate way explained the position of the game in this country, and he told us about the danger of poachers. Of course, the Minister stated—as indicated in the Estimates of this Department—that staff has been increased in that Department to deal with the problem of poaching. There is no doubt that there are quite a large number of Africans, of communities which do not belong to the reserves. They appear to be squatting and living in different places away from the reserve. There are none engaged in agriculture of any description, and the only thing they live on is to poach game. They usually do so for meat, but lately the trophies appear to be bringing very much

[Dr. Hassan]

more income and they have been encouraged to kill game for selling ivory, rhino horns and certain other trophies.

I expect the Game Policy Committee which has been appointed by the Government will go into this matter properly and see that the Africans—a very large number of them are living in places away from the reserves—in game parks, in the precincts of the forest are sent to a place where they can be kept under supervision. The appointment of the Game Policy Committee is certainly one of the most important things to find out ways and means by which this headache of poachers and other difficult problems will be solved.

But a certain matter which needs very careful consideration must not be lost sight of. It was with a view to preventing the clashing of game with the human interest, that the first Game Policy Committee was appointed in this country, and it was appointed with a view to establishing game parks in the country for the protection of game. The Masai reserve was one of the reserves which forced the Government to appoint this committee, because there was a complaint from the Masai that the grass which was so badly needed by them was eaten by the game, and the Masai during that year lost about 100,000 cattle from starvation. It was then considered advisable that we should establish game parks, and give relief to the stock-owner Africans, so that their reserve would not be used as a game reserve, because game and stock cannot possibly live together.

I am afraid, in view of the experience gained, we have found out there are corners in the Masai Reserve where certain game has to be protected, and the Masai were very generous enough to agree that the Government should allow part of their reserve to be declared a game reserve for the protection of that game. There is no doubt, in the drought the position is different. The interest of the stock always clashes with the game, and we have the lovers of game all over the world writing very long letters condemning the Masai and their stock, and so on. Well, I believe the Game Policy Committee will look into that problem and suggest a way by which we can get

rid of that headache. But I was surprised that no member of the Veterinary Department was appointed on that committee. It was very important, because reserve is one of the measures which is known and completely controlled by the Veterinary Department, and a member of the Department should have been a member of that committee.

Another point which the Minister for Forest Development mentioned was that he had provided certain funds to carry on experiments in certain catchment areas of the forest for growing tea there. Well, I hope the Minister for Forest Development, who is an expert in agriculture, having been a Director of Agriculture, is not going to act like a surgeon. If a patient goes to a medical officer—a surgeon—who does not believe his ailments can be cured by medicine, he will always look up how he can cut off the tip of his nose or his ear, or cut his tonsils out, because he looks to the surgery only. Therefore, the Minister for Forest Development, having been a qualified and expert agriculturist—I hope he is not going to suggest that some of the best catchments of the forest area are going to be used for experiments in tea plantations, and allow that area to be excised from the forest.

I am sure you will never find an inch of the forest reserve which is not an ideal soil for agriculture, and all these catchment areas and spots in the forest would be ideal for growing tree plantations there, not only for the requirements of Kenya, but also for export purposes, instead of allowing some of the most fertile areas to be cut into farms (because farms and forests do not go together, particularly with crops of a permanent nature) which will be disastrous for forests.

As Colonel Cowie put it, the question of game parks is just a few years old problem, and we can never expect that such projects can maintain their development if regular funds are not available. It needs a tremendous amount of development—particularly much larger staff and much larger development—and unless it is done it will be an absolute failure. The game will leave these areas and go into the reserves and be shot up, and it will not be an attraction to the visitor in this country unless they

[Dr. Hassan] are properly developed. I quite agree with him that funds should be earmarked permanently for this project—at least for four or five years—so that proper development takes place, and the game parks will save themselves from extinction in the future.

I also agree with the previous speaker that the Game Department should be left on its own. It should not be integrated with any other department. They have a function which they are very usefully carrying on for the benefit of this country and the benefit of the visitors from overseas, and they are the proper experts who know. I think if there is any interference with the independence of that department, it will not be to the interests of the game in this country.

With these remarks, Sir, I support the Motion.

MR. ARAP MOI: Mr. Speaker, Sir, I would like to raise two or three points arising out of the Minister's speech.

I was very glad to hear that a forestry school will soon be started at Londiani. I shall only be too glad to hear from him that he will try his best to send two or three Africans overseas to learn more about forestry work, so that when they come back they may devote their services to this country.

Secondly, Sir, I want to know from the Minister concerned whether he has allowed Africans to install sawmills in either Government forests or in the African land forests, because I do feel, Sir, that it is very essential and important that Africans should share and should produce something which would contribute to the wealth and economy of this country.

Thirdly, Sir, one of the Ministers—the Minister without Portfolio—stated that Government was intending to provide services for those Kikuyu and Meru who will be living in the forest. I did not agree entirely with the hon. Member for Mau, who stated that Government should employ one European for every 100 Kikuyu, Meru and Embu, because it would be unwise and uneconomical. The hon. Minister without Portfolio suggested that Government was starting a group of villages and allowing one European to

run such villages. I do feel that schools and social services should be provided for them, so that they come to a normal way of life, because they have been isolated and the best thing is to change them to be useful citizens.

Fourthly, Sir, the Nominated Member, Mr. Cowie, said that African Members suggested that wild game should be destroyed. None of the African Members ever suggested that wild game should be destroyed and, in fact, I must congratulate one of the Government Ministers who stated that the Masai have lived with the wild game for many years, and had they not been interested in game life they would have killed them all and, in fact, much wild-game life is found in African areas—not only in the National Parks.

Another matter, Sir, in which I am interested is the intention of the Government to plant tea to replace bamboo trees in the forests. I should, therefore, be grateful if Government could allow Africans to come into this scheme, particularly those who live in the forests. They should come into this scheme and share the development of the tea industry, because I think that Africans could do much to develop the forests if the Government gives them support in every way.

With these remarks, Sir, I beg to support.

LT.-COL. GROGAN: Mr. Speaker, Sir, I merely wish to ask the Minister whether he will pay special attention to the problem of fish farming and the stocking of the dams. Some years ago the Government induced a gentleman from Israel to come out here and make a study of the possibilities of using the fresh waters of this country. He had introduced into Israel the carp, and he set up a very big industry there and made a large sum of money for himself, and he informed me that the fish farms of Israel produced actually more fish than all the rivers and the lakes and the seaboard of Israel, which was quite a big achievement after a comparatively small number of years.

Now, I have been attempting to fish farm quite seriously for the last four or five years on a scale of 100 acres, which is quite a substantial fish farm, and I have tried every possible sort of manuring and feeding, and I have had to assist

[Lt.-Col. Grogan] me the technical adviser of the Colonial Development Corporation—a Pole, whose family had one of the biggest fish farms in Europe for several generations, and has had the privileged opportunity since of travelling all over Africa studying the fresh water fish problem.

Now, it is quite clear to me—and I think it can be recognized by everybody who is playing about with this game—that, owing to the sexual precocity of the *tilapia*, they start breeding when they are four to six months old, and once they have bred they cease to grow, and it is quite obvious to me that fish farming on the basis of the *tilapia* will never be a financial success. It will be very useful addition to plantation operations, because the African likes to eat small fish—in fact, the smaller the fish, the more he seems to like it. He pops it over the fire, dries it and eats the head, tail, guts and the whole bag of tricks! Therefore, it is quite an economical form of food, but it is not a fish for the general public, because it is very difficult to get them to grow even to half a pound.

Now, for some reason or other the High Commission has forbidden the introduction of carp. When I tackled them first of all, they said they were afraid they ate the trout and chase the salmon and all sorts of terrible things—these must have been tricks they had learned in Africa, because I have never heard of them doing anything of the sort in Europe, because the carp has always been the subsidy base of the very large-scale fish farming all over Europe through all the ages, and in China, of course, it is probably the only source of animal protein that most of them get, and they have got to such a state of perfection there that they have got three species of carp. One feeds on the surface, one half-way down and the other on the bottom; but the High Commission says that we must not do anything of the sort because they eat the trout and the salmon and so on. Well, I chased them off that tale, and the last tale I got from them was the risk of their introducing fish disease. Well, there is always the risk of every form of importation introducing disease, but that is usually met by quarantine, and I see no reason in the world why they should not

have a quarantine investigation of the suitability of carp mixed with *tilapia*, in which case I am quite convinced there is a fish farming that could be made a commercial success, and I trust the Minister will stoke up these resistant gentlemen in the High Commission to allowing us to make the necessary experiment.

They have suggested—in fact, I discussed the matter with them—that they could combine catfish with *tilapia*. Well, anybody who has seen a catfish would not be very anxious to eat it, although it is a highly nourishing article of diet, but there is one thing certain in my own mind—that, whatever the carp could kill, the catfish *does* kill, and they have this particular disadvantage that, when you fatten them up quite nicely, they have the nasty habit on a wet night of walking away somewhere else, and leaving you behind with just the cost of feeding them.

Apart from that, Mr. Speaker, I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): This is a good opportunity for the usual break. Council will suspend business for fifteen minutes.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MR. LETCHER: Mr. Speaker, Sir, I wonder if the Minister would tell us what the position is in regard to supplies of cedar for fencing purposes? With the very heavy demand on cedar posts, it does seem to me that we are likely to run short, and I wonder whether any propaganda is being done by the Forest Department regarding more use of brown olive. The olive makes a very good fence post, providing it is not under seven or eight inches in diameter.

Another matter, Sir—the hon. Member, Mr. arup Moi, said he would like to see two or three Africans sent home to Britain for training in forestry and so forth. Now, Sir, I feel this can be overdone. I certainly do not see why we cannot turn out suitable forest officers in this country, and I should like to know what the Minister thinks about that, Sir.

Mr. Speaker, I beg to support the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other hon. Member wishes to speak, I will ask the hon. Member to reply.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, it is very gratifying to note the interest that has been taken in the departments under my charge, and I am grateful for the many helpful suggestions that have been made during the course of this debate.

I should like to try and answer in detail the various points that have been made, and, firstly, I should like to deal with certain points raised by my hon. friend, the Member for Mau. In talking about the Supplementary Forest Development Scheme, he was not quite correct in his figures. It is proposed in this scheme to employ 5,000 families. He quoted the figure, I think, of 6,400. Another 1,450 in addition to the 5,000 will be required to replace those already removed from the ordinary forest development programme, and there are 300 other families required to augment the normal labour force.

My hon. friend, the Minister without Portfolio, referred to the question of the ratio to be established between supervisory staff and workers, and quoted the figure of 130 to each forester. Actually, in the Supplementary Forest Development Scheme, provision is made for that ratio to be reduced to one to 110, but—as my hon. friend pointed out—clearly this is not a hard and fast figure to cover all cases, and each case will have to be considered on its merits; but I should like to give the assurance that I shall do everything possible to ensure that the supervision of these people is adequate. It is hoped, moreover, within the Supplementary Forest Development Scheme, that after it has been running for a period of perhaps five years, it may be possible, when things have become more stable, to reduce the supervision slightly, and, on the economic consideration, it is obviously desirable to do that when it is quite clear that it can be done without any dangers.

In all these schemes these Kikuyu families will be housed in villages. They will not be dotted about as they were in the past, here and there throughout the forest, and that housing of them in one

place in villages will enable better supervision to be placed over them. Some of those villages will, in fact, be enclosed. Moreover, headmen are being provided in those villages by the Provincial Administration, and it is the Administration which will ultimately supervise the law and order in those villages, and be responsible for the security aspect.

Perhaps it would interest the hon. Member if I told him something about the distribution of these people throughout the forest. It is proposed that there should be over 3,000 families in Londiani district, and in the Nyeri/Fort Hall division only 1,530, and in the Nairobi division only 970.

The next point that the hon. Member raised was the question of those areas which might possibly in the future be planted to tea, and he asked for an assurance that, pending the results of experiments, we should not allow planting in the possible tea areas. Now, Sir, the position in regard to planting is this: that, in the largest bamboo area—the area in which possibly tea planting might be possible and suitable—there are approximately 113,000 acres of pure stand bamboo. The rate at which we shall be planting is 800 acres a year of plantations, and 1,800—or up to 1,800—acres of enrichment planting, so that a simple sum indicates that the total area will be planted at the rate of 2.3 per cent per annum, and I submit that there is no danger of encroaching on areas which might possibly be of use for tea in that rate of planting. We shall have our answer to the question we are trying to find the answer to within six or seven years at the latest, I hope, and by that time, and if all goes well, we shall have planted up some 14,000 or 15,000 acres out of 113,000 acres.

There is also the question of the rate of planting. I have already mentioned the rate of planting envisaged under the scheme, but to enable us to do that planting, not only do we require the labour, but we need the supervisory staff. We need, in fact, 17 Assistant Conservators of Forests over the next five years, and 45 Foresters, and, in my view, it is unlikely that we shall be able to get those people—particularly the Assistant Conservators, who are fully trained only after a long forestry course. I think it is very improbable that we

[The Minister for Forest Development, Game and Fisheries] shall get them at the rate we hope, and therefore that we shall be able to proceed with the planting at the rate that we should like.

The hon. Member then referred to the question of poaching, and asked if the additions to the staff indicated in these Estimates would, in fact, enable us to stop that poaching. Now, in doing so, he referred to a number of additional game scouts and the police officer to be seconded, together with the driver and constables, but he did not mention—but I think he probably did not mention it by mistake—the fact that there are three additional game rangers as well.

Now, Sir, I do not suggest that the addition of that staff is going to be entirely sufficient to finish this poaching racket. Quite clearly it will not, but it will be a considerable help. For that matter, the Game Department's staff is very hard pressed to keep up with its other duties and, if funds were available, we could well increase the staff and make very good use of them, increasing them very largely.

The next questions that he raised, I think, have been dealt with by my hon. friend, the Solicitor General, but in regard to prevalent crimes, I would say that an instruction has gone out that where officers of the Game Department bring prosecutions for poaching, they should take the opportunity of bringing to the notice of the magistrate trying the case that poaching is a prevalent crime thereby hoping that the sentence may be increased.

The hon. Nominated Member, Col. Cowie, gave what I considered a most interesting speech and gave a much more detailed explanation than I could possibly have done of the position in regard to poaching. I think we all realize the seriousness of the problem. I should like to thank him very much for his review on the subject, but I do not propose to say anything more about the matter at this stage, because, as has been said already frequently in this debate, the whole of this question of poaching, and of game in general, is now under consideration by the Game Policy Committee. As my hon. friend, my predecessor, said, they have already met, they

have considered certain aspects of game policy, and particularly poaching, and it is hoped that they will make a fairly early interim report on those particular subjects.

I should like to support the hon. Member very strongly in his tribute to the personalities that have been in the Game Department in the past, and for the work of the Game Department in the present. In connexion with his remarks about the integration of the Game Department within the Ministry, I would assure Members that I fully appreciate the particular, and, if I may say so, peculiar, tradition and character of that Department and I shall certainly endeavour to maintain it. As I think I said in my opening remarks, there is no immediate intention of moving the Department from its present home. However, the time will come—I understand it may be two or three years—when the buildings they occupy may well be required for the purposes of the Coryndon Museum. The accommodation at the Coryndon Museum will, undoubtedly, be required to keep up with the expansion of the museum and we shall have to keep in mind the possibility of their moving and if this is so, I will certainly have to consider the position and where they can be moved to. But I will certainly keep in mind the remarks that have been made to-day, both from the aspect of keeping the character of that department and of keeping them in touch and in proximity to the Coryndon Museum.

The hon. Member then went on to give a review of the work of the National Parks. To my mind, it is a record of achievement within a short period to be very proud of. That development has been no small feat in that short period with the finance that has been available. He referred to the difficulties of finance and I think I fully appreciate them, and I believe that my hon. friend, the Minister for Finance, also is sympathetic. But, as Members are well aware, the amount that we can spend even on short-term development, which is likely to give us an early return, is very limited, but I would point out that the largest increase in any Vote under my particular Head I think, is for the National Parks.

Now, Sir, I think in what I have said in reply to the hon. Member for Mau, I have given the reply asked for by the

[The Minister for Forest Development, Game and Fisheries] hon. Member for Nairobi South. I think on the figures that I have given, he will be satisfied that the mass of people to be handled will not be so large as to prevent proper and effective administration.

The hon. Member for the Coast also referred to the integration of the Game Department within the Ministry, and made somewhat similar points to the other hon. Member whom I have already replied to. I hope I have covered this question. I do not know quite to what he was referring when he mentioned a pan-faced private secretary, but I can recognize no Member of the Ministry in that!

Now, Sir, may I say something about fish in reply to the hon. Member for Mombasa. I will also cover, at the same time, I hope, the points that were made by the hon. Nominated Member, Captain Hamley.

The position in regard to sea fishing, and I refer particularly to inshore sea fishing in the first place, is, to my mind, most unsatisfactory. It is perfectly true, as the hon. Member suggested, that during a period of the year, fish, and good fish, is caught and thrown back into the sea because they cannot be disposed of; whereas for the other half of the year, there is no supply of sea fish. There are difficulties over the fishing and over the fishermen, but it seems to me that the first thing to be remedied is the position where the fish that are caught cannot be disposed of, and that when that position has been remedied, if we can find a way of doing so, then will be the time to try to increase the harvesting of fish from the sea.

As the hon. Member said, there is no adequate cold-store arrangement for handling fish. Two attempts have been made in recent years to store sea fish over long periods in the existing Mombasa cold-storage. Both of them resulted in disaster and in considerable loss to the company that deposited the fish, and it is clear that that store in its present form is not suitable as a fish store. Whether it could, or a part of it could, be so altered as to carry fish, I do not know, but I believe that that would not be looked on with great favour by the rail-

way administration as they have plenty of other things to do, but a store we must have. I submit that it is not the proper function of Government to provide this store, and that it really ought to be provided by private enterprise, but, so far, no private enterprise has come forward with any firm proposals for establishing such a store and I do not think the question has been really thoroughly examined. It is undoubtedly going to be a costly business and profits are by no means certain when it is established. The store will be dependent, firstly, on being kept full, and the fisherman is a rather unpredictable person and we do know that, in the past, the better the returns have been to many of the fishermen, the less effort they have put into fishing. In other words, if they can earn the money in two days a week, they will not fish for the rest of the week.

I have given some thought to this whole question, but, I must say, that, at the moment, I do not see what is the proper solution. I agree with the hon. Member that the difficulty is to get together all the interested parties and discuss the matter and see whether something can be done. This, Sir, I hope to do sometime in the not far distant future. At any rate, I will endeavour to get the people interested together and see if it is possible to thrash out any means of dealing with this problem.

Now, Sir, in regard further to the questions raised by the hon. Nominated Member, Captain Hamley, I think he was referring in the main to offshore fishing. That, as in the past, has been left, to a considerable extent, to the Zanzibar Fish Research Organization to try to determine what are the possibilities. But, as the hon. Member mentioned, a South African firm showed an interest in this matter recently and offered to come up here and carry out some experiments; they offered to send a competent skipper, their own nets and we agreed to lend them our boat so that they might, over a period of about six months, try out what could be done in the way of catching the deep-sea fish. I believe that their efforts met with little success. I have been told that the fish on the East African coast move a lot faster than the fish in South African waters, and, as a result, the fishing effort succeeded in

[The Minister for Forest Development, Game and Fisheries] catching very few of the large quantity of fish that were to be caught. But it is clearly a thing which has to be fully investigated and I hope, in due course, to discuss it with the research station in Zanzibar and see if we cannot get down to more practical methods of determining what fish there are to be caught off our coasts.

The hon. Member referred to what he had seen happening in Japan and that the coast was studded with fishing fleets. I have already mentioned one reason why I think the same does not happen here—that is that the fisherman is easily satisfied and he is not prepared to put greater effort into his fishing in order to earn more money. There are other difficulties in connexion with the local fishermen, not the least of which is the fact that almost all of them are financed by others who do not fish but who take a share in the catch and payment for financing it. As an indication of the kind of thing that happens, I may, perhaps, tell you what I was told down at the coast recently about one of these men. He had been financed by somebody else for many years and had to hand over a lot of his catch. A particular individual found out what was happening, took rather an interest in that man, and eventually said to him: "Now, look here, you hand your boat back to your financier; I will buy you a boat; I will set you free from your indebtedness and you can go out and fish as a free man and have the whole catch". Well, that sounded very nice and the fisherman agreed that he would do so and it all started off well. But, Sir, within three weeks the fisherman had sold that boat again and had gone back to his old friend, the money-lender, borrowed the money on another boat and started off with the old system. I think he felt rather homeless and helpless when he had not got that sort of thing behind him. But so long as that kind of thing happens, it is hardly to be expected that the fishing effort will be very much increased.

Now, Sir, I would like to refer to the remarks of my hon. friend the African Representative Member, Mr. Mathu, on the question of Kikuyu in the forests.

He suggested that he would not object to bringing in other tribes instead of Kikuyu. There has been no restriction whatever on other tribes coming in, as forest squatters in the past, and, in fact, encouragement has been given to them to come in on this basis, but it seems that this kind of thing does not suit the other tribes whereas it suits excellently the Kikuyu, and the Kikuyu are the ones who wish to come in on it and the other tribes, apparently, do not.

Now, Sir, the hon. Member for the East Electoral Area suggested that one of the troubles in the game reserves was that there were a number of squatters in those areas who were largely responsible for poaching and that they should be taken away and placed under supervision. That may well be; but I do not believe that that is where the main body of our poachers comes from. The main body of the poachers are the tribesmen in areas around the game parks and they are not to be found squatting in the game parks; they are a very elusive and mobile crowd, who, in between their poaching forays, become peaceable citizens in their own native African areas. Moreover, there are, I believe, quite a large body of poachers who come from outside this territory.

Now, Sir, the hon. Member seemed to suggest that one of the reasons for the formation of game parks, the National Parks, was the difficulty that arose about the time when that first Game Policy Committee was appointed owing to drought and the loss of a large number of cattle by the Masai. I do not believe that the two things had much to do with one another, and I am sure that that is not the reason for the establishment of the National Parks, but other reasons were pointed out very cogently in the report of that committee.

I have already said in this Council, and I would like to repeat it, that the need for this Game Policy Committee at this stage arises from the fact that the original Game Policy Committee was prevented, by reasons outside their control, from completing their task. The war intervened and the committee fell to pieces and they never were able to give proper consideration to all the aspects that had been referred to them. That is one of the reasons, the other, of course,

[The Minister for Forest Development, Game and Fisheries] being that times have altered since that previous committee sat, and new questions have cropped up; but that is the major reason why this new committee was appointed.

The hon. Member said that a member of the Veterinary Department should have been a member of the committee. Now, Sir, it is true there is no veterinary officer on the committee, but there is a representative of the Ministry under which the Veterinary Department comes and, therefore, we assume that he is briefed on behalf of the Veterinary Department in dealing with this matter.

The hon. Member then went on to suggest that the best catchment areas should not be used for tea experiments. In fact, as I explained yesterday, the experiment as to whether bamboo can be satisfactorily replaced by tea or not is taking place in the Timbilli area at Kericho, and that cannot certainly be said to be the best area for tea; in fact, I am told by the tea interests up there that most of it is not likely to prove a tea area at all.

The hon. African Nominated Member, Mr. arap Moi, referred again to the forest school and suggested that we should send two or three Africans overseas to learn forestry. Now the position, Sir, in regard to this forest school, as I explained shortly the other day, is that it is being built at the moment; it is hoped that it will start functioning later this year, but we have already recruited certain people who we think may be suitable and have sent them out to work in the forests, with the forest officers, for six months, and if they pass through that preliminary training satisfactorily then they will go in as trainees for a two-year course. They will then be in a position to become rangers on the E2 scale and, later, if they prove their worth, they will be able to become assistant foresters on the C5 scale. There is no reason why, when these men are trained and experienced, they should not compete with others in the department for any scholarships that are offered and there will certainly be no racial discrimination over these scholarships; the best men, who are likely to give us the best return for the

additional training that is given, will be sent.

The hon. Member then referred to a question of Africans installing sawmills in the forests. So far as I know there have been no applications by Africans to establish sawmills. A sawmill is an expensive thing, taking a considerable amount of capital and a considerable amount of organization. The policy of the Forest Department has been in the past, and will continue to be in the future, to give a concession to the people who are considered most likely to satisfactorily carry out the work of sawmilling in that area. That does not exclude any race.

The hon. Member, I think, had misunderstood what I said about the planting of tea. I think he said that I had suggested that we were intending to plant tea to replace bamboo. What I said was that we were experimenting to find out whether that was a possibility without causing deterioration of the water supply and stream-flow in the area, and not until that experiment has been properly carried out and we have the answer, will there be any question of offering plots of bamboo for immediate tea planting.

Now, Sir, I come to my hon. friend the Member for Nairobi West, and here I must tread very warily because I know that he has much more experience and knows probably a great deal more about fish than I do. He asked for an assurance that I should pay particular attention to fish farming and to the stocking of dams. Now, Sir, some four years ago there was started the fish culture farm at Sagana for the purpose of investigating this very thing. Unfortunately, soon after it was started, and before it was properly developed, the officer in charge had to go off on Emergency duties, as had many other officers, and the further development had to remain in abeyance for some time. That officer has now come back again and he has had a lot of work to do over a second time because the place had gone back during his absence, but he has got it, I think, ship-shape now. It needs further work done on it and, in particular, more small experimental ponds, but it is the intention to press on with this investigational work. We are also doing a certain

[The Minister for Forest Development, Game and Fisheries] amount of investigational work in rivers on the native fish there, and there is one important piece of work which has been done which has hardly reached the stage yet when we can recommend it for general use, but it is one to which I would like to refer my hon. friend. He mentioned the sexual precocity of *tilapia* and the fact that, if allowed to breed in the pond, very soon you would have a very large number of small fish and, although those fish are eaten, it is not a very satisfactory method of breeding.

Now, Sir, there has been some very valuable work done on the sexing of *tilapia* and it has been found that it is quite possible, practically, to select out from a bunch of *tilapia* fingerlings the males and the females. If you do that you can then stock each one separately in a different pond and you get no breeding. That has been tried out and it has been found that if you place males only in a pond or dam you get very rapid growth, very satisfactory growth and a very good yield of *tilapia*. In the case of the female the same thing happens, but the growth rate is a good deal slower, for the males are better. That seems to be a line that, when we have confirmed the experimental results, may give us the answer, and a very satisfactory answer, to the problems of cropping dams and ponds in this country.

I would not like to argue with the hon. Member on the merits or demerits of carp, but I do think that if we can use a fish such as *tilapia*, which is native to this area, which we know does extremely well, probably the results in the end will be just as good, or possibly better, than they would be if we introduced carp with obviously attendant risks. I am afraid I have not discussed with the High Commission the reasons why carp have been excluded, but I will do so.

On that matter there is one other remark I would like to make, and that is with regard to the catfish which the hon. Member seemed to think very little of. The catfish is a fish which, in fact, provides a large supply of food, particularly for the Jaluop in the western area of the Colony, and I believe that that tribe particularly appreciates catfish.

Finally, Sir, I come to the questions raised by the hon. Member for Trans Nzoia. He asked me what was the position with regard to supplies of cedar and whether the Forest Department was making any propaganda in regard to the use of brown olive for fence posts. I am afraid, Sir, there I must plead that I do not know the answer, but I will get it in due course and communicate with the hon. Member. If, indeed there is going to be an increased demand for the supply of fence posts which cannot be met from the existing cedar supplies, it seems a reasonable suggestion that we should try to do some propaganda on the use of a satisfactory substitute.

I think, Sir, that covers most of the questions that have been raised, but I have said very little on the subject of game. Once more I would repeat the reason, that it is because we have this Game Policy Committee sitting. I believe that we should leave them unhampered to consider game questions in all their aspects. They are well aware, I think, of the problems, and all the problems that have been mentioned during the course of this debate have, I believe, already come under their consideration to some extent. I hope that we shall get a really valuable and authoritative report from that committee. I feel, Sir, knowing the personnel, that we shall, and then on their report we shall be able to find a sound game policy which will carry us forward for many years to come.

Sir, I beg to move.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

Mr. Speaker left the chair.

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

MOTION

VOTE XXXVIII—MINISTRY OF FOREST DEVELOPMENT, GAME AND FISHERIES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £498,740 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote

[The Minister for Finance and Development] XXXVIII—Ministry of Forest Development, Game and Fisheries.

Question proposed.

Heads 1 to 4 agreed to.

Heads A to J and Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of the resolution and approval thereof without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

MR. CONROY: Mr. Speaker I beg to report that a Committee of Supply has considered and approved the resolution that a sum not exceeding £498,740 be granted to the Governor to defray the charges which will come in the course of payment for the year ending 30th June, 1957, for Vote XXXVIII—Ministry of Forest Development, Game and Fisheries.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE XXIX—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND HOUSING

VOTE XXX—LOCAL GOVERNMENT

VOTE XXXI—LOCAL GOVERNMENT CONTRIBUTIONS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE SPEAKER (Sir F. Cavendish-Bentinck): Before we embark on this Motion, I should like to announce to hon. Members that, although there is no limitation to the length of time people

can take in speaking to these various Votes and the general debate on the Votes, despite the fact that there is a limitation under Standing Order 134 for speeches on the debate on the Minister's financial statement, I understand that there has been an agreement between all parties on both sides of Council that speeches should be limited throughout the remainder of this debate to a quarter of an hour, exceptions of course being in the case of Movers, and Ministers making policy statements and in making their replies. So I propose to direct the Clerk to indicate to hon. Members when they have spoken for a quarter of an hour.

MR. HARRIS: In way of an explanation on those remarks of yours, Sir, may I just say that whilst we appreciate it would be unwise to restrict Ministers, we would appeal to them to make sure that what they have to say after a quarter of an hour is worth listening to.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair.

I can assure hon. Members, especially the hon. Member for Nairobi South, that I will not need to take my quarter of an hour.

I do wish to thank the hon. Members for allowing these Heads to go forward at this stage to meet my own personal convenience.

Sir, the Heads we are debating cover the Ministry which includes housing and the local government department and local government contributions. There are just one or two points that I wish to make under those Heads.

With regard to housing, I think I should give a very quick review of what has happened since I spoke on this subject last year. Turning first under the heading to African housing, it may be of interest to hon. Members to note that the Central Housing Board has loaned to local authorities during this year, and up to this time that I am speaking, approximately £573,000 for African housing throughout the country. This does not include the special project in Nairobi, which I will touch on in a minute.

[The Minister for Local Government, Health and Housing]

Mombasa, for instance, has spent, or is spending, £300,000 at Changamwe, and that will accommodate 1,200 families in 487 dwellings.

Nakuru has spent, or is spending £62,000 for 400 rental houses.

Kericho Urban District Council have just completed a tenant purchase scheme of 32 houses for Africans, which they can purchase over a period of 20 years.

Thika Urban District Council has shown great initiative and has spent £43,000 altogether on Council dwellings and business-cum-residential buildings and, indeed, they have achieved the record low cost figure for African housing throughout the Colony this year. Very good housing it is too. They did it by their own gangs with direct labour.

The City Council of Nairobi, apart from the Nairobi project, has had considerable and increasing demands from employers for loans, for employers to erect housing for their employees and they have now asked for another £100,000 which the Board will be able to make available to them, bringing the total of money loaned for employers' housing to the City Council to a £1-million. This will provide a considerable increase in the accommodation in Nairobi.

Kilale Municipal Board has also spent considerable sums of money, £20,000 for a rental scheme, and has shown great initiative in starting and, indeed, almost completing a temporary rondavel scheme which will accommodate comfortably and hygienically with permanent services, water and flush lavatories and so on, they will accommodate over 1,400 people. This is in order to replace the rather unhygienic buildings that have been in the locations for very many years, and is definitely a great step in the right direction. Those temporary buildings will be replaced by permanent buildings within ten years.

* The Central Nyanza African District Council has spent £12,000.

The Nakuru County Council, £15,000 for single storey rental houses and also double family housing.

The Aberdare County Council, £10,500 for rental housing in their different urban

district council areas, in Nanyuki, Nyeri, Thomson's Falls.

Naivasha, £10,000 for Gilgil and Naivasha, also rental housing.

The Kipsigis African District Council, £8,000 and Machakos African District Council, not only for their staff, but they have also started work on houses on tenant purchase scheme, which is, I think, showing great initiative for a township of that size.

In all, Sir, these schemes will produce, or have produced, within the year, some 1,827 dwellings which will accommodate 7,300 people in modern convenient and comfortable houses.

The Nairobi project, of which I have spoken before in this Council, I am afraid, has shown very disappointing delays, mostly due to lack of staff and I must admit as it is a scheme shared between the Government and the Nairobi City Council, the Nairobi Commission of Inquiry certainly did not help to expedite it, as so many officers of the City were busy in other ways. But, we have gone ahead with a pilot scheme for the big Nairobi project and this really is trying to get the best of both worlds. We are erecting 52 flats to accommodate 260 people, just near the King George VI Hospital. The people will be medical staff, but, it will not only provide accommodation for medical staff, at the same time it will provide practical experiments in the new techniques for the Nairobi project and we are learning a very great deal in actually putting into effect on the ground of these new techniques rather than just experimenting in laboratories, and working things out on paper. Therefore, Sir, one can say the Nairobi project has started to that extent, and it is very interesting, indeed, to see the different types of building, the different types of design and structure which are being tried out in that area. I would be very happy if any hon. Member would like to make a special investigation of it, I would be very happy to accompany them.

Now, Sir, also within the Nairobi project, there was an element for what one might call, a higher standard of African housing, and we have had great difficulties in finding a site for this higher standard of housing, but at last we have done so. One of the main

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things that we had to provide was a site that could easily be serviced by sewers, and there are not so many of them in Nairobi at the moment, but we have found an area which is situated, again, up near the King George VI, fairly close to the Infectious Diseases Hospital and there all the amenities and services which are supplied to the Medical Department will be able to be shared by the occupants of these houses. That is, clubs, dispensaries, schools and so on. It is our intention, Sir, that the cost of these houses will range between £1,200/£1,500 and they will, in fact, be a very comfortable type of accommodation. We feel now that we can get ahead and we hope to see the houses in the ground, this type, anyway by early next year. We, the Ministry, and the Government and the City Council will build 50, but a very encouraging feature is that a number of large and wealthy employers, those large firms employing Africans of a high standard of wage, have shown considerable interest, and I hope that they will take plots in the same region to put up houses of similar standards.

The European and Asian housing problem, Sir, has grown, I think, in fact it has been aggravated for the last year and I asked all local authorities within Kenya to give me an estimate of what they thought the demand would be and is at the moment for this type of housing, and I have a rough estimate that, at least, £4,000,000 is required for Asian housing, and, at least, another £4,000,000 for European housing, throughout the local authority areas in Kenya.

Sir, I did touch on this in the main policy debate and the whole difficulty, as I said before is to obtain the capital. But, there will be a considerable number of schemes, planned and laid out in which, I hope, investors might be interested and the amount of capital required for these schemes will vary according to places and conditions and, I hope, that we might be able to interest private investors in this type of investment which is a good investment, apart from being a great help to the country as a whole.

We are suggesting a layout in Nairobi for these communities which will provide what is called a neighbourhood unit, so that all services will be available easily and nearby to the occupants of these houses, and, of course, the houses themselves will be of the most economical type that we can plan to suit the needs of the middle salary group. I only hope that hon. Members will help me in finding interested persons for such investments.

Further to that, Sir, the Building Society Bill will be coming before this Council in the very near future. Hon. Members will have seen that the Small House Bureau was started and there was a certain amount of correspondence about it. There was a certain warfare between the architects on this matter, but I am sure it is, especially according to the interest which has been shown, that this is a start of something which will be of great help to those who wish to build their own houses. At the same time we are exploring the possibility of centralized research on housing techniques and structures while, at the same time, drawing on the knowledge and the experience gained from areas outside Kenya.

Town planning, Sir, comes under one of the Heads here, and all I have to say on that is we are very short of staff, and it is very difficult to get the men, and I am afraid that the town planning and country planning work has been held up quite considerably. We have posted a town planning officer to Mombasa because we considered that the coastal problems were very intricate, individual and urgent and he is stationed there now to help with all their particular problems. I would only say, I remember casting my mind back some years. I remember I was possibly in a rather mischievous mood supporting a Motion from the opposite benches against this particular department, and I must admit, looking back, I am rather ashamed of it, because I believe that proper town planning is absolutely necessary to avoid waste and to ensure economical and efficient development. I hope, of course, in this regard that local authorities will become planning authorities, because it is definitely a local authority responsibility.

[The Minister for Local Government, Health and Housing]

Sir, on local government, the municipalities, I have nothing very much to say about them. Of course, as usual, there are higher expenses and there are higher revenues.

Kisumu is now electing their own chairman, that is an innovation during the last year. It was *ex officio* the district commissioner. Discussions have been continuing with Mombasa with regard to the formation down there of the Town and County Council. I personally believe that the development of the area outside that township through local government bodies is very necessary indeed, and it is something, to be quite honest, I am very disappointed with the fact that I have not yet been able to reach complete agreement. I feel, Sir, that the responsibility for helping with the developments of those areas must rest, to a great extent, on the shoulders of the ratepayers of the Mombasa town. However, there is still considerable hope that some scheme, suitable to everybody, will be agreed in the near future.

As far as county councils are concerned, Sir, the Nyanza County Council has now started to function during this last year and is showing great initiative and drive.

Trans Nzoia and Uasin Gishu have not yet formed themselves into a county. Again, that has been a disappointment to me and I would have liked to have seen a combined county of those two district councils and the municipalities, but, I am quite prepared now to consider schemes—two separate schemes—for Eldoret and Uasin Gishu on the one hand and Trans Nzoia and Kitale on the other, and I only hope that we shall make more progress under that arrangement, or that system, than we have done in the past. I would ask the hon. Members for Trans Nzoia and Uasin Gishu if they would help me in this regard.

As far as counties are concerned, a new system of diminishing grants was initiated this year, which hon. Members will see in the Budget. This system is to help the counties to take on new services and especially to improve the townships or urban district councils, which have been, we know, some liability to them.

Discussions are proceeding, Sir, with Government and the counties and other local authorities to increase the scope of social service activities in local authority areas and I hope the result will be an extension of those activities with a certain amount of financial aid from the Government.

Townships in both Machakos and Malindi are growing very fast and it will not be very long now before consideration will have to be given to improving their status. The revenue they get from the Crown is not very great as there is not much Crown land in either area and I know Malindi is suffering because of the unadjudicated claims at Malindi, which they cannot rate at any particular level worthwhile worrying about.

Sir, as far as African District Councils are concerned, the general financial relations with the Central Government arising from a committee report are now being thoroughly examined by the Government and, I hope, that it will not be long before we can put the financial relationship between the African District Councils and Government on a very much better basis than they are to-day. At least, one should say it is rather untidy now and I feel that we have got very near to agreement. I hope that anyway in the next year we will come to a final settlement.

I do welcome very much, indeed, the change of heart in the number of African District Councils who have now agreed to take on financial advisers. Hon. Members will see in the Estimates that there are posts for these men who, I know, will be extremely useful to them and have been to those who are already using them. It should be noted that the Government will pay a one-third grant towards the cost of such financial advisers. Also works officers, I hope, will be adopted more generally and if any hon. Member has seen what works officers can do, especially at Kisii, South Nyanza, I do not think there will be any need for me to advocate their secondment, but they will be made available and I know they will be extremely useful to all African District Councils. Also a new course has been started at Jeanes School for the officers of African District Councils and I had the pleasure of visiting the first course

[The Minister for Local Government, Health and Housing]
the other day and the agenda, or whatever it is called in the course—a timetable—is an extremely good one, covering many subjects and I know will be of great use to these officers of African District Councils. I only hope that hon. Members will pass this on to the African District Councils in their area and suggest to them that more people should come. We had ten vacancies on this particular course.

(MR. MATHU made an inaudible interjection.)

The hon. Member will have his opportunity to speak in due course.

There have been two splits, Sir, of African District Councils during the last year. That was a split between North Nyanza and Elgon Nyanza, it is North Nyanza being split into two parts, the old North Nyanza. It has been difficult to come to an arrangement as to splitting the finances of these two district councils, but, I think, we have now reached agreement. A similar split has taken place in the Masai African District Council; we now have two, Kajjado and Narok. Locational councils, the hon. Members know, amendments were passed in this Council fairly recently and I am now awaiting suggestions from African District Councils with regard to the statutory obligations of and the setting up of locational councils in their areas, and I can assure them that they will receive very sympathetic consideration.

Sir, I have hurried this rather as I know time is short, and I beg to move.

MR. CONROY seconded.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, very briefly, especially as I know the Minister will not be available. I would, first of all, Sir, as a Member of a local authority up to last week, like to thank the Minister for the considerable help he has given these various county councils since he became a Minister for Local Government. It is quite amazing the progress those councils have made through his guidance and help. It is only right that tribute should be paid to him. He

mentioned in his speech a moment ago, Mr. Speaker, the question of hoping that county councils would become planning authorities. I understand the Nairobi County Council has agreed to do so under very great pressure, but, of course, there is always this financial implication which worries the Members of a local authority. The trouble has always been finance, and when I was chairman of the Finance Committee of the Nairobi County Council; I raised the issue myself. It does require additional staff as it is always the initial period, having taken on your staff before you get the income, which can cause great difficulties. When we come to debate health matters, that certainly is another issue on which local authorities are finding a very great difficulty.

The Minister, Sir, also mentioned the question of diminishing grants and, I think, I am right in saying that all the county councils have accepted the diminishing grant with a proviso that it is not a final figure. In other words, although the Minister has agreed to make certain contributions as this diminishing grant, we do not feel that we can accept further responsibility (or a fixed basis of money. The Minister said that the point of these diminishing grants, was to help the establishment of townships and urban district councils, but it is a fact that until recently the majority of these small minor townships and trading centres have been seriously neglected by Government. In fact, one or two of them exist only really in name, and dirty hovels they were too. Perhaps it would be unfair on the people working or living in those particular areas if the names were mentioned. But there is this problem that once you start expanding, giving, planning, providing services, the money seems soon to disappear and, therefore, the point we made to the Minister was that we could not accept the figure given in the diminishing grants as being the final figure. I do hope, Sir, that as these local authorities build up to greater financial responsibility, the Minister will be able to continue to give them grants in order that such expansion should take place.

I beg to support.

MR. CROSSKILL: Mr. Speaker, I think it is generally recognized that local authorities throughout the country, and I

[Mr. Crosskill]

for I refer particularly to the settled areas, not knowing very much about the African local government bodies at the present time, have demonstrated a very high degree of liberality and responsibility, Sir, laying a sound foundation for orderly democratic advance. The Minister, Sir, has done a very great deal in encouraging devolution of power to the county councils, district councils and municipalities, but I always have a feeling that not all Ministers recognize that that devolution is of very great advantage to them, and I would put it to the hon. Minister opposite for Community Affairs, and the Minister for Education, Labour and Lands, that there are great advantages which I hope they appreciate as much as I do. In the county areas, and in the municipalities, there is a large fund of talent—of expert talent—which is available for conducting local government. Another advantage is that to a very great extent service is given voluntarily. Furthermore the decentralization of problems does allow Ministers to cast off a degree of responsibility and place it on the shoulders of others, and will remove from them the possible charge of remote control without lack of sufficient local knowledge.

Now, Sir, as I have said, the Minister has done a great deal to encourage devolution, but there is a certain amount of uncertainty throughout the country with regard to policy and also dissatisfaction with regard to financial provision made for the carrying out of what they believe to be the policy. I do hope the Minister, when he replies, Sir, will make a statement covering particularly in what manner he proposes to develop the health and education services with particular reference to County Council level.

Furthermore, I hope he will also refer to the devolution of responsibilities for community development also at county council and district level. There is a feeling, particularly, Sir, in the Nakuru County Council that they could, and should, take over a greater degree of responsibility, particularly with regard to health services. As I have said there is a fund of expert knowledge and they feel, at the present time, that they could go ahead a little bit faster than they are being allowed to at the present time. I think they rather visualize, and I think

rightly, and I think provision is properly made for this within the Ordinance that they should be agents for the Medical Department in their County Council area. At the present time their function and responsibility is rather circumscribed and limited.

Another point on which I would like the Minister, Sir, to give me his views, is with regard to the rate of progress. It is felt, Sir, throughout the country that the rate of progress, so long as it is within the framework of the Ordinance, which is the blueprint for the development of local government, should be at a rate which is only regulated and limited by the administrative ability and finance available for that progress and that no local authority should be held back perhaps to the rate of slower-moving bodies.

Now, Sir, with regard to finance. Always the biggest headache. There is almost universal dissatisfaction in some degree, at the lack of adequate finance. I believe the very universality of it shows that there is something behind the discontent, as there is probably no smoke without fire. But I am not, Sir, going to complain about the amount of money which is being made available for such bodies. At the present time I know it is quite impossible for us to ask for an increase in grants to these local government bodies. But, I am, Sir, going to ask the Minister to consider an alteration in the manner of the provision of such money. At the present time, as he has explained, Sir, the majority of these grants are in the form of diminishing grants, made for administration and for carrying out Health Services. Now, I do feel that for the present time it would be more satisfactory, Sir, if such grants were made as block grants as I believe they are in the United Kingdom, for the very reason, Sir, that at the present time I believe the complete functions and the full requirements of these county councils and municipalities are not yet known, I think to try and establish a formula at this very early time is perhaps unwise. Particularly at the time when our finances are at an extremely low ebb and I think possibly that those diminishing grants have been fixed on a scale commensurate with our present poverty. These diminishing grants are extinguished, I think, one after six years

[Mr. Crosskill]

and another eight years, and I do think, Sir, that it would be wrong for any municipality or county council to accept that as a final grant at the present time. They would then commit themselves and their successors to the extinction of Government subsidy in that period of years, and I think it should be left open at the present time until their requirements are better known and also the potential subsidy from Central Government is also known in perhaps happier times a few years hence.

Now, I believe in the United Kingdom the grants are in the form of block grants. Well, I, Sir, would be the last to suggest that we should slavishly follow the United Kingdom example. It is rarely applicable to this country. But I do think in this case, at least for the time being, it might be wiser to follow that principle.

Now, at the present time, Sir, the amount of these subsidies, and I would refer him to that particularly for public health, is determined on a formula. Now, that subsidy, as I have said, diminishes over a period of six years from 95 per cent to 50 per cent, and is based on the actual expenditure. Therefore, if a county council, for example, makes an expenditure of a certain sum in its first year, 95 per cent of that is provided from Central Government. That percentage subscribed by Government is gradually diminished until it is 50 per cent in the sixth year. But there is the proviso, Sir, that the Central Government contribution will never fall below the amount subscribed during the first year. Now, Sir, that sounds very simple, but that formula is susceptible of a variety of treatment and I would put to you this hypothetical case of a county council which, in the first year, started off ambitiously with a public health scheme and spent an amount of £1,000. Government would then contribute £950 towards it. In the sixth year, I will jump to that for brevity, Sir, the contribution from the county in respect of rates might allow them to spend, £5,000, and Government, by then, would subscribe 50 per cent of that amount and would give them £2,500. Now, Sir, let us take another hypothetical case. Let us call it the Trans Gishu County Council. They have seen the working of this formula and have realized how it can be utilized, They

withhold action on public health until, let us say, the third year of their life, by then they have worked out how they can spend the largest possible amount of money for public health. They have got an organization and have worked out a plan. In one year they now spend £20,000 on public health. Now, Sir, Government then have to subscribe £19,000 in that first year. Let us jump ahead with the Trans Gishu County Council to their sixth year, they will then reduce their expenditure and possibly they are only putting up £5,000, but the Central Government will still have to put up £19,000 in accordance with the proviso that they never subscribe less than they do during the first year. Now, Sir, I think since the formula is so susceptible of misuse, I think it is dangerous and I would urge that example to the Minister and ask him to rather hold his horses with regard to a formula for the time being and merely work on block grants which could be an equation between the needs of the county council and the money available bearing in mind the taxation to which the people in the county council have allowed themselves to be subject.

Now another point, Sir, on which I should like the Minister to give his views—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I should like to suggest to the hon. Member, I know that he is rushing this with an attempt to complete his speech this evening. It is, Sir, with your permission, the intention of the Government if the hon. Minister's Voice is not finished to-night, to postpone it for some time in order to let the hon. Minister to take his time. I say that because I am aware the hon. Member is rushing it.

MR. CROSSKILL: Mr. Speaker, the Minister is wrong; it is not the Minister opposite, but the quarter-of-an-hour limit which has been imposed.

Another point, Sir, on which I should like the Minister to give his views is with regard to the co-ordination of county councils and municipalities with the services given by the Administration. That, Sir, it seems to me, must lead eventually to some economy. There is undoubtedly overlapping between the Administration and local government bodies at the present time. I

[Mr. Crosskill] believe, particularly with regard to the Nakuru area, the area administered by the District Commissioner coincides almost exactly with that of the County Council, as perhaps they should, Sir, coincide in every case. But it seems to me that there should some time in the future be an economy. At present there is and must inevitably be during this period of growth some overlap and lack of economy.

Also, Sir, I would like him to tell us, as I said at the beginning, how he believes the transfer of responsibility for education will take place in accordance with the Ordinance. Well they—these county councils—act as agents of central government? I believe there are big advantages to be gained by the transfer of such responsibility—local knowledge, and again there are experts resident locally who can give their advice voluntarily. In particular I would refer to such small local schools as that where I live in Molo, where there is considerable local interest and local assistance given to that school. Perhaps if they had bigger responsibility for it, they would show even more interest.

With regard to roads, I think the work that county councils have done is exemplary, and I shall be quoting their achievement later on when we start talking about the vote for the Minister of Works. We heard the other day that they were constructing very sound and very goods roads at a cost much less than that charged by the Public Works Department.

Now, just finally, Sir, I would mention a statement made by the Minister yesterday, with regard to the question of transport in Nairobi. I was rather shocked, Sir, when he said that there were agreements with bus companies, which would prohibit perhaps an extension of the systems which I suggested might be an economy and help to solve the problem of the cost of living due to the cost of transportation. I do hope, Sir, that there are no agreements of a monopolistic nature which would prevent the citizens of Nairobi getting a proper transport service adequate to their requirements. The kind of service I was thinking of, Sir, was not so much an extension of the bus service, as an

auxiliary to the bus service, with smaller vehicles which would be running, co-ordinated to the requirements of the people. It would be more in the nature of a personal service than a public service as is a bus service and I believe if the City Council only got down to it, and found out where the demand was, and how it could be satisfied, I believe sincerely that they could reduce the number of cars in Nairobi by at least 30 per cent. I do urge them to study that and see what can be done. I know it would be a little more costly than the ordinary bus service, but it would be very, very much cheaper than running a private car. As I said the other day, I do feel that we have a too luxurious transport system in this town at the present time, and I would urge this recommendation for the consideration of the City Council, Mr. Speaker, I beg to support.

MR. LETCHER: Mr. Speaker, Sir, the Minister has asked by assistance in trying to get a county council going at Kitale. Well, Sir, I would like to tell him that it was not that we wished to be unco-operative, when we did not jump at the idea of going in with Usin Gishu, but we were being rather cautious. We knew that other councils were being formed, and we rather wanted to see how the experiment would work before we went into it.

I can assure the Minister, Sir, I will give him all the help I can in the future. I support the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak I shall call on the Mover to reply.

MR. GIKONYO: Mr. Speaker, Sir, I think I am at some disadvantage because I do not think I have got my fifteen minutes.

Mr. Speaker, I have got one or two points that I want to raise in this debate. The first is the question of African housing. I think it is needless for me to say that there are very pressing problems in connexion with African housing in all our urban areas, and in particular in Nairobi.

I was very much disappointed to hear the Minister say that the Nairobi special

[Mr. Gikonyo] project has not been started. It is of great concern to all of us who realize the magnitude of the problem. When he first announced this joint scheme between the City Council and the Government, everybody felt that when it is completed, at least some of our houseless Africans will be housed. But it has been very disappointing now to hear, after such a long time, that nothing has been done. I do feel that the Minister will do everything in his power to speed up this project.

As I said before, I did not like the method of construction with pumice, and although I would not oppose the proposition, I do feel that this is very important. We do know that there are very many Africans working in Nairobi without houses, and the practice now is that where an African is found as a lodger in somebody else's house, he is taken to court, a tribunal court, and he is fined. I think that practice should be stopped until, I think, the Minister for Housing can provide these houses, because it is a very serious matter. We have an influx of tribes other than the Kikuyu into Nairobi at the moment, and the problem is that they have no houses. They are not allowed to look for lodgings with their friends. If they are found in houses at night, they are collected and the following morning they are fined.

It is most unsatisfactory. It is not their fault if houses are not there for them. They will pay the rent, and I hope that this practice will be stopped until this project is completed, so that these fellows with no houses can be housed in their own houses.

The other point that the Minister raised is the question of African high-class houses. This, again, is not a new matter. It is a matter that has been raised in this Council again and again. So far nothing has happened. We have been told time and again that the plans are ready and a site has been found, but what we want to know is what is preventing this scheme going ahead. We want houses not plans.

It is a very serious matter. Some of the Africans in Nairobi are living under very deplorable conditions and it is very important we must house at least some

of these advanced Africans in different conditions. It is no use putting a project there and putting a sweeper with a man from Makerere or from a university. You are really inviting trouble and I think it is only proper that these things should be done quickly. If somebody is prepared to pay an economic rent you have got to provide for him and, if he is prepared to pay economic rent you cannot house him with labourers. It is most unsatisfactory and I feel that although the Minister said we must house the masses first, it is also very important that we must house these fellows decently, because they are going to be very dissatisfied and they are going to talk. And the more they talk the more you say they are agitators. I think we must prevent these things.

Well, either you must accept responsibility for proper housing or you do not accept it. I am speaking very seriously on this because I do know that a very large number of Africans are living under very bad conditions, and they say "Why do we not get proper houses when we are prepared to pay for them?" Everybody says "Now what is happening about this one?" Every time I call, everybody says "Now what is happening. What are you doing for our housing?" And all I say is "The Minister for Housing is doing something for you". Now when we come into Council and we are told nothing is done, it is most disappointing. I do feel that the Minister should transmit the plans into the buildings. It is no use keeping the plans in his office!

Now, the other thing, is the siting. Now, at one time it was suggested that these—what do you call them Mayfair houses—would be situated in Eastleigh at the old race-course. Now I hear that for a very peculiar reason, I do not know what, they want to site them near the Infectious Diseases Hospital. What is the idea of putting them near the Infectious Diseases Hospital? Perhaps the Minister will tell us why. I think he had better find a new site for the whole scheme. I feel it would be better at the old race-course.

You cannot have what you call African high-class houses near the Infectious Diseases Hospital. I hope the

[Mr. Gikonyo] Minister will consider the question of the race-course. What is the matter with the race-course? There are no houses there so some can be built. Is the Infectious Diseases Hospital the only place where they can be placed?

Well, I am very sorry, but if you want to make this scheme a success, for goodness sake do not site it near the Infectious Diseases Hospital.

I am very opposed to the siting of these high-class African houses there. There was talk of siting them at Kibera, what happened about the Kibera area?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Will the hon. Member give way? Possibly it would be better if I put it this way. The houses will be sited almost on the perimeter of the Royal Nairobi Golf Course.

MR. GIKONYO: Well, not anywhere near the Infectious Diseases Hospital.

Well, the other thing is the question of employers' housing. I think the employers in Nairobi particularly have to be congratulated for what they have done. There has been a good spirit among the employers in Nairobi to house their employees. Now if you go round about the African locations you will see the employers' houses are better than the City Council houses; in planning, in design, and in everything. In every way they are very much better and I think it is right and proper that I should publicly pay tribute to those employers of Africans who have taken it upon themselves to provide houses for their employees. I do hope that the others who are in a position to borrow this money for their African employees will come forward, because I think this question of African housing should be tackled by everybody—the City Council, the Government, and private employers. I think it is a very important matter if we are to solve the very difficult question of African housing. As I say, the private plans are better than the City Council's, and the City Council could learn much from the private employers. These have been on a very great increase, particularly in the Makadara area, where Asian and European employers have taken a very great interest in assisting in the solving of this problem.

Mr. Speaker, I have got a few other points, and as the time is finished, I hope I will be given another opportunity.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Certainly, yes, if you would rather have another opportunity. You can have another five minutes now, or await another opportunity.

MR. GIKONYO: Thank you, Sir.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That being so, Council will now stand adjourned until 9.30 a.m. on Friday next, 25th May, 1956.

Council rose at fifteen minutes past Six o'clock.

Friday, 25th May, 1956

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

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair)

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

The Education (Licensing of Teachers) (Amendment) Rules, 1956.

(By THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Courts))

COMMITTEE OF SUPPLY

VOTE XXI—MINISTRY OF AFRICAN AFFAIRS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair.

Sir, Vote XXI makes provision, not only for the Ministry of African Affairs and the provincial administration including the Tribal Police, but for the department of co-operation and also the various other items of expenditure for which the administration is responsible.

The total estimate shows an increase of about £223,000, or 15 per cent, on sanctioned expenditure for the current financial year. In spite of this increase, however, the Vote will remain only 8.3 per cent of the Colony's total expenditure which, Sir, I think is a surprisingly low figure when one considers the essential nature of the many and varied responsibilities undertaken by the administration. When money is short, as it is in Kenya to-day, we must cut our coat accordingly and I personally am satisfied that this Vote does not allow for any unwarranted expenditure. There is a very definite limit, particularly when one is dealing with a service which is so vital both to good order and to constructive development, to the reductions which can safely or wisely be made and I would ask hon. Members to bear this in mind when considering these estimates because I do regard them as our minimum requirements.

Estimates such as these, Sir, are bound to reflect trends in policy and I propose,

when dealing with specific items, to refer, particularly with new items, Sir, to refer to the policy that underlines them. Indeed, I welcome the opportunity of reminding hon. Members of some of the work which the administration does.

I recently outlined to this Council, Sir, Government's plans for the consolidation of fragmented holdings in the Central Province particularly and the ultimate registration of land titles. I believe the work done has been one of the most important advances ever to have been made in our African areas, and one which will undoubtedly have considerable repercussions and be, I believe, of the greatest benefit to the African people. I hope that it will be possible also *pari passu* to extend these plans to other parts of the country, particularly Nyanza, where, I believe, there is an urgent need for some form of agriculture revolution and where plans for a more rapid development have already been prepared. I must, however, sound a note of warning in that we have already learnt, from our own experience and from the experience gained in other parts of Africa, that land consolidation and land tenure reform are developments which cannot be unduly hurried. It is necessary to take into consideration many factors relating to differences in background, local customs, psychology, stages of development and the co-operation of the people, which is really important.

There are also, Sir, many pitfalls, both practical and legal, which must be avoided if we are to achieve a system of land tenure comparable to those developed in other parts of the world over a period of centuries. In fact, in this fundamental field, we hope to create something which will be of lasting value to Kenya.

In East Africa we are still in a pioneer experimental stage with these problems and we must proceed with great care and, above all, with the maximum support from the people. Nevertheless, developments are moving very fast in this field and there is a need to keep abreast of the tide and to hasten with caution.

For this reason, Sir, I regard it as essential that there should be a senior district officer with experience of African land tenure problems in my Ministry, who will be responsible for concentrating

[The Minister for African Affairs] on the detailed co-ordination of these plans with which other Ministries are also vitally concerned.

A new post of Senior Assistant Secretary has, therefore, been added to the staff of the Ministry, the holder of which will be known as the African Land Tenure Officer. Although working directly under the Ministry for African Affairs, his office will be in the headquarters of the Lands Department where he can readily obtain expert advice and assistance on the many and varied problems involved and where, eventually, in all probability, African-owned land will be registered under the aegis of the Lands Department.

In addition, Sir, two Research Assistants have been added to the staff of the Ministry to work under the Government's Sociologist, who is spending an increasing amount of his time on investigations of tribal systems of land tenure with a view to contributing specialized study on the processes of land consolidation in new areas leading up to an ultimate registration of title.

I would also, Sir, gratefully record that we are receiving valuable advice and encouragement from specialists in these matters in the African Studies Branch of the Colonial Office.

Turning now, Sir, to the Estimates for the Administration general staff it will be seen that provision has been made for the post of Special Commissioner who was appointed last year with a particular reference to controlling the reabsorption and resettlement of the Kikuyu, Embu and Meru tribes. Up to date this post has been charged against the Emergency Fund but in view of the extremely important duties which the Special Commissioner is undertaking, and their long-term implication, it is considered that the post has now become a proper charge against normal Votes. His task is by no means easy for, in addition to sorting out the reabsorption of a large number of detainees and displaced Kikuyu, he is faced with the need to provide, in one way or another, for some 11,000 landless Kikuyu families who have been returned to the Central Province from various other areas including both Uganda and Tanganyika; probably, also, a further

6,000 in this category, who are still in prison or detention.

A number of permanent settlement schemes, the co-ordination and stimulation for which the Special Commissioner is responsible, have been planned and which, if successful, will absorb a proportion of these landless families. The largest of these is the Mewa/Tebere Irrigation Scheme where it is hoped ultimately to settle 6,000 families on irrigated plots which will enable them to earn an income from cash crops. Plans also have been made, as hon. Members are aware, for a reforestation programme which will absorb a further 6,700 families approximately.

Over 500 Kikuyu have, so far, been returned to work on European farms in the Rift Valley area and plans have been made for the return of a further 450. Subject to the success of various pilot schemes and the continuance of the vastly improved security position, I would expect, Sir, that this figure will increase considerably. I think that it may also be said that the Kikuyu in these pilot schemes are, indeed, pioneering a return to the confidence of the people of Kenya in their tribe. With the proper development of the Kikuyu lands on the basis of consolidated holdings, there is also considerable scope for the employment of landless Kikuyu on agricultural labour within their own areas, living in the villages which will, I believe, continue to be a feature of life in the Kikuyu country after the Emergency. It seems, therefore, that, in due course, the Special Commissioner, Sir, will be able to arrange for the reabsorption, or resettlement, of the majority of the displaced or landless Kikuyu. It is, however, I must remind hon. Members with emphasis, a very formidable undertaking against a background of security, not only security, but tribal acceptability, of the rehabilitated ex-detainees or displaced Kikuyu.

Hon. Members may recall that when I presented the Administration Estimates for the present financial year, I reported that we were 19 under strength on our establishment of regular District Officers. I regret to say that the rate of recruitment through the Colonial Office, and by the Secretary of State's Selection Board, which comes out to Kenya to select local candidates, shows little or no

[The Minister for African Affairs] sign of adequate improvement. Indeed, the overall position is a good deal worse than it was a year ago and I estimate that, by the end of 1956, we shall be something like 40 short against our regular establishment of District Officers. Not all these vacancies, in fact, exist as we have some 27 Temporary District Officers, the majority of whom have been recruited locally and are doing good work and filling the very important gaps.

Indeed, without the invaluable help from temporary staff drawn from our local population, our difficulties in carrying on the work that has been done in the Emergency areas, in addition to the development programmes in other areas, would have been very great indeed—and I welcome this opportunity to pay tribute to the great assistance that they have given us. Nevertheless, Sir, by filling these gaps with temporary staff, we are not really making progress in achieving our long-term objective of building up and training permanent staff. This shortage, Sir, is a serious state of affairs, particularly when one remembers that there is an ever-increasing volume of work being placed on the shoulders of the Provincial Administration as a result of the growing complexity of the development in this country and of our policy of closer administration in all areas. Indeed, there is now so much to be done that what is really required is an increased establishment of regular District Officers, but there is obviously no point, Sir, in suggesting this when we cannot even fill our present staff.

The Colonial Office is aware of our difficulties and is making every effort to try and attract recruits from the universities overseas. We have even seconded an experienced District Officer to the Colonial Office for two years to assist in recruiting. It must, however, be remembered that we are up against very heavy competition from big industrial firms who are trying to attract just the type of man that we wish to attract to Kenya and it would also, Sir, be foolish not to recognize that the Colonial Administration does not, from the undergraduate's point of view, present the security or indeed the attractions which made pre-war recruiting a comparatively simple matter. As I see it, there are

two ways of dealing with this situation. The first is to lower our standards and accept into the regular Administration men who do not possess the qualifications, educational or otherwise, which have hitherto been the distinction of this Service. I am, however, convinced that this would be a most unwise step and one which we should undoubtedly regret in the years to come. The second alternative is to form a permanent cadre of subordinate Administrative Officers who can perform an extremely useful function by relieving District Commissioners and District Officers of the bulk of their more routine duties and so enabling them to concentrate more on essential work, for which their experience and qualifications particularly fit them.

We believe, Sir, that this latter alternative is the right one to adopt and hon. Members will see that provision has been made in the Estimates for 132 permanent District Assistants. The principle behind the creation of these posts is not really new, because since the war we have included in our establishment 26 Office Superintendent/District Revenue Officers, 9 District Foreman, 6 Provincial Office Superintendents, 22 Assistant District Officers and, more recently, 100 Temporary Administrative Assistants on two-year contracts. All these posts will now be included under the one title of District Assistant. I hope that we shall be able to recruit into this permanent cadre a large proportion of the many District Officers (Kikuyu Guard) and Administrative Assistants at present serving on temporary terms who wish to stay in Kenya and to continue serving in the Administration, although they may not qualify as full District Officers before the Selection Board. I need hardly say that we shall be pleased to have them with us, because they have unquestionably proved their worth during the Emergency. The additional cost of this proposal, Sir, about £60,000 a year, will be offset by a corresponding reduction in the Emergency expenditure against which the Administrative Assistants are at present charged. This new cadre may, in some cases, be regarded as a training ground for the regular Administration and any suitable District Assistant

[The Minister for African Affairs] who has been confirmed in his appointment will be at liberty to apply to come before the Secretary of State's selection board with a view to being appointed as a full District Officer. This will also naturally apply to the African Assistant District Officers who are to be absorbed into this cadre. They should regard their change in title in no sense as a demotion. Indeed, it is the very reverse, since they will now be placed on the same footing as a number of experienced European officers of considerable merit, with whom they will have to compete for promotion. Their salary scales also under the present proposals will give them a higher ceiling, greater flexibility and greater scope for promotion in the scale.

It has, Sir, been said that systems, once established, tend to stop thinking, except intermittently, and operate under their own momentum. I venture to believe, Sir, that over and above the growing tide of routine, a good District Officer guiding the destinies of people can never stop thinking; he needs to be constantly alert, intelligent in anticipation, full of understanding; he needs varied experience and he needs to be equipped with appropriate training. If he ever lapses into the inertia of the mechanical bureaucrat—a mere cog in a system—he becomes a disaster to the people he serves, and indeed to the Government he represents. I make these points to stress that in the Provincial Administration it is men and not systems that really count in the long run.

This leads on to the importance of aiming at and maintaining a high quality in our district officers, and moreover, giving them personal consideration, training, guidance and leadership, so that they may not fall short in their vital work. I believe, Sir, that they deserve special consideration and the support, both of hon. Members in this Council and the people of this country. I am confident that they will not lack a proper appreciation of their services or recognition of their importance; their importance, Sir, as the keystone—the backbone—of our Government on the ground, trained and imbued as they undoubtedly are, with the spirit of British administration. I used the words "keystone" and "backbone" advisedly,

because it is their responsibility, as the executive officers of Government on the ground, to weld and to mould the teams of Government officers into a co-ordinated spearhead of attack on the problems and programmes of Government development—Government policy for development—with which they are charged, and also, very important, for which they must also enlist the support of the people. I know from experience, Sir, that where the administrative officer is inadequate to his practical responsibilities, or where he is not getting support in his difficult task and position, what I may perhaps describe as fissiparous tendencies develop in the team immediately, with consequent diffusion of effort and the spearhead is blunted.

I should also like to take this opportunity, Sir, of quoting with pleasure and a certain amount of pride from the comments of a great American statesman after his recent tour of Africa, during which he visited Kenya—Mr. Adlai Stevenson. He expressed himself as having conceived a deep admiration for our colonial administrators and he said that their devotion to an often thankless and generally underpaid task, frequently performed in lonely and primitive conditions, thousands of miles from home and civilization, was one of the most impressive things he had ever witnessed. It was an inspiration, he said, to see honest and intelligent men thus absorbed in a selfless and disinterested service.

Turning now, Sir, to the Estimates for the Provincial Administration, hon. Members will, I think, have noted that many of the increases which are recommended arise from the need for a permanent closer administration in all areas, including the larger towns such as Nairobi and Mombasa. The cost of the greater proportion of the additional staff required is at present met from the Emergency fund, but it is considered that the time has now come, particularly in the settled areas of the Rift Valley and Central Provinces, and in Nairobi, to place them on a more permanent footing. The Administration's programme for the establishment of sub-stations, the construction of which started in 1952, has produced outstanding results and we have made rapid progress by this means. We now have a

[The Minister for African Affairs] total of some 38 sub-stations, from which divisional district officers can press ahead with the detailed development of their respective areas without being overburdened by the routine work which is, I regret to say, a feature of the work of district officers at their district headquarters. Financial provision is now required for the opening of two new sub-stations in Nyanza Province. Hon. Members will have noted that as I forecast last year, the division of the old North Nyanza district has taken place and the new Elgon Nyanza district was successfully launched from the beginning of this year. Well, I believe, Sir, that the wisdom of this step will be proved in future years and, indeed, already the improvement in the local administrative machine is very apparent.

I have already, Sir, covered the question of Tribal Police earlier in this debate, so that I will not retrace the ground; although the establishment of regular Tribal Police as opposed to those paid from Emergency funds, has not been increased, an additional £9,000 is required to cover an improved scale of clothing, equipment and training expenses.

It will be seen, Sir, that in the Estimates for the Department of Co-operation, certain additions have been made to the Registrar's staff. The department is carrying out very valuable work, particularly in the African areas, and is rapidly extending its activities. It is now responsible for the supervision and guidance of about 330 societies, the majority of which are African farmer's societies, dealing with the marketing of produce, but also to a growing extent with the supply to members of farming requirements such as fertilizers and insecticides. Members are encouraged to save, by depositing with their societies, a part of the income they derive from cash crops, and short-term credit for the purchase of, for instance, seed, is being offered to them. Other societies include building societies, Thrift and saving societies, urban consumer societies and so on. A most important feature of co-operative societies in Kenya is their interracial character. For example, the Kenya Planters' Co-operative Union accepted African coffee growing societies as affiliated members, and the Horticultural

Co-operative Union is completely interracial. Figures for 1955 are not yet available, but in 1954 the total value of produce marketed through co-operative societies amounted to over £500,000, of which coffee accounted for about half. Membership of African societies was over 28,000. Share capital stood at £35,000, and total assets at nearly £300,000. It will, I am sure, be appreciated from these figures alone that this relatively small department has its hands full and is dealing with a form of development which is of the greatest importance to this country and to the African people in particular.

Hon. Members will have seen reports in the local Press of a course which was held recently at the Jeanes School under the Colonial Adviser on Co-operation, Mr. Surridge, a course which was held for senior co-operative staff from East, Central and West Africa. The course was an outstanding success and I think all those who attended it were considerably impressed with the progress that has been made in this field in Kenya.

There is one important item of expenditure which will be incurred during the coming financial year, to which no reference is made in the Draft Estimates, and that is the cost of organizing the African elections which are to be held if possible, in March, 1957. The reason for this omission is that we are only now, as a result of a number of conferences with provincial and district commissioners, beginning to see what additional staff and equipment will be required to handle this complex operation. I can assure hon. Members that every effort will be made to keep expenditure within justifiable limits by using existing staff where possible, but some increase will undoubtedly be necessary on a temporary basis, particularly in the more densely populated areas of Nyanza districts which we expect that the registration of voters will take some six months to complete. An application for supplementary provision to meet this expenditure will be submitted in due course and I would predict that it may well be considerable, Sir.

I am glad to be able to say, as hon. Members, I think, have already been

[The Minister for African Affairs] told by the Minister for Finance, that plans and draft legislation are well advanced to cover the introduction of a graduated poll tax payable by Africans. Similar legislation has been introduced into Tanganyika and we are taking the opportunity of learning from the snags and mistakes that they encounter in bringing their system into operation. I would, however, perhaps also warn hon. Members, that under present conditions and with the very considerable amount of additional work that the Administration will have to carry in the African elections, that there may well be some considerable delay in implementing these proposals.

I think, Sir, that hon. Members will appreciate from what I have said that the Administration continues to accept and to carry out ever-increasing responsibilities which I think should be viewed against a background of similarly increasing difficulties and complexities. The life of an Administrative officer to-day is not an easy one, but I have, Sir, every confidence in the Provincial Administration of this country and I also have no doubt that its members will continue to give of their best, with the support and co-operation of all responsible members of the community in this country, working towards a common goal for the good of Kenya. I think, Sir, that hon. Members may wish to raise a number of points on which they would like me to enlarge, and I would endeavour to do so.

Question proposed:

MR. COOKE: Mr. Speaker, the Minister, as we expected, has made his usual clear and concise statement of the position of affairs in the Administration of Kenya to-day and he has paid, I think, a well deserved tribute to the Administrative officers, but I think much of the praise must go to the Minister himself who, in his mixture of fairness and firmness, has been most conspicuous during the past two or three years, and I think we are all very proud of the fact that the Minister has been able to deal with the situation, and a very difficult situation, in such a satisfactory manner.

lest I should be suspected of losing my reputation as a critic, I have just one very small criticism to make of my

hon. friend, and that is his use of the word that he called "fissiparous". I come from a comparatively minor university, that of Dublin, and I would not dare to call in question the pronunciation of my hon. friend, but I called it in my young days "fissiparous". (Cries of "Quite right.") Perhaps some Oxford man might care to arbitrate between us!

Sir, I was very glad to hear about the appointment of Senior Assistant Secretary, because I have always felt, and a good many of us have felt in the past, that such a post was necessary. I hope my hon. friend, in choosing this candidate for this very important post, will not necessarily depend on seniority; will not necessarily, indeed, depend on anybody at present in this country. I think he must look round for the very best person possible and it must be a man who, apart from being academically suitable, also has those personal factors which will enable him to administer a very difficult job.

I hope, too, the Minister will be very careful about this vexed question of enclosures. He knows as well as I do that although the growth of the system of enclosures spread for many centuries throughout England, when it came to its climax at the end of the 18th century, even then it led to a good many agrarian troubles, and it was indeed only due to the fortunate coincidence of the Industrial Revolution that we got over the growing pains which would otherwise have been attached to the enclosures, and we must all struggle, I think, to see that the industrial revolution, which has not yet begun in Kenya, should begin as soon as possible. In that respect I would say again—a little less politics and more economics and more attention to the economic viability of this country would be a good thing.

The late Lord Delamere, just before he died, said more or less the same words, when he said we should concentrate for at least ten years on the economic recovery of Kenya, the economic progress of Kenya, rather than on political disputes. For that reason, I for one would like to see a moratorium on all politics and, indeed, I would be prepared to return to an increased Colonial Office rule in this country rather than indulge in all these political follies that we have been having over

[Mr. Cooke] the past few years. That, at least, would bring in the confidence of all races in the future of Kenya.

With regard to villagization, I hope my hon. friend has not gone back on the half-promise, at any rate, he gave me a year or two ago, that villagization would not necessarily mean that all the peasants would be collected in villages away from their farms, because I think it is inevitable, at this stage of agriculture, that the peasant should live as near his *shamba* as possible. Not only has game to be guarded against, but floods and damage of every sort—and he must at once be on the spot to deal with them. I believe that still is the policy of my hon. friend—that whereas he will keep the villages, with the village blacksmith, the village church, the village school and hall and the cinema and that sort of thing, he will allow at any rate a gradual return of those peasant farmers to their own holdings.

The lowering of standards to which my hon. friend referred, I also think, and I think everyone will agree, must be guarded against. I think it is absolutely essential that we should continue to attract to this country people from overseas, whether they be from Great Britain, South Africa, Australia, New Zealand or Canada—attract Britons to this country in the administration of this country, because although they may lack the knowledge of the local boys, they do bring a certain amount of that tradition which is one of our most precious heritages of Great Britain and they do, at any rate, avoid any suspicion that they have any ulterior motives (not that I think any Kenya boy has), in the administration of the other races.

The difficulty he refers to, of getting recruits, is universal and I think is largely due to our unstable political situation. You will not get young people, especially as young people marry so early nowadays, to come to a country where their future is not more assured than it is at present, and without indulging in politics, which I deprecated a moment ago, I would say this: we must avoid the mistakes which I think have been made in the Sudan and the Gold Coast and elsewhere, where to-day they are crying out for British administrative and agri-

cultural officers and doctors to go back, but they are not getting very much results, and the reason, of course, is that the unstable political situation will deter young people from going to countries like that, where they have no assurance that their pensions will be properly guarded, and various other rights will be looked after.

With regard to the return of Kikuyu, I was very glad to hear that more Kikuyu are going back to the farms. I personally, as Members of the Council will know, have, ever since the beginning of the trouble, protested strongly against so many Kikuyu being allowed to leave the farms. There was, in parts of this country, a great desire on the part of certain farmers to keep their Kikuyu servants in spite of what was going on, and I and a few more—I only had a small farm—kept all our Kikuyu servants. I still have those I had four years ago and I must say they have, so far as I am concerned, served me very faithfully indeed and it is quite too absurd to think that we can keep out of the economy of this country people who are so useful to this country. I saw a report of one of the wardens of the National Parks the other day; my friend, Col. Cowie, must have read it as well, where one of the wardens said he recently signed on a large Kikuyu gang—I think it was up at Nyeri—and he had never seen or had such satisfactory labour in all his many years in this country; so it does show that these people are trying now to make good and we should take this at the flood and not allow this increasing bitterness which must be engendered if these people are left too long in the detention camps. I think, although my hon. friend seems to be satisfied with the rate of recruitment to the farms, he has not got quite an appreciation of the necessity of speed in this matter. I would like to see a great many more return, especially to areas where their return has been requested, and I believe it is not only cheaper but in every way much more satisfactory that the reconditioning of the Kikuyu should be done on the farms and in the industrial life of this country, than to be done under the rather depressing atmosphere of the detention camp or any other camp that tries to detain them. They will learn at the same time, being

[Mr. Cooke] with a good farmer, not only good discipline but good methods of agriculture and good methods of social behaviour.

Sir, I beg heartily to support the Motion.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Wanyutu Waweru): Mr. Speaker, Sir, I rise to support the Minister in his speech which he has given to the Council.

While the Minister was speaking, he mentioned some of the points which really have interested me so much, not only when he was speaking, but when I was a teacher.

One of the points he mentioned was that of land consolidation in the African areas. The land consolidation, Sir, has been done with the great co-operation of the Kikuyu, Embu and Meru in the Central Province, and as far as I know, it has not been started elsewhere, apart from the Central Province. I do know, Sir, that the African Land Unit, if it is to produce what it should produce, land consolidation of the holdings, then this is the only answer.

When the land consolidation is done in the Central Province very great credit goes to the work of the administrative officers, who are talking to the Africans in the area and convincing them that that is a very good thing to do. Surely, if there were no such officers in the field, how it would be practicable I do not know, Sir.

When the land becomes consolidated there are difficulties. After the *barazas* which are held by the administrative officers in the areas, reserve officers also come into the picture, and it does help so much to make the Kikuyu, Embu and Meru understand the value of the land consolidation and the reserve, and land consolidation is so popular throughout the province. I would appeal to the Minister, not only not to stop here, but to do all he can to encourage land consolidation in other parts of the Colony, and he mentioned Nyanza Province.

I managed one of my firsts visits to the Nyanza Province and I found that most of the land there is so good, especially in North Nyanza, so good and so very

badly farmed, as has been the case in the Kikuyu country.

One problem which I think will be facing the land-owners when the land is consolidated will be the carrying of manure from the established villages to the farms, and taking carts from the farms to put manure into the cow *boma*. I hope that the Minister will keep in mind, where security allows, and where the land has been consolidated, that the land-owners should be allowed to go back to their own land where they can live together with their animals and where they can take their manure into the farms, so as to enable the holdings to produce what they should produce.

I am sure, Sir, that there are some cases where security would not permit this to be done, but I ask the Minister to keep it in mind to see where it can be done.

The other point, Sir, is about the agricultural officers, all of course under the administrative officers in the district. I cannot go on without paying personal tribute to these officers, who have done so much of their personal work in the Central Province, which in my own opinion, this care we have taken is the one that has never been achieved during the time of the work of the agricultural authority in the Kikuyu Central Province. Their work one cannot fail to pay tribute to, and they cannot do so without the guidance of the administrative officers, who show them how to treat the Kikuyu people and show them what can be done.

In this connexion, Sir, there are difficulties—the villages and land consolidation as mentioned by one of the hon. Members on the opposite side of this Council who said they are two big steps forward and they should be encouraged elsewhere. I entirely agree with that Member. These villages, although they were not popular among the Kikuyu when they were first started, most of the Kikuyu do now know the value of the villages. What they are doing now is to start the water-system to come into the villages, with better houses, sanitation, nursery schools and so on. I can see, Sir, that although some of the land-owners will go back to their own farms when security allows, there will still remain another group that will not have

[The Parliamentary Secretary to the Minister for Education, Labour and Lands]

any land to go to to settle on, and they will have to settle in the villages. The land-owners who have got a big holding and decide to stay in the villages ought to go back to their own farms. I am sure, Sir, the time will come when these villages will have electric light and the telephone and so on. Although this will take time, I am sure that when they come to the villages, in other parts of the Colony, which are not started, they will be left behind. I think the Administration has a job to help and encourage these villages because I am convinced, Sir, that consolidation and villages must go together.

May I, Sir, mention again the work of the Administration in the Central Province? When one looks at the Divisional Headquarters, Division Officers, District Commissioners and what they have done in the Central Province, one must congratulate them for the excellent work they have done for the Kikuyu, Embu and Meru. I would like these villages to be extended, not only in the Central Province but throughout other parts of the Colony.

It reminds me, Sir, of when the Administration had only a District Commissioner and two District Officers, or one District Officer in some cases, and the divisional work was so difficult. Luckily we have now a closer administration and so many District Officers have been posted to various parts of the districts, and what has been achieved has been achieved because of this new type of District Commissioner, who should be congratulated for what they have done in the Central Province.

I am not sure whether it has been done—because I do not know how our Administration is being carried out in other parts of the Colony—but I would say, that if it has not been done, it is a step that I think that the Administration should consider, and do something about. In case they are under-staffed in those areas and if there are fewer members of the staff, I am sure the work will be heavier, and if there is any possible trouble that might have started in that area, it may not be easy for the administrative officers to see or to know when the trouble may start up.

I am sure, Mr. Speaker, that there would be another case after the Emergency where the detained Kikuyu, Embu and Meru have to be rehabilitated. This I am sure will mostly concern the Minister for Local Government, and, if I am right, the Minister for African Affairs. The Kikuyu, Embu and Meru are being released now and are coming into the native land units, and I would ask the Minister concerned to see what he can do to reabsorb the Kikuyu, Embu and Meru, who are found to be white by the Administration, so as to stop the native areas from becoming overcrowded, full of unemployed people. That, I think, would be a very bad thing, because it might start grievances and talking or grumbling underneath, and these may result in another problem to Government.

I would ask the Minister, Sir, that, if it is possible, to rehabilitate these people in the way which the Government feel would help them most, so as not to be faced by that problem.

I conclude, Sir, by also paying tribute to all these officers and the Minister for the work he has done for the women. It is my personal belief, and I have been a teacher, Sir, that if a country wishes to progress, it must go together with the women, not only the men. The Ministers for Community Development and Education have done so much to help the women and I would say that while much has been done, there is still more which remains to be done by the Ministry of Community Development, and also the Ministry of African Affairs. With these remarks, Sir, I support the Motion.

MR. SLADE: Mr. Speaker, Sir, I would like to join the hon. Member for the Coast in his appreciation of the prospectus that the Minister has given of his Department for the coming year, and of the Minister personally for what he has achieved during the past three years. I do think, Sir, at this stage after more than three years of very great trouble in this Colony, the Minister has every reason to be proud of his officers, both in Headquarters and in the field. I can say, Sir, from experience of one troubled area, that we have seen consistently through that time, very high standards of courage, and tenacity, patience and understanding.

(Mr. Slade)

Sir, it is disturbing to hear from the Minister how difficult he finds it to recruit men of adequate quality for the post of District Officer. I agree with him, as I am sure all must, that in spite of that, we must continue to maintain the standard which we have looked for in the past, and I am sure that the solution of district assistants is the right one.

There is a particular advantage which I can see in that solution. It did seem to me in the past that the entry into the administrative service was rather too closely barred on the basis of educational qualification. It is necessary, of course, Sir, to look for a certain standard of education, but it does happen that you find men here and there who, in spite of a certain lack of opportunity for education, have such other qualities that they make up for it, if only given a chance to prove themselves. Now it seems to me that this rank of district assistant may provide an opportunity for them to prove themselves as being worth more in other respects, or equal in other respects, than a man of greater education. Closely connected with that, Sir, I would urge the Minister—I do not think he needs much urging—to make the fullest possible use he can of the local Kenya man who is anxious to join the administrative service. There again, if his educational qualification is not adequate, I believe that the district assistants will give him the opportunity. I need not elaborate this point, Sir, because we have spoken on it so often before; but I do believe that the Kenya youth have a special contribution to make because of their association from childhood particularly with other races of the Colony, and because of their very deep roots in this Colony. I agree, of course, with the hon. Member for the Coast, that we need also men from abroad—we cannot do it all ourselves—but the local man has his special value which cannot altogether be replaced.

Mr. Speaker, there is a particular aspect of closer administration in the settled areas with which I should like to deal, although I have mentioned it before. It is the possibility of drawing upon local residents for a measure of part-time contribution to the administration. The suggestion that I made before, Sir, which I would like to bring up again, did not

originate, at the time, in my own head; indeed it was first put their by an administrative officer, but, it is a very important one. In the settled areas, you have good material, both European and African, on which to draw for a measure of assistance in the administration; and you should draw upon it, not only for the continuity of service that you would get from it, not only for the money that, I think, you would save from it, but also because of the patrician regard that local people have for others that they know. The African, on the farm, or in the small town, is always much happier being under the administration of someone that he really knows well, knows his back history, knows him by sight, and has known by sight for a long time, and knows that the other man knows local conditions as well as he does. Then, Sir, the solution seems to me to lie partly in the use of local Europeans as Justices of the Peace in a truer sense than they are at present, that is to say, as it were, part-time district officers. Give them a certain amount of administrative and magisterial power and let them serve their own local community as well as doing their own daily jobs, and let our Africans, local Africans, be concerned also either as sitting with the local Europeans on petty sessions, or in council with a local district officer on more administrative matters. I do urge, Mr. Speaker, that the Minister does not cast this idea aside as worthless, because I believe there is a great deal in it; and I would much rather see the development of closer administration in the settled areas on that basis, than on a basis of a whole series of whole-time district officers who inevitably come and go at frequent intervals. It may be said, Sir, that such people will be hard to find. I do not believe it. I think we have seen enough of what local Europeans and Africans are prepared to offer in the way of public service to be sure the people can be found.

Sir, before I leave the question of the establishment and recruitment for the administrative service, I would just like to say one more thing. We have been told today, I have heard it often elsewhere, how unattractive the Colonial Service is now because of the insecurity. I can understand that very well, Sir, so far as places like the Sudan, Malaya and Ceylon may

(Mr. Slade)

be concerned. I do not understand it, Mr. Speaker, so far as this Colony is concerned. I think it might be brought home to those whom we seek to recruit that this is a Colony. This is a place permanently inhabited by many people of our own stock, and it is a place which is not going the same way as the Sudan or the West Coast of Africa. We are in a position to see that it does not go that way, and I should have thought that those whom we recruit would have confidence that it will not go that way.

Mr. Speaker, Sir, turning now to another subject, with which the Minister dealt at some length and which is of extreme importance, the subject of land tenure in the African Land Units, particularly at this phase of consolidation. Mr. Speaker, this is a matter of very great importance indeed, not only in the Central Province, but all over the Colony. I am aware that in almost every African Land Unit now, there is very rapid development of individual land title, or land tenure, as opposed to the old conception of land ownership. As I understand it, Mr. Speaker, that conception of individual title is not really recognized by the customary law of the tribe concerned, nor as applied to land tenure in African Land Units is it the customary law of the tribe, but, in this respect, as so often happens in other countries too, developments are going ahead of custom, and so we are in a position that we have developing, in fact, a system of tenure for which there is no clear-cut provision by custom. That being so, if I am right in thinking it is so, we have got to establish a law now. We have got to fill a vacuum in the law, and it is vitally important that we do it in the right way. Mr. Speaker, Sir, it is a great opportunity which we have now, which we shall not have again. The essential point that I want to make, Sir, is the importance of balancing two things in this development of individual titles. On the one hand, the value of the individual title, and individual security of tenure, as an encouragement to the farmer to develop his land, to put all he has got into his land and to make the best possible use of it, and not to mine it. All those things tend to arise out of individual tenure when they could not arise otherwise. But against that, Sir, the balance

against that, must be the conception of the responsibility of every land-holder to the community for the proper use of his land, and, indeed, for the right to maintain his land being dependent on his being a proper member of his community. Mr. Speaker, we, in Europe have moved very far from that conception, very far from the conception that a land-holder held his land, as it were, under obligation to the community as a whole; too far, I think, from that conception. In some respects we are struggling to get back to it now, but in African Land Units it has been the very essence of land tenure until quite recently, that the land belonged to the community and the individual was there, as it were, with a right of user for a brief span. So it is easy, at this stage, to retain this sense of communal obligation and communal ownership in respect of land; and that is, Sir, what I know we must do.

So, what I want to suggest, Mr. Speaker, is that we now legislate, in all African Land Units, for some form of individual title which makes the individual clearly hold his land by way of lease from his community, and subject to termination of his lease if he forfeits the respect of his community. Respect is the wrong word, Sir, his right to hold his land must be in some way dependent on recognition by his community that he is a worthy land-holder; and I would suggest, not only with regard to the use of his land, but also in all general respects of citizenship.

Now, I will not try to elaborate any more details in that, Sir, but it is that conception which I ask the Minister to keep before him at this vitally important juncture when we are going to decide one way or the other how individual titles should be created and established in African Land Units.

Mr. Speaker, I have only one more point to deal with and that is an old friend of mine, an old friend of the hon. Member for the Coast too, which is the question of the return of Kikuyu to the settled areas. It is a matter in which he and I have had to agree to differ throughout this Emergency. Now, I would ask hon. Members to remember the circumstances in which so many Kikuyu left the settled areas; to remember that very, very few were just sent away

[Mr. Slade] by Government or their employers *en masse* because they were Kikuyu, but the great majority left the Rift Valley Province either because they were found to be subversive or so suspect that it was not safe to keep them—individually suspect—or, because they were unwilling to comply with the law which required them to be photographed, or, because they went of their own accord with the deliberate intention of wrecking the European farmer, of proving themselves indispensable and causing, by their departure, his economic downfall. I do suggest, Mr. Speaker, that we could not sensibly have retained any of those categories, even if it was practically possible to do so.

I do not forget lorry-load after lorry-load of Kikuyu leaving the farms on the Kinangop, singing songs "We shall come back soon, and the land will then be ours. We will not come back till then". Those people, Mr. Speaker, as far as I am concerned, will never come back to the Rift Valley Province—not now, or ten years hence—so long as they can be identified. They had to go, and they will not return.

But, Mr. Speaker, forgetting those people now—as I hope we shall be able to forget them—the fact remains that the Kikuyu, as a tribe, are workers and friends, whom many of us have known better than any other tribe, and valued very much in past years, and those of them who have managed to survive this Emergency, and stayed there with us on our farms, are even more among our best friends. Our relationship, I think is closer than it has ever been before. We look forward very much to the time when we can get back more of them in the right atmosphere and on the right terms. I think we have reached a time now when we can start doing so. I think the Minister is right in the rate at which he is proceeding in this matter. I have up to now resisted any start. I agree now that the time has come for a start but it must be a slow and cautious start. If we go slowly and cautiously enough, as the Minister indicates he will go, we shall see in these Kikuyu who come back to join their fellow tribesmen, who have seen the Emergency through with us—we shall see in them some of the best African

employees that we have ever seen in the settled areas. But, if they come back in too much of a hurry, if they come back without adequate discipline, if they come back in the belief that, after all, they are indispensable, if they come back with the idea that they can hold us to ransom once again, it will spoil it all. It will not only wreck the value of what can now be achieved by careful handling, but it will even poison those who have learnt with us the lessons of the Emergency on our own farms.

Sir, I do beg the Minister in this respect not to listen to my friend, the hon. Member for the Coast, who is in such a hurry, but to carry on as he is going now.

Mr. Speaker, I beg to support.

MR. COOKE: On a point of explanation, Sir—I did not want to interrupt my hon. friend—I entirely agree with him that there are many Kikuyu—thousands perhaps—who must never be allowed back, but it was the vast number of Kikuyu people who are decent people, and we should try to get them back as soon as possible; but, in case of any misconception, I entirely agree with my hon. friend there are many of them we must never allow back.

MR. GIKONYO: Mr. Speaker, I would like to join those Members on this side of Council who have paid tribute to the work of the Minister, and to those who are under him of all races who have given this country a very useful service. In this connexion I would like to mention the chiefs and headmen who have done, as I stated, very good and meritorious service.

Now, I want to touch on this question of land consolidation, because I feel it is a very important task. I think in the Central Province there is general support of land consolidation, and I think we should take this opportunity to hasten land consolidation. When that is done, titles should be issued to the landholders. I agree with the hon. Member for Aberdare that the farmers should hold the land on behalf of the people, but I disagree with him when he says that there should be titles specially for the Africans. I feel that, under the present Agriculture Ordinance, safeguards are there to see that the farmers

[Mr. Gikonyo]. do farm their farms properly, and therefore I disagree that if we legislate, there should be special titles for African farmers. I think titles should be the same for all farmers for land which they hold.

The Minister for African Affairs quite rightly says that this matter of land consolidation is not a very easy matter, and for that reason I feel, Sir, that there is reason to put more effort into the task, and hurry it up, and I hope that with the appointment of a Senior Assistant Secretary this work will be hastened.

The other matter that I want to touch on is the question of villages and landowners on whose land villages have been planted. I do not want to go into the merits or demerits of villages, except to say that they were established on security reasons, and I hope that, as soon as the land is consolidated, the farmers will be allowed to go back on their land. There is only one question that is exercising my mind, and that is the question of the landowners who lost the use of their land as a result of this villagization. I would like the Minister to say what plans, if any, they have to compensate these fellows who lost the use of their land. I know most of them do not have sufficient food because they have no other land. I do not know what Government is going to do to help these people. Otherwise they are starving.

Now, the other question is the question of the return of the Kikuyu, Embu and Meru to employment. I do not want to confine myself to the settled areas. I want also to turn to the question of urban areas. I know that quite a large number of Africans—innocent Africans—were picked up during Operation "Anvil" and since then they have worked up their way from Manyani to their district headquarters, and from there to their divisional headquarters, and thence to their villages, and since their return to their villages there is no work for them. Some of them have never lived in their land unit for a long time. They had no land—nothing—and they are experiencing quite a lot of hardship, and their employers—wherever they were employed before—want them back. I feel that instead of keeping these people in

villages doing nothing for a long time, those that their employers want returned should be given an opportunity to do so, because I feel once a man has worked his way up the pipeline, and there has been found nothing against him, it is most unwise to keep him idle in the villages, because I feel it is there that you are going to have a lot of people embittered once they feel they are innocent and there is nothing against them, and yet they cannot be allowed to go out and earn their living. I feel it is a matter that should be hastened. It is not difficult to find out those who are good and those who are bad because in the village the persons are known. The headman knows them, the chief knows them, the district commissioner knows them and therefore I do not think we are running any risk at all. It is a straightforward affair. All that you want is to get the recommendation of the chief elders of the village and therefore we can separate the good people from the bad ones.

Now there is one other matter that I would like the Minister to consider, and that is the question of opening shops and markets in the reserves. Now that the Emergency situation has improved, I feel the time has come when the markets should be opened so that people can market their produce, and the shops open so that they can buy their requirements. I hope the Minister will very seriously consider these points.

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

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): No other hon. Member wishing to speak, I will ask the hon. Mover to reply.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Speaker, Sir, I would like to express my grateful appreciation for the tributes paid by hon. Members to the officers of the Provincial Administration and also, Sir, to myself.

Various hon. Members have covered a number of points, to which I shall try and reply in a composite manner, such as land consolidation and the return of the Kikuyu, and so on.

On the subject of land consolidation, Sir, the hon. Member for Aberdare raised a number of important points, and I should perhaps say, Sir, that I am well

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aware of the need to decide on a future policy of what he described as "filling the vacuum" in the law. The difference is between customary law, as at present, which does not provide for individual tenure, and the need to provide for individual tenure on the basis of land titles in the future, and it is that particular aspect which requires a great deal of thought and a great deal of study. We have proceeded in this matter at a speed that I would never have thought likely in the Central Province, although we have been working on this for years with propaganda, and trying to persuade particular groups to adopt a policy which we believe to be right in this matter. With the Emergency, and the collection of the Kikuyu, Embu and Meru into villages, and the realization—greater realization—of the value of this land consolidation in the agricultural programme, they have come round to our ideas, and accepted them with a speed which I say I never would have thought possible.

Having achieved this support from the population, we have pressed ahead with the practical working out of our plans to achieve consolidation, bearing in mind the long-term registration of titles, and we have given a great deal of study to this already. The procedure is for a local area to agree to consolidate, and an adjudication committee of local elders, including the indigenous land elders, goes into this matter, a register of adjudication of particular consolidation holdings is worked out with a plan attached, and we proceed from there.

I would also like to say that very shortly legislation to cover the work that we have done already—to give it legal sanction—will be brought before this Council, so that I cannot at this stage, Sir, comment in detail on the policy that will be enshrined in future legislation. It will, however, be in the first place legislation based really on interim proposals to cover this land adjudication and consolidation. Permanent legislation covering the registration of titles, the content of those titles and the law that will apply to those titles will come up at a future date, and will require, I think, considerable study, and it will probably not be for another year at least that we shall be in a position to bring in that ultimate legislation for the registration of titles.

The hon. Member for Aberdare made a number of points in connexion with communal responsibility, and also referred, I think—as did other Members—to the question of agricultural practice in connexion with the control of land titles. I would like to say, Sir, that I do not believe that it is feasible or desirable to mix questions of agricultural practice with land holdings or the registration of titles. We have other Ordinances to deal with recalcitrant agriculturists, but I do not think it should in any way be connected to a man's tenure under a registered title, and that will not be our intention, Sir.

The hon. Member for Aberdare referred to part-time contribution of local inhabitants of all races to assist the Administration in its duties; and I would say, Sir, that I would certainly not reject his suggestion, but it is, of course, difficult very often to have part-time assistance into a full-time job, and this is not always easy, although I know that there are certain cases, particularly in the European farming areas, where this is practicable, and where it will certainly, I think, be of great value. It is not, of course, easy on a magisterial basis, unless you happen to have some retired lawyer or other in the area who is prepared to give part-time service, and then, of course, it would be welcomed.

I noted, Sir, the really slight differences between the hon. Member for Aberdare and my hon. friend, the Member for the Coast, on the subject of the return of the Kikuyu—differences which I know very often are exaggerated, but do go through the local views of the farmers in various areas, and which they represent sometimes in an exaggerated matter as opposite opinions, but I think, by and large, now, as the battle stage of the Emergency is receding, and tempers and views are perhaps less exacerbated, that most people are coming to realize the need to re-employ and, by re-employing, reabsorb in economic and valuable occupations—Kikuyu who are passed, from a security point of view. We do not wish to hurry this beyond the point where it might become dangerous, and at a rate of flowback that we cannot control. I believe, Sir, it is absolutely necessary to stick to this control from the security point of view. So far, we have not had cause to regret the pilot schemes

[The Minister for African Affairs] that have gone on in the return of these Kikuyu, and I believe that, having achieved our object of establishing control, and having re-established them in employment, then we shall be able to proceed at a faster pace. I agree that this faster pace will have to come, but always guided by these security considerations.

On the question of villages, Sir, various hon. Members referred to our policy for villages in the Central Province and I would repeat again once more that it is my view that in the future villages have come to stay permanently, although not for all Kikuyu obviously, and, as we get ahead with our plans for consolidation and good small holdings are developed, I still believe that, in the future, it will be necessary for the good farmer with a small holding to go back and, as certain hon. Members said, look after his cow at home. Obviously at present, the security situation, although greatly improved, does not permit of any real dispersion from the villages. I would not predict at this stage when this is likely to occur, but I would say certainly not this year. I must also say this, that it is the established policy that any such considerations for dispersion of villages do come up to the War Council for consideration because of the vital security implications of such a move. Nevertheless, Sir, I do agree with the hon. Member's views who expressed them that, in the long term, as the security situation is re-established, human and agrarian considerations will return to prevail in this matter over a purely narrow security consideration.

I would also say, Sir, that in our plans for consolidation in the Central Province where land is consolidated, a certain part of the particular area is always put aside for a village site. In certain cases, this may be an existing village site, in other cases it may be a new one, on the policy, which I believe desirable, of breaking down the larger villages and bringing them nearer to the land of the people who live in them.

The hon. African Representative Member, Mr. Gikonyo, paid a tribute to Chiefs and Headmen and I am very grateful to him for doing so because they are, indeed, vital in the machinery, administrative machinery, for consulting the population, controlling

the population and carrying the population forward with us in our development programmes and in this, Sir, by and large, they have done a magnificent job of work.

The hon. Member also wished us to press on with both reopening shops and markets. Well, I am glad to be able to say that in a large number of areas barter markets have been re-established and a number of shops have been reopened. This policy, of course, will go on as we are able to relax our restrictions in the Emergency areas and I can assure him that it is our intention to do so as a vital part in re-establishing normal life as security permits.

I agree with the hon. Member for the Coast on the subject of a land tenure officer and I have, Sir, already seconded a senior administrative officer to get on with this particular work. The urgent need to produce interim legislation had become so important with the speed of events overtaking us in this matter, that I had to get on with it and I have already an experienced officer dealing with this and, as I say, it will be largely due to him and with the co-operation of my hon. friend, the Attorney General, that this legislation is now nearing completion.

I think, Sir, that I have virtually covered the points made by hon. Members.

The hon. Member for Aberdare did refer to the need to consider local applicants for the permanent administration, and, as he will know, this has been done by the arrangements now made for the Secretary of State's Selection Board to visit Kenya. Another meeting of this Board will take place early in July. We have had 43 applicants from Kenya for these posts and they are being gone over by a filter panel studying their qualifications and, where necessary, weeding out those obviously unsuitable or who would have, in our opinion, no chance of passing the Secretary of State's Board. But I would say, anyway, Sir, that out of this 43, a large number will come before the Secretary of State's Board and out of it I hope to get a proportion to fill our vacancies.

I also would like to reiterate the support given by the hon. Member for Aberdare for the new cadre proposed of

[The Minister for African Affairs] district assistants. I would like to say again that I regard this cadre as a training ground for the regular administration and out of it I hope to get a number who will pass the Secretary of State's Board, having really earned their passage on the ground as suitable officers, because I agree that not infrequently qualifications on paper, educational degrees and so on really vanish in thin air when a man is faced with the duties that an administrative officer has to undertake on the ground and they, indeed, mean absolutely nothing in his essential qualifications. We always bear this in mind, and I hope, Sir, this new cadre will contribute to a greater flexibility in selecting suitable local candidates on the basis of their real personal qualifications rather than purely educational ones on paper.

I would like to thank hon. Members for their support on this Vote, Sir, and I think that is all I need to say.

Question proposed.

The question was put and carried.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): This might be a convenient moment to adjourn for the customary fifteen minute break, so Council will resume in Committee of Supply.

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

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that a sum not exceeding £1,639,093 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1957, for Vote XXI—Ministry of African Affairs.

Question proposed.

Office of the Minister for African Affairs—A to D agreed to.

Head 1—Administration

MR. HARRIS: I see in this Vote, at reference 17 and also reference 16, there are special allowances for the Special Commissioners, Provincial Commissioners and the District Commissioner,

Mombasa. Under the individual administrations there are also special allowances for some of the District Commissioners, including Provincial Commissioners, Southern Province. I am wondering, Sir, whether the Minister would consider giving attention to the idea of the Officer-in-Charge of Nairobi Provincial District also receiving an entertainment allowance as, knowing something of the duties that officer has to perform, there does seem to me to be a very good case for it.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): I would like to say, Sir, that this particular thing is something that I, personally, agree with—the hon. Member—and I have referred this to the Treasury and it is under consideration at the moment.

MR. HARRIS: Will the Treasury be giving it consideration, Sir?

MR. GIKONYO: Mr. Chairman, I would like the Minister to give me more information with regard to District Assistants and to Assistant District Officers. What is the difference? How is it going to affect the present African District Officers? I really cannot see what is going to happen and I would like to know more what is going to be the promotion or what is going to happen.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Well, Sir, the work that these Assistant African District Officers do will remain the same although his title will become District Assistant. He will be absorbed in this new cadre and transferred into it at an appropriate point in the scale, and the scale, of course, if you look at the details, is a much longer one so he has a much greater chance of promotion, but he will become known as a District Assistant like all the other groups that are being absorbed into this which I referred to in my opening preamble.

MR. AWORI: Mr. Chairman, I would like to know further whether his relationship is to the new card index or to the present one for African District Officers.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): I propose, Sir, that the existing ones should transfer at appropriate points in the scale of the E scale.

Head A agreed to.

B and C agreed to.

2 Provincial Administration, Nyanza Province—A and B agreed to.

[The Minister for African Affairs]
3 Rift Valley Province—A and B agreed to.

4 Central Province—A and B agreed to.

5 Coast Province—A and B agreed to.

6 Northern Province—A and B agreed to.

7 Southern Province—A and B agreed to.

8 Nairobi Extra-Provincial District—A and B agreed to.

9 Tribal Police—A and B agreed to.

10 Asian and African Housing, Nairobi, Cleansing and Crown Land—A and B agreed to.

11 Control of Kibera and Neighbouring Villages, Nairobi District—

Head A

MR. HARRIS: Mr. Chairman, control Kibera—ever since I can remember Kibera, it was always going to be the subject of reorganization and possibly removal, and would the Minister care to make a short statement as to what the position is at present on Kibera?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): The position, Sir, I regret to say has remained rather static, largely for reasons of finance and other priorities in the particular housing programme having taken precedence. I do not think there is much more I can say on that; the scheme is still on ice so to speak and will, I hope, materialize one day.

MR. COOKE: Is the hon. Minister satisfied that he has got the most suitable man in charge of Kibera? A lot depends on the man in charge—the European in charge. I understand they are Sudanese themselves. Has he got a suitable man now? Perhaps it is unfair to ask him that.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Well, I think it is rather a difficult question to be asked, Sir, but I am assured by the officer in charge of Nairobi, who is in close contact with him, that he considers him suitable.

Head A agreed to.

B agreed to.

12 African Housing, Mombasa, and Cleansing of Crown Land—A and B agreed to.

Registrar of Co-operative Societies—1 Administrative and General—A and B agreed to.

2 East African School of Co-operation—A and B agreed to.
Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Committee do report to Council its consideration and approval of the resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved a resolution that a sum not exceeding £1,639,093 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1957, for Vote XXI—Ministry of African Affairs.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

MOTION

VOTE XXVIII—POLICE

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair; this is to enable Council to consider the Police Vote, No. XXVIII.

When I referred to the HANSARD of last year's debate on this same subject, I thought my own remarks were commendably brief, but I thought that a remark made by my hon. and learned friend, the Member for Aberdare, was

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the most sensible thing said. He said, Sir, I would like to recognize how much times have changed since the 1957's when the main activity of this Council in any time of deficit was to cut the Police Vote. Now we have learned better through bitter experience and know that this Vote, however big it is, is essential in order that we may have anything else.

The Vote, Sir, is still big. It amounts in the forthcoming year to a total of £4,932,004; that, in round figures, can be taken as £5,000,000.

There is, however, a reduction in the actual Vote in the Colony's Estimates and the money taken from the Emergency Fund over last year of about £950,000; that perhaps can be taken in round figures to equal a reduction of £1,000,000.

These figures allow for the appropriations-in-aid except that from the Emergency Fund. The other appropriations are repayments from the East African Railways and Harbours and repayments from Her Majesty's Government for police services rendered in the main to the Royal Navy at Mtonjari and to the Royal Air Force here.

On page 129a, of the Estimates, there is a statement that "Government is at present considering a revised Police establishment. It is not expected that the cost of this revised establishment will exceed the proposed net Police Vote of £3,160,000". Now I hope this will, in fact, be the case, but much depends on the result of an assessment currently being undertaken into the relative strengths of the police and the tribal police. These forces are in some matters and events complementary, and it is obviously desirable to avoid any un-economical overlapping.

References were made earlier in this debate on another Head, to the possible amalgamation of the Police and Tribal Police. I would have said something about this, had my hon. friend, the Minister for African Affairs not already dealt with it extremely thoroughly in an earlier reply.

On page 133 there is the heading "Kenya Police Reserve—Personal Emolu-

ments". This is a correct heading, but may to some extent be misleading as the Reserve is now wholly integrated with the regular force and the officers and other ranks shown under that heading do not serve in any specifically reserve capacity. The Reserve could, in fact, be regarded as part of the preceding Head which is that of "Police Emergency Manpower".

The main aspect of the activity of the police during the past year has been a consolidation necessitated, of course, by the extremely rapid expansion of the force during 1953 and 1954. In this matter of consolidation, training plays the most important part. During 1955, 553 officers of the rank of inspector and above were either trained, or retrained at the Police Training School at Kiganjo. Of these, 490 were new recruits, 2,934 non-commissioned officers, constables and new recruits were either trained or retrained similarly. In addition, other courses were held at the Training School for Special Branch personnel, general service units and police drivers and mechanics. As well as that, 22 officers attended training courses in the United Kingdom. I have, of course, visited Kiganjo on many occasions. It is a very good show indeed, although some of the accommodation is not up to the standard which I would like it to be. I hope, however, to be able to rectify this during the forthcoming year. But I would very sincerely invite hon. Members opposite, and I am sorry that the hon. Member for Mount Kenya, in whose constituency the school is, is not here this morning, I very sincerely, invite them to visit Kiganjo Training School. I know they would be extremely welcome and they would see a very great deal of very good work indeed being done there.

Again on the organizational side of the police, one of the most important steps taken during the past year has been the expansion of the Criminal Investigation Department down to divisional level, thus providing there selected and well-trained officers who can immediately investigate serious or difficult crime. This development and the increased spread and the vigilance of the police in the Colony makes it very difficult for me, or I think for anybody, to draw deductions from the crime statistics.

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The 1955 statistics show increases in reported offences against persons, for instance, and decreases in reported offences of thefts. Now, it is difficult to know whether crime has really increased, or whether more crime has been reported and detected. The figures, of course, include *Mau Mau* crimes, which again makes comparison difficult with peaceful years, but my own conclusion from studying those statistics and receiving every day a daily crime report from the Criminal Investigation Department, is that crime, apart from *Mau Mau* crime, has decreased in general. When I say apart from *Mau Mau* crime, I do not mean that *Mau Mau* crime has increased, I mean crime other than *Mau Mau* crime has decreased. This is with the possible exception of Mombasa, where there does seem to me, as I say, from reading the daily statements, to have been a considerable increase in theft, robbery and all those things.

In order to deal with this, the special step has been taken of establishing the 999 system in Mombasa, which I hope will go far to combat what is becoming—and from the look on the face of the Member for the Coast I see he agrees with me—a slightly bad state of affairs there.

However, continuing to comment on statistics. There is one remarkable and unquestionable statistic which I think should give us all food for thought. There were 202 murders committed in 1955. These include, of course *Mau Mau* crimes, which we all know have decreased rapidly in the latter part of that year and during the first months of this year. There were, however, 208 deaths as a result of traffic accidents, so we find that in the concluding stages of an Emergency, when there are still between 1,000 and 1,100 terrorists at large, their activities are nevertheless less deadly than the toll of the roads.

The actual strength of the Police Force including the Kenya Police Reserve was on 1st May, 243 officers, 1,886 inspectors and 14,298 non-commissioned officers and men. That is a total of nearly 16,500. The force operates 752 static or mobile wireless sets and stations of its own, and in addition the signals branch maintain a number

of prisons, Kikuyu Guard and farm V.H.F. equipment.

The number of vehicles was 1,160, and the air wing had 15 aircraft. During the year the air wing carried out over 9,000 hours flying, representing rather more than 1,000,000 miles of air travel.

Reverting to motor vehicles, the expenditure on replacement in the present financial year will have amounted to £200,000. In consequence, the condition of the police fleet, by the entry of these new vehicles, has greatly improved. It has enabled uneconomical vehicles—expensive because of the constant need for repair—to be removed from the road and as hon. Members will have noted, provision for the forthcoming year has thereby been reduced by half and is £100,000.

Furthermore, provision for travelling expenses has been cut by £290,000. It is considered that a considerable reduction in mileage can be effected without any resultant loss of efficiency, and strict control is being enforced on police vehicles and all police private cars travelling on duty. Hon. Members may themselves see, as I saw myself a few days ago on the Nairobi road, what looked like a little police trap, with a notice saying "All Police Vehicles Stop" or words to that effect, and that was one of the check-posts which are now being put out by the Commissioner to check whether in fact the journeys of police vehicles passing the posts are really necessary and duly authorized.

Now, the amount of arms, ammunition, equipment, uniforms, spares for vehicles, spares for wireless sets and so forth, which so large and mobile a force requires, is of course very considerable. It is I am afraid a regrettable but perhaps inevitable result of a rapid and major expansion such as the Kenya Police has had that there has been some inadequacy of control over the stores side, particularly when operations were intense. This inadequacy of control has been pointed out by the Auditor-General—a man, Sir, whose surname alone conveys confidence—and who says "It is interesting to note that the police establishment as shown in the 1952 Estimates increased from 5,738 to 10,680, as shown in the 1954 Estimates. The actual expenditure increased from £1,185,000 and some hundreds in 1952

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to a little over £6,000,000 for 1954-55, including Emergency expenditure." He goes on to say, "I think the reasons for the inadequacy of control can, to a certain extent, be attributed to the fact that it is doubtful whether, when such an expansion takes place, sufficient provision is made for the necessary financial and accounting control, a matter to which I refer generally in another page of this report." However, with the decreased tempo of operations, greater attention can now be paid to these matters, and hon. Members will have noticed that on page 117 of the Estimates under the heading of "Ministry for Defence" there is provision for accountants, auditors, internal auditors, accounts officers and stores verifiers and these are the people who are intended to impose the controls required as necessary, and recommended by the Auditor-General in his report as I read it.

In addition to that, I have within the last few very days received a most interesting and valuable report on the organization of the police, which has been prepared by the Organization and Methods Unit of the Treasury. I have not had time to study this in detail yet, and it clearly will require and certainly will receive, extremely careful consideration.

During the year, considerable progress was made with buildings. I mention this, because building is so clearly an essential component of an expanded force and is so often forgotten about when the force is expanding and the pace should be even between the accommodation and the actual men coming in. A number of permanent quarters and police stations have been built throughout the country and a start has now been made with the Police Headquarters in City Square. This is a most important building from the police point of view, because on its completion it will enable not only Police Headquarters, but the Special Branch and the Criminal Investigation Department, to be under one roof and will thus remove one of those difficulties in co-ordinating work which exists, as at present, when the Police Headquarters, Special Branch and the Criminal Investigation Department

are all scattered separately over the town.

I have already mentioned or made mention of the Kenya Police Reserve, and its integration with the regular police. The Reserve continues to give most valuable service and we are all greatly indebted to the patriotic citizens who serve in it.

There has been, over the last year, a continual progress of reducing this Emergency manpower element of the police as the improvement in the Emergency situation has permitted. By the end of 1955 it had proved possible to dispense with the services of over a thousand full- and part-time European officers and of nearly 350 Asian officers. Furthermore, the release from the police has been achieved of all officers who had entered the police force by reason of compulsory call-up.

The establishment of the rank and file of the Kenya Police Reserve as shown in the Estimates on that page to which I have previously referred is 3,631. But it is expected that the improving security situation will enable this number to be reduced during the year. It is for that reason that the financial provision made does not suffice for the numbers of persons, both rank and file and inspectors, shown in the Estimates as being on the strength. The run-down during the year will enable it to suffice for the actual numbers who will require to be paid during the year.

These men who have been and will be released, having done a duty for which we are all grateful, can now resume their very essential part in the economic life of the Colony.

With the improvement of the Emergency situation, and the consequent run-down of the military forces of the Colony, an increased burden has been placed on the police, and this has called for skill and determination in pressing on with the active operations which still continue. That they have continued so successfully is, I think, a measure of the capability with which the police have discharged this responsibility.

During 1955 the police kills of *Mau Mau* amounted to 939 and 538 were captured.

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I have deliberately made no mention of the work of the Special Branch, for reasons which can readily be understood. But it is not possible to overestimate the value of timely and adequate intelligence. Members may be assured that a very great deal has been done during the year and previously to strengthen, build up and improve the Special Branch organization. In the opinion of visiting experts—and they come and see us here from time to time, and even lunch disguised in this building, and here let me anticipate the Member for Nairobi South by saying they are not frogmen—the Kenya Special Branch is one of the two best and most advanced in all colonial territories.

Similarly, I do not want to expand on the activities of the special forces, although accounts of some very gallant personal exploits have appeared from time to time in the local Press. The special forces and the Field Intelligence Officers are carrying out tasks in which they are being very successful and which at this stage of the Emergency have the very greatest value.

I have, Sir, endeavoured to give a very brief resumé of some of the services which the Kenya Police render to the Colony and for which the Bill is before us.

Before concluding, I would like to say how confident I am in the future of the police, how proud I am that this force should be in my charge, and I would like to praise the work of its extremely able and energetic Commissioner.

Hon. Members might like to know that the services of individual officers of the Kenya Police during the Emergency have been recognized by no less than 52 awards for gallantry, including one posthumous Queen's Police Medal, seven George Medals, two bars to George Medals and over forty Colonial Police Medals for gallantry.

Mr. Speaker, I beg to move.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, in thanking the Minister for the outline he has given us of this Vote for the coming year, I should like to say that I think his pride in this force and his tribute to the

Commissioner in particular is entirely justified.

The police force has been through an extremely difficult time during the past three or four years, for reasons which have been quite obvious to all of us. Most notably, of course, the terrific expansion that it had to undertake at an impossible speed.

Now, Sir, the difficulties created by that expansion will undoubtedly remain with the force for several years to come, and we have to recognize now, just as much as we have during the last three or four years, the difficulties that lie ahead. There are various matters which have worried us and to which we have given expression in this Council from time to time, and outside this Council; such as the problems of training such a lot of new people, of sorting out from so many new people those who are really worthwhile and those who are not, problems of changing now from the life of operational activity to a life of ordinary police duties, great problems of men and management and of disposing of the dissatisfactions—personal dissatisfactions of officers, and anxieties of officers to which I have unfortunately had to give expression in this Council from time to time. There are problems of disciplinary powers, particularly with regard to African ranks, so that it may be possible to achieve greater discipline over men who have the right stuff in them, without having to go to the extreme of dismissal on the first serious offence. The problems of relations of the police with the public, more particularly the Special Branch and the Criminal Investigation Department, of getting nearer the desired relationship of every member of the public regarding the police as his friend.

All these problems are ahead of us, Sir, and we have to face it. I do not believe it is necessary to discuss them in great detail now in this Council, because I for one am confident that the Minister and the Commissioner are fully alive to the problems and are going to deal with them. It is our job to be patient and to give them time to deal with them; and to give them such co-operation as they need from the public, which is a great deal. I think we can help a great deal now in this period of reconstruction and consolidation by tendering constructive criticism whenever we see occasion. I know very

[Mr. Slade]

well from my own experience that that criticism is welcomed by the Minister and the Commissioner.

There is only one thing which I would ask the Minister to give us an assurance on, and that is the earliest possible introduction of the Bill re-enacting the Police Ordinance, because I believe that that is one of the essential features of this consolidation upon which we are now embarking. Given that Ordinance in the very near future, I am quite confident, Sir, that we shall in the course of the next few years see the police force developing and being consolidated as we should all wish to see it.

Mr. Speaker, I beg to support, Sir.

DR. HASSAN: Sir, I rise to support the Motion, Sir, and I pay tribute to the Minister for Defence for the wonderful way in which he has managed the greatly expanded services of the police in this country. I associate myself with him in the tribute that he paid to the present Commissioner of Police.

One matter that he said was that the Criminal Investigation Department showed increase in offences of individual persons and decrease in offences such as thefts. Of course they were mostly concerned with the present Emergency and security, and they had to work much more in trying to judge every individual they came across as to whether he was a suspected person and whether he was helping *Mau Mau*.

There is no doubt that, in Mombasa, the incidence of thefts have been more, for very obvious reasons, because in bigger towns like Nairobi, we had Operation "Anvil" and others by which we removed not only those who were suspected of *Mau Mau*, but other elements who were engaged in gangs to commit thefts. In Mombasa we did not have that measure. Therefore, the time when liberty was given to the people to have freedom to move about during the night, which was prohibited during the Emergency, it increased the number of thefts in the town and it means much more activity is needed on the part of the police to watch those who were on their books before the Emergency.

One matter which I thought the Minister did not make any mention of, is the

question of Asian Police Reserve. From March of this year, their services were dispensed with after they had completed two years' service in the police reserve, and I know what wonderfully good work the combat units performed in Kenya and I personally would like to pay tribute to the sacrifice and the hard work they put up in helping and assisting the Emergency under the most difficult conditions when they were called upon to engage in work for which they were not trained, for which they never thought they would be called upon to do.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Would the hon. Member give way? I would like to say, Sir, that I did express my thanks, and I hoped those of Members of the Council, to all the members of the Kenya Police Reserve and did not think it necessary, nor do I think it necessary or desirable, to distinguish between them by race.

DR. HASSAN: I especially mentioned this, Sir, because the Asian reserve officers were released—all of them, on the 31st of March, and appreciation of their worth in this Council to-day would have been a great encouragement to them.

With these few remarks, Sir, I support the Motion.

MR. USHER: Mr. Speaker, Sir, I have two short points which I should like to make. My hon. colleague who has just sat down mentioned one of them and that was the increase of crime, I think particularly against property, in Mombasa. I am asking whether it is not likely that this arises from the lack of control of the influx of Africans from all over the Colony into that town. I have had to raise this matter on two or three occasions in the Council, and I have not yet been given an answer which seems altogether satisfactory to us in Mombasa. I am not, by any means, putting the words into the hon. Mover's mouth, I am merely asking whether, in his opinion, that is not a contributory cause.

The second point I wish to make is in regard to the run-down of the Kenya Police Reserve, about which the hon. Mover spoke. I believe there was set up a committee, under the chairmanship of Sir Alfred Vincent, to see to the re-absorption into civil life of those mem-

[Mr. Usher]

bers who had been called up. I do not know if that committee is still functioning or what it has achieved so far, but I should be glad of any information that the hon. Mover could give me in that regard.

Sir, I beg to support.

MR. HARRIS: Mr. Speaker, Sir, I have two very small points which I would like to mention and I hope the Minister, in dealing with the reply, can perhaps give us the answers.

The first is, Sir, the general attitude of the police to the public, which was mentioned by my hon. friend, the Member for Aberdare, and I think generally speaking the attitude of individual members of the police force to the public is exemplary. On the other hand there are exceptions. The Government, Sir, recently issued a statement of policy in connexion with the withdrawal of firearms licences. Now, Sir, I do not intend that this debate should develop on whether or not that Government policy is right, but I use this as an example. It seems to me, Sir, that somewhere in the police organization things are going wrong in that the individual in the field is not getting a proper interpretation of the policy as laid down from the top. It was quite obvious, Sir, in the Government's statement that providing people were used to handling arms and had places of security in which to keep them and did not, in fact, enter the firearms market purely as an Emergency measure, but had a lifetime of arms use behind them, unless there were special circumstances those licences would not be withdrawn.

Now, Sir, I have had occasion to bring to the attention of the Minister several individual cases and I am afraid he has got some more coming along. I used this to demonstrate that I believe that the individual officers of the police, in this particular case, are not interpreting Government policy. I would suggest, Sir, that in such a case as this, where it is a matter of public relations between the police and the public, I do agree, Sir, with the Member for Aberdare, that we have got to get the public of this country, of all races, to look on the policeman as his friend and not as a natural enemy, as seems to be the attitude of some people,

then we must take very careful consideration of the relationship between the police and the public. I believe that in a matter such as this, arms re-licensing, it is essential that officers who have a sense of knowledge of the country and its inhabitants and a sense of tact, should be selected for a duty where they are dealing with the public all day long. I would commend, Sir, to the Minister, that consideration should be given to that point.

Apart from that, Sir, I beg to support.

THE SPEAKER (Sir F. Cavendish-Bentinck): If no other hon. Member wishes to speak, I will ask the hon. Mover to reply.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I am extremely grateful to hon. Members who have spoken opposite for their courteous remarks about the police and about the problems which face the force.

I think the hon. Member for Aberdare, indeed set out well and accurately the main problems which face us and which, as he has himself said, will continue to face us, I hope to a diminishing extent for some time to come. He particularly asked for an undertaking about the Police Bill. I am anxious as he is to see this Bill brought before the Council at the earliest possible moment. I think, however, the hon. Member will recollect that, in reply to a recent question, I explained some of the reasons which led to delay. These were not reasons of idleness or lack of urgency in this particular matter. They were reasons connected with the necessary interlinking legislation including such Bills as a Public Order Bill. What I think we cannot do is to remove some existing clauses from the current Police Ordinance into Public Order Bill and bring in a new Police Bill which would not include them. The result of that would, of course, be that we would have a gap during which some powers would not be exercisable by any parties. It is, therefore, very essential that these two particular pieces, and some other pieces of less important legislation, should all be brought before the Council at the same time. Subject to that I would readily give the undertaking that this will be pressed with the greatest urgency so far as I am concerned.

[The Minister for Internal Security and Defence]

I am sorry that the hon. Muslim Elected Member, Dr. Hassan, thought that I paid insufficient tribute to the Asian members of the Kenya Police Reserve. I certainly value their services extremely highly, as I do not doubt do all Members of this Council, and I agree very strongly with what Dr. Hassan has said about them. I had, however, intended to avoid distinguishing between particular members of the Kenya Police Reserve when I spoke about the excellent services they have all rendered. I prefer to regard them as a body under that name and not as a body composed of different elements of one people.

Dr. Hassan and the hon. and gallant Member for Mombasa both spoke about crime in Mombasa. As I said in my opening speech, this has been a matter of concern. I would not disagree with the specific question addressed to me, by my hon. friend, the Member for Mombasa, that part of the lack of control is due to an influx of Africans into Mombasa. That has a great deal to do with it. I think also we had necessarily during the peak of Emergency to deplete what were the non-Emergency areas possibly of too many men and too many officers of the best policy in order to use them where they were most urgently needed. I think also, though perhaps I am on slightly dangerous ground, that the efforts of the police in Mombasa have not been assisted by the recent removal of the Municipal Regulation which until recently had imposed a curfew there. That is not a matter for which I have any responsibility at all. However, in the upshot, as I said in my opening remarks, we are reinforcing particularly on the Criminal Investigation Department's side. We have set up a 999 system and I hope that we will regain greater control there very soon.

The hon. Member also asked about Sir Alfred Vincent's committee. Had I known that this was coming up, frankly I would have refreshed my memory about it from the papers concerned with it. The position is, and I speak now only from memory of those papers, the committee has reported but, to the best of my recollection, it is considered that the present channels operated by, for instance, the Education Department, the Agricultural

Settlement Board and bodies of that kind were adequate to deal on the educational, agricultural and other aspects with the requirements of people being demobilized from the police and from the other local forces. If the hon. Member is not satisfied with that statement, or as I say my possibly imperfect recollection, and would care to put down a question, I will see that it is answered in greater detail.

The hon. Member for Nairobi South spoke of the attitude of the police to the public. This is a very difficult subject to do more than generalize about. Now, in a force which has expanded as greatly as the Kenya Police Force has, there will, I suppose, inevitably be some few men who lack the kind of tradition which the Kenya Police Force had when it was a small and compact force, and which I think it is rapidly regaining as an expanding force. There are bound to be one or two, what one might call, black sheep. I should not like, and I do not think the hon. Member wishes, to denigrate the courtesy and manners of the whole force on account of possibly one or two people. There is, however, a certain amount in what he says though the hon. Member. I find very often makes what is, in fact, *post hoc* become *propter hoc*. I have already taken some particular steps with regard to the Firearms Bureau, just as before he spoke the other day I had previously taken steps about the issue of a communiqué to the Press.

I do not think that there are other points that I have left uncovered.

Mr. Speaker, Sir, I beg to move.

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It is nearly time to comply with Standing Order No. 10. Council will stand adjourned until 9.30 a.m. on Tuesday next, 29th May.

Council rose at twenty-eight minutes past Twelve o'clock.

**Tuesday, 29th May, 1956
(Morning)**

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS**PAPER LAID**

The following Paper was laid on the Table:—

Estimates of Revenue and Expenditure of the Road Authority for Kenya 1956/57.

(BY THE MINISTER FOR WORKS (Mr. Nathoo))

COMMITTEE OF SUPPLY

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

NOTE XXVIII—POLICE

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £3,160,654 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, Vote XXVIII—Police.

Question proposed.

Head 1A Personal Emoluments agreed to.

Head 2—Civilian Staff. A—Personal Emoluments.

LT.-COL. GHERSIE: Sir, I find difficulty in raising this matter and it is the question of the provision of accountants or the lack of provision. Sir, I feel I can only raise it under this Head of Civilian Staff. I realize, of course, that the Minister for Finance, when he was speaking in the main debate, stated that, "In the meantime, it has been found convenient this year to show all the police expenditure including the Emergency part, in one single gross vote. This will strengthen the control of expenditure and should also enable us to dispense with a good deal of unnecessary accounting".

I hope that does not mean, Sir, that no accountant will be provided for the police. I realize, of course, Sir, that under the Head of the Minister for Internal Security and Defence there are an additional 26 accountants under his Ministry, but are they to be pooled or is an accountant to be seconded for specific work in the police which I suggest, Sir, is most desirable in order that there should be continuity and he will be conversant with the actual work of that department?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, the hon. Member has, in fact, answered his own question. The accountants and auditors who are shown on page 117 of the Estimates under the heading, The Ministry of Internal Security and Defence, will, in fact, be seconded for the most part to departments which they will serve, that is, police and prisons.

LT.-COL. GHERSIE: Am I to understand from that, Mr. Chairman, that when he says seconded they will be permanently appointed to that particular branch of his portfolio?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Their appointments are, in fact, as shown on page 117, but they will work for indefinite periods in those departments. What the hon. Member wishes, is what will come about.

LT.-COL. GHERSIE: If I may make just one further remark on that, Mr. Chairman. I think the difficulty has arisen in the past with many departments; there has been no continuity of their particular accounting staff. As a result, it is very difficult for someone taking over, particularly if the accounting officers are held responsible, if there is no continuity of the actual accountants working in a department.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): There will be continuity.

MR. HARRIS: Mr. Chairman, in item reference 6—in fact 5 and 6—there is an increase of personal secretaries, grade 1, from 9 to 11, and an increase in stenographer/secretaries from 17 to 39. I cannot see any equivalent savings elsewhere so I must presume this is an overall increase in the establishment. Would the Minister explain why this is

[Mr. Harris] necessary, Sir, and also why it is necessary that all these 39 should be permanent and pensionable when, in fact, even provincial commissioners' secretaries and stenographers, and those of district commissioners, are not permanent and pensionable?

While I am on my feet, Sir, perhaps the Minister would explain also why storekeepers that I can number 9, have been increased from five to six when I would have thought that the new stores holding unit should have relieved the Police Department of some of its stores responsibilities because, if it has not, then of course it is merely an additional department with no savings elsewhere.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, with regard to the personal secretaries and stenographers, these are, of course, people who were previously carried on the Emergency fund which has now, to a great extent, been amalgamated as an appropriation-in-aid with the permanent estimate.

The hon. Member also asked why these ladies were permanent and pensionable. The fact is that all stenographers and secretaries are qualified to be permanent and pensionable, but a great number of them are married women and personally debarred from permanent and pensionable status for that reason.

With regard to the storekeepers, these are people actually dealing with the police stores which exist and about which, as I said in my speech, when I moved the Motion that Mr. Speaker do now leave the Chair, the Accountant General was critical and, I think, the Public Accounts Committee had quite a good deal to say about it. They are the reinforcement on what has been a weak side of the police.

MR. HARRIS: Mr. Chairman, I do not accept the explanation of the Minister and, if he turns to the Administration Vote, he will find there that there are a great number of secretaries and stenographers who are not permanent and pensionable and, in any case, whether they are married or not—the present holders of the post—has nothing to do with it whatsoever. It is the post that is permanent and pensionable and not the

individual holding it, as I understand it at the moment; so the fact that they are married does not matter because there may be some single ones coming along. Why, I want to know, if these people are transferred from Emergency necessity, why have they got to be permanent and pensionable—another 22 stenographers in one department?

MR. MACKENZIE: As regards the first point, the fact is, Sir, that the post itself, the post of personal secretary, is permanent and pensionable but the holders are not necessarily permanent and pensionable. In fact, I think, to a very great extent, this inclusion in the Estimates of the asterisk is probably at the stage when it could be left out in all cases. It is the person actually in the post who is permanent and pensionable. It is the people who are made permanent and pensionable. Certain posts are included in the Schedule to the Pensions Ordinance and they are declared to be permanent and pensionable posts, but any person employed in them is not necessarily permanent and pensionable. I doubt very much whether the inclusion of these asterisks in the Estimates is really worth the trouble we go to to put them there. It would be quite possible to give the Council a statement of the total number of permanent and pensionable posts in the service by other means. It may well be that since we know that many people who hold posts which are declared in the Ordinance to be pensionable, are, in fact, contract or are on other temporary terms, we could drop these asterisks altogether.

As regards the other point that the hon. gentleman made about the storekeepers, I would like to say, as I did some time ago, that the reason why it has been necessary to strengthen the storekeepers' establishment is that although the new stores Supply and Transport Organization will take over bulk store holding at headquarters, they will not take over the stores of the police or any of the other security departments, in the districts. There is a very considerable amount of stores work to be done by the police elsewhere than at headquarters. The Controller and Auditor-General, and the Public Accounts Committee, have, from time to time, been extremely critical of the way in which this has been done and it has been felt

[Mr. Mackenzie] very desirable to strengthen the store-keeping cadre for use in the field which, of course, would include even the Nairobi headquarters where there would be what one might call retail issues of stores as against bulk issues from the new organization. The fact is that there just have not been enough people to ensure that this work has been properly handled in the past. That is the only reason why there has been this increase.

MR. HARRIS: I should like to thank the Secretary to the Treasury, Sir, for his explanation, and I hope the Minister for Defence will in future realize what the meaning of the asterisk is. But, Sir, I still am coming back to this thing, because if we turn over one page and come to Police Emergency Manpower, we find that in 1956/57, they are going to have a stenographer/secretary that they did not have before, and if these people are being transferred from Emergency duties, why has the Emergency element of the Police Force got a stenographer/secretary that they did not have before?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I am not quite sure what item of the Estimates the hon. Member is referring to.

MR. HARRIS: Item 15, Sir, in Head (3) on page 132.

THE CHAIRMAN (Mr. Conroy): I think it might be more convenient if we dealt with that item when we come to it.

SIR CHARLES MARKHAM: Mr. Chairman, I have two questions; first of all—Item 21—the Driving Test Examiners—three of them now, Sir. I presume that it is necessary to have civilians for this important work, but I should have thought that these could well be uniformed officers for the driving test, particularly in view of the allegations that are frequently made by members of the public that all is not well with that particular side of these driving tests.

The second point, Sir, as I am on my feet, is over the page—No. 32—the question of a medical officer. There have been complaints in the past from members of the police force about the medical services that they do obtain. There have been complaints as well, that in order to obtain medical treatment, it does often necessitate the individual officer leaving

his work, and I would have thought, in view of the considerable numbers now stationed down at Headquarters that it would be worth while having a Medical Officer at Police Headquarters, who could be a medical officer and not, as this provision is for, someone who just goes round the countryside as a seconded officer. There is nothing at the moment for any sort of medical attention—people to supply medical attention at Police Headquarters and there has been—I think the Minister for Defence knows too well—considerable bitterness from one or two officers or officers' families who have not received the attention which they should do. Perhaps the Minister would give an explanation of what the police do receive, and what attention they can receive, and what the function of this particular medical officer will be.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, Sir, I will deal with the first point made by the hon. Member for Ukamba, which was about Driving Test Examiners. I think, if he would turn to page 129 of the Estimates, he will see a note to say that "two additional posts of Driving Test Examiner and three new posts of Inspectors of Motor Vehicles are included in order to implement the provisions of the Traffic Ordinance relating to driving tests and the inspection of vehicles. At present this work is undertaken for the most part by police officers to the detriment of their other duties; or, in the case of vehicle inspection, by commercial agencies. Revenue will accrue from both these services". I do not think I have anything to add to that, Sir. My considered opinion is that this driving testing is a waste of the time of police officers, trained for a great number of other duties, and it is better performed by civilian experts.

To turn to the hon. Member's second point, in which I think he has probably got a little bit ahead of the actual items which are before us, the Medical Officer seconded from the Medical Department has no concern at all with the medical treatment of police officers. They receive medical treatment, as do other officers of the Civil Service, from the Medical Department. This officer is a pathologist whose main task at the moment is dealing with the considerable numbers—the hundreds—of dead bodies of persons

[The Minister for Internal Security and Defence]

murdered by *Mau Mau*, which have been revealed as a result of confessions.

SIR CHARLES MARKHAM: Sir, to come back to the question of the Driving Test Examiners, I see the bit which the Minister referred to, but I still think in view of the number of policemen available in Kenya at the moment, they could have spared three, to do this particular task.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I merely do not agree, Sir.

DR. ANDERSON: Mr. Chairman, with regard to the medical attention given to the police, the police, of course, share in the overall medical cover which is given to all departments. It is perfectly true that with the expansion—the very great expansion—of personnel in the Government service, particularly in Nairobi, the Medical Department has been very hard put to it to give as efficient a cover as it would like. Nevertheless, recently the number of doctors who have been made available to look after the wives and families of Government servants has been increased and I think that as a result of that there should be very little difficulty in an officer or his family obtaining medical attention fairly quickly.

Head 3—Police Emergency Manpower. A—Personal Emoluments

LT.-COL. GHERSIE: Sir, just one point on this. We are informed in the Notes that it is expected that the police expenditure will fall by about £950,000 during the next financial year. Sir, in view of the new method by which these accounts are prepared, it is very difficult, of course, to make comparisons with expenditure of the previous year; it will be seen there is a blank for the year 1955/56—but would the Minister explain, Sir, the increase in Item 8 from 406 to 606 and also in Item 16 from 199 to 365? I realize that these are more subordinate posts, but I would be glad of an explanation.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, before my hon. friend, the Minister for Defence, replies, and to cover a point already anticipated by my hon. friend, the Member for Nairobi South, I must point out the

fact that though there is an apparent increase in this Vote in the number of personnel, it is not essential that there has been an increase. It is more than likely that they were there, but have been hidden in the Emergency Vote as a whole. The decision to place this now in the ordinary Estimates has been (a) to ensure that the Legislative Council was aware of all the implications, (b) to place the position before them completely, and (c) to ensure that the Emergency expenditure now falls under the ordinary channels of financial control.

LT.-COL. GHERSIE: I appreciate that reply, Mr. Chairman, but surely there is an actual increase here in the Police Emergency Manpower. That is the point I am making.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): My point, Sir, is that it may be 'apparent', but it may not really be so because they were hidden in the original entire cover of Emergency expenditure. It is to bring the position out into the open that it has now been placed in this manner.

SIR CHARLES MARKHAM: Mr. Chairman, could I ask, Sir, the Minister, whether the Items 1, 2, 3 and 4 are all pensionable posts? Although they come under the Emergency, they are senior officers. They say in brackets (Supernumary), but they have obviously got a substantive rank before they got that post, and therefore they are pensionable and presumably, I suppose, in the years to come, they will be transferred across to the permanent Vote, but are they pensionable at the moment in those particular jobs?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The answer to the hon. Member's question, Sir, is that these officers are not pensionable in these particular posts. For instance, the Deputy Commissioner (Supernumary) is pensionable in a lower rank, which is his substantive rank, and not pensionable as a Supernumary Deputy Commissioner.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): A further explanation for my hon. friend, the Member for Ukamba, Sir. The word "Supernumary" means that whilst we have to hold them for a particular pur-

[The Minister for Finance and Development]

pose, we have not been prepared to accept them on the permanent establishment, and that post should therefore, in course of time, be absorbed in the establishment figures shown on the permanent side, without addition to the number.

MR. HARRIS: Mr. Chairman, coming back to the last reply by the Minister for Defence, we have not got this Assistant Commissioner in the Estimates twice, have we—once under Police Emergency Manpower and once under Uniformed Services in Substantive Rank, with a little asterisk by the side of his name?

The other point—I should like to know, in view of the Minister for Finance's reply to my hon. friend, the Member for Nairobi North—are the gentlemen annotated under the column 1955/56—are the ones that they could find last year? They had finished playing hide-and-seek, had they, with that number, and since then they have found the additional number in the 1956/57 column?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The fact remains, Sir, if the hon. Member will look at 1955/56, that indeed was what was approved. He will see that in the case of Item A.8—406 to 606—200 additional posts were approved in Supplementary Estimates No. 2 of 1955/56, which brings that up to 606. Those are the posts that have actually been approved by the Legislative Council. What has now emerged in the 1956/57 column, is the actual personnel which were really in the Emergency Vote, which were hidden and which have now been brought out into the open.

LT.-COL. GHERSIE: Mr. Chairman, arising out of that reply, would the same answer apply to Item 24—Subordinate Staff—from 139 to 251?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir, the same answer would apply. The column 1955/56 shows what has been approved, plus additions, such as the one I quoted, by Supplementary Estimate. The Emergency expenditure being a block Vote, it was not necessary to bring before the Legislative Council the numbers of per-

sonnel involved in this. We have, however, in the interests of the financial control and to make certain that the Legislative Council was aware of the numbers involved, now placed them before the Legislative Council for approval, even although they are still being paid really from Emergency funds.

MR. HARRIS: Just coming back once more to wind this up, I take it, in fact, in the Emergency there have been transferred a total of 23 stenographer/secretaries, 22 extra ones having gone down to Head (2) and one to this present Vote that we are discussing. Is that the position?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir. That is not the position. In the case of the ones that he has referred to, those are permanent and pensionable and they are on the establishment. But in the case of the Emergency one, now shown there as 1, the stenographer/secretary existed all along and was paid from Emergency funds. That is the reason for that addition. Now, Sir, what the exercise has brought out in addition to that, is to show what was felt to be the permanent and continuing commitment. The 22 have been moved from the Emergency and placed in the permanent position, and that is the part of the second operation, which is the transfer from Emergency to permanent, referred to in the main debate.

SIR CHARLES MARKHAM: To come back again, Mr. Chairman, to the question of Items 1 to 8, how many of these particular posts are individuals who are on pensionable terms? Because it seems to me, for example, you have got 606 Inspectors, Grade 1. Are they all people who have been brought out on contract terms, or are some on the permanent staff which have been allocated just for the Emergency?

The second question I should like to ask, Mr. Chairman, on this same point—are all those 606 Inspectors on Emergency work, or are some of them just allocated to the Emergency, which are not necessarily on Emergency work?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): In reply to the hon. Member for Ukamba, the 606

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Inspectors to whom he refers are contract officers. The police, of course, do not distinguish between the fact that a man is paid under Police Emergency Manpower or that he is paid under the earlier items of the Estimates in deciding what duties he should perform. Some of these contract Inspectors are not in Emergency areas and are not doing Emergency duties. Equally, a great number of the permanent and pensionable staff are in Emergency areas and are doing Emergency duties.

MR. CROSSKILL: Mr. Chairman, would the Minister inform us who are going to use the extra 166 clerks in Item No. 16?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Item No. 16, Sir. I thought my hon. friend, the Minister for Finance, explained quite fully that these were not, in fact, extra clerks.

Head 4 agreed to.

Head 5

LT.-COL. GHERSIE: There are three points I wish to raise on this particular item. A symbol under the £100,000 is r.i.e., which states—no expenditure can be incurred under this item, save against a requisition to incur expenditure. Could we have a definition of that, Sir? Does it mean that it requires Treasury sanction in the first instance?

Secondly, Sir, of this sum of £603,500, if we refer to the Schedule preceding these Estimates, we find that the charge to the Emergency Vote is £244,500 and the normal Vote £369,000. Would the Minister state in which of those two, either the Emergency or the normal Vote, is the £100,000 included.

MR. MACKENZIE: I should like, Sir, to deal with the first of the points that my hon. friend, the Member for Nairobi North, has made, and that is that the meaning of the letters r.i.e.—requisition to incur expenditure. That means, Sir, that before any of this £100,000 can be spent, the Department must obtain the specific authority of the Treasury to any individual item of expenditure.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I beg the

hon. Member's pardon. I found what was asked quite obscure.

LT.-COL. GHERSIE: Mr. Chairman, I was asking, in view of this £100,000 which, in fact, item it is included in—namely, the Emergency expenditure or the normal expenditure—£244,500 or £369,000? These figures are not on this page, but they are in your Schedule at the commencement of the Police Vote, but I have extracted them for you; you need not worry.

MR. MACKENZIE: The answer to the hon. gentleman's second question is that some of it is on one side and some of it is included in the other.

C—Uniforms

LT.-COL. GHERSIE: Mr. Chairman, I suppose the same thing applies on Head C. We have this sum for uniforms—£215,000—as against £95,000 last year. Now I know from the Schedule, the Emergency expenditure is £78,000; with the result, Sir, we are spending on uniforms for 1956/57 £137,000 as against £95,000. Could we have an explanation of that?

MR. MACKENZIE: Yes, Sir. The reason why we are spending more on what could be called the Colony's normal establishment for the purposes of uniforms, is that there has been this further transfer of expenditure from the Emergency side to the ordinary side. It will be remembered, Sir, that last year we made quite a large transfer from Emergency expenditure to ordinary expenditure on the Police Vote, but that was mainly dealing, I seem to remember, with numbers of staff. There has not, until this year, been any really thorough sorting out of the incidence of expenditure on Other Charges between ordinary and Emergency expenditure. That has been done in compiling these Estimates and the result is that a considerably greater switch has been made from Emergency to ordinary expenditure to cover the bodies who had previously been transferred in the same way.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Perhaps I could add a further explanation to that. There has been an actual reduction in the total provision for uniforms as between 1955/56 and 1956/57, of over £6,750. The actual provision both Emergency and ordinary

[The Minister for Internal Security and Defence] in 1955/56 was £221,750 and for the coming year it will be £215,000.

D—Miscellaneous Other Charges

LT.-COL. GHERSIE: I should like to raise a general observation on this Mr. Chairman. I hope I may obtain an answer. If I could quote this note here in the explanation before the Estimates, it says, Sir, "Similarly, certain items under D—Miscellaneous Other Charges, e.g. iron rations, which are now included in the Estimate for the first time, have in the past been dealt with by disbursements from the Emergency Fund and constitute no new service or principle". Now, if we analyse this figure of General Charges of £478,920, we find, Sir, that it is divided into £239,000—Emergency, and £239,920—normal Votes. It would appear, Sir, to be purely an arbitrary division. The figure is near enough half. Now, Sir, we realize, of course, that the Minister is not very much concerned whether the money is charged to the Emergency Vote or to the normal Vote, providing he gets the funds. The question I should like to put to him, Sir, in view of the actual expenditure on these items, is he satisfied that it is a fair charge to his normal Votes or should not a larger sum have been, in fact, charged to the Emergency Vote?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Yes, Sir, I am satisfied.

MR. HARRIS: Mr. Chairman, might we have an analysis of Item 5—Incidental Expenses £4,000. It looks as though it has now got to the stage they could almost describe what they are, and secondly, Sir, I see at 14—Welfare and Recreation—£10,000. I think, Sir, that all Members on this side of the Council would be very glad to see the Minister even increase that amount, providing he found savings elsewhere, and we would like to give him that hint for next year, but it must be savings elsewhere.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Chairman, I am very grateful to my hon. friend for his suggestion about Welfare and Recreation.

I am afraid I cannot embark on a description of what Incidental Expenses are. If the hon. Member will be content, and really wishes to know, I will send him a list to say what the Incidental Expenses are, but I am afraid it is beyond my capabilities to give details of all the trivial items here.

SIR CHARLES MARKHAM: Could I ask, Mr. Chairman, two things. First of all, what I suppose the Minister really means, under Incidental Expenses, he should put G.O.K., which means God Only Knows, because that is the way the Estimates seem. That figure of £4,000 seems to be grossly inaccurate, if he can put down such small items as £400 for Rewards to Police Officers. That might well come in the incidentals.

I should like to ask him one thing, Sir, on this question of 20—Iron Rations. Could I have an assurance from him that tenders for supply of these iron rations will go through this new stores organization? There has been criticism in the past, as he well knows, of the purchase of certain items for these iron rations from merchants who do not normally supply food, and perhaps are more suitable for other sorts of equipment, and are suddenly given a contract to supply iron rations. Could he give that assurance on that one, Sir?

The second point I would like to raise is on this question of the Criminal Investigation, No. 9. I suppose the same explanation goes on that one as well—the £75,000 of Emergency Vote as well. Is that correct?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I should like to deal first of all with my hon. friend on the question of G.O.K. I can assure him that the real explanation is L.C.S.K.—Legislative Council Should Know. That is the reason why, whenever possible, individual items are given. Hence, if one takes Item 16 to which he referred—Rewards to Police Officers £400, the amount that may be spent may be considerably in excess of that but we would not authorize expenditure on a Vote of that kind without having the specific authority of the Legislative Council. There must, however, in a Vote of some

[The Minister for Finance and Development] £5,000,000, have been small items which have not got the direct authority of Legislative Council but which the Government must be able to meet. Therefore, the whole idea of breaking down into such detail wherever possible and maintaining the incidental expenses as a final reserve, is L.C.S.K.

MR. CROSSKILL: Mr. Chairman, I appreciate there must be these increases in the Estimates for this year. I would refer to Item 13, however—Maintenance of Dogs. They are of particular importance at this stage of operations and there is a decrease. Is their ration scale being reduced or are they just unlucky being No. 13?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I think the answer to that, Sir, is that we did not, in fact, expand as much as we were allowed during the previous years, is that not so? It is, yes. Actual expenditure—if the hon. Member will look—is £1,653; so £1,500 relates more nearly to what is actually required than the estimated figure for last year.

MR. COOKE: Mr. Chairman, No. 19—Tracker Teams. Why is it such a small Vote?—Is that merely a token Vote as well, because it is such an important item of the police activities, I cannot understand how £2,000 covers it?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The answer is—that the bulk of the expenses for tracker teams come under the ordinary Personal Emoluments Vote, and the provision for uniforms, equipment, ammunition and things of that kind come from the ordinary Vote too. But there are some special things which the teams require, on which I hope the hon. Member will not question me.

LT.-COL. GHERSIE: When I asked the Minister a question just now as to whether there was an arbitrary division of Emergency and normal expenditure, I was rather concerned that he turned to address the Secretary to the Treasury, and I was just wondering, Sir, whether these divisions are in fact dictated by the Treasury or whether it is the considered opinion of the Minister

that these allocations are justified, more particularly, Sir, when we realize that the total Vote has been reduced for the year, but we see an increase in Miscellaneous Other Charges.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the answer is that I and my friends in the Treasury find ourselves in complete agreement in these matters.

Z—Appropriations-in-Aid

MR. SLADE: Mr. Chairman, I may be slow in understanding these Estimates; but I see that expenses in connexion with post-mortem and medical examination fees were estimated last year at £800, and that there was actually expenditure the year before of £800, but that nothing is allowed this year. Sir, is that because we do not anticipate any further post-mortems or medical examinations, or is it that we now have a lot of enthusiastic students who will be prepared to do them without charge, or what is the explanation?

DR. ANDERSON: Mr. Chairman, Sir, I think the explanation of this is that during the Emergency we had a number of temporary medical officers who were undertaking medical duties and did quite a lot of medical work and those temporary officers were entitled to fees for post-mortems. Nowadays, all the post-mortems, so far as I know, are done by full-time serving members of the Medical Department who are not entitled to these post-mortem charges and I think that is the explanation why this item has been reduced to nothing this year.

LT.-COL. GHERSIE: I am sure the Minister is aware how this Emergency Fund of £1,771,350 is made up. Perhaps it might be unfair, at this stage, to ask him how the £239,000 in connexion with the Miscellaneous figures was arrived at? I think if he does know, I would be awfully glad to hear, Sir.

The other point is on the Miscellaneous £18,000 for Appropriations-in-Aid. Would that include vehicle inspection, or could the Minister also tell us how that figure is arrived at?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): It certainly includes vehicle inspections, which is a revenue producing item.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, dealing with the point raised by my hon. friend on the question of the Emergency Fund, it is obvious that on some of these items there must be an arbitrary division and we could not give it to him in detail. But if the hon. Member is really interested, I shall have great pleasure in taking him into the confidence of the Minister for Defence and myself and showing him how the provision is made.

LT.-COL. GHERSIE: I thank the Minister for inviting me. I am interested and the only reason I raised this, Sir, is that in the reference to the £1,771,350, in the Schedule preceding these Estimates, there are details, Sir, of manpower, £897,980, Kenya Police Reserve, £321,870, travelling and motor-cars, £234,500, and uniforms, £78, but there are no details, Sir, in respect of the figure of £239,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir, because the hon. Member really, to some extent, has answered it himself. In the question of Emergency manpower, in the question of the Kenya Police Reserve, and, we believe, in the question of such things as travelling expenses and motor vehicles, it is possible to arrive, at the present moment, at an agreed proportion which shall be transferred from the Emergency to the ordinary Budget, but with a number of the items in the Miscellaneous, Sir, it is not possible to arrive at anything other than an arbitrary movement at the present moment. That is the reason, and if the hon. Member will just glance down the list of those things contained in the item with which we have just finished, Sir, such things as equipment and ammunition, signal stores, rations for persons in police custody, maintenance of dogs, rewards to police officers, iron rations and things like that, the hon. Member will, I think, see that it is impossible to do other than an arbitrary division at the present moment in quite a number of these items.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of

and adoption of the Resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved the Resolution that a sum not exceeding £3,160,654 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXVIII—Police.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE VII—INFORMATION

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

The purpose of this Motion, Sir, is to enable the Council to consider Vote VII—Information.

When I moved a similar Motion a year ago, I started, Sir, by referring to the comparative youth of the Information Department. I should like to remind hon. members that the Department was created less than 2½ years ago, in fact in January, 1954, and that it owes its origin to a decision by the Government that the divorce of the African Information Services and the Press Office, which had been recommended by the 1949 Committee of Inquiry, was in practice just not workable, and that the proper solution lay in the establishment of an information

[The Chief Secretary] department responsible for the co-ordination of all Press matters, broadcasting, films, magazines, and the whole paraphernalia of public relations. This was, Sir, the same committee that was referred to by my hon. friend, the Member for Mombasa, a few days ago in the course of his eloquent appeal for the appointment of a public relations officer.

I went on last year, Sir, to describe the activities of the various branches of the Department and to give an account of their achievements in the previous year.

This year I propose to deal with the Department from a more general aspect and, if hon. Members will bear with me, to describe Information policy and procedure rather than the achievements of the various sections, such as Press, publications, broadcasting, films and so on. I shall first deal with the expenditure as distributed between the Emergency Account and the Colony's Account; then with the general policy and duties of the Department, including the proposals for the Colony's broadcasting services; and finally I shall refer to the role of the Department in relation to the control of subversion, or rather I should say, the prevention of subversion.

With regard to expenditure, it has, of course, been inevitable that a department responsible for so many services directly connected with the Emergency, and charged with the projection of a true picture of the background of the Emergency and of actual Emergency conditions in countries outside Kenya, should have to rely upon help from the Emergency Account. Indeed, last year the Department was financed as much from the Emergency Fund as from the Colony Fund. In the year 1954/55 the figures were: expenditure from the Colony Account, £140,000; expenditure from the Emergency Account, £97,000; making a total of £237,000. Last year, expenditure was £153,000 from the Colony Account, and £152,000 from the Emergency Account, making a total of £305,000. In the Estimates which are now before the Council, the figures are: Colony Account, £208,000; Emergency Account, £25,000.

Hon. Members will note that the sum provided from the Emergency Account

has been reduced from £153,000 in 1955/56 to £25,000 in 1956/57. Expenditure to the extent of £56,000, previously met from Emergency monies, has been accepted as a proper charge against the Colony Account, thus bringing the Colony's expenditure on Information from £152,000 last year, to £208,000 this year. The balance of £72,000 represents an overall reduction in expenditure.

This readjustment between the Emergency Account and the Colony Account will have the following effect on the staff of the Department. There are, at present, 165 posts which are paid for from the Emergency Account; of these 83 will be transferred to the Colony Account, 21 will continue to be paid for from the Emergency Account and 61 will be abolished.

The 21 posts which will continue to be paid for from Emergency Funds are these:

- 1 Senior Assistant Press Officer,
- 2 Information Officers, Grade I,
- 1 Technical Officer,
- 1 Information Officer, Grade III,
- 5 Information Assistants, Grade I,
- 1 Radio Fitter,
- 5 Information Assistants, Grade II,
- 3 Driver Operators,
- 2 Subordinate staff.

The majority of the holders of these posts are employed in connexion with the Nyeri Broadcasting Station. This station will continue, for the present, to be regarded as an Emergency commitment. But, it is our intention that when the Kenya Broadcasting Scheme is introduced, the programmes which the Nyeri station now provides should be transmitted from the Nairobi station. I shall refer to this matter later when I come to deal with the question of broadcasting in detail.

I apologize for having gone into this matter in such detail, but so much apprehension has been expressed from hon. Members opposite, particularly by the hon. Member for Aberdare, concerning the retention of unnecessary Emergency staff, that I felt it necessary to deal with this at length. If any hon. Member would like to know the details of the staff transferred to the Colony Account, or the

[The Chief Secretary]

I shall be happy to give them the figures when I reply.

I now turn, Sir, to the future pattern of Information Services. Hon. Members must forgive me if I pursue the rather superficial analogy I adopted last year, but I think it true to say that the Information Department is in the position of a young man who went straight from the schoolroom to the war and, now that the general turmoil is receding is forced to consider what kind of a peacetime career he proposes to make for himself.

Speaking in general terms, the functions of the Department are these. Internally, first, to ensure that the people of the Colony are kept as fully informed as possible of the plans and policies of the Government, and secondly to provide this information in such a way as to enlist general support. Its activities in this sphere must, of course, fully co-ordinate with those of the Press; and it is for this reason that we appointed in 1954 an officer of great reputation and experience as Chief Press Officer.

Externally, the duty of the Department is to provide material which will enable a public opinion to be built up overseas, which will be well informed on Kenya affairs and sympathetic towards them. I do not think anybody who has seen the change in the general climate of public opinion in Great Britain over the past three years can have any doubts about the success of the Department in this field. I should like here to pay a special tribute to the Chief Press Officer—he is the officer shortly to be redesignated Public Relations Officer—for the really invaluable service he has rendered to Kenya in this respect.

The responsibility of the Department in getting information to the right people in the right form and at the right time is executed in two ways. There are first what, in the cant of the public relations world, are known as "production services"; this means the creation and use of material for broadcasting, for books, hand-outs, magazines, news-sheets, films and so on. And, secondly, public relations; which means the supply of information to newspaper editors, Press correspondents, film producers and various people who will use the material in their own production services. The

distinction is a trite one, but there has been some misunderstanding about the duties of the Department, and I think it is as well to make it.

The Department is constantly asked why it does not produce more material for European consumption? Well, the answer is that in the Colony there is a responsible, lively and well-informed European Press. Indeed it is able to command sources of information as good, or even better, than those open to the Department, and is capable of putting material across to its reading public. Much the same argument applies to broadcasting and to the cinema.

As far as the European community is concerned it is the policy of the Department to lay stress on the public relations side, rather than on production services. Indeed, if we carried out our task in any other way; we should be wasting effort and frittering away our rather limited resources.

Now the African is in quite a different position. There is no established responsible Press; indeed the local Press three years ago proved to be so irresponsible that we had to take measures to control it. It is, therefore, necessary for the Information Department to apply itself not only to the preparation of material for African consumption, but also to the creation of the means of getting this material to the people for whom it is intended. In other words, we have to provide both the information and the vehicle through which that information is to be presented.

The Department has been accused of semi-welfare activities and in so far as for the past 18 months we have been running an entertainment unit, this criticism has a grain of truth in it. Although I agree with the hon. Member for Nairobi South that welfare and entertainment should have no part in the functioning of the Information Department, I must emphasize that instruction should and does; and instruction without a light touch here and there is very, very dreary stuff.

I would like, Sir, to say a word or two about the Entertainment Unit. This unit was brought into being, and its programmes were devised, to play a specific part in the Emergency. Originally it was intended as a morale raiser and to distract the minds of both rural and urban

[The Chief Secretary]

Africans from an endless contemplation and mulling over of the dangers and inconveniences of the Emergency. Anybody who has attended any of the Department's shows, like the Entertainment Unit's shows, will recognize what valuable work has been done.

I should like here to say how impressed I have been by the audiences at the African Entertainment Unit's shows; not only have the performances been outstanding, but the audiences have set a standard of appreciation and good manners, and attention, which should be an example to any community.

But with the waning of the Emergency, and the waxing of the demand for economy, this Unit will have to be disbanded. In any case the Government feels that it is just not fitted to go into the show business. Nor are show people, by their very nature, fitted to work for the Government. The impulsive generosity and the ready wit of a Marie Lloyd or a George Robey get a pretty icy reception from the accounting officer and that anguished look which one sees upon the face of my hon. friend, the Secretary for the Treasury, is not so much due to the credit squeeze, as to the unpredictable spending habits of those who are brought up in a rather more carefree tradition than rules in fiscal circles.

Well, Sir, to return to the functions of the Department; if we are to carry out the double task of running production services and looking after public relations, there must be a central organization, in Nairobi, properly equipped to deal with the basic services. In addition there must be provincial organizations which can undertake the complementary task of distributing news and information from Nairobi and of collecting material with which to feed the centre. Provincial Information Officers are, in fact, stationed in every province except the Northern Province. The central organization includes the following sections: Press and Publications, Broadcasting, Films, Photography and General Public Relations.

As far as the central administrative organization is concerned, I should like to repeat once again that the Information

Department is not responsible for initiating policy. At the higher levels the Department receives directions, either from the Ministry concerned or from two or three Ministers in consultation; or, if necessary, from the Council of Ministers or the War Council; and the task of putting information or directives to the public is the responsibility of the Minister or Ministers concerned in consultation and with the advice of the Public Relations Officer. At district and provincial levels the officers of the Department work in close consultation with the District Team and the Provincial Team, and the Department's local services are at the disposal of the provincial commissioners, district commissioners and Departmental officers, as required.

I do not propose to describe the achievements of the various sections to hon. Members; I did that *ad nauseam* last year. If hon. Members want information on any particular subject, I shall be happy to provide it.

I would, however, mention two matters which I think will be received with satisfaction. The first has already been mentioned by my hon. friend, the Minister for Finance; it is that savings which have been brought about in the Publications Section have made it possible for the Department to earmark the sum of £3,000 for the production of a tourist booklet for the Tourist Travel Association. Preliminary work has already been started, jointly with the Association, and it is hoped to have copy ready for the Press early in July.

The second is that during the past year the Department has introduced a students' newsletter. This *Students' Newsletter* is prepared in consultation with the Ministry of Education and the Ministry of African Affairs and is distributed to all Kenya students overseas. It has been very favourably commented upon.

I now come, Sir, to the general question of the future of broadcasting in the Colony. Speaking last year about the Report of the Kenya Broadcasting Commission I said, with your permission, Sir, I will read the extract from the HANSARD:—

The Government is not in a position at present to undertake the heavy financial burden which would be imposed upon it by the adoption in full

[The Chief Secretary]

of the Commission's recommendations. The capital cost would be not much less than £500,000 and the recurrent cost would be well in excess of £200,000 a year. The Government has therefore arranged for the plan to be re-examined in London by technical experts, in order to see whether we cannot introduce modifications to reduce those capital and recurrent costs and, at the same time, provide services on the general lines laid down by the Commission. This re-examination, and the putting into effect of whatever is recommended, is bound to take some little time and we have therefore opened negotiations with Messrs. Cable and Wireless with the intention of arranging for the Company, should they agree to do so, to continue the services which it has so successfully provided since 1931. As hon. Members will be aware, the Company is under licence for a period of 25 years, from 1931, ending in September, 1956.

I am pleased to be able to inform hon. Members that these negotiations with Messrs. Cable and Wireless have proceeded smoothly and well and that the Company has been good enough to agree to continue their European and Asian broadcasting services for a further period of three years. The terms of the continuation will, as far as licence revenue is concerned, be precisely similar to those of the existing agreement.

The Government, on its side, have agreed to provide the Company with a measure of financial assistance which will enable it to put out better programmes to Asian listeners.

Hon. Members will remember that one of the interim recommendations of the Kenya Broadcasting Commission was that an effort should be made to improve the quality of the present Asian service. The assistance provided by the Government will consist of certain essential additions to the existing Cable and Wireless station, at a cost of about £1,000, the construction of a semi-permanent building at the Cable and Wireless site at Kabete for an Asian studio, and production rooms. In addition Government has agreed to the provision of more studio equipment for the Asian services to the tune of some £3,500; this equipment will be taken over by the

Government at the end of the renewed agreement at an agreed valuation.

Further, the Government has informed Messrs. Cable and Wireless that it is willing to make offers of appointment to all the existing Cable and Wireless broadcasting staff, on the basis that no member of that staff, by accepting Government employment, will be worse off as regards remuneration, than if he were to remain on his present terms with Messrs. Cable and Wireless.

I will now turn, Sir, to the future plans for broadcasting. Let me first of all remind hon. Members of the recommendations which were made in the Kenya Broadcasting Commission's Report. To put it as briefly as possible, the proposal was that there should be the following services: from Nairobi, three National Services, European, Asian and African, broadcasting on the short wave system. In addition, a regional service in Kamba and Kikuyu on short wave. All these programmes would be repeated on medium wave for the benefit of local listeners. From Mombasa, a medium-wave relay of the three National programmes, and in addition, a Swahili and Arab regional programme on both short wave and medium wave. At Kisumu, there would be a similar medium wave relay of the National programmes, and a regional programme on short wave and medium wave in Nyanza and Rift Valley vernaculars. These transmission would be supplemented by studios, production services, news agencies and so on.

The capital cost of the Kenya Broadcasting Commission scheme was originally assessed at £440,000, but at current prices it is likely that the total sum needed for capital expenditure will be somewhere in excess of £600,000. The scheme is an admirable one. It is aimed at perfection as was to be expected—but, unfortunately, the Colony just cannot afford such a large sum of money at the present time.

The modified schemes to which I referred last year have, alas, not proved to be suited to our local needs; as was expected, they were admirably conceived from the technical point of view, but they failed to meet our local requirements especially in connexion with regional and vernacular broadcasts.

[The Chief Secretary]

In these circumstances, the Information Department has devised a new broadcasting plan, based on the minimum needs of the Colony and limited to a capital cost of £300,000. I trust that hon. Members will not get the impression that we are back where we started from in 1954. I think it would be unfair to say that. In preparing the local plan, we have had, as a background, the wealth of broadcasting knowledge and experience which was incorporated in the Kenya Broadcasting Commission Report and we have been guided by the general principle of the Commission's recommendations.

I will spare hon. Members a detailed description of the department's scheme. In any case it still awaits a final scrutiny by the technical experts of the British Broadcasting Corporation. Generally, it provides a national short-wave service on the lines advocated by the Kenya Broadcasting Commission, supported by such medium-wave services as the money at our disposal will allow. Regional vernacular programmes are proposed on the following lines. Nairobi: Kikuyu and Kamba on both short wave and medium wave. It is this vernacular service which will replace the broadcasts now being made from the Nyeri station. The present intention is that when the scheme is introduced, the Nyeri station should be moved to Nairobi, where advantage can be taken of the better studio facilities and whence a far better service can be supplied to Ukambani.

At Mombasa, Arab and Swahili on both short and medium waves. These broadcasts will be made from the two transmitters which are about to be installed at Mombasa to replace the present set which is on hire from Messrs. Cable & Wireless, and will be supplemented by a relay, in part, of the African National programme.

At Kisumu, Nyanza and Rift Valley vernacular programmes on both short wave and medium wave will be transmitted. This vernacular programme will be broadcast from the new Kisumu station, to which I referred last October, and which, I hope, will be on the air about four months from now.

The proposals which have been made by the broadcasting officers of the In-

formation Department have been examined and approved by the technical officers of the Posts and Telegraphs, and I should like to express my very warm thanks for all the help and co-operation that we have had from them.

The Government is now proceeding to recruit an officer, to be known as the Chief Broadcasting Engineer, whose duty it will be to examine the Information Department's schemes in relation to the recommendations of the Kenya Broadcasting Commission and to put forward plans for the early expansion of the broadcasting services of the Colony. These plans will, of course, be limited by the amount of money which is available; and Members of Council will have an opportunity, of which I am sure they will take full advantage, of debating this subject in full.

The Broadcasting Engineer will also examine the possibility of making a start with broadcasting on VHF. VHF stands for very high frequency. It is possible that the most profitable line of development of broadcasting in the Colony may be found in a chain of VHF stations rather than in centralized transmissions from Kisumu, Mombasa and Nairobi on medium wave and short wave. Unfortunately, the subject is a highly technical one; and much of the work that has been done upon it in tropical latitudes is experimental only. I will not try the patience of hon. Members by going into the pros and cons of VHF versus medium wave and short wave, but I shall be happy to answer any questions, however technical.

Finally, Sir, the question of the control of subversion and the part that can be played by the Information Services in, what the hon. Member for Nairobi South described as, "nipping it in the bud".

By way of introduction, let me say that the two basic methods of treatment are these: first, to study complaints and grievances and to deal with those complaints that can be cured early. If one delays, they very soon degenerate into utterly illogical battle cries, such as "give us back our eleven days", "up the rebels", "up Dev", "hang the Kaiser" and so on. Secondly, to pick up the active agents of subversion and tuck them away where they can do no harm.

[The Chief Secretary]

Now, if we are to control these active subversion mongers, it is not enough to have justice and right on our side; we need as well the law and lawyers. As I told hon. Members some days ago, this is a matter which is being vigorously tackled by my hon. friends the Minister for Law and Order and the Minister for Defence.

The type of ill which we are seeking to remedy is fresh in all our minds. Most of us here have been brought up to believe in the doctrine of free speech, but we have seen that doctrine perverted, and used as a weapon against the decent law-abiding citizen. We have seen agitators bringing crowds to the edge of violence, yet, themselves, contriving to stay within the law. We have watched a condition of anger, disquiet and bewilderment being created; and we know that, in this atmosphere, not only subversive men, but the ordinary criminal, can go about their work with far less fear of decent public opinion than would otherwise be the case. Now, this is a state of affairs which must not be allowed to recur. It is a matter which does not much concern the Information Services and is not strictly relevant to this debate; I mention it because it is of the most vital importance to the peace and welfare of the Colony and I think hon. Members should know that the Government is well aware of the problem and is taking proper steps to deal with it.

Now, Sir, for the proposal put forward by hon. Members opposite during the policy debate. I agree wholeheartedly with my hon. friend, the Member for Nairobi South, that we must take special pains to look after those who have been indoctrinated by the agitator before the agitator has been picked up and put away. But I cannot agree that we need a new department to do this—not even a department consisting of one man and a secretary. It is quite incorrect to say that there is no co-ordination between Government departments. There is co-ordination at all levels, and, if this co-ordination fails, it is the duty of the Government to put a squib under the man who has failed or to replace him. It is no solution to add to the already complex machine yet another set of wheels, cogs and

pinions. To establish a department, or appoint a person to be specially responsible for co-ordinating, if I may take an example, the activities of my hon. friend, the Minister for Defence, and my hon. friend, the Minister for African Affairs, would lead to nothing but delay and expense and confusion. The answer is for the two Ministers to continue to consult one another regularly as they do now. Incidentally, the hon. Member for Mombasa is labouring under a real copper-bottomed misconception when he says, "it is a fact that information which comes to the War Council now is incomplete and that it is not properly canalized." Now, Sir, this is the sheerest nonsense; there is the fullest possible co-ordination. It grieves me that a man of the reputation and standing of my hon. friend should allow himself to be used as a mouthpiece for such baseless rumours. May I say, with a certain amount of diffidence, that the other side of the Council has not got a monopoly of good sense and organizing ability.

To return to the business of a proper liaison between the Government departments and to the question of "nipping subversion in the bud, may I explain how the system works at the various levels? District commissioners and Provincial Commissioners are the principal executive officers of the Government in the areas for which they are responsible. In addition to their special and statutory duties, they are charged with the co-ordination of the work of all the departments of Government in the district or the province, as the case may be. They are the heads of the district team or the provincial team and it is their duty to know what is being done by—

MR. COOKE: Mr. Speaker, on a point of order, is the hon. gentleman strictly right in replying to the same points made by Members in their policy speeches? I think he is replying twice to those particular points.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think the hon. Member is perfectly in order, introducing one particular Vote, he can refer to any point he likes providing he does not wander from the particular Vote.

THE CHIEF SECRETARY (Mr. Turnbull): It is the duty of the Provincial Administration to know what is being done by each department and, in addition, how the public is reacting to what is being done. They have not only to co-ordinate departmental activities in such a way as to ensure that the public business of the province is efficiently carried out, but they have to make certain that public opinion is ready to accept public policy. If there are murmurings and incipient discontent, the district commissioner or the Provincial Commissioner must decide if genuine grievances exist which require to be remedied. And, if it appears to them that Government's policies are not understood, it is their duty to enlist the help of the departments, in particular the Education Department and the Information Department, to explain these policies.

In short, Sir, the Provincial Commissioner and the district commissioners must be aware of the emotional and political climate of their areas and they must make up their minds, in consultation with their departmental officers, what action is required to deny rumour, or to dispel fanciful grievances, and, in general, to explain the aims and implications of the policies of the Government. It is the duty of the Provincial Information Officer to prepare material in accordance with the views of the Provincial Commissioner and the Provincial teams, and to make certain that this material is disseminated to the proper people in the most suitable way. Much of the action required cannot conveniently be taken at Provincial level, and, when this is the case, the technical sections of the department are called in to help. A typical example of such a procedure is the film which has recently been made in connexion with proper methods of cotton cultivation on the Coast, and the help which has been given to the Provincial Administration in the Central Province to dispel certain misconceptions which had arisen about land consolidation methods. But films, news sheet and broadcasts are only supplements to the personal touch. They underline and they reinforce what the district commissioner and the agriculture officer, and all the others, say in their discussions with the people, but they cannot replace these discussions.

The personal touch, supported by local knowledge and a real understanding and sympathy with the people and with their aspirations, is the basis of good administration and is the strongest safeguard we have against the wiles of the subversion monger.

At higher levels, the Ministry chiefly concerned, as I have already indicated, either by itself or in consultation with other Ministries, is responsible for putting the Information Department fully in the picture and for giving it the material which is to be issued. The Public Relations Officers of the Department are responsible for the form in which this material is presented. There is scarcely a magazine or a broadcast talk issued by the Information Department which does not carry some kind of a lesson: Some are routine—I have in mind the talks of the Radio Doctor and the regular agricultural discussions which take place—and these follow accepted policy. Some are specially devised for special circumstances and follow some special line laid down by this or that Ministry. All are the joint responsibility of the Ministry and the Information Department and, of course, the Public Relations Officer is the connecting link.

If we followed the British practice, we should have a Public Relations Officer attached to each Ministry with, I suppose, a Chief Public Relations Officer in a co-ordinating capacity at the top; and, it is possible, that this will be the ultimate pattern of public relations. But, as things are at present, I could not possibly support such a wanton proliferation of rather unproductive staff.

To get back again to this business of the control of subversion, the Government believes that in the field administration and in the Special Branch, it has enough men of the right calibre and the proper training to keep in touch with what is going on. It is satisfied that the channels of communication between the Provinces and the Central Government are working efficiently, and that co-ordination from district level to ministerial level is as good as it can be. The Government feels too, that it can rely upon the Press Office and the African Broadcasting Service to provide the

[The Chief Secretary] technique and skill in presentation which will enable information to be put across in the most effective way. In this context, by "information" I mean not only an account of Government's policies and achievements, but such appeals, threats, explanations and reassurances as the circumstances of the time may make desirable.

Now, all this, Sir, sounds prodigiously smug. Let me add that the Government does not delude itself that it can cure bitterness by a broadcast, or dispel deep-rooted discontent by a documentary. Most social problems demand far more fundamental treatment than lies within the scope of public relations.

Sir, I beg to move.

MR. CONROY seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think this perhaps might be a suitable opportunity to take the customary fifteen minutes' break.

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

MR. HARRIS: Mr. Speaker, Sir, in supporting this Motion, I would like to say that I was amused by the Chief Secretary saying that show people are not the right people to compose a Government, when, sitting on the money bags of this country, is East Africa's best Harvey and best Shylock! However, Sir, I do—

THE CHIEF SECRETARY (Mr. Turnbull): If the hon. Member will forgive me, I said that Government is unfitted to enter into the show business and show people are unfitted to work for the Government.

MR. HARRIS: I will deal with that point later, Mr. Speaker.

Now, Sir, I do agree with a great deal that the Chief Secretary has said about some of the activities of the Information Department. I think everybody would agree with his remarks about the difference in opinion overseas concerning matters in Kenya compared with what they were three or four years ago. I think a great measure of gratitude must go to the Press Officer for the work he has done in putting the Press of the world in the picture in so far as we are con-

cerned. But, Sir, I believe that the Information Office at the moment is far better, and is geared, for what one might call extrovert activities rather than introvert. I believe they are getting across the picture of Kenya, but I do not believe they are dealing so much, and so effectively, with the internal affairs of Kenya as they should.

The Chief Secretary, Sir, mentioned that there is the present system whereby the Provincial Commissioner and district commissioner are the head of their provincial and district teams and they are responsible for seeing that Government policy is put across.

Now, Sir, the Chief Secretary said that his explanation would sound prodigiously smug. I do not think it sounded smug. Sir, I think it sounded a typical explanation by a civil servant of a matter which he obviously does not understand. I have been drumming away at this matter of what the Information Office should do and to suggest that we can safely leave the matter to provincial commissioners and district commissioners, and then to call in technicians merely as the mechanics for putting across information, shows, I feel, Sir, a complete misconception of the whole principle of information. Quite apart from which, Sir, it is, of course, very difficult for the Kenya Government to leave these things to provincial commissioners and district commissioners because I understand that in Thika alone there have been 21 district commissioners in the last ten years. Well, Sir, it must be very difficult for them in six short months as an average to get an idea of what is going on in the area and put it right. In the modern world, the whole question of a psychological approach is a specialized job. Why I say the Chief Secretary is dealing in something he does not understand—I have said it before—is that the psychological approach must be, of its very nature, just as foreign to a person who has been brought up in the traditions of the Civil Service as is the stage to which my hon. friend alluded. It is an unknown world to the average civil servant unless he has specialized in it all his life. And, Sir, did not we have the provincial commissioner and the district commissioner in charge of their district teams in 1951 and 1952? And is the Chief Secretary suggesting that, in future, we can go on and have

[Mr. Harris] repetitions of 1952, because no active steps are taken to combat subversion? I believe, Sir, that it is one thing to know that subversion exists, and it is another thing to combat it. Sir, the Civil Service background again is brought out by the Chief Secretary's reliance on tightening up the laws to deal with these kinds of affairs. Admittedly, Sir, we must have the law, but we cannot put, as we have learned in the last few years, a whole tribe behind barbed wire if a whole tribe has become subversive, and it is a matter for an expert to get all the available information and to take what steps he considers necessary with his expert knowledge to ensure that subversion is stamped out in its very early stages.

The Chief Secretary, Sir, gives us a picture of the Ministry for Defence and the Minister for African Affairs getting together in order to decide what action to take. But, Sir, I wonder how often in the last few years the Chief Secretary, who has been responsible for the Information Department, has sent for the Director of Information and said: "I want you to run a campaign on this particular aspect of the life in Kenya, not only dealing with Colony-wide affairs, but also concentrating and effort in a particular area where things are going wrong." What knowledge, Sir, as the Chief Secretary took these two examples, what knowledge has the Minister for Defence, or the Minister for African Affairs? They may know what they want to put across, but they do not know how to do it, and I believe that what we want is somebody who should be able to advise them, in fact, who should be able to tell them, exactly how to do it and get on with the job.

Now, Sir, when this was raised in the policy debate, the Minister for Finance drew my attention to page 37A, which notes that a Public Relations Officer has been placed in the Estimates.

THE CHIEF SECRETARY (Mr. Turnbull): I thank the hon. Member for giving way. First of all, it was I who drew the attention of the Council to page 37A; the person speaking at the time was the hon. Member for Mombasa, and the subject under discussion was the need for a public relations officer. It had nothing to

do with the present issue of anti-subversive measures.

MR. HARRIS: Actually, Sir, what happened was that the Minister for Finance and the Chief Secretary both discussed 37A in exactly the same way as the Chief Secretary is suggesting that the Minister for Defence and the Minister for African Affairs should study subversion.

However, Sir, the very placing of this officer in the Estimates, again, I feel, shows a wrong conception of what his duties are. He is here as subordinate to the Director of Information in total emoluments; he really does a little bit better because he gets a bigger entertainment allowance, but, in fact, he is placed on a substantive salary of £2,200 against the director's £2,400.

Now, the man that I see—take this man out of the Estimates if you do not want a new department—but the man that I see should be, and was described by the Chief Secretary, as the connecting link between the Ministers. I believe, Sir, that he should be a connecting link in advising Ministers on—

THE CHIEF SECRETARY (Mr. Turnbull): If the hon. Member will forgive me, I did not say he was a connecting link between Ministers. I said he was the connecting link between the Ministers and the machinery which disseminated the information.

MR. HARRIS: Had the Chief Secretary not interrupted so quickly, Sir, I might have been able to add "and the machinery".

I still feel, Sir, that he should be the connecting link between the Ministers each other and between the Ministers and the machinery, and, as such, he should be in a position to go to the Director of Information and say, "This is what I want and I want it to-morrow morning". not to be in a subordinate position to the Director of Information whose duties are entirely different. I believe, as I have said before, that the Public Relations Officer should, having determined Government's policy from the individual Ministers, be in a position to instruct the Director of Information how that policy should be put across. The Director of Information, Sir, has a job of work to do which is disseminating information

[Mr. Harris] and knowledge. It is necessary for somebody to instruct the Director of Information as to how he should do his work and I cannot believe, Sir,—I believe that at the present time we have got the best Chief Secretary we have had for a very long time—but I do not believe he is the right person to direct the Director of Information.

As I see this problem, Sir, we want an additional arm in the armoury of the Minister for Internal Security because it is a matter of internal security. I would rather have seen the Public Relations Officer, if it pleases the Government to have him called by that name, at any rate with responsibility within the Ministry for Internal Security and Defence because whilst every effort is being made, and I agree it is being made very well, to put across general information to the African, Asian and European populations, there should be a general plan in the event of suspected or actual subversion. It should be a planned campaign and only can the Minister for Internal Security be the person who can plan that campaign with an expert to advise him. It is also in that Ministry that the parallel information will come through the Special Branch and that Special Branch information should be used for assisting in the planning of a campaign to fight subversion.

Now, Sir, getting down to the other matters mentioned by the Chief Secretary, I liked his analogy of the Information Office being a young man who had gone to war and that he was now looking round for a peacetime career. I agree with that entirely, Sir, and I feel that that is why this is a good opportunity to have a stock-taking of the Information Department to see exactly what we want and what we want them to do, in what we hope will be days of peace.

On the other hand, Sir, it must be admitted that it was a pretty successful war when 294 people have come out of it all with asterisks against their names. Now, Sir, if there has ever been a war in history where every man that took part could get a pension, I think probably wars would be more popular than they are. I would like the Chief Secretary, Sir, to tell us in replying why it is necessary that every single person, cine-cameraman,

sound-technician, even the subordinate staff, the whole lot, are permanent and pensionable. I would have thought that with such a young department, for which we must get the right answer by trial and error, it would have been wiser before placing all those asterisks against every single post in the department to have just had a little bit more time to make up our minds to see who are necessary and who are not.

The Chief Secretary also mentioned, Sir, that one of the recent activities of the department was the publication of a news-letter to Kenya students overseas. I feel everybody will be very glad to hear that this activity has been started as many are worried about the way that overseas students seem to get cut off from news of their homeland. But, Sir, I would suggest that it might be a good idea if the Information Department would consult unofficial opinion, if it does not already do so, I do not know, on what goes into these news-letters to students overseas. When I was at home last year, I did find that some of the students had some very peculiar ideas of what was going on in this country and I feel that this news-letter might be made use of to put right some of the wrong ideas they have.

Finally, Sir, I would like to say that, although I have been a fairly persistent critic of the Information Department, I want to make it quite clear that I am not criticizing what they are doing, or the way they are doing it, I am criticizing much more what they are not doing. I feel that is the fault of Government rather than the fault of the Information Department.

With that, Sir, I beg to support.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, there are two or three brief points I would like to raise. Firstly, I am afraid I do not altogether support the hon. Member for Nairobi South in what he has said in regard to the control of the information services. I think the "first essential is that whoever is responsible for the policy, must have a very wide knowledge of the people of the country, of their psychology and what their probable reactions may be to any particular line of thought, and, therefore, I personally cannot see that we can find anyone more

[Group Captain Briggs] suitable to supervise the work of the Department, to provide the policy of the Department, than the present Chief Secretary.

There are one or two other points which I do feel call for criticism. First of all, I would like to ask the hon. Chief Secretary to say what form of investigation is made as to the political background of members of the Information Services of all races? Now, the reason I mention this point is, that quite clearly the Information Services could be a very fertile ground for planting subversive ideas, whether they be Communist or any of our local forms of subversion, and, therefore, I would like to be given some assurance as to methods by which the record of those who are appointed positions in the Information Services are checked?

The last point I would like to raise is this. I think the glossy, I am not quite sure what they are called, I am not sure whether they are called news-letters, but the glossy publications which are sent out periodically overseas, I think they are very nicely got up, but I do suggest that they do not give altogether a fair impression of what is going on in the country as a whole. For instance, I have never seen any particular reference to the fact that the economy of Kenya rests almost entirely on European agriculture, in fact, I would say that facts and photographs and articles dealing with European agriculture and also industry as a whole are very infrequent and I think that is a point I would like to draw to the attention of the hon. Chief Secretary.

I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, again, very briefly, there are some points which arose from the speech of the Chief Secretary. The question now of this Public Relations Officer was formally, I might say, the Press Officer. This post, Sir, as my hon. friend, the Member for Nairobi South, said, carries with it great responsibility and also fairly substantial emoluments. I would like to ask, was it ever advertised, this post? If so, in what paper? Because I think we might have had a lot of applications for the post. Now, as I understand it from the Chief Secretary's speech, that job has now

been allocated to an officer who is, at present, serving in the department.

I think, Sir it is important that this new department, which has, as my hon. friend, the Member for Nairobi South, did say, come out of the war with increased numbers, should have a golden rule that any future appointments must be advertised in the normal way. Otherwise, you certainly will, or you might, create a feeling of uncertainty even though they have all got asterisks against their names.

Now, Mr. Speaker, I was very glad to hear from the Chief Secretary about the future of broadcasting. I think that, indeed, is great progress. But, I would have been even happier if I had heard the Chief Secretary announce that he was also able to continue the Forces Broadcasting Service, because I believe that has now become a part of essential broadcasting services, especially for Europeans. I know at the moment it is paid for by military funds, but, I believe its listening public is virtually 90 per cent of the Europeans and, indeed, some of the programmes which it puts out are extremely valuable and I do hope somehow, if necessary either the two can combine, so we can have alternative music or alternative programmes throughout the day. It is no good saying, that radio no longer plays a part in propaganda; well, that word is now called Information Services. It is really propaganda and, of course, it is a valuable medium for getting over the policy of the Government. But, when the Chief Secretary went on to give us information about the new stations opening up, I was somewhat worried about the staff for these particular stations. I must admit I tune in quite often to these broadcasts from Nyeri to allow my own servants to listen, and some of the material that comes out on those broadcasts is quite amazing. They have a request programme, or they had one about three months ago, and the majority of people asking for records have been from Tanganyika and yet we pay for it, and one wonderful song was: "Don't Give Daddy Any More Whisky"—whether that perhaps was anticipating the Liquor Bill, I do not quite know. But I do suggest that really our money should not go on that sort of entertainment.

Finally, Sir, I want to make this point on the question of publications. I believe

[Sir Charles Markham] the standard of the publications in the European, or the English language, have been very high, but some of the news-sheets that have been in the vernacular has not been so good. For one thing, if this war had been won entirely by "bumph", certainly we would have won it a long time ago, because the anxiety of local Information Officers to distribute reams of paper really shows good intention but it is not always very successful, especially as in Ukambani a great many of the recipients cannot even read. Therefore, I do believe that a lot of that money spent on publications would better go to the extensions of the spoken word, either by cinemas or, alternatively, by radio.

I hope, as well, that somehow it can be found possible for each of these villages, under the villagization schemes in the Central Provinces, and also for encouragement in certain parts of Ukambani, that the saucapan radio can be provided for the village hall in order that the information going out can cover a wider field than just the richer man who can afford to buy one. I do not believe that publications, as such, are nearly as valuable as the spoken word. I think as well that there is always great danger if you put things to paper, somebody replies to them. For example, the propaganda put out during the war, in the early stages of the war, in England was so childish that the Germans had no difficulty in combating it, in fact, winning the round every time. It is only when, later on, they called in experts that they found where they had gone wrong and, in fact, somebody said that the Ministry of Information in England did not really succeed until the war was three-quarters over. Now, the same applies in Kenya. The war is almost over, and I do not think we have yet really got down to the essentials of what this department should do. I agree with the Chief Secretary that we have achieved a great deal, but I think it is also very important that the policy of what to concentrate upon is important rather than trying to do too much with too little.

Mr. Speaker, I beg to support.

MR. CROSSKILL: Mr. Speaker, I consider this is one of the most important

votes with which we have to deal in this Council. I think that the expenditure which we are considering now can be one of the best investments which this country will make, but information is a double-edged weapon and if it is not well handled it can well militate to our disadvantage rather than to our advantage.

The Chief Secretary, Sir, in introducing this Motion, said that the people must be informed, I am not quite happy, Sir, about the methods which are, at present, being used. I rather feel that we are being too conservative and perhaps using too greatly the traditional and better known methods without seeking others which, in our conditions here, may be more effective than the traditional ones. The traditional ones to which I refer are, of course, the written word, the broadcast word, films, and so forth. But, are we, Sir, using enough imagination? We know well enough the effectiveness of the grape-vine throughout Africa. How effective that is so often and so unfortunate in disseminating wrong information. Are we, Sir, investigating the possibilities of the use of that grape-vine to our own advantage, which might be more effective than the traditional methods to which I have referred? Are we, Sir, seeking commercial advice on how to disseminate propaganda and information? I believe methods used in commerce could well serve as an example of how we may more effectively disseminate information. Are we satisfied, Sir, that our methods are adequate? Have we, for instance, instituted a Gallup Poll to find out how far the information which has been broadcast, or issued in the form of publications, has reached the goal? Would it not be a good idea, Sir, perhaps to state on a broadcast that the first ten people that come into the broadcast station would get a packet of cigarettes. We might then see if the information is really getting across. Perhaps the Nyeri Station might do something on those lines, or perhaps we are satisfied. I would be glad to be assured by the Minister that we are satisfied that the methods are being effective.

Now, the Minister said, Sir, that instruction with no light touch was dull. There he is perfectly right, and that is

[Mr. Crosskill] perhaps why we so often welcome instructions from him. But, I am not altogether happy, Sir, that we appear to be abandoning the use of the entertainment unit, and I feel, as I have said before, that perhaps we might use different methods here than those used in other countries and particularly used in Europe. I said the other day in this Council, Sir, that one of the things we must try to induce, bring into this country, is more laughter, because the African is a laughter-loving person. It is effective and it is effect that we must achieve. It is, Sir, not novel that we should do so. Can we not learn a lesson from the United States of America where the advertising is done together with the broadcast of amusing talks, songs and so forth? Can we not intersperse in between stories from Mr. Kipanga perhaps adjurations to follow the advice given to us by Dr. Karve the other day in this Council, or other tips on hygiene, or instructions with regard to registration or other dull matters which must be put across to the African people? But in order to put it across we must, first of all, attract and hold his attention, and that, Sir, can best be done by attracting him to laughter, music and to amusement.

With regard to the Nyeri Broadcasting Station, Sir, I understand that that may be disbanded, and I do hope, Sir, that its place will be taken by some other broadcast service. I feel it could be of immense benefit, but again, we do not know and I do recommend that we have some Gallup Poll or some practical test of its efficacy or otherwise. But, one point with regard to that station, and any other station, Sir, which has been made in this Council before, is that it should not be used in the manner I stated earlier as a double-edged weapon, that it will not be used to the disadvantage of the State, but to its advantage, and that we shall know and be certain that that is so. I again, Sir, repeat what I said before in this Council that I feel that every word that goes out in the vernacular language should be monitored. I think it is quite unsafe and leading to great danger that everything that is said is not monitored by a capable person.

The Chief Secretary, Sir, has said that this Department went straight from the schoolroom to war, and is now examin-

ing the future, how it can best operate to our advantage. I do hope, Sir, that it will accept and be given advice by the Organization and Methods Team, and furthermore, that its methods will be evaluated by experts. I consider that we should submit the policy and the proposed methods to be used by this Department to commercial advisers to help in its evaluation. They may be able to give us great assistance in that way.

The Chief Secretary, Sir, in speaking about the control and investigation of subversion, stated that he was satisfied that the lines of communication existed and, certainly on paper, I think they are quite adequate. But I am not quite satisfied myself that they have in the past worked as they should have worked. The reason, Sir, I think is that there exists in many of our civil servants in our administration an in-born and quite correct, perhaps, hesitancy to disclose that there is anything wrong in his domain. I think that we must change that. We must make it known that an administrative officer will not get a bad mark for disclosing that there is some discordant in whatever small a germ it may be, in his parish, in his district, or in his province, but that he will get a better mark—a good mark—for the knowledge that he has shown and demonstrated of the conditions in his district. I feel that we must, before that chain of communication becomes effective, dispel that hesitancy which I know exists among the administration.

It is just the same hesitancy, Sir, a worthy one in many respects, which has caused the unnecessary shedding of so much blood. That feeling in the Army when a young officer when asked to take a hill with a company, says "No, Sir, I can take it with a platoon". He dashes in, gets a bloody nose and casualties are many. It is just that same worthy hesitancy which I fear in this connexion.

Now, Sir, the question of propaganda and publicity has rather, perhaps, a vulgar aspect to a normal civil servant. I am not really happy that the civil servant is the man who can best carry out this job. The question of dissemination of information requires qualities of initiative and enterprise and even toughness which, Sir, are more often found in the hurly-burly of commerce and in particular in the Press, than in the Civil Service.

[Mr. Crosskill] where they live a more dignified and sheltered existence than is permissible in commerce. I therefore feel, Sir, that we should watch, and shall watch the activities of this Department with tremendous interest and critical interest, and I shall sincerely hope to find that I am wrong in my assessment of the qualities which are required.

Mr. Speaker, I beg to support.

MR. COOKE: This question I raised last year about hand-outs. My hon. friend, the Chief Secretary, had a little battle last year—it may not have been he—when I said that these hand-outs far too often took the form of propaganda. He did invite me to give some instances and it is my fault because I did collect one or two handouts, but I did not give them over to him. I am going to mention two instances now; one was that of the Kenya Federation of Labour, when an implied criticism of it when the matter was *sub judice*, emanated from the Department. That was in all respects a very stupid thing to have done. I think the Department have subsequently apologized for doing it. But it shows the danger that the Department is led into when it departs from pure information and indulges in propaganda.

Now, the other one was even more surprising still, because I read what I consider at any rate to have been a boost for the hon. Minister for Agriculture and a denigration of my friend the Member for Aberdare. In fact I thought I was reading the *East African Standard*, so strongly were these points of view expressed! I think I still have that particular hand-out, but I do suggest, Sir, that it is entirely wrong for any information department to even raise the suspicion or to give the impression that it is indulging in politics, or that it is in any way taking sides in these grave matters with which we deal to-day. A hand-out should be a bare statement of fact and not be tendentious in any degree.

I must say, I agree entirely with my hon. friend, the Member for Nairobi South, when he said these posts should not have been pensionable. It seems an amazing thing, Sir, with our very large pension list, that so many of these assistants and so on are put at once on a pensionable basis. Surely it would have

been much better to have waited a bit and see how this Information Department was going to develop. But I would not so much agree with him in another matter. I think he was rather inclined to take the view that the Information Department should spread propaganda. That I think is entirely wrong. Propaganda does not come well from the British people, leave it to the Nazis and the Russians who like it, but we always fail when we try propaganda and I think both the African people and the British people in this country would be much better pleased if they simply got a pure presentation of the facts.

LT.-COL. GHERSIE: Mr. Speaker, Sir, there are just three brief matters to which I shall be glad if the Chief Secretary will reply. The first one, Sir, arises again on the financial aspect. It also arises from a remark I made in the first policy debate during the course of the Budget debate, and that was on the question of whether or not Emergency funds were not being transferred too rapidly to our recurrent expenditure. Now, Sir, if we refer to these notes we find that there is an overall saving of £70,000 on the combined recurrent and Emergency expenditure. But, Sir, these notes can be very misleading unless they are read together with the accounts, which in fact disclose that on our recurrent expenditure there is an increase of over £56,000.

Now, Sir, I think perhaps the Chief Secretary might be the most appropriate officer on the Government side to be asked a question in this connexion. I did ask it earlier on this morning, but did not receive a very satisfactory reply. Is the Chief Secretary convinced and satisfied in his own mind, that this transfer of expenditure from the Emergency to the recurrent vote is justified? It should be remembered, Sir, that the expenditure on the Emergency Vote last year was £153,000. In this coming year it will be reduced to £25,000, I would be glad if the Chief Secretary would tell us if he honestly considers that that is legitimate—this transfer from Emergency to the Recurrent Vote.

Sir, there is another point which arose out of what my hon. friend, the Member for Ukamba, said on the subject of public relations officer. He asked whether, in fact, the post had been advertised and

[Lt.-Col. Gherrie]

I would submit, Sir, that these appointments should be advertised in this Colony. Whether or not they have been I do not know, but there is always the question arising that we may be in a position to obtain a person who has local "colour"—local knowledge—who might be far more valuable in a position of this nature, than somebody imported from overseas.

Another point, Sir, in connexion with the financial aspect, why was this appointment made before there was actual approval in the Estimates? We are considering the approval of the Estimates at this stage. Again, Sir, would it be correct to say that in view of this officer's past service, that he may be proceeding on eight months' leave? If that is so I am afraid it rather defeats the object for which he has been appointed!

Another point, Sir, and that is on the question of accountants. I see, Sir, there is provision made for one additional assistant accountant. Now, in the past, and it has not been merely during the last year, it has been for a number of years now, I suppose the most adverse reports we have read, or very nearly the most adverse reports from the Controller and Director of Audit, have been in relation to the Information Department, and the financial control has really been most unsatisfactory. One excuse that was made, and I would like this question answered also, was that the accountant who was responsible for that Department was attached to the Chief Secretary's portfolio, and therefore his duties also involved such departments as Immigration; he was not posted specifically to the Information Office. But, Sir, when I look at these accounts, or the statement of account here, I find there was provision made for that post during the current year. Whether it was ever filled or not I do not know. Anyhow, Sir, the only addition in this Department, which has been expanding on a very large scale and spending some very considerable sums of money, has for some time been without an accountant posted to that Department. This was most unsatisfactory and, as I say, was disclosed in the adverse criticism in the Controller and Director of Audit's report.

Those are my three points, Sir, and I would be awfully glad if the Chief Secre-

tary will, in the course of his reply, reply to them.

MR. CHANAN SINGH: Mr. Speaker, Sir, may I say how pleased we are to learn that the Government is giving attention to Asian broadcasting services.

It is now to be hoped that the Asian broadcasting will be much improved.

The Minister stated, Sir, that the existing financial arrangements between Government and the broadcasting company have been renewed. Could he give us some idea, Sir, of what those financial arrangements are?

In any case, Sir, I wish to ask the Minister if he will exercise his influence with Cable and Wireless, with a view to seeing if some real improvement cannot be made in the language of Asian broadcasts. I have no complaint against the announcers, they are doing their job very well but I feel that they need some advice in the matter of language. Here, Sir, my suggestions are two. One is that the company might import for a temporary period some experienced officer from the All-India Radio and another officer from Radio Pakistan, to put the broadcasting services, so far as Asians are concerned, on a proper footing.

If that cannot be accepted, Sir, would it be possible to have a local advisory committee with the assistance of the Education Department? Such an advisory committee might be presided over by a Hindustani-speaking officer of the Education Department. I must say, Sir, that although the Education Department mentions Urdu-speaking and Hindi-speaking teachers in their report, we have not got perhaps more than one or two Hindustani-speaking officers in the whole department, but I am sure something can be done in this direction.

There is one other complaint, Sir, which I have and that is this. Although we Asians now use more and more English in our public meetings, we are not allowed to speak in English over the local wireless station. Even during election campaigns, when we appeal to the voters, we are not allowed to speak in English over the radio. I do not know what the reason for that is, but I am sure if the Government can exercise some influence with Cable and Wireless it will help.

[Mr. Mackenzie]

I support the Vote.

MR. MACKENZIE: Mr. Speaker, Sir, I only wish to deal with two or three points which have been made during this debate. The first is in connexion with the number of permanent and pensionable posts. The explanation here, Sir, is really quite a simple one. If hon. Members look at the actual Estimate for Vote VII they will see that most of the posts to which transfers have been made from the Emergency expenditure, most of them were there during 1955/56 but there were not so many people in them. The additional numbers are entirely due to the transfers from the Emergency side, but the fact that the posts are shown as pensionable does not mean that the officers holding them have necessarily been admitted to the permanent and pensionable establishment. The posts, though, have to have an asterisk for the reason that they are posts which are shown as pensionable in the Schedule to the Ordinance, and it would make the actual Estimate very much more complicated that it is even at the moment if there were, under each of these items, a second item which showed the number of non-pensionable posts being created there. At the same time a good deal of flexibility would be lost and we might even finish up by having even more pensionable people holding the posts, because it would be felt that all the posts which had an asterisk against them must be filled by permanent and pensionable people, whereas at the moment there is a certain discretion which I am quite sure is exercised most wisely in that people are not admitted to this establishment until the Government is satisfied that they really are the people who are needed.

The next point, Sir, is on the general policy of the transfer of certain expenditure from the Emergency Account to the Ordinary Account. As regards the actual transfers in the particular Vote, I shall leave that to my hon. friend, the Chief Secretary, to deal with in his reply, since that falls much more within his province. But as regards the general policy, Sir, I think that it is quite right that when the Government has made up its mind that certain services are likely to be needed on a permanent basis over a number of years, that expenditure should be transferred as rapidly as possible to the

ordinary Votes, not only, so that this Council and the public may know what it is likely to have to face for the future, but also because there is very much more effective control when expenditure has been provided under the Colony's normal detailed votes, than can possibly be obtained when it is provided through a large amorphous vote, such as that represented by the Emergency Fund.

The third point, Sir, is on accounts. My hon. friend, the Member for Nairobi North, mentioned that in spite of the criticisms that have been levelled against this Department by the Controller and Auditor-General's reports and which have been endorsed from time to time by the Public Accounts Committee, there did not appear to be a very great deal of strengthening in the accounting set-up in this Department.

Well, Sir, the reason for that is that it is only the posts of accounts officers and accounts assistants, section officers and that type of post, which is provided for departmentally. But if my hon. friend would turn to the Vote for the office of the Chief Secretary, he will see that there is quite a considerable strengthening of the accountants staff. Of course, all these additional posts are not new because some of them were provided for last year under the Treasury Vote, but the fact is that in addition to two posts of accountant, one on Grade I and one on Grade II, there will also be provision for internal audit and for stores verification in the Department, and I am quite sure that that, Sir, will make it possible to ensure that the accounts are kept in a much better manner.

There is, on this point, Sir, one thing that I would like to add. It is a point that I made on several occasions before, and that is that. One does not ensure that money is spent in the best way, one does not obtain that degree of responsibility in financial control which we all wish to see, merely by the appointment of accountants. They see that the books are properly kept, and so on and so forth, but in many ways the most important stage in ensuring that public funds are properly spent is at the commitment stage, and it is important that this should be dealt with in a most responsible manner. I am quite sure that my hon. friend has brought the importance of that home to all officers, not merely in this

[Mr. Mackenzie] Department but throughout the Service. It is a point I would like to stress, because I do think it most important that no officer of the Government should think that the job of ensuring that public money—the taxpayers' money—is properly looked after, is one that he can leave merely to the accountants. Every senior officer of the Service has a very important duty in this respect and so far as we on this side of the Council are concerned, we shall certainly do our best to ensure that that duty is adequately performed.

Finally, Sir, there was one point which was made by my hon. friend, the Member for Mau. He said that he hoped that the organization and methods unit would deal with this Department. Well, Sir, I am quite sure that they will in due course deal with the Department of Information. In fact they will deal with every department. But, naturally, their investigation will be much more as to the organizational side of things than the operational side of things. I am quite sure that there is a great deal to be done there, and that when this exercise can be undertaken a very considerable amount of benefit will be obtained.

However, I do not think that they would claim to be experts in information techniques as such. They have to be much more on the administrative organization of the department, where, as I say, I am quite sure they should be able to assist a great deal.

Sir, I beg to support.

MRS. SHAW: I was unfortunately unable to be present when the hon. Chief Secretary made his speech, so he may have covered some of my points.

In company with my colleagues I have been very concerned for the future of Cable and Wireless and the uncertainty which has been facing that organization and I am glad to hear that to-day, plans have been announced by Government for their continuing on a sounder basis.

I just want to make two points. One is to underline the value of propaganda. I am sure that all speakers in this debate must have done that already. As a nation in our time—in our generation—has risen to power almost entirely on propaganda.

The second point is the necessity—here again I am repeating myself—but the necessity for ensuring that African broadcasts, especially in the vernacular

are monitored before they go out, and also that there should be somebody who is capable of monitoring all Kikuyu broadcasts, when they are in the process of being made. As I have said before in this Council, it is not good enough to be told "that the new and very excellent broadcasting station at Nyeri—that if they have slipped in any undesirable propaganda, we will soon enough find it out from the missionaries who will report it back next week".

Also in the value of visual propaganda, I would stress the importance of the Film Unit, and I would like in this connexion to say—to ask—the hon. Chief Secretary to look into the organization of that unit, because it has often happened up-country, while it may be because some of our Nyanza roads are not entirely up to standard, but a film unit has been scheduled to arrive at a certain place, and not come that day, or even the next day. Now that has a very bad effect. I think the Film Unit has unlimited opportunities of being of the greatest help in this Colony, but it does more harm than good if it is scheduled to arrive and then it fails to turn up entirely, because the African then feels exactly like a child deprived of a party, and such failures leave great disappointment in their wake. I can only ask the hon. Chief Secretary to look into the organization of the Film Unit, when it is touring in up-country areas. I beg to support.

MR. USHER: Just one small point, Mr. Speaker. I do wish that the hon. Mover had had a nice healthy week-end in the country instead of brooding over one or two points that were made in the general debate. The question which drew his fire particularly has already been dealt with by the hon. Member for Nairobi South and I need not revert to that, but there is this question of the Public Relations Officer.

Now, in the general debate I was put to very considerable embarrassment, as the hon. Mover will realize, by his having to call my attention to something that I had quite overlooked, the provision of this post. But if you look at page 37A, and see the coy way in which the matter is introduced and, having read the explanation, if you try to understand in what way this transmogrified officer is to be different from the officer he was before. I think perhaps my lapse was excusable.

Tuesday, 29th May, 1956

(Afternoon)

[Mr. Usher]

Now, I should really like to know if, in his reply, the hon. Mover could explain a little more fully what is the organization, because I should explain at once that when I referred to the report of the select committee which took place six years ago on the Information Services, we had in mind no such office as is put into the Estimates this year; we had in mind no little local god; we were thinking in terms of an Olympian—someone who would not be subject to the orders of the head of a department or even to the hon. Chief Secretary. He would come in one of the first five Votes in the Budget. We were thinking of some highly skilled public relations officer who had that flair to which I referred the other day, who would probably be on a contract, who would be present, perhaps, by invitation at the meetings of the Council of Ministers, and so on. He would have a completely free hand in all matters of public relations. It was such an appointment that we had in mind, and I think it is necessary that I would clear up this misconception.

Now, in regard to this post, I would be glad to know to whom this officer will be responsible. Will he be responsible to the Head of the Information Department, or will he be responsible direct to the Chief Secretary? If the former, then perhaps the hon. Mover could explain how it is that he has another public relations officer in his own portfolio, under Item 5 of Vote 6, that is the Public Relations Officer who operates in London.

The suggestion, to my mind, is that one is directly responsible to the Chief Secretary and that the other is not. In any case, it seems to me that public relations is one which should be under the control of such an officer as we had in mind, when we discussed this thing in the select committee on the information services.

I beg to support, Sir.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): In accordance with the resolution passed last Wednesday, business will be suspended until 2.30 p.m. this afternoon.

Council suspended business at thirty minutes past Twelve o'clock and resumed at thirty minutes past Two o'clock.

MR. AWORI: Mr. Speaker, Sir, I have only got a few points to raise on which I would like information from the hon. the Chief Secretary. Unfortunately when he spoke on this Motion I was not present, so maybe some of the points that I shall raise might be those which he has already covered. A colleague of mine has already told me that he spoke on one point which was that the entertainment unit of the Information Office is going to be disbanded. Now this would be a great pity for the Africans who have enjoyed seeing this entertainment in the rural areas. If we can have any money to spare, I think that this unit should continue. Lots of Africans in the reserves who have nothing to do after work as pastime, they have enjoyed this entertainment unit, I say this unit should continue. My hon. friend, the hon. Chief Secretary, knows very well that the Africans have appreciated the unit and they would like something to be done which would enable it to cover the whole Colony from time to time. In fact, if we had more money, I would say that more should be spent on this unit. The Africans have appreciated that and they know that very well.

The second point, Sir, and this was last year when we were debating on the same Motion on the Information. My hon. friend, the hon. Chief Secretary, did appreciate what the Information Service was doing, in particular he appreciated Kipanga and the people who are behind Kipanga, those officers in the Information Service, who were making the programmes of entertainment in which Kipanga was taking part. I think my friend, the Chief Secretary, can remember last year when he and I attended a programme at the National Theatre where Kipanga was very good indeed and he said in this Council how well Kipanga was doing as far as the entertaining was concerned. In fact, he called him the Danny Kaye of Kenya. Unfortunately, Sir, I find that the officer concerned—the Government has had to suspend his work, whether he left it himself, or whether the Government had to withdraw his services, I do not know, but it was a question of remuneration, I

[Mr. Awori] think that that officer was doing great work as far as African entertainment was concerned with the programmes dealing with the Colony. I think, Sir, that many Africans are missing the services of Kipanga because what is going on is that we are having stereotype programmes. The records that Kipanga made are those which are being repeated from time to time and I would appreciate it, and when I hear the Dar es Salaam radio and the Uganda radio, I find that the Uganda radio is now becoming more entertaining than our local radio is here. I think, Sir, that if it was the question of remuneration to have an efficient officer, the gentleman in question would be entitled to double the salary if he had to leave on account of the salary. That, I do not know, whether it was a question of salary, or a question of discipline in the department, and it is a point, Sir, which I would like the Chief Secretary to look into, because everybody has got his own gift and if one is gifted in that line and we have not as many who can be able to do likewise, therefore, I feel that my hon. friend, the Chief Secretary, should let us know why the services of that particular officer were dispensed with.

The third point, Sir, is the question of training the local Africans who do the broadcasting and who do the writing of scripts. As far as I understand, at least, one or two have been in Britain and they have had training in the B.B.C. studios and they are doing very well. I raised this point last year, that this should be a yearly event so that we can have, at least, one or two Africans from the Information Department to go to Britain and be trained where we know that the services are efficient and they could be able to have proper training, as far as broadcasting, writing of scripts, is concerned.

The other point, Sir, is the question of radio transmission. I did raise this point last year, again, when we were debating under this Head. In Nairobi we have got in Ziwayi where we have got these services, and when I raised this last year, I said that the African locations, such as Kaloleni and Bahati, they should have these services, too. My friend, the hon. Chief Secretary, did say that he would look into the matter. Nothing has happened, and I can see, Sir, that Africans, so far, have become radio conscious even

if they have to pay a fee of Sh. 5 which is being levied for these services, they will be able to do that and any amount of money that the Government will be able to devote for this particular service will not be money wasted.

The other point, Sir, which I would like to raise is the question of the vernacular broadcast. In the meantime we have got the Kikuyu language, we have got Luyuyio, Luo, and we have got Kamba and we have got Kalenjin. My friend, the hon. Minister for Community Development, who represents Kisii, will bear me out, they have been pressing that they should have a programme in Kisii language and, I think Sir, the Government should look into this and satisfy the Kisii people by having a programme in Kisii language.

Finally, Sir, I would like to say this. The broadcasts have been very popular in the past, but for one reason or another, Uganda is keeping up, it is becoming more popular, than our local broadcasts here. I cannot understand why. I find that the local Africans would rather open their radios to listen to Kampala broadcasts instead of our local broadcasts here. If it is a question of reshuffling the Department so that the work is properly done, I feel that the Government should look into that.

There is one other point, Sir, which I would like to say before I sit down, is this. I would like to know whether the Government does pay the *East African Standard* on what they broadcast, because every time I put on my radio, I hear, "This is the local news, supplied by the *East African Standard*". I have never known whether that is freely supplied, or whether the Government does pay any money for it. Also, in the A.B.S. in the morning, at 7 o'clock, after they have played the "Good morning", there is always *Maoni ya Magazeti* in Swahili, which means editorials from the newspapers, and then is broadcast what appears in the *East African Standard* or in *Baraza*. I am not against any programmes that our local Department can produce, but I just wanted to know for the sake of the taxpayer whether it is a free service, or whether they do pay for it.

Mr. Speaker, I beg to support.

MR. SLADE: Mr. Speaker, Sir, in his interesting and comprehensive survey of the functions of the Information Services, the hon. Chief Secretary referred to the Entertainment Unit. He told us that that is now ceasing to function. That may be a pity, Sir, because I agree with the hon. Member for Mau and other speakers that entertainment is an essential leavening of propaganda. But, however that may be, I do want to refer to the activities of the Entertainment Unit over recent months, for two reasons. One reason is against the time when possibly we have something of the same sort again, and the other because I think we have learned a lesson from it on a somewhat wider field.

Now, Mr. Speaker, the hon. Chief Secretary felt very happy as to the effect that this Entertainment Unit, during recent months, has had as a raiser of morale, but I am afraid, so far as its performance goes in my constituency, that can hardly be claimed for it. I have not been able to attend any performances myself, but on three separate occasions, where it has performed in various parts of my constituency, I have heard complaints from European and African locals who did attend the performance that it was far from desirable in its style. From their descriptions of the performance, and from their own judgment, there was a certain lack of dignity, a certain lack of decency, and an unfortunate lack of consideration for the feelings of particular races, in making fun of them for the benefit of others.

Now, Mr. Speaker, I hope I am no pride in these matters, I enjoy as much as anyone else the music hall variety of representation of parsons and mothers-in-law, and in my time I have taken a lively interest in certain aspects of the *Folies Bergere*. But it is one thing to have these entertainments available to people to go to see if they want them and another thing to produce them under theegis of Government, and, in particular, to produce them in areas such as the troubled areas at this time. It must, in fact it has, struck certain local Africans as very peculiar that this type of entertainment should be presented to them almost by way of a summons to come and hear what Government has to offer, draped in Union Jacks, and as if "this is what Government has to give you". It is a serious matter, Mr. Speaker, because

now we think, in the troubled areas, the mind of the local African is riper like a slate that has recently been wiped clean. It will not stay an empty slate very long, something has to be written on it. It is very important that we write the right thing. Whatever is written on it is likely to stick fairly hard, and now, of all times, it is important to make sure that we write the best things on that slate while we have the opportunity. It is, Sir, I do believe, not only discreditable to Government, that entertainment should be presented in this way, both to Europeans and local Africans; but also it is an insult to the local African, because it shows that his taste has not been properly assessed. It shows that he has been placed with a lower sense of humour and a lower appreciation of entertainment than is actually his; and that, again, is a great mistake.

That leads me on to the larger issue, Mr. Speaker, which, I think, is a lesson we learn from this particular example. In the matter of information service, the matter of propaganda, it is essential to know your local taste and your local understanding. For that purpose it is essential to consult those who know. And here, if I understand the hon. Member for Nairobi South right, I have to disagree with him, because I understood him to suggest that the hon. Chief Secretary was wrong in saying that information services must be in every case at the command of the local administration. I understood the hon. Member to suggest that information services, the experts, should be something apart and something independent. Mr. Speaker, I agree with the hon. Chief Secretary on this. Information services, after all, are only a means to an end, the end of good government; and it is the local administration or the central administration, who are in charge of the direction of good government.

MR. HARRIS: The point I was trying to make; Sir, may have been misunderstood because I put it badly, is that it should be an expert who teaches the Government how to interpret its policy completely.

MR. SLADE: I am very glad of that explanation, Sir, because then I do not disagree so much with what the hon. Member said. But, it is important still

[Mr. Slade] to bear this in mind that experts must be kept in their right place. The saying is quite well-known to some of us, I think, with which I always agree. "We nearly always need to have an expert on top; we are nearly always better without having him on top." And that, I think, applies here as much as anywhere else. It is a case, as the hon. Member said, of collecting the right information, handing it out and providing the right machinery to do it with; but even when you have got that, you have got to do it in the right way, and the right way must depend on local knowledge of local reaction. Psychology is not purely an abstract matter within the knowledge of experts alone, any more than agriculture or any other work. It must always be coupled with local experience and that applies very much in this question of Information Services. So I do want to emphasize, Mr. Speaker, that the Information Service should be used by the administration as and when they need it. Indeed, the administrator may need the advice of the expert, but he wants to marry that advice with his own local knowledge and experience, and with the advice that other local people can give him; and that is how he will get the right answer. What I want to make sure that we avoid is letting psychologists loose to practise on their own in a purely academic field, unrelated to the reactions that they may unexpectedly arouse from those with whom they are not closely in touch.

I think, Sir, that the performance of the entertainment unit, well meant as it was, and well conducted in sheer technique as it was, has not had the effect that was desired. You want to avoid that mistake again, Sir.

I beg to support.

MR. ARAP MOI: Mr. Speaker, Sir, I was glad to hear from the hon. the Chief Secretary, who said that the Department of Information is getting the right information to the right people at the right time. I am only speaking, Sir, on various matters, particularly on the broadcasting stations. I remarked before, in this Council, Sir, that a broadcasting station should, at least, be put in, or installed, at Eldoret, the centre of the Rift Valley Province, which would contribute a lot towards the backward tribes; the Suk

people, who are still suffering from eye diseases, and all the rest of the tribes in the Northern Province should benefit from it. I should not always be ungrateful that Government has not done this and that Government has done much to improve African conditions in the Rift. What I would only like Government to do is to bring the Rift to the second ladder towards a better position. I would like the hon. Minister for Agriculture now to influence the Government, so that the Government can put in a broadcasting station in the Rift so that his policy of agriculture could be put right across the primitive people who have done bad in the preservation of their soil in their lands. Now, Sir, I should like the hon. the Chief Secretary to consider giving grants to the Information Department to extend the Kalenjin in a vernacular paper which is becoming so popular to become a fortnightly paper, so that it can be read by many of the Kalenjin tribes.

As regards the Information Officers, Sir, I should like, as my hon. friend, Mr. Awori, has said, that Africans should be sent to Britain to learn more about broadcasting matters, but I would like to urge the hon. the Chief Secretary to get in more administrative Africans who, at present, hold the rank of Information Officers to go to Britain for two years or more. When the hon. the Chief Secretary said that the department was getting the right information to the right people, who is then going to get the right information to the people? Africans are sent to Great Britain. They will learn more about information work, so that when they come back they will become useful to the department.

Thirdly, Sir, I am grateful to the Government for what it has done for Africans in reducing radio licences. Many Africans now do buy radios because of this generous act.

Fourthly, Sir, I did not agree with the Member for Aberdare, who said that the entertaining unit did a disservice to the Africans. Most of the Africans in the African reserves do appreciate such units. What I should like the hon. Member to suggest is that the entertaining unit should only be improved and be advised to produce the best quality which would not do great harm to the people. Mr.

[Mr. arap Moi] Speaker, Sir, I suggest to the Government that this is not the right time to disband this unit, while the condition in the Colony is not at its best. If Government is not prepared to entertain those who have not got work, they will have to find some other means of either breaking laws or doing some other mischievous things which are not desirable in this country.

Mr. Speaker, Sir, I support the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, I will ask the Mover to reply.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, may I thank hon. Members for their very constructive replies, in particular the hon. Member for Nairobi South. What he told Council has not gone entirely over our heads. If I understand him aright, his point is that as the psychological approach is unknown in the world of the Civil Service, we should appoint a psychological expert who should be authorized to take such steps as he considers necessary to run the campaign against subversion. He would, in fact, have plenipotentiary powers and in the word of my hon. friend, the Member for Mombasa, would be an Olympian, subject to orders from nobody. Well, Sir, Government servants are not ignorant of the psychological approach. Indeed, four of us here, on the front bench, are ex-field officers. We probably know a good deal more about the psychological approach than all the rest of the other side of the Council put together. The four of us, and I will mention their names. The Minister for African Affairs, the Minister for Education, Labour and Lands, the Minister for Defence and myself can muster amongst us the best part of 100 years' field work amongst Africans. When I say field work, I mean work in the field, not on the pavements, but in the hills and in the forest and in the lava plains. We have great confidence in the psychological approach, because it has been a part of our training and because we have been brought up with it; but we have no confidence whatsoever in the psychological expert. Where is the psychological expert who knows more about the habits and the ways of thinking of the people of the Central Province than the Minister for

African Affairs and the Special Commissioner? Where is the psychological expert who knows more about the northern part of the country than the Minister for Defence and myself? I will offer a Havana cigar for any such person than can be produced.

The hon. Member for Aberdare expressed my own views but in a rather more elegant form. The Colony has been plagued altogether too long with expert "ologists" of every kind and sort brought in from outside. Let us assess our local knowledge, and let us use it with discrimination; and if a man fails in settling a problem, let him be moved.

But, I agree with the hon. Member for Nairobi South, that there are small operational propaganda campaigns in which it is essential to have a skilled study of all the information available and a skilled interpretation by one central body, but campaigns of that sort must be directed at a limited and contained target. As the hon. Member knows, this technique has been used in the past and, if necessary, it will be used again. As for the emanations of the psychological expert—his broadcasts, his handouts and his newsreel—let us consider what would happen if his news and views and his psychological quiddities conflicted with the *East African Standard* or the British Broadcasting Corporation, or even with the routine broadcasts of the African Broadcasting Services. One of those organizations would be greatly discredited and I assure you that it would not be the B.B.C. or the *East African Standard*.

The hon. Member raised two other points. One concerns the question of the *Students' Newsletter*. I am most grateful to him for his offer and I can assure him that we shall be happy to accept advice and information from any source which is up to date, but, of course, it must be up to date and it must be well-informed.

Secondly, he rather brushed aside the importance of more comprehensive legislation to deal with subversion. I do assure the hon. Member that this is a matter of great and fundamental importance.

The hon. Member for Mount Kenya inquired about the appointment of officers to the Information Department.

[The Chief Secretary]

I can assure him that they are given all the scrutiny which is normally applied to any person taking up a responsible position in the Government service. But they are not subjected to special examinations or to inquiries back to the third generation.

The hon. Member for Ukambani raised, first of all, the question of the public relations officer. I think the hon. Member for Mombasa also mentioned the point. The public relations officer is the old chief press officer who was engaged here, on contract, in 1954, and who is now being converted to permanent and pensionable terms, and who will have the privilege of sporting an asterisk against his name. He is an officer, not only with previous Colonial experience but also with a distinguished record in the world of the Press. He has the flair for public relations work referred to by the hon. Member for Mombasa, and has performed in the past two years, a most difficult job with outstanding success. Now, he has the qualities we need and he is here. He is the man we want. To advertise that post in the face of those facts would be the height of red tapery. And what would be the position of the wretched fellows who answered the advertisement with no prospect whatsoever of getting the job?

The hon. Member also mentioned the Forces Broadcasting Station. I share his high opinion of the services produced by the Forces Station, and it is our hope that we shall be able to come to some arrangement with them when their present tour of duty expires. We are, in fact, in correspondence with the military authorities on that very point.

He also raised the question of broadcasts from Nyeri and deplored the rude songs which have been transmitted. Alas, Sir, we live in a rather rude age—music hall humour has always been on the broad side and there is no doubt that the lighter form of entertainment, deplorable though the more educated among us may find it, does find a very ready acceptance amongst the African public. It is no good trying to mortify the listeners by broadcasting posthumous Beethoven quartets when they want to hear "Beer, beer, glorious beer". I refer

to an older generation. Similarly, with regard to the Tanganyika requests. We know that somebody is listening to the broadcasts, and that somebody has the interest to write and ask for a certain item to be transmitted for them. Surely there is no point in being stuffy about it in sending them something else. The very fact that we receive a letter is an indication of what is wanted by a certain section of the public and one must try to fill the demand.

The hon. Member then came to the news-sheets and talked about their wantonly wasteful distribution. I agree that there has been the most fantastic waste of paper during this Emergency. We have recently considered the whole question of broadsheets and district publications, and after consultation with the Provincial Administration, have decided that some of the broadsheets and district news-sheets which were designed specifically to meet Emergency conditions have now served their turn. They will either be discontinued or they will be published less frequently or combined to some other paper. I rather think that the two Ukambani publications which he referred to will be combined into one and issued fortnightly.

As for the villages, I agree that it is most desirable that every village, in its social hall, should have a wireless set. But there is a limit to the money that Government can spend. If the people who live in the village cannot club together and collect a shilling a head and buy a wireless, or if the African District Council cannot devise some scheme for renting wireless sets, I am rather afraid they will have to go without.

The last point he raised concerned the spoken word versus publication. The experience of the Information Department is rather to the effect that the written word is far more effective than the spoken word. The spoken word may be forgotten, it may be misunderstood, it may be passed on in a distorted form, in which case it can do grave harm; but the printed word will always be read. As you know, some people are so avid of print; that they will study the label on the pickle bottle, rather than sit and read nothing at table, and that applies even more so to those who have just learned to read and write, who are entering the mysterious world of literature.

[The Chief Secretary]

The hon. Member for Mau rather chided the department for keeping to such stereotyped lines and suggested that we should use the African "grape-vine" and adapt it to our own advantage. Well, Sir, that is precisely the kind of suggestion which I would expect to get from a psychological expert. Anybody who has had any experience of the extraordinary distortion, the wanton change of meaning that are passed round will surely realize that we should be playing with a most unpredictable and dangerous medium. I can give you two examples. A few years ago in Sukumaland, at a large agricultural show, the word was passed round inviting all local Africans. By the time the word had got to them, they were informed they were going to be press-ganged and sent to Korea; nobody came to the show. Another instance was when an instruction was issued that all brewers of beer, who are not licensed, should be enumerated. By the time the message had got to the outer areas, it was that all illegal brewers of beer should be emasculated. I have—

MR. CROSSKILL: I thank the hon. Minister for giving way. I think he must have been thinking of the wrong kind of "grape-vine", and I suggest that he consult the Minister for Agriculture.

THE CHIEF SECRETARY (Mr. Turnbull): I thank the hon. Member for his advice.

I find it equally hard to agree with his suggestion that we should consult commercial firms as to the best means of getting a message across to the public. One has to remember that the message that the Government wishes to put across contains some kind of a lesson or adjuration, and is not entirely entertainment; it is not therefore going to be as spontaneously popular as the material which some commercial fellow can produce. After all, we have to remember that our objects are quite different. The commercial man is trying to explain to the African listener that all his problems will be solved if he buys somebody's patent laxative, whereas we are trying to put across the policies and the achievements of the Government. They are two different techniques and they require quite different handling.

The Gallup Poll. The suggestion made by the hon. Member that a Gallup Poll should be introduced is a sound one. In fact, it was adopted by the African Broadcasting Services two or three years ago. There are African broadcasting clubs all over the Colony which maintain a close correspondence with the centre of the African Broadcasting Services in Nairobi; and we get an admirable line on public tastes and public reactions to the various programmes. The most noticeable thing is that the African public want adult sensible programmes without too much gilding of the philosophic pill. I confirm that the Nyeri Station will be replaced by a station at Nairobi, when the new broadcasting scheme is introduced. The reason, as I explained earlier, is that we shall be able to give a far better cover to Ukambani, and we shall have at hand the very well-equipped broadcasting studios in Nairobi.

If the hon. Member will let me, I will refer to a question of monitoring vernacular broadcasts when I reply to points raised by the hon. and gracious Member for Nyanza.

One further point. The hon. Member is entirely wrong in supposing that Provincial Commissioners go in fear of a suggestion that all is not well in their Provinces. That might have been so in the palmy days of Queen Victoria, but I assure you in the turmoil which exists amongst us, they are all very much on their toes.

The hon. Member for the Coast made two criticisms, followed by words of considerable wisdom. His first criticism concerned the broadcast made by the African Broadcasting Services about the Kenya Federation of Labour. I admit the broadcast was an error of judgment and we apologize.

As for the alleged publication in which the hon. Minister for Agriculture was adversely spoken of in relation to the hon. Member for Aberdare, or it may have been *mutatis mutandis*, I must admit, I had never heard of it. If the hon. Member will give me a copy, I shall be delighted to reply to him. May I add this? I said the same thing last year about the hon. Member's allegation of political bias and, although he promised me copies of the material of

[The Chief Secretary] which he then complained, I have not yet had them.

MR. COOKE: I told you in my speech I had some but had not sent you one.

THE CHIEF SECRETARY (Mr. Turnbull): I am relieved to say, Sir, that the points raised by the hon. Member for Nairobi North have been answered in detail by my hon. friend, the Secretary to the Treasury. I would, however, confirm that I am convinced that the transfer of £56,000 to the Colony Account is justified. If we are to maintain the information services which the Colony needs at the moment, we do need that money.

LT.-COL. GHERSIE: On a point of explanation, I do not want the Minister to misunderstand me, Sir. I am not suggesting it may not be required. My point was whether the charge was justified against the Recurrent Vote as against the Emergency Vote.

THE CHIEF SECRETARY (Mr. Turnbull): Yes, Sir, the answer is that I think it is. We have tried to reorganize the Information Department in such a way as to provide for the extension, and if necessary the contraction, of certain basic services to meet what we think will be the demands of the next five years. It is our opinion that the transfer of Emergency money into the Colony Account is justified upon those grounds.

The hon. Member for Central Area referred to the shortcomings of the Asian broadcasts from Messrs. Cable & Wireless Station at Kabete. This is a matter which does not concern the Government. Nevertheless, as the hon. Member knows, the authorities of Messrs. Cable & Wireless are very friendly and co-operative people and I have no doubt that if I speak to them they will do what they can to bring about the improvements to which the hon. Member has just referred.

The hon. and gracious Member for Nyanza referred to the question of monitoring both in transmission and in reception. Well, Sir, this is a problem which afflicts every organization which broadcasts in a foreign language. There is always a risk of some unauthorized interception. It may be with subversive intent; it may be hysteria; it may be simple showing off. Hon. Members who can cast their minds back to the old days

of I.L.O. will remember how the Ryder Cup used to be disorganized in the ill-mannered men saying, "Hello Mom, can you hear me". It is a risk which we know is there and which has to be accepted. This risk can be minimized in a number of ways. First, by making a tape recording of any speech or discussion given by persons of whose loyalty and complete integrity we cannot be absolutely certain. Secondly, by a monitoring system outside. But we still have the risk that a really determined person will use a prearranged order of words, or blackslang, or women's slang, or any other code agreed upon by himself and some distant listener. The risk is always there. The Information Service meets this problem by requiring that live broadcasts as opposed to tape broadcasts should be restricted to members of the department, and that visiting speakers should make a tape recording which can then be checked. In addition, all Kikuyu broadcasts from the studio are listened to by unofficials appointed in the area for the express purpose of checking misstatements, misinterpretations and so on. I agree that the position is not entirely satisfactory, but it is a problem which applies, as I said, to all vernacular broadcasts.

The hon. and gracious lady also referred to the film unit and the arrangements made for its travelling. I apologize for it being late and for it failing to reach a certain place in Nyanza. I know it appeared discourteous, but I assure you that no discourtesy was intended. I owe a special apology, Sir, to the hon. Member for Mombasa. I apologize for being rather testy in my references to him, and I accept that there is perhaps room for improvement in the way the facts concerning the two Public Relations Officers are set out in the Estimates. I hope this will be done in a different way next year.

I dealt with his recommendations concerning the powers of the Public Relations Officer when I replied to the hon. Member for Nairobi South. He could not, of course, have a free hand and be responsible to nobody. His is the responsibility of any senior member of the Information Department. As to the chain of command by which he is controlled, he is responsible to the Director of Information for rations, pay and discipline

[The Chief Secretary] and to me for his activities in the public relations world.

The second Public Relations Officer is in East Africa House adjacent to the East Africa Office, and is not under the control of the Information Department.

The hon. African Representative Member, Mr. Awori, made an eloquent plea for the retention of the Entertainment Unit. I am afraid I cannot accede to his demand, but I can promise him that the artistes will continue to be heard on broadcasts through the African Broadcasting Services. They are, after all, professional entertainers and they can make contracts for engagements to entertain as is usually done in the show world. It is not a Government responsibility to run entertainment units. There is a limit to the extent to which Government can go on employing people and I think we have reached it. There is a mass of talent in Africa, and I really cannot see why a number of persons cannot get together and form themselves into a concert party and hire themselves out to give entertainments. It seems to me a far more rational, suitable, sensible and economic method of doing it.

My other arguments concerning the retention of this unit have been very ably put for me by the hon. Member for Aberdare. I did not myself see the performance in the Rift Valley, but I know there have been complaints concerning its vulgarity and a certain lack of decency. Well, Sir, this is one reason why we are closing down the Entertainment Unit. Unless a party of this sort is controlled by a man who is skilled in theatrical presentation, and has a bright imagination, and natural good taste, its shows are bound to revert to the lowest common denominator of humour and entertainment. Although I would like to repeat the tribute that I paid to the Entertainment Unit for its work done in the Emergency days, I feel that it has now come to an end of its useful career and can be put to bed to enjoy some *otium cum dignitate*.

The hon. African Member, Mr. Awori, raised certain other points. He mentioned some specific officer and asked why he had ceased to work with the Entertainment Unit. Well, he must appreciate that I could not possibly discuss the personal

affairs of an individual officer in this Council. Both he and the hon. African Member, Mr. arap Moi, referred to the training of Africans in the United Kingdom, and I am happy to confirm that one further member of the Department is going home this year for training with the British Broadcasting Corporation.

I am happy to give a promise to look into the question of Kisii broadcasts. As the hon. Members know, the time in which these broadcasts can be given is limited and we have to consider where the densest residential population lies and where the greater concentration of wireless sets is to be found. As for the news given by the *East African Standard*, this is an arrangement between the *East African Standard* and Messrs. Cable and Wireless.

Finally, Sir, as regards the observations made by the hon. African Representative Member, Mr. arap Moi, I can understand his wish to have a station devoted entirely to the Rift Valley tribes, but I do assure him that this is not really necessary and, on grounds of finance, it is out of the question. The whole essence of what the *Goon Show* calls "the talking-type wireless", is that it speaks over a distance, and one set can command tens of thousands of square miles. The factors that determine the site of a station are both technical and administrative. On the technical side, we have to consider matters such as the configuration on the ground and the conductivity of the soil, and, on the administrative side, we have to be aware of the vernaculars to be used and of the number of listeners and how they are dispersed. The problem is to see how the reasonable needs of the listener can be met within reasonable expenditure of public money.

Now, coming to the expenditure of public money, both the hon. African Members who have spoken observed that the African is now "wireless conscious", and expressed their gratitude at being allowed to pay a wireless licence of Sh. 5. Well, Sir, in spite of this generous gesture whereby the African pays Sh. 5 instead of the usual Sh. 30, a most wanton piece of racial discrimination. And, although we know there are 22,000 African-owned sets in operation, only 2,250 Africans have purchased licences. One honest man in each thousand! What is the point of talking about increased services when

[The Chief Secretary] this mean evasion of responsibility goes on? A man who tries to cheat the customs, or to get past the traffic police without licensing his car, runs a good risk of being detected and being brought to Court; but a man who wilfully neglects to pay for a wireless licence runs almost no risk. This being so, decency and honesty demand that he should pay cheerfully and punctually. Not to do so, is akin to the really shameful act of robbing a remote honey barrel. Anybody who has lived in the African areas will know the special degree of contempt reserved for such shabby pilfering.

I observe self-righteousness and smugness and a general "holier than thou" look on the faces of some hon. Members opposite, but may I tell them that of the immense number of car radios now in use in the Colony, only 250 are licensed. If the cap fits, I hope they will wear it!

Finally, Sir, I have avoided using the word "propaganda" or "psychological warfare" in this debate. There are too many overtones of distortion of fact and exaggeration of emphasis attached to those expressions to make them entirely comfortable ones. I think, generally, propaganda can be described in the words of the classical definition of the romantic spirit as opposed to the classical spirit. It is an attitude of mind which tends to a rearrangement of facts, not with regard to exact accuracy, but to produce some kind of an emotional reaction. As the hon. Member for the Coast said, "our talents do not much lie in the direction of propaganda," and we are well advised to avoid it. I recall an incident in the early days of the Emergency in Fort Hall, when that famous old man, Chief Ignatio, said to a crowd, "Sikilizoni propaganda ya Serkali". He was nudged by the District Commissioner and quickly added, "Haya si maneno ya propaganda haya ni maneno ya kweli".

Mr. Speaker, I beg to move.

The question was put and carried and Mr. Speaker left the Chair accordingly.

IN THE COMMITTEE

(D. W. Conroy, Esq., O.B.E., T.D.; in the Chair)

VOTE VII—INFORMATION

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chair-

man, I beg to move that a sum not exceeding £208,086 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote VII—Information.

Question proposed.

Head A—Personal Emoluments

LT.-COL. GHERSIE: Mr. Chairman, Sir, would the Chief Secretary give us a little further information on Items 19, 20 and 21, Information Officers, and 32 and 33, Information Assistants? Sir, these have increased from 31 to 39 and 45 to 68. Would he explain exactly what their functions are?

THE CHIEF SECRETARY (Mr. Turnbull): Yes, Sir. These officers are those who are engaged in all the production services; in preparing the African news-sheets, both collecting the material and building it up into a newspaper; in collecting the material for broadcasts and in manning the information vans and cinema vans of the Department.

MR. TYSON: Would the hon. Minister tell us, Sir, whether there is any tie-up on the part of these information officers for example, 19, 20 and 21, with the Education Department? Is this broadcasting service used in any way in broadcasting lessons, for example, to the African locations or the new villages?

THE CHIEF SECRETARY (Mr. Turnbull): It is not practicable, Sir, for the broadcasting services as it is at present organized, to broadcast lessons. The subject is an extremely complex one and requires careful co-ordination at both ends and is extremely expensive. The hon. Member may recall that in, I think, 1941, we tried an experiment with the European and Asian schools, and were compelled to stop it on the grounds of the great difficulty experienced.

In regard to the co-ordination of the Education Department's work and the Information Department's work, there is a Standing Advisory Committee consisting of the Secretary of Education, the Secretary of African Affairs and the Secretary for Community Development which meets regularly to advise the

[The Chief Secretary] African broadcasting services on the contents of their programmes.

Head A agreed to.

Head B and C agreed to.

Head D—Publications

LT.-COL. GHERSIE: D. Sir, Publications. I do not know whether I have misunderstood the Chief Secretary. I thought he said in his policy speech that there had been a reduction in the cost of the publications. I think he was rather commending Government for having made this reduction whereas, of course, there is a considerable increase of over £12,000 in these Estimates.

THE CHIEF SECRETARY (Mr. Turnbull): Sir, I apologize if I misinformed the hon. Member. It certainly is my impression that there has been a reduction in the amount of publications. It may possibly be that their format is such as to cost more, but I must confess, that I shall have to write to the hon. Member and give him the precise figures later.

Head D agreed to.

Head E agreed to.

F—Films

SIR CHARLES MARKHAM: Mr. Chairman, just to ask the Chief Secretary what films he is proposing to produce for £5,000? Are they small shots for publicity purposes or what?

THE CHIEF SECRETARY (Mr. Turnbull): There are two kinds of films. There are the feature films such as the one to which I referred on methods of cultivation of cotton; and another one called *Mau Mau Has Not Paid*, made for showing in both the troubled areas and the other areas of the Colony; there are two on the African elections explaining how to get registered and how to cast one's vote and there are four reels to be made in colour of Princess Margaret's visit. They are all 35 mm. films.

SIR CHARLES MARKHAM: Mr. Chairman, in thanking the Chief Secretary for that explanation, would he agree that when a propaganda film such as—is it *Mau Mau Has Not Paid* or *Mau Mau Never Pays*—I have forgotten—that they can also be shown in the European and Asian cinemas? Some of the very good films in the past I happen to have seen

in England on television. I think it would benefit the people living in this country of all races if they had an opportunity of seeing some of the products of this unit.

THE CHIEF SECRETARY (Mr. Turnbull): Unfortunately, Sir, these films are 35 mm. and, without very expensive and very unsatisfactory enlargements, they are not suitable for showing in public cinemas. The 35 mm. films can, of course, be shown on television and, last year, a large number of the Department's films were shown. This year, fewer have been shown because Kenya, with the improvement in the Emergency, is looming less in the news.

SIR CHARLES MARKHAM: Is it not 16 mm.? I think the perfectly ordinary standard is 35.

THE CHIEF SECRETARY (Mr. Turnbull): Forgive me, when I said 35 mm. I meant 16 mm.

Head F agreed to.

Head G and H agreed to.

Z—Appropriation-in-Aid

SIR CHARLES MARKHAM: Mr. Chairman, just again I want to ask for advice, and hoping I can raise it under this, licences under miscellaneous, does any income come under this at all apart from money received, not the Cable and Wireless licences, but the African ones? Under what Vote does that appear?

THE CHIEF SECRETARY (Mr. Turnbull): No, Sir, the Sh. 30 licence is divided on a ratio of Sh. 27/50 to Sh. 2/50, the larger sum going to Cable and Wireless and the smaller sum to the Posts and Telegraphs for cost of collection. The ratio of African wireless licence of Sh. 5 is Sh. 3 and Sh. 2.

SIR CHARLES MARKHAM: So, I cannot raise the question of that sum?

THE CHIEF SECRETARY (Mr. Turnbull): No.

Head Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration

[The Minister for Finance and Development] of and adoption of the resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir F. Cavendish-Bentfinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved a Resolution that a sum not exceeding £208,086 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote VII—Information.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

THE PARLIAMENTARY SECRETARY TO MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Wanyutu Waweru) seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XLII—MINISTRY OF COMMUNITY DEVELOPMENT

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. B. A. Ohanga): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair. This is to enable the Council to consider Vote XLII—Community Development.

The Estimates of Community Development, Sir, cover the following departments and services: Community Development, Probation Services, Approved Schools, Remand Homes and Subventions to certain movements and organizations.

The Estimates for the next financial year provide for a total of £164,790. The net increase over and above the estimated provision for the current finan-

cial year is £6,539. The reasons for the increase are given in detail in the memorandum accompanying these Estimates in the printed book.

There are only seven new posts provided for. These seven posts, Sir, are considered to be the minimum necessary for the improvement of the standard of administration at the headquarters, and also to improve and strengthen the accounting machine within the Ministry.

Sir, for the last few years that I have had the honour to lead this Ministry, the staff at the headquarters especially has been so extremely short that the officers in this department have had to work extremely hard to be able to discharge their duties in time. I should like to pay a personal tribute to these officers and staff of this department for the very good work which they put in under a great strain when the Ministry was so short-staffed, and I should like particularly to pay a tribute to my principal secretary, Mr. Tom Askwith, who is now on leave, and who, during this time put up with a great deal of work as Commissioner for Community Development; Secretary to the Ministry; the Accounting Officer for the Department of Community Development; and also as Head of this Department. During all this time he had the loyal support and assistance of all the officers in the office, and together I thought they put up a very good show indeed, and I should like to pay a tribute to their services.

Besides the above figures which I have given, Sir, in the Colony's General Estimates, the Minister for Community Development is also to spend £225,000 from Emergency funds on its rehabilitation duties.

Sir, during the debate on policy, my friend, the hon. Member for Mount Kenya, made a very eloquent plea for greater expenditure on productive services and he cited as examples of un-economic or unproductive expenditure: Prisons and Community Development. Mr. Speaker I cannot agree with him a hundred per cent. At the most the two seem to me to be rather strange bed-fellows and in order to show that Community Development is not as unproductive as he thinks. I should like,

[The Minister for Community Development] with your permission and the permission of this Council, to give a very short description of the things we do in Community Development, and the principles which underlie and guide our activities.

Sir, Community Development has been described as, "A movement designed to promote better living for the whole community with the active participation and, if possible, on the initiative of the community, but if this initiative is not forthcoming spontaneously, by the use of techniques for assisting and stimulating it in order to secure the active and enthusiastic response to the movement".

Mr. Speaker, this seems to me rather an unpleasant piece of jargon, and I should like if I may to paraphrase it a little so that it is more to the point. Community Development is a movement designed to promote better living for the whole community with the active participation, and on the initiative, of the community. Sir, basically, the objectives are for all people to have good health, good houses, good food and good water. These—it will be observed by hon. Members—are the concern of every department of Government, and Community Development only plays its part as a co-worker in the field. Community Development is mostly concerned in the techniques and processes by which propaganda—and this word again, Sir, I am afraid, has been seriously debased—can be brought to the notice of the masses of the people. Essentially, Community Development officers must work with and assist the Provincial Administration, and the specialist departments such as Agriculture, Veterinary, Education, and so on, so that the people themselves may be attracted and persuaded to take advantage of all the facilities which are offered.

Only in a few matters is it necessary for my Ministry, as a department, to assume direct and full responsibility. Equally, Community Development seeks to work in very close connexion with (a) local government authorities—that is, African district councils, county councils, district councils and municipalities;

(b) it also seeks to work with religious bodies—that is, churches and parishes; and (c) with non-religious voluntary bodies who are themselves engaged in and are dealing with the same activities as Community Development seeks to deal with.

And, besides these voluntary bodies, Community Development is concerned that industry and commerce, and the major firms who very often have active welfare organizations of their own, are, and should be, encouraged to play a full part in attaining the basic objectives of welfare, which will go to make a better living for their people.

And what are the activities of this Department? They may be summarized shortly under four heads. First, the promotion of community life, which would be based on the village hall—or, generally called, community centre—and from this centre would come to the village or to the community, music, drama, informal education and recreation and all sorts of sports of a healthy nature which would go to enliven the life of the community.

And, secondly, activities which are designed to bring out the message of specialist departments, such as cottage industries, improvement of smallholdings, cattle breeding, domestic management, including the encouragement of co-operative development and co-ordination of character-training bodies and organizations, such as the Boy Scouts, Girl Guides, Youth Clubs, *Maendeleo ya Wanawake* and all forms of sport and sports associations. It is from these organizations, Sir, that the leaders will arise whose feet will be firmly on the ground by reason of the fact that they will have received basic training in the moral welfare and importance of family organization, which is fundamental to all forms of progress.

Thirdly, activities undertaken for classes of the community who are believed to be in need of special care. Now, such activities, Sir, are largely the concern and responsibility of my hon. friend, the Minister for Local Government, Health and Housing, but I would like to point out here, Sir, however, that one of my officers, the Principal Probation Officer, has also been appointed

[The Minister for Community Development]

Chief Inspector of Children, and therefore we, as a Ministry, are interested in that sphere of activities.

Fourthly, and last, activities connected with the work of the law courts—that is, juvenile delinquency, approved schools and remand homes.

All these activities are carried out by my officers, in company with members of the district, in what is generally known as the district team. It is led by the district commissioner, but all departments in the field are within it and in this work the Ministry is able to work with and assist the provincial administration to the maximum, and in this way attain their objectives through this organization.

I should like to refer again, Sir, to the movement which is known usually as *Maendeleo ya Wanawake*, or the movement of women. I should like to pay public tribute to all the voluntary work which has been put in, and which has gone to make it the success which it has been for the last few years—and which it continues to be. I am sure, Sir, that without this voluntary assistance and service which has come to us, the efforts of my own Ministry would have been of no avail. In the non-Emergency areas we have officers working, who are helped and assisted by these voluntary workers, but, in order to give a fair lead to them, we get a number of them and take them over to the Jeanes School, give them the training which they require in order to equip them for leadership, and they come back, but all that they can do is to lead those who offer to do voluntary work for their own development. I have great hopes, Sir, for a great expansion in the near future in our field work, if the help of the International Co-operation Administration—for which we have been hoping for the last year or so—will be forthcoming.

I should like to refer briefly to the work of the Jeanes School. I have already said that the work of the Jeanes School is complimentary to the provincial administration. We have at present at the Jeanes School, Kabete, and shortly one at Maseno which we hope will be ready in the near future, what we may call a "Brains Trust" for the work of community development. These institu-

tions not only provide training for officers of our own department, but also for members and officers of other departments who need that type of training in order to bring about the much needed improvement in their own sphere of work, such as commerce and industry, the co-operative department. There are also language courses for officers of many departments, and work in connexion with the East African School of Hygiene. All these are carried out at Jeanes School.

And, while on this one, Sir, may I refer to the remarks of the hon. African Member, Mr. Awori, who, on the debate on the main policy, referred to the Jeanes School and its activities in a way which I thought was slightly unworthy of the school. At that time, when he was dealing with the question of the training of African traders, I understood him to say that a number of people are forced into the Jeanes School instead of being lent money, because the Jeanes School would more or less be to them an alternative. Well, I should like to assure him, and everybody, that we have no interest at all in anybody who does not want to come to Jeanes School, and the Government would be the last in this country to force anybody into Jeanes or any other school; and I should like further to state that as many as do come to Jeanes School from the African trading community, do so with the greatest pleasure. There is always a long waiting list, and the demand to get to Jeanes School is great, and the Jeanes School authorities pick and choose who should come in and who should not. If the hon. Member would like me to reply further I will endeavour to satisfy him.

Now, our part in this school is to develop the techniques which will assist in creating a response from the people themselves. Unless we get this response, our department is of no value at all to the country, but I am glad to say that we have already got this response in a very large measure, but we are always on the look-out for any new methods and new standards of presentation which will go to improve our work, and any advice offered to us will be taken and considered and investigated with care. What we are after is to be able to give as much help as we can to the specialist departments, who themselves may not happen to be

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trained in the technique of "putting it over" to the people.

These Jeanes Schools are the centres of informal adult education, which is provided for both men and women who are going to become the leaders of the *Maendeleo ya Wanawake*, and similar movements and schemes and projects which are undertaken in the African areas.

Whilst still on the Jeanes School, Sir, I should like to refer briefly to the visit that was made to the Scandinavian countries by officers of our department. Two of my officers recently paid a visit to the Scandinavian countries. Their visit was sponsored by the Technical Assistance Administration of the United Nations Organization, to whom our sincere thanks are due. Their particular task was to study the progress which has been made in those countries in the development of the activities of community development, which are not dissimilar to our own. The progress in those countries, Sir, has been based largely on an organization which is known as the "Folk High Schools". These were introduced in Denmark very soon after the emancipation of the peasant. Until 1848 these peasants, I am told, were living in a state of serfdom. It was quickly realized that adult education would be necessary if they were to get out of the conditions under which they were living, and the movement spread, and was greatly assisted by the climatic conditions of that country, which bring a long winter, during which all activities cease, and during that time when work outside had ceased, adult education went on very fast.

Now, the results of this type of work in Denmark are well known to everyone. The Danish system of agriculture, I understand, is as advanced as any of the best in the world. Now we, too, in Kenya feel that community development movement in this country should be able to do a great deal for the economic development of the people, particularly in relation to the economic schemes among Africans, such as the Swynnerton Plan, consolidation of land, and so on and so forth, and, although we do not have the same climatic arrangements as the people of Scandinavia, which helped them and

assisted them very much to achieve what they had achieved, we believe that, from what we have seen in the courses which we have at the Jeanes School for agriculture and so on, that a great deal can be achieved by giving adult civic education to these men—farmers who have always lived on the land—and giving them a slight touch of modern methods of living and techniques. We do believe and trust we can do a great deal to help raise the standard of living of the African masses in the country.

I should like to refer briefly, Sir, to sports, which are also an item of our activities. Sporting activity is another side to our work. I should like to express my sincere thanks to the hon. Member for Mau for the emphasis which he laid on the need for laughter, and more laughter, especially in the villages. I should like therefore, Sir, to pay a tribute to the success of the visit of the international footballer, Stanley Matthews, whose visit to the country has just concluded. His fame, Sir, went before him, and his example and personality during the time that he was here has, I am glad to say, left a very good impression on the people, which I hope will go a long way towards improving our standards of football and sport generally.

Sir, after that, I should now like to turn to the second main section of our activities—I refer to rehabilitation. As I have said before, during the next financial year the Ministry will be spending some £225,000 on its rehabilitation programme. The rehabilitation staff at the present time consists of 49 male and 21 female community development officers—or, if you like, rehabilitation officers. These men, Sir, are drawn mainly from the local Kenya community of all races. They are people who know about the country, and know about the Kikuyu and the various tribes that live in the Colony, and they, in their capacity as local men, have brought a great deal of experience and learning to bear on the work they do, and enabled us to achieve what we have been able to achieve in the camps and prisons.

There are also 103 rehabilitation assistants and 31 spiritual workers, generally known as elders. Among these last ones are included men and women who only do part-time work. In the Ministry we are continuously pressed to provide

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more and more staff, both as community development officers and also as rehabilitation assistants. The rehabilitation assistants are generally recruited with the assistance of the provincial administration. We then take them over to our own institutions—this time as recruits—and give them the basic training which they need before they can carry out the work of rehabilitation. It is clear, however, that we must intensify our work, particularly in the prisons, and for this more and more trained men and women will be required.

The total number of detainees of all categories, including women and juveniles, in March, 1955, numbered 53,043, and in March this year there were 42,907 adults and 2,462 juveniles. The total number released, therefore, during that period was 20,105. From the foregoing it will be seen that a number approximating to 12,000 were detained in this period. These, of course, included a number of convicts, on whom very little rehabilitation has as yet been undertaken.

It is the view of the Ministry that the two most essential elements of rehabilitation are hard work—if possible of a constructive nature—and firm discipline. Where these two elements do not exist, the work of rehabilitation is made even harder. Our policy is to obtain confessions, which give to a detainee or convict immediate relief, by removing the load from his mind. When a detainee or convict confesses, he knows too well that he is incurring the enmity of the hard-core *Mau Mau*. It therefore takes some strength of character to take this initial step of confession.

The work of screening goes on all the time. All the department's screening teams are appointed or vetted by the provincial administration, and from within the Ministry itself they are strengthened or reinforced by ex-*Mau Mau* detainees, who have been passed by the Special Branch, and are deemed to be fit to help in the general rehabilitation work. General propaganda in the detention camps is undertaken by way of talks to groups of *Mau Mau* and over the Tannoy, and, in addition to these, there are visits from the localities of chiefs and

loyal elders, who are selected by the provincial administration. There is also under consideration now a scheme by which families of the detained men will be allowed to visit them with a view to assisting them to turn round. Where this has been tried, it has proved to be of value to the work of rehabilitation.

Another element in the activities of rehabilitation is the provision of physical training and games—particularly football, tenniquits, volley-ball, and a variety of other games. This outlet for energy, which is very much needed in these places of confinement, is only allowed for those detainees who have taken the initial step and, in our opinion, have really turned the corner.

The spiritual side of rehabilitation is also encouraged. Many institutions now have elders and padres stationed among them. The Ministry, at the same time, has liaison officers with the main missions, there is one for the Protestant missions and one for the Catholic missions. Their activities are considered to be one of the most important adjuncts to the whole task of rehabilitation, and we feel most indebted to the churches for this very generous help.

Mr. Speaker, in all our work of rehabilitation, we keep very closely in touch with the Department of Prisons, and we are fully aware of their difficulties and problems. It is our policy that, in all camps and in all prisons in which we operate, our staff should be concerned not only with the detainees, but also with the welfare of the warden staff, especially with their children and their families. Because of that, the evening times are usually spent by these gentlemen taking children's classes and also women's classes, drawn from among the warders. Our effort in respect of the women convicts and detainees is still concentrated at Kamiti Prison. We have no doubt whatsoever of the importance of this work among women. We have received considerable support from the provincial administration in this connexion. Here again we would need more staff to be able to move faster—as most Members in this Council would have us move—but there is no intention whatsoever, Mr. Speaker, of lowering the standard of the quality of the detainees who have been recommended for release.

[The Minister for Community Development]

Whatever we do, we shall keep the quality as high as it can be.

As the Emergency begins to come to an end, our attention is more and more turned towards reabsorption, and we feel that as we shall have played our part in the prisons and detention camps, we should continue to play our part—in dealing with the thousands of individuals who, through the work of rehabilitation, have come back to take their place in the normal Kikuyu community in the Central Province. We feel that the work the Ministry has been doing must be continued and intensified, so that those individuals will feel, when they are released, that they are not a completely different section of the community, apart from that among whom they will be living, by reason of the fact that they have just ended their lives abruptly in the detention camps. We should like to supply the necessary help for them to move smoothly into the normal, ordered life of the communities in their villages.

Before I come to the end, Mr. Speaker, I should like to endorse very strongly the views expressed by the hon. Member for Nairobi South in his speech on the main policy Motion, when he said that the first, and most important, problem is that of ensuring that there is no further Emergency in the Kikuyuland, or elsewhere in the Colony. Sir, the Government's rehabilitation programme is designed to achieve this very end, but there must always be the qualification that it will only be achieved so far as is humanly possible.

I think it right, Sir, to place on record before this Council how very much we appreciate the work that has been done by these rehabilitation officers in the field. When I visit them, I find them living in places and surroundings which are entirely inconsistent with their usual habits of life, but, all the time they keep on a smile of encouragement. They have been able to achieve under these very difficult circumstances a great deal that is of use to the Government and the general population of the country. A number of those detainees who have been recommended, are being reabsorbed, and very few of them have been found unfit and returned to the camps. The difficulties which face them

are very many, but all the time they have shown an appreciation of everything that was brought before them, and they have done their very best. I should like to pay my personal tribute to them—and that of the Government.

Mr. Speaker, I beg to move.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): The question is that Mr. Speaker do now leave the Chair. I suggest that this might be a good opportunity to take the usual break of fifteen minutes.

Council suspended business at twenty-five minutes past Four o'clock and resumed at forty minutes past Four o'clock.

MR. USHER: Mr. Speaker, Sir, I have never heard a more lucid and concise exposition of a Ministry's functions and the scope of its work. There is one point upon which I should like some information and that is the nature of the training, industrial and otherwise, which is given both to detainees and the other training under Sub-Vote 3, which I think is industrial.

I remember very vividly and not only on one occasion, when meeting old friends down at Mombasa, and in one particular case a man saluted me politely and said "Don't you remember me Bwana". I said I quite frankly did not, and I fished round to find out what he had been doing, and I asked him what his work was and he said that he was a carpenter supplying certain locations with doors, windows and so on, and he said "Surely you remember now?" I still did not remember and he said "Well, didn't you put me inside for five years?" And, of course, that is how he had got his training, he became a carpenter in the Fort in Mombasa.

Now it has always worried me, as an ethical problem, whether—to what extent it is right to give training to people whose ideas of *meim* and *tuum* are not quite conventional, a training which will give them an advantage over their fellows who have more conventional ideas in that respect. Therefore I would like to know precisely what is the nature of the technical or trade education which is being given. It is, of course—it seems to me perhaps a trifle unfair if a man who has erred should, as it were, give the general impression that you have only

[Mr. Usher]

got to put a foot wrong, and you get free training in something that will set you up for life. I do not believe for a moment that is the case, but I am very anxious to know to what extent technical training is given and how it works in with that which is given, for instance, at Kabete and in other similar institutions.

MR. AWORI: Mr. Speaker, I should like to congratulate the Minister for the able way in which he has presented this Motion.

I listened last year when he spoke on this Motion, and I think I can see a great improvement on the issue. The African Members on this side of the Council cannot clearly understand what this Ministry is at all, maybe because we were against the Ministry during the Lyttelton Plan, and, therefore, we would be very interested to know.

I am going to speak on two main issues. Like my hon. friend, who is not here, the hon. Member for the Coast, I am going to criticize rehabilitation. I shall need some information on various points which the Minister has waived. I see in his report, some £165,000 nearly and some £225,000 for rehabilitation. But, before I go ahead, I would like to make it clear to the Minister that, when he was moving this Motion, he did refer to a point that I raised during the main Motion a short while ago. He did say that I mentioned that the African traders who took courses at Kabete have been forced. That, Sir, is far from the truth and I do not think, and when I look at my HANSARD, I see I did not mention that they were being forced to take courses at Kabete. What my assumption is, and what I still maintain, is—and being on the Joint Board for the Loans to Traders—that only reliable traders should be loaned the money and the attitude in Nyanza is that only those who are honest and efficient who should be given those facilities to go to Kabete and take courses in book-keeping, accountancy and so on. But what happens is that it is only those rich Africans who have put up their shops who are given these facilities. These facilities should be given to the trader who will be able to benefit and not the person who has been able, through hard work and through taking maybe private courses in

correspondence, to run an efficient business. I think that these facilities should be given to the poorer trader and that is exactly what I had intended to say in case the hon. Minister did not get me right.

The point, Sir, that I would like to know from the Minister is on the question of the local government, the African District Council, some of whom, like in my own area, maintain homecraft centres such as Kakamega. Now, they have put down the capital and it is only a short while ago that one officer, who is being paid by the African District Council, was seconded from the Central Government, but I do not get clearly, Sir, the amount of money that the Central Government is spending on these homecraft centres which are being run by the African District Councils. In particular, I know about Kakamega.

Last year, Sir, when speaking on this Motion, I did criticize, and I did bring to the notice of the Minister, the standard of buildings at Jeanes School, Kabete. I did mention that the type of houses, the type of buildings, that the women at Kabete are living in, are not to the credit of the Department of Community Development. These women go there to be trained in housewife work, domestic science of all types, cooking and keeping the house clean. I have visited that place several times, but when you go to the place where they are staying, I do not think they can learn very much when they live in such quarters.

Another point, Sir, is that the Minister said in the course of his speech that Jeanes School, Maseno, will be open shortly. I hope that he has an idea and can let us know what "shortly" is because it appears to be very vague for a Government Minister to tell us "shortly". That is what happens in this hon. Council. We are always told shortly and we never know and the thing goes on and goes on. If it is going to be sometime this year, let us be told whether it is going to be October or September, because I would like to know if this money is going to cover the Jeanes School at Maseno.

Now, a few months ago when I asked the Minister for Works about a certain thing, he assured me and gave me a date so I am waiting for that date. Therefore,

[Mr. Awori]

I do not want my friend, the Minister for Community Development, to be evasive and only tell us "shortly".

Furthermore, on the question of Jeanes School at Maseno, I would like to know, Sir, from the Minister, when he does reply, whether it is going to have both men and women. As far as I know, it has only been men, but I do not know whether it is going to cater for women as well.

Sir, I have not been satisfied with this question of *Maendeleo ya Wanawake* and the plans that they have for the women. They have always used the Swahili words, "*Maendeleo ya Wanawake*"—I do not know what the English words are for it—but it appears unsuitable this title of *Maendeleo ya Wanawake*. Whether the women have been benefiting from this, I do not know, but I have still to be told by the Minister that this class of women have benefited. Many African women have come to the Jeanes School at Kabete. They are trained, and then, when they go back, I find that some of them are going to teach others and I find that, when they go back to the reserve, they go to different things altogether. I do not want to mention particular names, but I can give the Minister outside facts outside and the rumour can be checked—that the women, whatever they are called—go back and then maybe becomes teachers, although for the last two years, or eighteen months, she has been taking a different course at Jeanes School, Kabete. I am sure that that is a waste of public funds; if you go and teach a person a certain course and then he, or she, comes out and has to go and undertake a different type of work.

Mr. Speaker, I would like to know something from the Minister concerned about the contribution to the London University. This is the first time I have seen this item and I listened attentively to the speech of the Minister, but I did not see why he did not refer to this at all. He did not tell us what this community centre in London is all about. So I would like, Sir, for us to be told about this question—how we are spending this money and what it is for.

Well, Sir, I come to the question of rehabilitation. When I started, I did say, like my hon. friend, the Member for the

Coast, that I was very interested in this question of rehabilitation. Government has never made it clear what success, so far, has come out of this scheme. We are told by the Minister that by March, 1955, there were 53,000 detainees and by March this year there are 42,700, and yet we are told that the question of releasing detainees is going at the rate of 1,000 or more a month. The Minister did mention that 12,000 detainees have been detained so I cannot understand the rate of 1,000 and then, at the same time, in that same period, to detain another 12,000. I do not think it is going to help us when we keep in prison 12,000 convicts and over 42,000 detainees. Well, where is the money? How is the public benefiting? I would like the Minister to explain the numbers to us, Sir.

Now, Sir, I come to the question of confessions. Indeed, those detainees who do confess, they get release and those who do not they are not released, but there are quite a number of detainees who do something each year and have to be detained. Now, there are innocent people, who know they are innocent, and, in order to be free, they would have to go and confess but they feel they would rather die than confess as an innocent person, although they would like to go back and see their families. I do know so, Sir, that there are very many of these detainees who are innocent and will not confess in order to be released. I would like, Sir, for the Government to look into this matter because, as I represent the people, I know very many who write to me who were apprehended and innocent. Now, such people are staying in detention camps, but they can come out if they confess and I think that is not fair to force a person to confess so that he can get his freedom.

Now, Sir, before I sit down, I cannot agree with the statement that the Minister did endorse and which was supposed to have come from the mouth of the Member for Nairobi South, to say that we can ensure that there will be no more Emergency. Sir, that is a sweeping statement and is no good for us to discuss. There is nothing we can do. We have said, over the centuries, "There will be no more war", but all we can do is try to make a life in which war will not exist for some time. We can try to make the

[Mr. Awori]

conditions whereby there will be satisfaction, but we cannot say that we are living in a time when there will be no more Emergency. That, Sir, is a statement that I cannot agree with and I was surprised that my friend, the Minister for Community Development, did endorse that—what my friend, the Member for Nairobi South, said.

With these words, Sir, I beg to support the Motion.

CAPTAIN HAMLEY: Mr. Speaker, Sir, for once in our long acquaintance, I am going to disagree with my hon. friend the Member for Mombasa, because I think the case he mentioned was such a fine illustration of the fundamental principles of rehabilitation. Here is a man who has committed a crime, he is taught that crime does not pay, because he is shut away from society for five years, but he is also taught that a useful life does pay, for when he does come back into society again he is a very useful member with a trade, and I do wish we could have more illustrations of that sort. Whether he gets a better training than if he had gone straight, I think, is entirely beside the point. I wish we could afford to do the same with all the people who are shut up, so that when they return to society they could get a very much better living.

I support the Motion.

MR. USHER: On a point of explanation, my whole speech was a question. I said that the matter had worried me and I should not like the idea to get abroad that to be a bad boy was the best way to get a training.

MR. GIKONYO: Mr. Speaker, Sir, in supporting the Motion before Council I have only two points to make. In this respect I am very grateful to my friend the hon. Nominated Member Captain Hamley, because he said exactly what I wanted to say. At the risk of repeating exactly what he said, those people in prison should be trained. My hon. friend for Mombasa raised that matter of training prisoners as a question, I am sure my friend the Minister for Community Development will have a chance to answer him. I will emphasize it and say that we should do everything we can to train some of these fellows in prison who have proved to be anti-social—

against society.—When they are in prison they have the chance there to learn to be useful citizens once again.

This is not a new matter, I know that it has been raised every time, not by my friend the Member for Mombasa, but I do know that my friends on the right have raised this matter, somebody who goes in prison cannot come out thinking that he was at an advantage over his friend who he left behind, I feel that if we train most of these people when they are serving a sentence in prison, once they come back they will be useful. Now if you keep them, say, for five years and they come out without a trade, you have not done much, all you have done is to put him there and feed him. I hope that the Minister will tell us in his reply how many of the trained people are in prison. Most of these fellows who are in prison are people who cannot make a living and once they cannot make a living they steal and therefore they go in. But if when in prison they are given a trade, they will work with their hands and be able to earn a decent living on release. Most of these people in prison I am sure, are fellows who did not go to school, and if we can take the opportunity of training them, I see no harm.

The other point, Mr. Speaker, is the question of training the traders at Jeanes School. I think, Sir, it is a very good idea but, I want to know this from the Minister when he replies, whether when one of these traders leaves the school after his course, whether it is possible to find out whether he makes a better businessman. If not then I say that it is informal money wasted. Now, having said so, I have not very much against this form of education but I think the aim and objects should be normal education, and in this respect I would like to suggest to the Minister to confer with the Minister for Education and find out whether it is not possible to introduce commercial subjects in African secondary schools, so that when you train these people at school, they can come out and either work for themselves or be employed by commercial firms. I feel we should equip the Africans to take part in the commercial development which is going on in this country. I think if we can train our young fellows in commercial schools, or in commercial

[Mr. Gikonyo]

subjects when they are at school, I think that is the only way we can help them. I do not say that these people in Jeanes School do not get an advantage from their courses, but I want to know whether they would be better and efficient traders than those who never went to the Jeanes School.

I want to ask the African Minister once again whether he could not confer with the Minister for Education and introduce commercial subjects in African secondary schools.

Mr. Speaker, I beg to support.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Speaker, Sir, I would like at this stage to give a few figures in reply to my hon. friend the African Representative Member, Mr. Awori, who was raising the question of the release rates of detainees. My hon. friend the Minister is much concerned with rehabilitation but there are a great many other factors affecting the actual release rate which is why I will give these figures, if I may, Sir.

In January, 1956, the total release of detainees was 2,621, in February 1956, it was 1,572, in March, 1,930, in April, 1,515. The intention is to bring this rate up during the next few months to the region of 2,500 a month. We expect to get up to this during the next month or two months, Sir, and various plans have been made, but naturally there has to be a certain amount of flexibility in handling this problem.

MR. AWORI: Not good enough.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): I think I would say, Sir, that probably in all cases they have confessed in varying degrees.

MR. HARRIS: Mr. Speaker, Sir, I could not help feeling that the hon. and gallant Nominated Member, Captain Hamley, and the hon. Representative Member, Mr. Gikonyo, both made a very good case out for putting everybody inside for five years, and then we should not have any further education troubles! We could cut that out straight away, and we should be a better Colony.

However, Sir, the Minister did give a very comprehensive survey of what his Ministry was doing at the present time.

The only thing, I think, that was omitted was the reason why he is doing it. I know that sounds a silly statement to make, but I do feel sometimes, Sir, that with this kind of services, it is as well for people to stop every now and again and ask themselves why they are performing the particular service which it is the practice in modern life to perform. There is a tendency, I think, particularly among less educated people to believe that education is an end in itself, and I would hate the Department of Community Development to get the idea that training is also an end in itself. We would like to hear, Sir, when the Minister replies, a little more as to what he has in mind as a plan for using the people who he is now training, and who he intends to train in future.

In the last three or four years there has been a complete social revolution in the Central Province with the coming of villagization. We would like to hear, Sir, what the Ministry is doing to make the villages attractive and how the people in the villages are going to lead a fuller life than they did before they were put in the villages. Because, Sir, it seems to me that the opportunities for the Ministry are now very much greater, that they can get hold of people in larger numbers than when they were scattered over the Central Province, as they were before the Emergency.

We would like to hear, Sir, what are the plans for setting up in Kikuyu villages the trained craftsmen as the village blacksmith, village cobbler, the baker, the candlestick maker and so on. And, Sir, it does seem that the Ministry here has a great opportunity to encourage voluntary work among the people of the villages. There might even be a voluntary educational scheme, there could be quite a number of activities based on inter-village competition. I am sure people could be found to encourage such things as inter-village football matches, inter-village spear throwing, or whatever activities appeal. But also, Sir, on more useful matters—the development of such things as ambulance corps in the villages, and that could be encouraged to gain a competitive spirit, also fire brigades. There could even be competition in the condition of tidiness and hygiene of the various villages. I

[Mr. Harris]

am quite sure, Sir, that some of the money that is now being spent by this Ministry could well be spent in producing cups for inter-village competitions, in order to try to build up a real village life. There is a saying, Sir, that "God helps those who help themselves", and I feel sure that the Ministry of Community Development on behalf of Government, could act in this capacity and would be only too willing to help those who are willing to help themselves by voluntary effort among their own people in the new-formed villages.

Finally, Sir, if the Minister could tell us some of his plans in this direction, it would be of interest to the Council and to the people of this country. We could see whether the main purpose of this Ministry should be to build up a true community spirit among the African people.

MR. SHAW: Mr. Speaker, Sir, I wish to congratulate the hon. Minister for Community Development on his very excellent speech in introducing his Ministry. I find it most interesting, and I think it will go to show that Community Development is anything but a non-productive Vote.

The hope for this Colony, I believe, lies in the younger generation. It is sad to drive through, as I did yesterday, a part of the Kikuyu Reserve and see the remand homes there and the number of children in those remand homes. To-day the tendency is for parents to throw the responsibility for the moral training of their children more and more on the shoulders of Government. Now this, I think, applies to a great many communities, but very much so to the African. I was quite horrified a few days ago to hear the hon. African Representative Member get up and suggest under another Vote that the Government should be entirely responsible in primary schools for the moral education of their children.

However, it is a modern tendency with the lessening of family ties and influence of the home, and that is where community life in a village may be able to play a great part in the training of the children. I know that, certainly, such movements as youth movements, Boy Scouts and Girl Guides who basically

teach moral training through games and, as the hon. Member for Mau said, bring fun and laughter into the life of many children who come from the slums in Great Britain. They do a great deal in this modern day to help when the home is no longer, or very often not playing its full part. I know even long years ago, when I was a girl, it was said by a well-known socialist leader that the greatest safeguard in Britain against the spread of communism were the Boy Scout and Girl Guide Movements.

Now, to turn to the *Maendeleo ya Wanawake*. I believe that they too can be built up to be a force and power in this land. The clubs are very popular, they are growing daily in fact. The desire for these clubs is outstripping the finance provided in many cases and I should just like to put one suggestion to the Minister that it may not always be absolutely necessary that the women who run these clubs, or who supervise them, rather, should have a complete social science training or be complete experts in that branch, although it is certainly necessary that the heads should be experts. There may be many districts—outlying districts—which could be well looked after by women and girls who have been brought up in this country and have a knowledge of the African people through having lived and spent most of their lives amongst them.

As far as rehabilitation is concerned, that is a heavy responsibility that the Minister for Community Development bears. That is, to my way of thinking, one of the greatest problems that we have to face to-day in Kenya. I absolutely agree with the hon. Nominated Member, Captain Hamley, that it is essential that the people who comprise our large prison population should be taught useful trades so that they can be sent out into the world once again as useful members of society. I also see the point that my hon. friend, the Member for Mombasa made, because I do know that what he contended has been often stressed in the Province which I have the honour to represent, as having been true, and it was certainly said in the middle of the Emergency that if you wanted to get into a trade school you had to commit some *Mau Mau* offence. That, I think, might have been true at

[Mrs. Shaw]

the very beginning when there was not the staff or the money to provide the equipment which was necessary for the trade schools and the Emergency areas possibly had to have preference shown them and come first. I do not think it is true to-day, for going through the African areas in a province such as Nyanza, you cannot fail to see how much is being done in the way of trade and training schools all over the African areas.

Rehabilitation is the most enormous task, for when the whole moral fibre of a tribe has been destroyed, it will take generations to replace that moral fibre and to eradicate the teaching of *Mau Mau*. I would like to pay a very high tribute to the people who are undertaking this work. For I do believe that on their success depends a great deal.

I beg to support.

THE PARLIAMENTARY SECRETARY TO MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Wanyutu Waweru): Mr. Speaker, Sir, in speaking to this Motion I feel two points should be mentioned, which are about this tradition which is growing up among the villages. One point is about creating the spirit of competition among the villages. There are, Sir, competitions performed and sometimes singing, sometimes netball, sometimes they are competing on cleaning. At the present time there are competitions going on in the whole district which is next to Nairobi and the judging will be done at the end of this week.

I have been informed through reliable sources that similar competitions will not only be done in the Kiambu District, but throughout the Central Province and for this reason I have been working in the Administration and the Ministry for Local Government. I do not find that what has been suggested by one hon. Member on the opposite side of this Council is being done, and more and more interest is being created among the Embu and Meru, and it will no doubt lead to a better spirit.

As far as these competitions are concerned, I do know that the authorities have provided cups which will be given to the women's section, but, about the methods by which these cups will be presented, I cannot tell you that.

Another point is about having nursery schools in these areas. One cannot understand how much has been done by them when they are looking after the young children when the parents have gone out to work. We have created a very different life among the children while the mothers are at work throughout the Central Province of Kenya. The women are coming into the picture and the *Wanawake* movement is becoming more and more popular. I have been wondering whether the Minister would let us know whether he is trying to have many more members of this movement for women which, I am convinced, Sir, is a very, very good movement. Only I doubt whether the Minister has got in mind plans of having more officers to help to bring up the standard of women in the villages on the level with these officers who are now working in the field, and whom I think are of more help, whether he has that in mind.

About the confession question, Sir, I am one of the Kikuyu, and I am convinced that no one has been forced to confess about his *Mau Mau* activities. Confessions are done not only in the detention camps but also in the reserves and they only wait for anyone who wishes to confess, and if he wishes to do so, he comes forward and confesses all that he knows about the *Mau Mau* activities. He might say "No, I never took the *Mau Mau* oath", but he is never forced to do so, and, as far as I know, Sir, I would pay personal tribute to the district officers who are doing this kind of work, because they rely on what they are told and they are helping the country as far as I know.

With these remarks, Sir, I support the Motion.

DR. HASSAN: Sir, the community development service is similar to welfare and social services, and they are no doubt directly non-productive services, but, none the less, it is extremely essential that we should have these services and those indirect benefits gained from these services are far more valuable and beneficial to the community if properly carried out.

The Minister for Community Development said that his Department is a co-worker with the other departments. They

[Dr. Hassan]

go about all over the country and assist other departments in their activities like agriculture, veterinary, medical, health and so on, and their job is to work with the other departments and assist the community in obtaining good houses, good health and good food.

I would like to know from the Minister for Community Development whether he is the Minister for Africans all over Kenya. If so, whether it is part of his job to visit houses in towns as well as in the reserves; whether it is part of his work to visit African schools. If so, whether he has given his advice to the Africans for good houses, hygiene and sanitation, which is the duty of his department, and has taken some interest in the tenure of their houses. I have received complaints from different localities—from Africans—that they have been living in houses for years under T.O.K. licences, and in some cases by the order of the local government their houses are being pulled down and they are told to get out of their houses. I wonder if he is taking some interest in those Africans living in the vicinity of the towns, such as Nakuru, Nyeri, Nanyuki and so on? Whether he has visited some of the Muslim schools in the Maragoli locality? I have had some complaints from public school authorities that no assistance has been given to them for their children to obtain admission into secondary schools when they have passed from their primary schools, and so on.

I would like further to know from him whether he considers that he has got adequate staff to deal with the community development work of the Africans all over Kenya; whether he has enough staff to go round the Coast and see what help and assistance is required by the Africans in that area. The work, as he explained, is done by his department. I pay tribute to him and his department for doing magnificent work in helping the Emergency authorities and the administration.

With these few remarks, Sir, I support the Motion.

LT.-COL. GHERSIE: Mr. Speaker, Sir, just two brief points. One is, Sir, that in the notes accompanying the Estimates we find that provision is made for 11 new posts designed to improve the

internal administration and the financial control. We are aware, Sir, that there was a great deal left to be desired in—or appeared to be—in the administration and financial control, but two of these officers I well remember were approved in supplementary estimates during the course of the current year. These two officers were posted to headquarters at the expense, of course, of officers in the field—the two community development officers—and I challenge, Sir, the justification or the merit in that transfer because I imagine they can be far better employed in the field than at headquarters. I hope, also Sir, that the headquarters of this Ministry are not building up another powerful empire there for bodies at the expense of people in the field.

Now, the other point, Sir, is on the subject of Kabete School. I do believe Government are performing a very good task there, but I was very disappointed the other day to hear that one of the African Nominated Members did not appreciate this point. He said in the course of his speech:

"I get hundreds of letters from African traders asking why they have not been told when the scheme will function. Eventually what has been done is for them to be taken to Jeanes School, Kabete, to be trained there in accountancy and book-keeping, and they are the people who are successful traders and know their business. They do not want any training at all; they have their own business. They could not have put up those big shops that they have got and then go to Jeanes School to waste three months there or six weeks. They do not want it. So if that is an assurance you have got to give them the money then I would like you not to give them this money at all. Leave it alone. This money; what I would like should be done for surveying their plots and giving them the titles."

Now, Sir, I regard that as rather an unfortunate and irresponsible statement, because if the training exists at Jeanes School, then it should be taken full advantage of. I am not suggesting that the whole of this £50,000 is expended at Jeanes School in any one year for the training of Africans as traders in industry

[Lt.-Col. Ghersie]

or commerce, but I do submit, Sir, that where that facility exists, either it should be taken advantage of or, alternatively we are wasting our money, if the words of the hon. African Representative Member, Mr. Awori, are correct.

Again, Sir, on that point, he cannot possibly expect money to be advanced to Africans for training, no matter where it is derived from, unless they do, in fact, receive some training. They must realize that commerce to-day is becoming more competitive than it was in the past and the element of training that we can give them at Jeanes School I am sure will stand them in good stead. But what I would suggest to the hon. Minister is this, that they not only require training in accounts and book-keeping, they want to be taught also what the retail business means—the difference between retail and wholesale, where to purchase their goods from, the question of costing their goods and provisions of that nature which come into ordinary normal commerce. But, Sir, I do hope that the Minister in his reply, will give us some information of the assistance that is being extended to these traders who visit that school and perhaps we might disillusion the hon. Member to whom I have just referred.

MR. LETCHER: Mr. Speaker, Sir, I rise on a point of information. It does seem to me that community development and rehabilitation should start with Nairobi. One hears of distressing cases in Nairobi and I wonder, having seen the numbers on the list of those employed by the Department, whether two or three persons could be spared to go into these cases? I would like the Minister to tell us, Sir, whether funds are made available for housing distressed people as I do feel it is a function that the Department should undertake.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other hon. Member wishes to speak, I will ask the Mover to reply.

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Ohanga): Mr. Speaker, I am most grateful to the hon. Members opposite for the kind words they have said and the credit they have paid to the work of the Ministry and to my speech. Some of the points which

were made by hon. Members opposite have already been dealt with by some Members on this side and Members on the other side, too. There are only a few to which I should like to reply.

As regards the point made by the hon. African Representative Member, Mr. Awori, I should like to emphasize again that the quotation which has been made by the hon. Member for Nairobi North gives him the exact text of his own speech as recorded in HANSARD. But I did hear him say that, in fact, three months or six weeks are being wasted by people who already know their job. I thought that was rather unfortunate and I should like him to think about it again. The fact is this, that among these Africans who trade and run their own business, there is a tremendous lack of knowledge of book-keeping and general accountancy. What Jeanes School in fact tries to do is to help by supplying them with the rudiments of traders' requirements without which they cannot compete in the business world. I think it is most distressing that we should hear complaints about that being a waste of time when, in fact, however good a national businessman may be, he cannot, in fact, compete in the economic world to-day.

Now, with regard to this question of the Homecraft School at Kakamega. Now, he wanted to know what part the Ministry does play in the Kakamega District Homecraft School. We have only two functions in that school. In the first place we make a grant towards the building and, in the second place, we supply the headmistress, whom we pay. The rest of the work, and the school itself, are the property of the African District Council and we are only interested in assisting them and supplying the technical knowledge which is necessary for their own self-help and self-improvement.

He also complained about the houses at Jeanes School. There are two points here. First of all, I think hon. Members opposite will know that Jeanes School has been inherited by us. It is made up of temporary buildings, many of which are about to fall down. Already I have obtained some funds for rebuilding the school, but that is going to go on slowly. I am glad to tell him that six of those buildings will be up in permanent materials very soon.

[The Minister for Community Development]

The other point which is to be noted is about the complaint of the houses, the type of houses, in which the women who are undergoing training live. He feels that these were somewhat below their general standard. I deny that. The houses may be small, but they are always tidy and clean. In fact, it is a part of their training. If a lady with her children is a trainee at the Jeanes School and her house is found to be dirty, that will go against her when the end of the course comes. They do all they can to try to keep tidy whatever rooms they have at the Jeanes School; that is, they try to keep tidy and keep clean whatever is there available to them.

MR. AWORI: Mr. Speaker, on a point of information, is it possible for a woman to keep clean who is living in one room with her husband and children?

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Ohanga): I agree, Mr. Speaker, that it is not convenient, but it would be wrong to say that they do not do that even in Nairobi and even at home; they do, and quite comfortably, but I agree that it is not convenient.

The other thing he mentioned was the Jeanes School at Maseno. He wanted to know the time when it will be opened and he accused me of being vague like all Government Ministers. Now, Sir, I deny that I am vague at all. I said the near future and the near future means the near future and no more. In fact, what constitutes the delay is the house being built for the Principal, which is having its roof done now and, as soon as the roof of that house is ready, the Principal will occupy it and we expect to be able to open this school before the end of September.

Now, with regard to the *Maendeleo ya Wanawake*, he grumbled about the name. I am perfectly satisfied that *Maendeleo ya Wanawake* is as good a name for a movement as anyone can produce in this Council or anywhere. I do not think we should consider changing it at all. Then he wanted to know the benefits of this movement. Now, Sir, the benefits speak for themselves. If *Maendeleo ya Wanawake* was not, in fact, useful to the development of the country, nobody would join it, but the nature of its

popularity throughout the country goes to show that, in fact, it is a very beneficial movement which has caught on like wild fire and is still spreading. I am, myself, absolutely convinced that it is a very useful medium for teaching some of our older women to know some of the things which their children are now learning at school.

His next question was in regard to the training of women at Jeanes School and that when they come out they are not teaching the things they were taught at Jeanes School. Now, Sir, the purpose of Jeanes School as regards women is to train leaders. What the leaders go out to do is entirely the responsibility of the community in which they live. As I explained earlier, the whole purpose of community development is to help communities to help themselves and, if possible, with their own initiative. If they cannot take the initiative, we try to do something to help them do so. Once they have taken the initiative, we train the leaders who go to lead and assist whatever work of *Maendeleo* those people set out to do, but we leave it entirely to the local government authorities.

Now, he wanted to know what this clearing house in London was. Now, the community clearing house in London is, I understand, the place where suitable pamphlets, collecting and collating news and data referring to community development throughout the Commonwealth are put into book form and circulated. Every year we receive a copy of those books which help and guide us in our work. Already my friend, the Minister for African Affairs, has dealt with the figures of releases in the detention camps.

My hon. friend, the Nominated Member, Mr. Waweru, to whom I am most grateful, has also dealt with the question of confessions. But I should like to emphasize* this again with added emphasis. No one, if caught, at any time, anywhere in the towns or in the countryside is forced to confess to *Mau Mau* activities. These confessions are absolutely voluntary and they come spontaneously from those people who seek to relieve their own consciences of the burden which they feel is too heavy for them. But naturally we, ourselves, have the authority to insist that he should do so. On the other hand, nobody, who is absolutely determined, could be penalized

[The Minister for Community Development]

because he does not confess to something which he never committed; nobody can challenge that because I do not know anyone who has been penalized in that way.

I am very grateful to my hon. friend, the Nominated Member, Captain Hamley, for the very useful support he put in. I entirely agree with what he said.

The hon. Member for Nairobi South was very constructive indeed in his speech and he made a lot of useful suggestions to which I can assure him myself and my Ministry will give a great deal of thought. I would like to say to him now that a great many of the things which he advocated are already being done. Not only is football played, but football matches go on every day between village and village and so on; there are many competitions.

My hon. friend, the Nominated Member, Mr. Waweru, has given examples of some of them. I think the only drawback is that the hon. Members opposite do not usually get enough opportunity to move round and see for themselves what is actually taking place among the people, but I will definitely give a lot of consideration to his suggestions, many of which are constructive and very useful indeed.

The next matter came from the hon. Member for Nyanza, who again was very constructive and supported the work of the Ministry, with certain suggestions. I should like to assure her that we do not at all insist that women who become community development officers in the field, need definitely be people who are trained in a scientific manner. A local product, whose experiences are knowledgeable, even in a rudimentary way, in homecraft and domestic affairs, is always acceptable to us, and in fact more than 50 per cent of our field officers are ladies who are brought up in the same way that she thinks they should be brought up. They are not always, all of them, people from universities.

I have already said how grateful I am to the hon. Member, Mr. Waweru, but he wanted to know whether or not I should need more staff to cope with the work in the field. Yes, quite definitely I will. As I said in my speech earlier, my

hope is that when we are able to benefit from the long-promised assistance from American funds, we shall be able to do a great deal more in the field. But I should like him to know this—that whatsoever we do, we cannot claim to have enough staff and enough funds to do all the work of community development for the people, instead of they themselves doing it for themselves. All that we can do is to give them expert assistance, but we must leave it to them to do their own development work. All that we can give is necessary guidance and assistance but the work is their own, otherwise it is no community development.

The hon. Member for Eastern Area, whom I also thank very much for what he said—I should like to assure him that we are responsible for community development among Africans throughout the Colony. At the same time I think he might be taking us wrongly beyond our scope when he requires us to deal with the question of houses which are bulldozed by the municipality. We shall insist that whatever houses are available to the Africans anywhere, that they be kept clean, but we cannot force anybody to give somebody a better house or stop people removing it for purposes of reconstruction because we are community development. What we can do is to see that whatsoever is there should be kept decently and should be a fit place for the habitation of the people who are occupying it at that time.

With regard to the Muslims at Maragoli. No, Sir, I do not think I can visit their schools; community development is not really concerned with students' schools. I could visit them as the Member representing that area in my political capacity, but as Minister for Community Development I do not think I have much part to play in those schools. Those are the responsibility of my hon. friend, the Minister for Education.

The hon. Member for Nairobi North made a number of useful remarks and for which I am very grateful to him. In fact the number of extra officers in this particular Estimates is not 11, but 7, and it has been shown in the book itself, how we arrive at 7. He went on to complain, in a way, that probably we were reinforcing the headquarters staff at the expense of the field staff. Well, I should like to assure him that that is not true. We do

[The Minister for Community Development]

not, in fact, lack to the same degree the officers that we need for field work as we do at the headquarters. The field work, in actual fact, has expanded beyond the scope of the headquarters to deal with them as regards accounting and general administration, and that is why we have suggested that if anything, rather than have that, we are quite prepared to drop two posts of community development in the field, and to take one accountant and one secretary to help with the accounting and administration at the headquarters level. But we are most aware of the importance of field work, but it is a question of choice at this time, in any case we pay attention to both.

There remains only one point raised by my hon. friend, the Member for Trans Nzoia. He asks if we will deal with the slums in Nairobi. Mr. Speaker, we should be glad to do so if we had the opportunity, but I should like to assure him that the slums in Nairobi are not a proper function of the Community Development. Looked at from the point of view of children, they are the responsibility of my hon. friend, the Minister for Local Government, Health and Housing. Looked at from the health point of view, they are again the responsibility of my very hon. friend; we should only come in, as the Community Development Department, to work among the inhabitants of those slums; which we insist that however small the hut may be, that they should be clean; that the food which is taken in them is as good as it can be, and I should like to assure him that we have organizations of *Maendeleo ya Wana-wake* within these, doing exactly what is being done elsewhere outside.

Mr. Speaker, I think I have dealt with all the points raised. I beg to move.

The question was put and carried and Mr. Speaker accordingly left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that a sum not exceeding £155,669 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th

June, 1957, for Vote XLII—Ministry of Community Development.

Question proposed.

Heads 1 to 3 and Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and approval of the Resolution without amendment and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. D. W. CONROY, Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved a Resolution that a sum not exceeding £155,669 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XLII—Ministry of Community Development.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXIII—AGRICULTURE

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair for the purpose of enabling the Council to go into Committee of Supply to consider Vote XXIII—Agriculture.

Mr. Speaker, this country for many years ahead cannot avoid having its economy largely based on the agricultural industry. I thought that it would be

[The Minister for Agriculture, Animal Husbandry and Water Resources]

wise of me to-day, in introducing these Estimates, to give to Members an indication of one or two factors which must affect their industry, and the first is the world position which the agricultural industry has to meet. The supply position, especially in major producing areas such as the United States of America, is much overburdened with surpluses and there has been a continuing decline in farm incomes in that country for a number of years. We have therefore got to consider that as a country we are likely to meet increasing competition in the agricultural world.

Secondly in our own country, we have come through many of the earlier vicissitudes which the industry suffered and overcome many of the menaces which originally were a danger to the industry, and we have tried to meet, in these Estimates, the position as we see it to-day, which is the necessity for the agricultural industry to be more efficient and embark upon an increasing programme of production and development.

Now, Sir, in placing the emphasis on improving the efficiency of production rather than in what I would call the more negative line of development on pioneer crops and in soil conservation methods, we are trying to meet the competition which we see ahead for the industry itself. We have a number of weapons to deal with that situation. They are reflected in these Estimates. Very briefly, they are farm planning, consolidation of farms, soil conservation, drainage services, farmers' clubs—especially in the African areas—co-operative societies, artificial fertilizers. I should like just to say one word on those, because it is a brief word and I can therefore dismiss the subject early. There is an increasing tendency for African farmers to use artificial fertilizers. This, I believe, is a welcome tendency because undoubtedly it will raise yields. I visited a number of farmers joined together in a club in an area called the Yalusi where what were marginal yields had been improved to more than profitable yields by the use of fertilizers. One small point, Sir, for the fertilizer industry. African agriculture could do with a smaller pack than the 200-lb. bag.

Lastly, we have the knowledge we are now getting on the zones for agriculture development, and our research and advisory services. We are in a position—or shall be in a position shortly, I think—where any area in this country will have been placed in what we call an ecological zone, where we shall know the types of crops and animals and the general farming husbandry on which we should adventure in the zone concerned.

Now, to take some of these weapons individually, I should like to deal first with research. We have given priority in research to the good rainfall areas and to irrigation. The reason for that is it seems that we shall get the most immediate and productive results from those areas and get, of course, a ready return for the research expenditure which we have done. Nevertheless, despite that, we have an element in the research services still available to pursue research in the marginal arable and pastoral areas and in the denuded pastoral areas. In the latter we have made, certainly, very great strides in the last five years in areas such as Kitui and Ukambani and much of the techniques we have learnt there can be applied to other denuded areas which up to date have had to await their turn. In that work, Sir, I should just like to pay a tribute to the conception and development of ALDEV, because it does mean that we have there an instrument with which we can augment existing services and can also integrate services over a wide field between engineering, hydraulics, animal husbandry and ordinary agricultural development under the one head. I think this would be a suitable opportunity for me to say "thank you" to the members of the ALDEV Board for the work which they have done over the last five years.

Lastly on research, Sir, I would like to tell Members of the Council that we lost, last year, something like £1,000,000 worth of wheat, partly due to unseasonable weather, but partly due to a breakdown in the rust resistant varieties. We are therefore, augmenting the research into rust resistant varieties of wheat and also improved varieties of sorghum and maize, and the Senior Plant Breeder will be going to Canada and America in order to learn new techniques of dealing

[The Minister for Agriculture, Animal Husbandry and Water Resources] with rust in wheat itself. Now, I mention it to hon. Members, because it seems to me there is a relationship here between what is really a minute expenditure on research and the enormous bills which are caused to us if our varieties break down; the relationship between the amount lost in wheat and the actual research devoted to wheat is about £1,000,000 to £52,000, and I believe that is a full justification for increasing the research services.

Next I should like to refer to irrigation, which is another of our weapons in increasing production and in meeting the pressure of population on the land. The demands of the Emergency have forced us to go slightly faster in the irrigation field than we would technically wish to do if we wanted to go on the surest possible foot forward. I wanted to warn hon. Members that the pressure of the Emergency, especially in the reabsorption of detainees and displaced persons, has caused us to take risks in irrigation, which we might under normal conditions not have taken. It is not possible for us to expand the irrigation programme, nor is it wise for us to do so, beyond the men and materials which we now have available to us, and our main work for a year or two ahead must be experimental—must be experimental particularly to find out the correct irrigation lay-out in any particular area and the cash crops which the area can grow, and their management.

A word or two might be welcome on the sort of developments taking place in the Mwea-Tabere area. It looks as if rice will be a profitable crop and we are now experimenting with certain American and Egyptian strains of cotton, and one small sideline is experiments on the production of hibiscus with a view to seeing if we can assist local industry here in the production of sacks with a soft fibre which might be a useful alternative to jute. At Pekkerra in South Baringo District, we have been experimenting, amongst other things, with tomatoes and it is interesting to record that the reports from the buyers show that the product is first-class, both for tomato juice and for puree. Now, Sir, we must not be too hopeful, but if we can expand the tomato industry for

those two particular items, they may well be a very welcome additional industry to agriculture in this country.

The other two main areas for irrigation are Holsa, where we have merely embarked at the moment on experimental plots on both sides of the river with a view to ascertaining the type of lay-out and the type of crops suitable for the area, and Nyanza itself, where our irrigation experiments up to date merely consist of a station, with a view to finding out in advance the crops to grow when the actual irrigation schemes are started.

To turn now to farm planning and consolidation, which is one of the weapons I said we had in our armoury against increasing competition, I should like to tell hon. Members that the farm planning and consolidation proceeding in African areas is nothing short really of a revolution in the conception of African agriculture, and in the outlook of the African on agriculture, and in particular it immediately brings us three great benefits. The first is—and I wish to underline it very strongly—quality of production. We can give supervision in these controlled and consolidated areas and technical advice, which produces a first-class product. Now, Sir, I want to emphasize that quality in our agricultural industry is essential for this reason. We are really the minutest fraction of world production, and yet we secure in the world a good place in the agricultural markets because of the quality of our production. Now I do not believe for one moment that a country as small as this and as fragmented in its agriculture can possibly compete with major areas such as the United States of America, Central America and even Russia behind the Iron Curtain, unless it insists on maintaining the quality of its production. Secondly, it enables us, by this method of consolidation, to practise in the African areas something which they certainly had not done since the *Pax Britannica* came here, that is the practice of alternate husbandry. Before we came here, I imagine shifting cultivation under a nomadic system was the African contribution to the more advanced alternate husbandry, for instance, of Europe, but at any rate we are able to indulge to-day in alternate husbandry and increasingly so in the African areas.

[The Minister for Agriculture, Animal Husbandry and Water Resources] There is one difficulty which we are trying to meet as soon as possible, and that is the question of production from animals in the African areas. We are using Sahiwal crosses on the indigenous Zebu cow in order to improve the milk capacity. We are zoning, or will zone, some of the areas for the use of exotic breeds and we are taking a number of experiments in sheep.

Also on this question of animal husbandry in the African areas, we have got to-day, by agreement with the Veterinary Department, the whole enthusiasm and force of the Agricultural Officer behind the animal husbandry programme. I should just like to say a word on that. I do not really believe that we can separate agriculture into animal production and arable production. I believe that really it is a whole process and every officer in all the departments must be behind the whole programme. We cannot divide it into segmented compartments in which no officer ventures into the compartments of others. I believe, Sir, that with this drive of the Agricultural Department in alliance with the Veterinary Department, behind animal husbandry, we shall achieve eventually an increase in production, but it must be a slow and laborious process and I consider to-day it is probably the weakest link in our chain of agricultural development.

Lastly, Sir, farm planning and consolidation enables us to use the land more efficiently than before and will relieve, if not entirely remove, the bogey of population pressure. We shall get a situation, I think, where we shall have a rising fertility level in the soil and an increasing production in all those areas where farm planning and consolidation is taking place.

Now to give hon. Members an idea of the scale of it, I thought they would like to have the figures for consolidation and planning in the Kiambu, Fort Hall and Nyeri Districts, which are reflected in the provision made in these Estimates. We anticipate that we will be able to consolidate 300 square miles per year in these areas, and I believe, Sir, that that is a major task, probably not attempted

before on that scale in this continent. We have got, in addition to that, already close to a thousand planned farms, the majority of which are in Nyanza. They range from five acres to 130 acres and I do believe that a continuance of this farm planning must also create a revolution in African agriculture, not so much agriculturally as socially and economically, because of the stability of thought and the close relationship with the soil which it gives to the individual farm owner. Now, Sir, I thought that hon. Members would like to have an indication of the drive in the production of cash crops in the African areas which is reflected in these Estimates. Last year, 1955, we were able to raise the acreage under coffee by 50 per cent, but we plan in the coming year to raise it by a further 5,000 acres, which will bring it up to 70 per cent over the present total. In pineapples, we have a target of 1,200 acres additional this year. Pyrethrum—600, and tea—400 acres. I would like to say a word on tea. A great deal of the best tea land in this country lies in the African land units, and I believe it is essential that we should evolve a technique of tea management and development under peasant control, which will enable us to use those areas to their maximum advantage. The indications are at the moment that we certainly can produce a good quality tea from African peasant management, though we do have some difficulties over the provision of finance and the siting of the tea factories suitable to the naturally rather small peasant holdings. Sugar-cane—our target is a further 500 acres and a very small item, Sir, but one of some interest, 300 acres further target for the production of beans for the canning industry. Now I think it is likely, to those hon. Members who like pork and beans, that we may well evolve here quite a large industry in the production of beans for the pork and bean canning industry. And, lastly, Sir, a matter to which I would particularly draw the attention of the hon. Asian Member for Eastern Area, we hope that the rice acreage will increase this year by 3,000 acres, and I do hope that out of that 3,000 acres we shall be able to produce one or two bags of the quality which suits the hon. Member.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Sir, I spoke earlier about some of the weapons in our armoury of more intensive and efficient production of agriculture being young farmers' clubs, and I thought an indication of their scope and expansion, again, I think might interest the Council, when I say that in the Fort Hall district, for instance, we have got 40 clubs to-day with no less than 1,800 members, and I think this projection and development of the young farmers' clubs is essential in the African areas. I feel if we can catch them young, we may be able to teach them good farming practices which will enable them to carry on the work now being produced in the farm planning and consolidation. We are slightly handicapped because in an effort to achieve economy, we certainly could do, Mr. Speaker, with more organization of these young farmers' clubs.

One small point, Sir, which interests me in particular, is that there has been a welcome increase in the number of Africans going to Makerere for agricultural courses. For many years hon. Members opposite, in one way or another, have deplored that so few Africans have been entering the agricultural course at Makerere, but with its reorganization, I think two years ago, and the allocation of funds a year ago by Government, with the translation to Makerere of a first class agricultural officer who is now responsible for the training there, we have got a welcome addition in the number of Africans at Makerere College. Now I do feel that must reflect later in an improvement in our agriculture, because the brains and intelligence of those students will come back into their own areas.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Council will adjourn until two-thirty p.m. to-morrow, Wednesday, the 30th May.

Council rose at fifteen minutes past six o'clock.

Wednesday, 30th May, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS PAPERS LAID

The following Papers were laid on the Table:—

The Transfer of Powers (Minister for Local Government, Health and Housing) (No. 3) Order, 1956.

The Transfer of Powers (Minister for Local Government, Health and Housing) (No. 4) Order, 1956.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havlock))

ORAL NOTICE OF MOTION

TRANSFER OF POWERS—(MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havlock): Mr. Speaker, Sir, I beg to give notice of the following Motion:

BE IT RESOLVED that the orders cited as the Transfer and Delegation of Powers (Minister for Local Government, Health and Housing) (No. 3) Order and the Transfer and Delegation of Powers (Minister for Local Government, Health and Housing) (No. 4) Order, 1956, be approved.

COMMITTEE OF SUPPLY

VOTE XXX—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND HOUSING

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of Debate adjourned on 23rd May: 1956.)

SIR CHARLES MARKHAM: On a point of order, Mr. Speaker, before you start this debate, when this debate was adjourned you gave a ruling, Sir, from the Chair that the limit would be fifteen minutes on each Vote. There are three Votes on this particular subject and could I have a ruling, Sir, whether that fifteen minutes applies to all three or each in turn, Sir?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): On the occasion when

[The Speaker] this came under discussion, it was, I believe, by common consent on both sides of the Council, arranged that speeches should be limited to fifteen minutes. I understand—I have no power to enforce any limitation because such is not covered by Standing Rules and Orders—but I understand that that arrangement has now lapsed so, in my view, there is no limit to the time any individual member may speak.

MR. GIKONYO: Mr. Speaker, when the Council adjourned on the 23rd May, this year, I was speaking about African housing and I did talk about the part private employers are playing in solving the housing problems for Africans, particularly in Nairobi. I did also say that I hoped that more private employers would come in and assist in this very important scheme.

I was also speaking on the question of high-class African housing and the siting of the same. I was very much opposed to the idea of siting these houses anywhere near the Infectious Diseases Hospital because I do feel that the Minister could get better sites somewhere else. I did suggest Racecourse Road—Racecourse ground—which I think is very central and there is space there. Now, the Minister says there are no sewers there, but I hope that some steps can be taken to build these sewers there. It is very central; it is near a school and, I think, most of the Africans would prefer to have houses near their places of employment to avoid the question of transport costs.

One other point in connexion with African housing, is that I hope that when this scheme comes into being, a chance will be given to the tenants to buy these houses by a tenant purchase scheme.

Now, the other matter that I want to touch on is the question of African representation on the local authority bodies, particularly the municipalities. As far as I know, the African representations on these bodies is very inadequate. We have two African members on the municipal boards at Kitale, Eldoret, Nakuru and, I think Mombasa. In the case of Nairobi, we have three African councillors. I am of the opinion that this representation is very inadequate. I have had the honour and the privilege of serv-

ing in the Nairobi City Council for quite a number of years and I know the burden that is placed on these councillors and, if they are to discharge their duties efficiently, I think that increased representation is very necessary. The present constitution of the City Council—I stand open to correction if I am wrong—is that there are some 19 European councillors and aldermen, nine Asian councillors and aldermen and only three Africans. Having regard to the present population of Africans in Nairobi, and I am sure my friend, the Member for Nairobi South will bear me out, it is very difficult for these people to attend the very many committees and, at the same time, be able to earn a living. These people do voluntary work; they are not paid for it, and I think it is very necessary that the number should be increased to distribute the work more evenly. I hope, Sir, the Minister, in his reply, will tell us what plans he has, because I think the time has come to increase the African representation on all these bodies and, in particular, in Nairobi. I do not want to go into racial affairs, but I cannot see why you have the nine Asians and three Africans; why not make them the same, if not more? If you go on the question of population, surely the Africans are entitled to more than three? If you go on the question of rates, the Africans pay rates, either directly or indirectly. I think on the question of rates, and the amount of contribution the Africans are making to the City Council, is that not a strong case for agreeing to the Africans having more representation? I do feel, and I am of the opinion, that they do more than we can estimate by way of indirect contribution.

The other point, Mr. Speaker, that I want to raise is the question of title deeds for the African buildings and properties in the urban areas. In this regard, I want to mention only two cases. There is what is popularly known as the Vasey Scheme in Thika. A lot of Africans have put up their buildings there and, as far as I know, they have no titles and, therefore, they feel very insecure. I hope that steps will be taken to make these people, who have invested their money, feel that they are secure and that their properties are secure.

In Nairobi, also, we have quite a lot of Africans who have put up buildings but

[Mr. Gikonyo]

they have no title deeds. This is not a new matter and, as the Minister knows, we have raised it on a number of occasions. I really do not know how the matter is standing at present.

Finally, Sir, there is the question of African presidents on the African district councils. A few months ago, we had a Motion here on this subject and I would like the Minister to tell us what progress, or what plans he has for appointing an African president on an African district council. We are told that the African district councils are making good progress and I think it is time to recognize this progress by a gesture and that gesture, I think, should be in the form of appointing an African president in the African district council. I hope it will go further in giving Africans confidence in the Ministers who are elected and I feel that the Minister for Local Government has a duty here to bring this confidence about and I hope he will do that very soon.

Mr. Speaker, I beg to support.

Mr. Awori: Mr. Speaker, Sir, it was not my intention to speak on this Motion but because I have always been speaking on this subject, and because what the Minister for Local Government, Health and Housing does, affects the Africans so much, I would be doing a bad service to my community if I did not contribute something on this Motion.

I have a few points on this, Sir; they might be minor, but I think they are important.

First of all, Sir, I would like to support what my friend, Mr. Gikonyo, has said and what he said last week on this Motion. In the first instance, I would like to support him when he criticized the question of having, what my friend, the Minister for Local Government, Health and Housing, called last year as the Mayfair Scheme which is high-class houses for Africans in Nairobi. My friend, Mr. Gikonyo, did not like the question of having this housing scheme placed near the Infectious Diseases Hospital. Well, my friend, the Minister for Health and Local Government, preferred the idea of having it near the Nairobi Golf Club and I think he thinks that we would say, "We want to go and play golf". In any case, the excuse that was given about the question of sewers, I do not think that it

really supports his arguments. I am not quite sure how many there are; there is the Director of Medical Services, who is a doctor, but I, myself, have got a profession. I was a sanitary inspector and I know about sewers. So if the Government cannot have anybody in the Colony to help them about making sewers, I will be able to contribute fully. Because since then I have gone through the race-course and I know that I can be able to make sewers in that area, and I have got my certificate from the Royal Sanitary Institute of London, my diploma for that work, so I will not like to be told that sewers cannot be made at the race-course.

Now, Sir, the other point that I would like to ask the hon. Minister for Local Health and Government, is that since the Courts Report we are going to have direct elections as far as the African Members of this Council are concerned. I would like to be assured whether this is going to be done as far as the African councillors of the African district councils and African locational councils are concerned. I think that if we have direct election by ballot, I think that it should be done as far as the African district councils are concerned.

The third point, Sir, is the question of the Mombasa Municipality—it is not called a municipality, it is still a board. I am a Member of the Standing Committee on Local Government, and this matter was raised more than a year ago. We did recommend that it should be raised to municipal status as it is in Nakuru, and I do not know why Government is delaying in having Mombasa as a municipal council.

The other point was raised by my friend, Mr. Gikonyo, the question of titles to Africans having shops in trading centres, such as Nairobi, Kisumu and Nakuru. We have been told from time to time by the Minister, that something is going to be done, and I think it is high time that Government gives us and perhaps undertakes to see that the Africans are given titles to those who own shops in the towns.

Finally, the last point, Sir, is a question of the financial advisers to the African district councils. My friend, the hon. Minister for Health and Local Government, did criticize a question put by

[Mr. Awori]

my hon. friend, Mr. Mathu, who is unfortunately sick and absent, when he said there were 91 audit queries about the North Nyanza African District Council. For that matter he thinks that it was good, that a European financial adviser should be appointed. North Nyanza is my constituency, and I did advise them, that if you are at fault there is no need for you to refuse aid, they did accept to have a European financial adviser for that matter. Up to now, I do not know what my friend, the Minister, will tell me, but Government has failed to provide one. There is not one in the Colony. All that they have got have jobs in the Government. Sir, I would like to be assured when we shall be able to get a European financial adviser for the North Nyanza African District Council and for the Elgon Nyanza African District Council, otherwise the public will think that the Africans in Nyanza do not want some support, they do not want some help. Now, they have accepted, and if the Government cannot be able to give the manpower, then we are not to blame.

With those words, Sir, I beg to support the Motion.

MR. CHANAN SINGH: Mr. Speaker, Sir, may I give my support to the demands made by the African Representative Member, Mr. Gikonyo, for increased African representation on the City Council of Nairobi. I suggest to him, however, Sir, that the proper comparison for him to make was with European representation, not with Asian. If, in fact, there are 19 European members on the City Council and nine Asian members, then, I think, that the African representation can be increased to ten without any ground for objection from either the Europeans or the Asians. In any case, Sir, I do wish to place on record that the Asian community supports the African demand for increased representation.

Sir, I have a few points to make with regard to housing. I wish to ask the hon. Minister when more plots in Asian residential areas are being made available, for residential buildings? There have been rumours, for some time past, that a number of plots will be allotted in South Nairobi, but there is something which is holding up the allotment. Will

he look into this matter and see what can be done?

Then, Sir, in regard to housing. There is one other point on which I wish to make a few comments. From Nakuru, we have the news that the Municipality there is insisting upon each family having a separate latrine, but in Nairobi things seem to be working the other way. In Asian areas there are a large number of houses consisting of ten or even 12 rooms each and many of them have two latrines each. I believe there is some difficulty here, because and there are some by-laws which say that no dwelling shall have more than one latrine, or more than two latrines, something like that, I think, Sir, that those by-laws are not in accord with the present-day conditions, they will have to be revised and there should be facilities for people who put up houses to have as many latrines and as many kitchens as they want in one dwelling. There should also be no difficulty in having a number of doors opening outside the building. I believe now the rule is to restrict the number of doors in accordance with certain by-laws. In fact, in certain houses, the Municipality has compelled owners to close doors.

In regard to housing there is one more matter, Sir. The recent trend in Asian areas is to build flats rather than multi-roomed houses. I think that is a tendency that ought to be encouraged. I understand, Sir, that instead of encouraging that tendency they are doing everything to discourage it. I believe the land rent payable to the Lands Department has been increased in some cases over five times, when a person has applied for permission to put up flats on his plot instead of putting up one big dwelling-house. I think, Sir, that is another matter that ought to be looked into. I do not know under what powers these rents are being increased, because, if a plot of land is once allotted to somebody, and a certain sum is agreed as annual rent, how can that rent be increased? Well, in any case, Sir, even if there is power to do that, I think that that is a matter that should be looked into because that does discourage people from building flats.

Then, Sir, I am sure the Minister has heard about the difficulties about having

(Mr. Chanan Singh)

more roads in Asian residential areas. I believe the difficulties arise mainly from some law that was passed 13 or 14 years ago, concerning private streets. Well, Sir, it is felt at the time this law was passed, the full implication of it was not understood. In fact, roads had been constructed in other areas of Nairobi, but areas occupied by Asians had been neglected. In fact, Eastleigh, which has a big concentration of the Asian population still lacks roads. I believe the main hitch is that law concerning private streets. May I suggest, Sir, that the present test of a private street is rather unfair. I believe it says that road, or street, that has been maintained out of public revenue, or has been made from public revenue, alone can be regarded as a public street. As a result, Sir, there are a number of roads in Asian areas which had been made and maintained by the Nairobi City Council, but as soon as this got to their ears, they stopped maintaining those roads and now say that they are private streets, not public roads. Well, Sir, that is another matter that, I think, should be examined, because if, in fact, the existing law treats various areas differently, then it ought to be reconsidered.

In regard to the health services, I have one point to make. There are, in my constituency, a number of small trading centres, in some of them there are hospitals, but the hospitals are manned by what are called dressers. May I suggest, Sir, that if a fully qualified doctor is not available, then in that case, at least a hospital assistant should be provided for those hospitals. There are, I believe, a number of hospital assistants posted at Nairobi. I am sure Nairobi can do without some, and dressers can perform those duties in Nairobi but, at least, hospital assistants if not qualified doctors should be posted to hospitals outside. There has been very considerable complaint about one place in my constituency, Isiolo.

The Medical Department has now agreed to consider the posting of a hospital assistant when one is available. May I suggest, Sir, that that attitude is not very helpful. As I have said, there are a number of hospital assistants in Nairobi and there is no reason why one of them cannot be posted to a place like Isiolo

where medical assistance is not readily available and the Nairobi man replaced by a dresser.

I support the Motion, Sir.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Sir, two or three matters which have been raised by the hon. African Members and the last speaker to which I would like to reply, if I am in order, Sir. They concern surveys and land. If I am in order, Sir, I would like to say that the question of title deeds, as raised by the hon. African Member, Mr. Gikonyo, has been giving me some considerable thought for some time. The main trouble, Sir, is lack of survey staff and this concerns a great number of things in the Colony at the present time. Indeed, in parenthesis I think I could say that the lack of survey staff is one of the biggest factors that is hindering progress, in all sorts of ways in the Colony at the present time. If you examine the Estimates you will see that there has been provision for extra posts for surveys, although this, in itself, may not cure the trouble, because part of the trouble is the actual lack of staff which has been so common in all professional grades since the end of the war.

The other part is also the lack of staff in the Registrar's office. Even though at times the surveys are able to deal with quite a considerable amount of work, very often that work is held up because there is not sufficient staff in the Registrar's office. You will see that provision has been made in the Lands Estimates this year for one extra Registrar of Titles which I hope will also help the matter.

That explanation, I think, Sir, also holds good for the point which was raised by the last speaker about Asian plots.

Sir, I beg to support.

DR. HASSAN: Sir, I rise to support this Motion.

The Minister for Local Government said something about the Changamwe housing schemes at Mombasa, and he spoke with regard to the suggestions of having county councils in the Likoni and Kisauni areas. With regard to the county councils suggestions, the Municipality of Mombasa investigated this matter

(Dr. Hassan)

thoroughly and submitted a detailed report for the final opinion of the Minister so that they should decide whether we are in a position to agree with the county council or not and last week I was informed that no reply has been received by them from the Minister himself. The question as to why a quick reply was not forthcoming from the municipality was due to several reasons. It is an admitted fact, Sir, that due to the shortage of housing sites in the town of Mombasa, the prices have increased enormously, and the townspeople of Mombasa have been requesting the authorities to make arrangements for access to the mainland which should be facilitated, both from Likoni and Kisauni. Through several causes, the Government has not been able to deal with this matter effectively and the local government is only watching such deliberations as a third party. Unless the people of Mombasa get facilities to get out of that congested island on to the mainland, they do not feel very happy to be burdened with the two county councils next door to them. With colossal taxes they are paying they are not enough to deal with the necessary and essential improvement of the town itself. We are lacking a lot of things in the town of Mombasa, and due to the fact that about 45 to 50 per cent of the taxes paid by the townspeople of Mombasa is spent towards overheads and the savings out of the taxes is hardly enough to maintain whatever little has been provided for the convenience of the town. We have no funds available to embark upon the new proposals there and the Government, the local government, and other authorities concerned with it should show a little more sympathetic attitude to the townspeople of Mombasa and provide facilities, for access to the mainland. It looks very annoying that they are called upon to pay for the county councils of the mainland when they have not enough money for themselves.

The second question is housing. The local government has done extra-ordinarily well within the town itself in providing houses to the large number of African staff. They also did considerable work on the Changamwe scheme. We have a very large influx of experts, engineers, assistant engineers, deputy engineers, and specialists in that

municipality, it is considered to be essential to have specialists for the welfare of that town and I understand they supervised the building of African houses at Changamwe, and evidently a considerable number of the houses, either collapsed or are considered dangerous by the Health Authority and I understand that a considerable amount of money is expected to be spent on those houses to put them right. I hope the Minister will make inquiries in this matter. We are paying very high salaries to those gentlemen who are supervising those houses as to why such an accident should happen to the buildings at Mombasa.

The other matter is the question of houses in the township generally. This is a matter I would like the Minister to take very, very careful notice of it—and give very serious consideration to it. There is some such thing as temporary occupation licence in this country—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): On a point of order, the hon. Member, Sir, is responsible for what he says. He has just said that most of the houses at Changamwe have collapsed, or are dangerous from the point of view of health. It is entirely untrue and I would suggest that he withdraw those words.

DR. HASSAN: A considerable number of them, Sir. If most of the houses is objectionable to the Minister, I will say a considerable number. A number of those I do not know, but I was informed that there were not many built and those that were built, a considerable number of them were considered to be dangerous. However, Sir, I was going to speak on the temporary occupation licence. This was a convenient way for the Land Department to give out plots to the Africans in most of the towns in this country, and some of them they have been occupying for the last 30 to 40 years. They built their houses, the type of houses which they were permitted by the local authorities, and naturally the Health Authorities always supervised them and saw that they were sanitary. They were paying the necessary rent for those temporary occupation licence plots. Of course, they were given these temporary occupation licence plots at a time when these plots were not even worth £5, and to-day after they have lived in them for 30 to 40

(Dr. Hassan) years they are all of a sudden told that "their temporary occupation licence is cancelled and they should get out of it in the shortest possible time and we are going to demolish your house", and they are given no other plots. A large number of people came to me from Nakuru the other day, they are mostly ex-King's African Rifles, the people who helped this country by serving the Kenya Regiment and the military and the police, and they were given plots at Nakuru. Some of them living with a family, four or five people, others have widows of their brothers and other relatives and their children, the orphans living with them. One of them reported to me that he had a house with nine rooms and he was occupying some of them and some of them he was renting to some other visitors visiting town. In fact, he, himself, is serving with one of the private firms in Nairobi. He was getting some income out of the rent and maintaining his family of 10 members there, and he was under the impression that this was his house, and his own plot, given to him 40 years ago for the services rendered to the Government and it was unlikely that the Government is going to tell him to get out from there. The municipality has put up some small houses and they have asked those people to get out and rent those rooms. Each room of a house of two rooms at Sh. 47/50. Instead of getting some income from their present houses to maintain their families, they are called upon to pay rent for a municipal house which is not enough for 10 members of the family under any circumstances. What I want to find out from the Minister, Sir, is it fair that after 40 years of occupation of a T.O.L. plot with a house put on to it by ex-King's African Rifles and other people who served this Government, that they should be brushed aside in such a manner and get an order from the Court which according to the law you can easily go to the Court and get it, because the laws passed by this Government, similar to the house laws which we have in the United Kingdom, and surely those laws could never be implemented in any part in Kenya under any circumstances, but it was thought that as and when necessary some of these laws will be enforced as circumstances permit.

Sir, under those laws you can always have an order of Court to turn the person out. Is it fair, Sir, to turn them out with large families of this type without satisfactorily making some arrangements for accommodation elsewhere. When we had similar trouble in Nairobi, I understand that the Government did make arrangements and did give plots to those people when they demolished their houses. They gave plots to them and on their plots they put up their own houses and they are living comfortably without any trouble. Why was not such an arrangement made for these people? I was further informed that some of the objections raised by them that some of the people in that locality use their house as a brothel. Well, surely if a person is breaking the law, he could be dealt with, could be prosecuted and stopped from following such activities instead of penalizing the law-abiding and honest citizens? Such things are happening at Nakuru. Similar trouble also started at Nyeri but somehow or other that administration very kindly stopped it, and probably at Nanyuki they have made satisfactory arrangements and dealt with such problems. What I wanted to bring to the notice of the Government was about the temporary occupation licences for plots given to the people 30 or 40 years ago at Naivasha, Gilgil—and other places. Is it desirable and fair for us after 30 and 40 years' stay to tell those people that we can turn them out within a month, that they must get out from there? Is it to the advantage of the development of these county councils and local government that these poor people are going to be driven out to-day, when they have left their reserves, left their localities, and lived in the town 30 or 40 years; is it fair for them?

I would like, Sir, to ask that you would very kindly give very serious consideration to this matter.

The Minister stated that he was always against these town planning experts, but ever since he became a Minister of Local Government, he feels it is one of the most important things, and we must have a town planner. I would like to bring to his notice, Sir, that ever since we had this town planning system introduced in the rural areas, as far as I remember it was about a year and a half ago, we have not

(Dr. Hassan) we been able to do a single work that we have put up to the Government authority. And there was a very serious complaint in the Coast Development Committee the other day, that all our schemes put up for the blessing of the town planner have never materialized, and we do not know when he is going to give his blessing to them. So if a town planner means that he is obstructing the development of the rural areas of the different provinces, then it is high time that we should ask to do without him.

Now, the Minister has carried out considerable improvements in the City and county councils of this country and reports received indicate that he has given very serious attention and very desirable attention to the representatives of all communities. I must thank him for that, but, Sir, I want to know if any consideration has ever been given to the representation on the African district councils and whether these councils fall under your jurisdiction. If so, is it not time that representatives of the communities having interests in the area should also be given a chance to represent their interests in that council? If not as members, at least as observers? We have given a lot of power to the African district councils, which we never gave to them before. Previously they were dealt with by the Administration. Now it is the African district councils who will be dealing with them. If such is the case, the members of other communities who will be paying taxes to the African district councils, they should have some say in the affairs which concern them, either they should be taken as members of the African district councils, or at least be there as observers to give their opinion about matters which are seriously affecting them.

I know that my friend, the Member for Nyanza can look after the interests of all communities; I do admit that, but probably it would assist him if Members of other communities are also invited to give him their opinion.

I am sorry the Minister for Land and Education got up very quickly; probably he had a meeting and replied to the points raised by the previous members. I wanted to raise this point myself. It was in regard to this T.O.L. Every time

we raise this question of T.O.L. we are told we cannot possibly deal with it because we have no surveyors. Now there is some such thing as a training scheme for the surveyors in that department and I cannot understand why—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Is this in order? The Head is now Local Government, not Survey and Lands.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think the hon. Member is getting away from it.

DR. HASSAN: The Minister for Lands, Sir, he stated "The lack of surveyors". I hope I shall be allowed to deal with that matter.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Yes, certainly.

DR. HASSAN: Thank you very much. It is years, and years, and years that we have been told that we have no surveyors. The Survey Department has decided that they can train the youth in this country if they were only to get the youth from the communities that have settled in this country, instead of restricting it to the recruitment from one particular community alone.

The above objection cannot stand in view of what is happening at Nakuru to-day. The T.O.L. of 40 years are being taken away from holders and they are told "Get out, we have got the Government order, and we are going to bulldoze your houses".

This objection to delayed survey—lack of surveyors—does not come in it at all; it is only an excuse.

I am sorry, Sir, I hope you will forgive me. I have had to look into my notes every now and then, because I never thought you were returning from hospital to deal with the Estimates of your department.

With these remarks, Sir, I support your Motion.

CAPTAIN HAMLEY: Mr. Speaker, Sir, I had not intended to intervene in this debate, but I am driven to my feet by a very fast one which was slipped over by the Member for the Central Electoral Area. Now, Sir, he referred to the dispute about latrines at Nakuru. He

[Captain Hamley] then came down to Nairobi and said that there was a by-law in Nairobi which limited the number of latrines in a house, which may or may not be so: I do not think it is so myself. Then the quick one came in. He then linked up kitchens with latrines and said that the by-law should be altered to allow greater numbers of latrines and kitchens in houses.

Now, Sir, as Chairman of a Municipal Works Committee for many years, and as a member of the Rent-Control Board, I know all about that one, and I am all against it! I sincerely hope the Minister for Local Government is also up to the mark on this one, because, of course, the only reason they want more kitchens in a house is to over-crowd the house and put more families in it, and I am entirely against it, Sir.

I support the Motion.

MR. HARRIS: Mr. Speaker, Sir, like the last speaker, I did not mean to intervene until the hon. Member for the Central Electoral Area started criticising some non-existent by-laws of the Nairobi City Council. Of course, Sir, there are no such by-laws as the ones he mentioned, which restrict the number of latrines or the number of doors. I thought, Sir, that we should get the record straight by explaining that Nairobi City Council for a long time has been endeavouring to see that the Asian population in Nairobi, particularly in Eastleigh, does not build slums, but builds decent habitations for the people. They have been encouraging in the last few years the construction of one, two and three bedroomed self-contained flats.

Now, Sir, the Asian idea in Eastleigh is not always orthodox on the way flats should be constructed, so the Nairobi City Council have had to insist that each separate dwelling, even if it be a block of flats, shall at least as a minimum have one lavatory, one kitchen and one front door, instead of the usual habit of having one public lavatory per block and in these flats having one large communal kitchen in which all families do their cooking. They also, Sir, have, of necessity, had to ensure that each dwelling house or each dwelling area is used by one family. Therefore the only restriction is in respect of kitchens. They

have insisted that every dwelling shall have a minimum of one kitchen, and shall not have more than one. That is the only restriction. But they must also have a front door, and, if you have a front door to a flat, you do not want several doors, otherwise it becomes a warren and the Nairobi City Council have been trying to prevent the creation of warrens in Eastleigh.

I would not like it to go on record, Sir, that we are restricting latrines. On the contrary we are trying to see that at any rate latrines are used for their proper purpose and that that purpose is not conducted elsewhere than in the latrines.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think I might intervene in response to a point of order raised by Mr. Havelock. I believe that it is sometimes considered permissible for Members outside this building to indulge in slight exaggerations to try to bring home to the public their point of view. But in this building, hon. Members must remember that, if they make statements those statements must be, in their opinion, true statements of fact and not exaggerations.

MR. CHIANAN SINGH: On a point of explanation, Sir, may I say—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I was not speaking of any particular Member.

MR. CHIANAN SINGH: I am explaining myself, Sir. When I referred to the construction of kitchens, I did not refer to flats. In fact, I commended the system of flats. I said the only discouragement there was the rents which the Lands Department were demanding. When I criticised the by-laws in regard to kitchens and lavatories, I mentioned large houses consisting of 10 or 12 rooms. Everyone knows that such a house is not to be occupied by one family, but is to be let, and, therefore, it is reasonable that a number of kitchens and a number of lavatories should be permitted.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Any other Member wishing to speak? If no other Member wishes to speak I will call on the hon. Mover to reply. Mr. Havelock.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Firstly, Sir, I thanked the Council when I moved this Motion and I have now to thank the Council again for fitting this particular debate in—the winding up of it at this time—and I do apologize to the hon. Member for the Rift Valley whose speech was cut off the last time we sat, in its prime, no doubt.

Sir, a very large number of points have been raised on this Vote and first of all I would like to thank hon. Members—some of them who made kind remarks about how the Ministry has been managed, and especially the hon. Member for Ukamba who spoke first. He did say, Sir, that he understood that the Nairobi County Council had agreed to become the planning authority, and I want to correct him on that. They have not yet agreed, although certain committees have expressed the view that they might like to agree. But the Council itself has by no means agreed and the whole matter is being negotiated now. He will recognize, I think, Sir, especially, that any local authority has got to think very seriously before they do become a planning authority, because that might well mean a considerable financial commitment. On the other hand, as I said in my opening remarks, I hope that local authorities will become planning authorities and Government will look sympathetically at the financial implications, although no promises can be given.

I would also like to say, here, Sir, that it might well be that if local authorities wish to become planning authorities and have their own planning staff, it might well be that that planning staff—their salaries—could be anyway partly met by outside work, other than that of the local authority, and it is in that sort of way, I feel, that we will have to progress in our present financial stringency.

There was also the point he made, Sir, about the Health Grant, and he suggested that it should be *ad hoc*, rather than, I think I am right in saying that, rather than on a percentage basis, which it is to-day.

Well, now, I want to say here, straight away, that the Ministry and the Government have recognized that certain local authorities, that is county councils who

have recently become health authorities, are in rather a difficult position in that they were not able to get away to a good start in implementing their special health requirements. Therefore, the guarantee which the hon. Member mentioned himself, I think that the first 95 per cent will be the minimum cash figure to be granted to them in future years, sometimes does not act very fairly, especially with those who have made a slow start. I am prepared—Government is prepared—to consider the special cases of such local authorities *ad hoc* and it might be that we would be able to provide a slightly more generous grant if a real case has been made out, and the reason given why they have not been able to spend what they are normally going to spend in their first year. This particular matter is being discussed with one or two local authorities now, so I think the hon. Member can anyway be partially satisfied that the health grant—or the health responsibilities—are not going to be quite as heavy as he has up till now thought.

Now, Sir, there was another point also raised, and that was the matter of the diminishing grant. The hon. Member stated, I think categorically, that he would not accept that the diminishing grant at the level which it is suggested to-day, will be the final figure. Well, I can hold out no hope at all that it will not be the final figure, and personally I believe that the diminishing grants which have been given to local authorities are, on the whole, quite generous. They are based, as hon. Members will know, on the number of townships that have been taken over, the number of electors and so on. I cannot see, anyway at the moment, any further sources of revenue, or rather increases of such grants. I believe that properly used on services which will bring in revenue, and which are development services, those diminishing grants will be a very important instrument to put the local authorities right on their feet financially. But that is a matter of wise expenditure and wise investment. Some of the local authorities are rather inclined to get the bit between their teeth and rush off spending a lot of money straight away.

Now, Sir, the hon. Member for Mau has said that counties and local authorities generally have a high degree of

[The Minister for Local Government, Health and Housing] liberality and responsibility and have shown such, and I would like to emphasize and underline that, I believe they have and they have shown themselves very worthy of the responsibilities that are being placed upon them. But he then went on and asked what further responsibilities it is suggested they should take over, in fact what is the future policy for them? He did mention especially community development and I would say straight away that that sort of activity is one that is very right and proper for a local authority to undertake, and that Government will be, again, very sympathetic with regard to helping financially on those sorts of activities. I can say that we are prepared to provide a grant of up to 50 per cent for the start of proper community development activities, and this should go a long way to help the local authorities to increase their activities in this direction.

Then the hon. Member mentioned education. Now, Sir, it is my hope, and it certainly is in the Ordinance, that any local authority is enabled to become the Education Authority and any county council is, and it is my hope that in due course they will so become. But it is one matter I think that needs very considerable study and I have been giving it some thought and have had discussions already with the Minister for Education, but it is not one which should be rushed into from the financial aspect alone. On the aspect of responsibility I think the sooner the better, and I can assure the hon. Member that, even with individual counties, this matter has been discussed and will be discussed and I hope a sound and proper way of working it out will be arrived at. But I do issue the warning that it is not a thing to rush into immediately.

There are many other duties, Sir, that the county councils can well take over, and there are such things as acting as agents for government on a number of matters, especially matters which are now undertaken by the administrative officers in the settled areas, and I have already asked counties what subjects they would care to take over of this type. A list was drawn up quite a long

time ago and referred to counties, but I am afraid the action has not been very quick and it has not been very generous, because these duties, they feel, may not pay for themselves. Well, they may or may not.

Now, water is another matter I think that local authorities could well be thinking of taking over, especially small townships' supplies. Again I would agree that sometimes they are uneconomic and naturally they do not want to take them over. But that is now, again, a subject being discussed with local authorities and we are trying to work out the economics.

As far as land is concerned—I think another particular matter the hon. Member mentioned—naturally the Government is, as far as the disposal of Crown land is concerned, the landowner, and therefore, cannot delegate very much to local authorities.

On the other hand, considerable areas of land, especially in towns and for African housing, have already been made available to local authorities at peppercorn rental, and they can from then collect the rents.

However, let us be quite candid on this. It does not always pay. Sometimes it pays the local authority not to own the land, but to collect the rates, or the contribution in lieu of rates, from the Crown on Crown land. The thing is not as simple as handing over everything at once. I personally believe that in this time of the development of local government we have got to study almost each case separately to find out what is best for the local authority on the one hand and the Government on the other.

Now, Sir, another point which I know is exercising the minds of Nakuru County very much is the matter brought up by the hon. Member, that of their taking over or expanding their health services. I think he suggested that the Nakuru County Council might be the agent for the Government to run the hospitals in that area. Well, at the moment, the county responsibilities are maternity, and ambulance and dispensary, and I think that is quite a lot to be going on with myself. I would make it quite clear that even on an agency

[The Minister for Local Government, Health and Housing] basis, there is a certain risk. The hospitals, especially the ones to which the hon. Member must be referring, such as Molo and Londiani, and Eldama Ravine, are completely uneconomic. They are a dead loss to the Government and it would be a difficult thing to work out a scheme whereby these hospitals would not be a dead loss to the county. In this particular case, I have got two hats to wear. I have got to try to work out from the Medical Department's point of view and from the local government's point of view, which is the best. My own personal view at the moment, and we have discussed this at length with representatives of the county, is that the hospitals should continue to be run by the Central Government and meanwhile the county should develop its ancillary services to the hospital up to a better standard than they are to-day. When they have got up to that standard, then may be we can consider the matter again. But with the distribution especially and allocation of overheads in running hospitals, that is the main snag to the expense that might be incurred.

MR. CROSSKILL: If the Minister will give way. It is appreciated, Sir, that these grants would have to be a hundred per cent by Central Government which is looking after these uneconomic hospitals, but we are now looking forward—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (MR. HAVELOCK): I know, Sir. That is the reason or one of the reasons why I have emphasized the word "overheads" in my last remarks. As I say, I have discussed this matter with representatives of the county, and I think their suggestion is that they want to be able to spread their overheads more, over further activities. I personally believe that, with the present activities, and the generous Government grant that they will get, they will be able to meet those overheads, better than taking over the hospitals which in itself, I think, would be a very great risk for them to run.

However, if the hon. Member still has doubts, may be he would like to discuss the matter in further detail with

me, because it is rather a parochial one, at the moment, anyway.

There was one point, Sir, I do want to emphasize here—to underline—which the hon. Member raised. He said that he hoped that progressive local authorities would not be held up by the slower moving bodies. I can certainly give him that assurance. In fact one can see the different types of authorities throughout the country. Nearly all of them are at different stages. Some of the counties are health authorities, some are not. Some areas are under the jurisdiction of district councils and some of county councils. The townships are the same, and indeed maybe he was referring to African district councils, hoping that county councils would not be held back because African district council development could not go so quickly. That is entirely wrong. The African district councils are miles ahead in many ways of the counties—miles ahead—with very many more responsibilities, very much greater revenues and, therefore, certainly they are not, or rather county councils are not, being held back because of African district councils. I can assure you. And in any case, I do give that assurance that local authorities will not be held back, because others are slower moving.

There is one other point, Sir, which I would like to mention here. The appeal, all the time, understandably, from the local authorities, especially the new ones, is for more money from Central Government. I have said in this Council before that I personally suggest that the principle of the development of local government is that more autonomy should be given at the lower level, that more interest should be taken by the people themselves in their own affairs—in their own day-to-day affairs—and they should be given more responsibility in those affairs. Now you cannot have responsibility unless you pay for it, and the more grants that come from Central Government to local government, the less authority that local government will have. Now that has been proved in other countries, not only in this country, and indeed it is my wish that we, in this country, will not get into the mess that some other countries have already, through this grant system from Central Government.

[The Minister for Local Government, Health and Housing]

It is to my mind, the most essential thing to build up the responsibility and the autonomy of local government bodies in this Colony—to bring in the parochial interest and parochial loyalties and patriotism. That is what I believe is the essence of local government, and therefore heavy Central Government expenditure—heavy Central Government subsidy—will just immediately react the other way, and put the brake on what I hope will be the development.

Sir, the hon. Member for Mau also brought up the matter of transport, and he was worried about the bus services in Nairobi, which I think is very generous of him to worry about, as there are other Members who might be more really closely concerned than he, but still, the point is, Sir, that there is an agreement between the City Council and the Bus Company, which agreement is a very long one, and the franchise has got another—something like another 18 years to run—and, during that time, it is going to be extremely difficult, unless the Bus Company themselves agree to adopt any of the suggestions that the hon. Member has made. Now, it is agreed—and I have said previously in the main Budget Debate—that I would take the matter up with the City Council, and have discussions on it, to see if, through local government, we can help in any way, but I do want the hon. Member to realize that it is here—that is down in black and white—this agreement—“During the continuance of the franchise the Council shall prohibit the carrying on by any person, or corporation, other than the Company, of any service for the carriage of passengers for hire or reward within the said City”.

Well, now, Sir, that is something that is not easy to get over, and therefore I hope the hon. Member will give time for discussions on that matter.

MR. CROSSKILL: Mr. Speaker, would the hon. Minister state whether there is also any condition in that agreement whereby the Company has to provide adequate services to the public?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I cannot give the hon. Member the details of the agreement—I have

not got them in my head—but I will study it for him and tell him about it, but all I would say is that, in making any agreement, it is always difficult to define adequate services. The definition of adequate services, on the one hand, by the people who are providing it, is always very different from the definition which the public would put on that word, and so I say again it is not a simple matter, but I will most certainly go into the subject in more detail.

I do thank the hon. Member for Trans Nzoia for his remarks, and also for his offer to help with regard to the development of local government in his area—and between us I hope we will be able to do something more in the very near future.

Now, Sir, if I may turn to the hon. African Representative Member, Mr. Gikonyo. He stressed that the African housing problem is a pressing one, and I could not emphasize it more greatly. I entirely agree with him. He asked if I fully appreciated the magnitude of the problem. I do so, and I would ask him does he fully appreciate the magnitude of the scheme for African housing—for 5,000 houses—which has been worked out, and has been worked out for the last six to nine months? In my opening remarks, I said I am facing great disappointment that the scheme has not gone further than it has up to the moment, but it is very simple to get up and say, “Let us have this, and let us have that”. It is not so simple to work it out on the ground—to get the materials and the people to do it at a price which must be economical—a price which is within the pocket of the African to pay—to get the actual persons, bodies, artisans for a scheme of this sort. They may not be existent in the Colony. The actual place to put them—the services, the roads, the water, the sewers, have to be supplied with those services to that area, and that area, mind you, will—when it is finished—accommodate 25,000 people. Now, that is a large number of people, and the services for them are very, very difficult to plan and to put into effect. I am not trying to excuse myself or my Ministry. I did, in my opening remarks, say that I am very disturbed with the delays that have gone on in this particular matter. We are doing everything we can—facing, of

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course, the difficulties of staff shortages, and so on, as every other Government department has to do, to try to get it going, but the main thing at the moment is this matter of the pilot scheme, which I explained, is for the Medical Department employees up near the King George VI Hospital, and on which building, actually on the ground, we are finding out the snags to the technique and construction which we hope will be adopted for the larger scheme. It surprises me considerably to see the number of snags that come up and are shown when you actually do something on the ground, as against experiments in the laboratory or calculations on paper.

Now, Sir, the hon. Member—and other hon. Members, African Members—were concerned about the siting of the African Mayfair. I will admit straightaway that I made a psychological mistake by mentioning the Infectious Diseases Hospital at all. If I had said right from the beginning that the Mayfair would be sited on the edge of the Royal Nairobi Golf Course, standing up from the plains on one of the nicest sites that you can get in Nairobi, with a beautiful view right down to Kilimanjaro, with a fresh breeze blowing the whole time—even up from the sea—and so on and so on, then possibly hon. Members would not have complained. I can assure the hon. Member that I myself would like a house there—probably more than in any other place in Nairobi. It is one of the nicest sites you could possibly have.

Now, also another advantage of it is this—the hon. Member himself mentioned it—Kibera, and he is absolutely right. One has always had in mind the extension and development of the Kibera area for a high-class housing estate. This area concerned is just on the edge of Kibera, and therefore the whole thing—the whole estate—can be joined up with Kibera when we can develop it. The hon. Member knows better than I do the difficulties of developing Kibera. However, that is another matter, but, Sir, I can assure him that it is a very excellent site indeed, and we can build these houses immediately and get on with it, whereas if we waited for Eastleigh—which, again, is quite a nice site—we would have to wait four years, and here I think I had

better mention the remarks from the hon. African Representative Member, Mr. Awori. I was very interested to hear of his diplomata—his experience—and I wish he had told me before, because I am sure that certain committees and boards, and the representatives of my Ministry, would be only too pleased to have his experience on them and the free advice he is going to give.

Well, Sir, the point is this. Of course we can construct—of course it is possible to construct sewers at Eastleigh. It is not a matter of mechanics. Firstly, it is a matter of the money, and secondly, it is a matter of the disposal of the sewage that will go through those pipes. The particular sewage farm—or what you would call disposal machinery—in that area is so overloaded that it will not take any more, and it will have to be doubled before we can put any more sewers in that area. Now, that means (a) money, (b) a different type of machinery and, of course, a considerable number of people to do the job, and at the moment the plan is four years—before that is completed, I hope we can speed that up. I hope very much that we can, because it is a most vital thing with regard to the development of that area, and of Nairobi generally, but that is within the capacity of the City Council, and that is as far as they can plan at the moment. It is not just a matter of the ground or conformation or anything like that. It is a matter of rather more important and difficult obstacles.

I am glad the hon. Member mentioned the employers' housing—I am going back to the hon. Member, Mr. Gikonyo—and I am very pleasantly surprised at the reaction of the employers to the money we have offered to them, and the difficulty, as far as I can see, now is that we will not have enough capital to loan to employers to build African housing. Up to six or nine months ago it was the other way round. They were not interested. Now suddenly they have become interested. Of course there is a squeeze. Capital is not easy to get elsewhere. Money is difficult, but I am very happy at the reaction and also that the employers are very much playing the game with regard to the standards of housing. They are putting up very good standards, I believe, and we will try our very best to help them more.

[The Minister for Local Government, Health and Housing].

Now, Sir, the hon. Member also mentioned the transport costs from the new Mayfair near the Royal Nairobi Golf Course. I do not think he will find the transport costs are very heavy. In fact, it is quite central, even from the industrial area. It is not a difficult place to get to at all, but I hope that the hon. Member will come up with me himself, and we will have a look at it together, and I am sure he will then be more satisfied than by just talking about it here. I must state straightaway that tenant purchase schemes, of course, will be available. The houses which I did mention in my opening remarks will start with all the money we have got—50 houses to start with—but they will be available on tenant purchase terms, and generous terms they will be. I want to point out here, Sir, that to some extent these areas will be subsidized, although it is a wrong principle, to my mind, to subsidize Mayfair or any high-class housing estate. The element of course will be in the land that is going to be made available at a very reasonable cost, but there the people who start now to take up the first lot will be the people who are going to gain.

Now, Sir, the hon. Member went on to discuss representation on local authorities—and especially on urban local authorities—African representation. I have been giving a lot of thought to this just lately. He emphasized this—and Nairobi in particular—and I merely want to say first of all that, in the last year or two—few years—Nairobi had got going, working very satisfactorily. I think, this system of ward councils and a general ward council and that the advice coming up from those councils is usually very sound, and is nearly always taken by the City Council. I am sure that pattern is an excellent one for a town of this sort, and it should be—and will be—encouraged: but with regard to actual representation on the Nairobi City Council, I cannot tell the hon. Member to-day anything specific, but I can hold out very good hope to him that the African membership may be extended.

Now, Sir, I am not going to go into the argument, Sir, as to whether representation should be based on rates paid or population or the number of houses, or whatever else it may be that hon.

Members may want. That is not really a matter of local government. It is a matter of policy—of high policy, constitutional policy—and it is one that can get us into very deep water, but my own view is that hon. Members will have to accept and agree that the Government will treat fairly the representation of different communities, and I suggest to them that they have been treated fairly up to now, and they will continue to do so.

The hon. African Representative Member, Mr. Awori, made some points which I have replied to, I think, Sir, and one or two new ones, and one of these was the matter of elections to African district councils, especially resultant on the acceptance by Government of the Coult's system of election to Legislative Council. I have no objection in principle. In fact, in principle I support the election to African district councils, and I have discussed this matter with the Provincial Commissioners, and others, and I think that what we will have to do is to bring in the different types of elections suitable for the different councils, because not all are ready for the same type—probably after the very difficult administrative problems of getting the rolls ready has been completed. I do not think we want to interfere now at this moment, because it might put the whole machinery out of gear in Legislative Council elections, but I will most certainly give the assurance that we will give the most urgent and close inspection and thought to this particular matter, and he has my sympathy on it.

The hon. Member, I think—unless I have turned a page wrong—also mentioned the Mombasa Municipality. I do not really know why, but he did. I think his idea—he emphasized—brought up the matter of the Mombasa Municipal Board becoming a council—in other words, they want a mayor. I do not know. The only thing I can say is that a mayoral robe at the coast is going to be most uncomfortable, but, apart from that, I have discussed this matter—and here I must bring in the hon. Member for East Electoral Area. I have discussed this matter with the board on a number of occasions, and it is very much nearer conclusion than it was. The hon. Member for East Electoral Area is rather out of date. Officers from my Ministry and the Local Government Department have

[The Minister for Local Government, Health and Housing].

been visiting Mombasa lately and going into all the financial implications with the treasurer, and I hope that the result of these further calculations, and so on, will lead to a definite move in the direction of extension of local government at the coast, which would probably be on the basis of a town and county council.

Now, I think there is a certain amount of confusion in the minds of hon. Members as to what that means—there may be some confusion in my own mind—but there certainly will not be county councils north and south, but district councils north and south, who will be on the same level as rural and urban district councils under our present counties and work up to the county and town council at Mombasa. There may be a certain small element of cost to the present Mombasa ratepayers, to be spent in the outside areas, but it will be very, very small indeed, and the hon. Member should not forget that, with the institution of new councils, the Government is very generous in the form of grants that they give to try to start new counties up, and of course a new county in that area would benefit the same as any other, so I do not think the hon. Member need worry so very much that all the ratepayers of Mombasa are going to get milked—or mulcted—is a better word—of all the money that they can possibly afford, and that it will all be spent on Likoni and Nyali. That is not the case, but I do submit, as I said in my opening words, that Mombasa has certain responsibility for the areas around and it is my view that the ratepayers of Mombasa have the responsibility to try to develop those areas.

Now, coming back to the hon. Mr. Awori, he mentioned the matter of financial advisers, and I must say that I am very pleased indeed that the North Nyanza African District Council have now changed their minds and accepted the appointment of a financial adviser to them. Unfortunately, of course, because they refused it for a considerable period, they have lost their place in the queue, and that is why they have not had an actual person posted there, but the hon. Member said something which was quite inaccurate. He said

there was not one in the Colony. That is quite inaccurate. There has already been for some months now—a financial adviser has been posted to Central Nyanza, and has been working with the African district council there. Another one, just recently, has been posted to South Nyanza; one is taking off any minute now for Machakos; and then the next one, I think, we can say we have available will go to the North, or Elgon—one or other of those—but hon. Members must realize—and surely they do—that it is not easy and simple to recruit people in five minutes for these sorts of posts, and if somebody says they do not want such a man to begin with, and then change their minds afterwards—they are welcome to change their minds—they cannot expect me to produce a financial adviser out of a hat. North Nyanza will get their financial adviser but it may be a few months yet, and I would like to repeat how glad I am that they have agreed to have a financial adviser, and I am sure they will find him extremely useful.

That leads me on, Sir, to the point about African presidents on African district councils. I have no objection at all in principle. When this matter was debated on a special Motion, I made it quite clear that I thought first of all we should build the foundations. From a financial point, the financial adviser is one of the main things to do that in that regard. I hope that it will not be very long before there is a post of president on the African district council, and all I can say is that I can assure the hon. Member that I have every sympathy, and will try to implement that. I personally have every sympathy, and I hope that, after the General Election, they will have a sympathetic Minister for Local Government who supports this idea the same way as I do myself.

The hon. Member, Sir, for Central Electoral Area, Mr. Chanan Singh, mentioned the increase of representation on local government bodies. I have dealt with that, and I am not going to go into any further detail. I do not think it is wise, or that I am expected to do so.

Another hon. Member has been kind enough to deal already with the point about latrines. All I would add is that

[The Minister for Local Government, Health and Housing] there are no by-laws, to my knowledge, of the sort the hon. Member described. However, I will go into that and, if the hon. Member would like to give me more detail of his worries, then I will see if I can help. The point there, of course, was made by the hon. Member for Nairobi South—the main point is this: that certain areas are planned, and rightly so, for certain densities of population. All sorts of things are based on that—the cost of the land made available by the Government, the planning of the services, and so on and so forth. Well, we cannot have people completely undermining the whole plan and the provision of the services, and so on, by doubling, trebling and quadrupling the density in the area which has been planned, and that is one of the reasons why this had to be done—to see that not more than a reasonable amount of people live in one house.

The hon. Minister for Lands did answer one or two points raised by hon. Members, because they had something to do with town planning as well. There was one point with regard to flats, and the increase of rent of the land if a man wishes to build flats rather than a house, and I am told that may be because there will be a change of user of the actual title given, and therefore with that change of user the rent may be put up, but I am afraid the hon. Minister has already spoken, and I cannot give the answer off the cuff, and possibly the hon. Member would like to get his information in another way.

Now, Sir, with regard to roads in Asian areas, we have had the Private Streets Legislation now since 1924, and it was revised in 1951. I have no knowledge at all of different areas of the City of Nairobi, or any other municipality, being dealt with in different ways from others. As far as I know, the basic matter—the basic requirement is that a street should be made up by the frontagers to a municipal standard before it is economic, and before the municipality take it over. When it has been so made up, they certainly will take it over under the Private Streets Ordinance. The municipality themselves will do the making up, and charge the frontagers in proportion to their frontage, and also they

will allow the frontagers to pay those costs over a considerable period—I think it is up to 20 years—so I do not think it is a very great burden on the man to have the Private Streets Ordinance applied to him, and that is the way it should be done. I will certainly go into these points that were raised by, I think, the same hon. Member in regard to—he said, I think, that some roads had already been declared as public roads, and then had been de-gazetted, or whatever it was. I think it was the same hon. Member who said that.

MR. CHANAN SINGH: I said the money could be found from some public funds.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): As I understood it, it was that the City Council had accepted the responsibility up to a certain date, and then shed that responsibility afterwards. Well, I do not know of those cases, but I will certainly go into it and see what the history is.

Now, Sir, the hon. Member also mentioned a matter which really, I think, should have come under the Medical Head—that which is down on the list—that was, he said that there are a number of hospitals in trading centres in his constituency. I certainly do not know of a number of hospitals in trading centres. And then he went on to develop this theme, and he mentioned specifically the hospital at Isiolo. Now all I would like to say—because any other details, I think, should be discussed under the Medical Vote—all I would like to say is that a hospital assistant has been posted to Isiolo and, if he is not there already, he will be there in the very near future.

Now, Sir, the hon. Member for East Electoral Area, Dr. Hassan, rather slanged the Ministry about the housing at Changamwe, and I must admit I take rather a poor view of the remarks he made. He said, Sir—even after his correction—that a considerable number of these houses had either collapsed or that the health authorities had stated they were not habitable. Now, Sir, the actual case is that the foundations of six buildings were damaged by flood-waters, and six more had certain cracks in them, and are now under observation. That is 12

[The Minister for Local Government, Health and Housing] buildings out of 480. I personally consider that that is an exaggeration by the hon. Member which is outside the bounds. . . (Cries of "Withdraw.")

DR. HASSAN: Now Sir, the six buildings were for how many families?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): The hon. Member must realize, of course, that nobody has yet been accommodated in this estate, and when he talks about how many families, that again is the way he has been led (astray in regard to the health conditions. The health people have not had anything to do with it yet. It is still a shell. No one has been moved in, and directly I had heard about the damage to the foundations of these buildings I went down myself within a week to inspect it—and the hon. Member can look up the records and see that—and I have had discussions since then with the Mombasa municipality with regard to finances, and the financial implication is not—I forget the word the hon. Member used—"a very great burden", or something like that—but it would not be very considerable as far as we can see, and the whole matter is now in hand, and I hope also that even with the expense—whatever expense it may be—to repair these foundations and put in extra drains, because of course the floods have shown us that extra drains may be wanted at certain unprecedented times. Even all that expense will not make any difference to the rent of those houses which, of course, are economic, so the hon. Member can see the expense is not going to be very great. Having said that, Sir, I would merely say it would be a most extraordinary Minister who would not go down to see the collapsed foundations after the reports about Ofafa.

The hon. Member then, Sir, went on to a matter in regard to the Nakuru T.O.L.s, and the fact that certain Nubians and Somalis are being told to get out—as he put it. Well, Sir, these gentlemen were given notice in 1953, that those T.O.L.s would lapse, and the local authority—and rightly—felt that it was time they did some slum clearance, and it is certainly slum clearance that is being done. This business of a house

with thirteen rooms, and so on and so forth—what sort of rooms are they? Has the hon. Member seen them, and does he really mean we should not continue, as the local authorities are doing, to clear up the real black plague spots we have in this country in certain towns? We cannot do them all at once—we have not got the money or the men—but those local authorities are taking the initiative and are starting, and I personally support that 100 per cent.

I have another point to make with regard to the Nubians and Somalis, and the very fair way in which the Nakuru Municipality has dealt with these people. I have got at least another ten minutes.

THE SPEAKER (Sir Ferdinand Crven-dish-Bentinck): If the hon. Member would like to go on for another ten minutes, rather than interrupt him, I think we might continue.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Now, Sir, the Nakuru municipality, to my mind, have been very fair indeed in this matter. They gave very long notice, as I have said. They offered other houses. Admittedly the rent was fairly high—it has to be because houses are expensive to build. They offered easy terms for these gentlemen to build their own houses on the tenant purchase scheme, and they were all turned down.

DR. HASSAN: I was informed that they were refused the tenant purchase terms.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Well, Sir, I do not know where the hon. Member gets his information—this is the second time—I think it is most unreliable, because I was going on to say that I have just had a letter to say that certain of these people will be prepared to accept the tenant purchase terms which have been offered to them. Now, Sir, further than that the Nakuru Municipality—the matter will go to court, and if the court wishes, and thinks it right, compensation may be awarded. That, I think, is a matter that must be left to the court. Apart from that, other people, Sir, have suffered from having to leave their houses in the municipality, and have been asked and, to go further than that, two of those people, because they were

[The Minister for Local Government, Health and Housing] old, and because it was inconvenient—or rather, it was not possible that they should find a lucrative job for themselves—they are now being helped by the Nakuru Municipality—they are being given accommodation by them. They are two of the previous lot, and a similar sort of attitude will prevail, and if anybody—any of these people—are really in need, the Nakuru Municipality will see to it that they do not suffer. I can assure the hon. Member that this is one case in which he should not be afraid, because this particular local authority has been most sympathetic. There have been petitions to the Governor on this matter, and all these petitions have been answered, and I do not think the hon. Member need worry any more.

The point we must emphasize, Sir, is that (a) slums must be cleared, and (b) the activities, as the hon. Member knows himself—the activities in which these people were active—some of these people were active—are not the right kind of activities, and it is not easy always to use merely the police force and the law on such activities. Thirdly, I would like to say that on the general matter, Sir, of this particular community, it is no doubt at all a problem to this country; I mean the Nubians and the Somalis. They have been a very loyal people, who have fought for us, and so on. They have been a very loyal community, but they are a problem because their way of life is not fitting into the modern way of life and the changes that the modern life is bringing to them, and I hope—and I am discussing it with my hon. colleague, the Minister for Works—that we might find some way in which we can help to teach the younger people of this community better pursuits, and pursuits better and nicer than those in which they have been active in the past.

Now, Sir, with regard to the matter of surveys, I cannot deal with that. It is a matter for the hon. Minister for Lands.

Oh! One more point, Sir, with regard to this demolition. I do not think that the people of Pangani, that were resident in Pangani, were given other land, as the hon. Member stated. They were

paid compensation—a certain amount of compensation, and that may well apply to other people in Nakuru through the courts.

I think, Sir, that I have covered every point that was raised, unless I have either not been able to read my own writing, or omitted to make a note, and therefore, Sir, I beg to move.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): This, I think, might be a suitable moment to take the customary break of fifteen minutes.

Council suspended business at twenty-five minutes past Four O'clock and resumed at forty minutes past Four O'clock.

IN THE COMMITTEE

[D. W. Conroy Esq., O.B.E., T.D., in the Chair]

VOTE XXIX—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND HOUSING

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £123,189 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXIX—Ministry of Local Government, Health and Housing.

Question proposed.

Office of the Minister for Local Government, Health and Housing.

Head A—Personal Emoluments

LT.-COL. GHERSIE: Mr. Chairman, Sir, Item 1, Minister for Local Government, Health and Housing—I am just wondering if I ought not to move a reduction in the Minister's salary, but I would just first like to ask a question. I see in the notes attached to the Estimate it states, "The Estimate for the Ministry of Local Government, Health and Housing amounts to £123,189 against a Vote of £112,516 in 1955/56 and the actual expenditure of £141,151 in 1954/55". Now, Sir, we often relate the history of this Colony back about 50 or 70 years, but would the hon. Minister inform me what was the emolument of the Minister in 1866?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Yes, Sir, it was one arrow in his eye!

Head A agreed to.

Head B agreed to.

Services under the Authority of the Ministry of Local Government, Health and Housing.

Head 1—Social Welfare.

A—Personal Emoluments

SIR CHARLES MARKHAM: Under A, Mr. Chairman, could I just ask what the function is of the learner case-worker (D)?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): The learner case-worker, Sir, is a learner, Sir. It is an Asian lady who is learning to be a welfare officer as the other two are. I do not know whether that satisfies the hon. Member.

SIR CHARLES MARKHAM: No, Sir; could I ask what the D in brackets means, Sir?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I think the hon. Member will probably find it is a scale if he looks behind.

Head A agreed to.

Head B agreed to.

2—African Housing.

A—Personal Emoluments

SIR CHARLES MARKHAM: Again, Mr. Chairman, Item No. 2, Architectural Draughtsmen, I see the scale laid down, Sir, is CS—3, but the Minister in his policy speech did say that he was very concerned for the delay in African housing. Is it perhaps because of the scale of salary paid to the professional people, like architects and architectural draughtsmen that he is experiencing difficulty?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Sir, I have no doubt that Government is experiencing great difficulty in very many departments, but Government has not got the money for everything that is required.

Head A agreed to.

Head B agreed to.

3 Miscellaneous Services agreed to.

Appropriations-in-aid.

The question was put and carried.

VOTE XXX—LOCAL GOVERNMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £27,653 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1957 for Vote XXX—Local Government.

Question proposed.

1 Local Government Department.

Heads A and B agreed to.

2 Town Planning Department.

Heads A and B agreed to.

Z Appropriation-in-aid agreed to.

The question was put and carried.

VOTE XXXI—LOCAL GOVERNMENT CONTRIBUTIONS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £866,000 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1957, Vote XXXI—Local Government Contributions.

Question proposed.

1 Municipalities.

Heads A to D agreed to.

Head E

MR. GIKONYO: Mr. Chairman, there is a small point I want to raise on this question of contributions to African Housing. I would like to know from the Minister for Housing what powers he has to prevent the local authorities from increasing the rents for African housing to a point where many Africans cannot pay without difficulty, because I feel most of the local authorities have refused to accept the subsidy and I am worried that they may increase these rates to a point where many Africans cannot pay without very great hardship. What weapon has he got to prevent that happening?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, I have no powers as such to control rents. Most of

[The Minister for Local Government, Health and Housing] these houses, in fact all these houses with which we are concerned here, are the property of the local authorities concerned and they, therefore, can put what rent on them they wish unless they accept a subsidy scheme. On the other hand, of course, as Minister for Local Government, I have certain powers over local government authorities and they will, and they always have, taken very serious consideration of the views that I have expressed to them on such matters as these.

I do not think myself, Sir, that the rents at the moment pertaining are outside the pockets of the Africans and the hon. Member will remember that the rent element of the minimum wage has been increased and we hope that that will help considerably to meet the rents that are being charged, but we do keep a very close eye on it and we will use every weapon, and every way that we can to keep the rents at a reasonable level.

Head E agreed to.

2 County and District Councils.

Head A

MR. CROSSKILL: Would the Minister say whether he has been able to check whether the contribution in lieu of rates in respect of the Nakuru County Council are in line with the increased rates in the County Council area, or whether they remain at the same figure commensurate with the rates before they were increased?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I am afraid that is a very quick one, Sir. I would say that that has been taken into consideration, but, even if it has not, it will be adjusted because it is statutory.

Head A agreed to.

Heads B to E agreed to.

3 Townships.

Head A agreed to.

Head B

SIR CHARLES MARKHAM: I see the sum of £1,800 this year for Machakos—traffic revenue. Could the Minister

explain how this actually is worked in view of the fact that Machakos particularly is one of these—I cannot think of a polite word to use in this Council, but he used the words *nusu nusu* I think—but it is half in the African Land Unit and half in the White Highlands. Could not this sum go perhaps half to the county council rather than the whole lot going to the township which is half administered by the county council?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): No, Sir, Machakos is not administered by the county council. Machakos is a self-accounting township and has an entity of its own and, therefore, the revenue is justifiably paid into its own coffers.

SIR CHARLES MARKHAM: Mr. Chairman, I must dispute that because the figures they have given came from a traffic census which went out with demands for rates and I do not believe that the census—because I saw the actual form—or the vehicles are necessarily garaged in Machakos itself. Machakos district maybe, but, if you look at the Ordinance, it lays down very clearly that money given as a contribution to traffic revenue can only be spent, in the case of a county council, in the urban district council involved, on minor roads, or in the township on township roads. I would like the Minister to reconsider that figure because I think it is rather stupid that all the money should go to the municipality when the revenue earned has come from powers outside the township.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): What the hon. Member is trying to suggest, Sir, is that the county council should have a share of what has now been given to the township of Machakos. I think, Sir, there may be some case for consideration on the point he has put forward in that, normally, an urban district council is the centre of a county and there is, therefore, a benefit for the whole area derived under the present system. Personally, I am not absolutely certain if the hon. Member is right, that contributions are only made to urban district councils; if he is not right, then his case is rather strengthened in that it

[The Minister for Local Government, Health and Housing] is the rural district council that he is more worried about around Machakos.

Sir, I can see that this is a matter of a township servicing a county area, which is rather different from any other place in the county areas, and I will give consideration to this particular factor, Sir, and see if anything can be worked out between the county and the township.

Head B agreed to.

4 African district councils.

Head A agreed to.

Z Appropriations-in-aid agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and adoption without amendment of the resolution dealing with Vote XXIX, Vote XXX and Vote XXXI and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of Supply has considered and approved resolutions that a sum not exceeding £123,189 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957 for Vote XXIX—Ministry of Local Government, Health and Housing; and that a sum not exceeding £27,653 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957 for Vote XXX—Local Government, Health and Housing; and that a sum not exceeding £866,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXI—Local Government Contributions.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Coun-

cil doth agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXIII—AGRICULTURE

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of Debate adjourned on 29th May, 1956)

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, when I was cut short yesterday, as the Minister for Local Government, Health and Housing said in my prime, I had just really dealt with a review of certain aspects of these Estimates in African agriculture. I have not attempted to give hon. Members a tremendous review of what the Estimates attempt to establish; I have tried to pick out from the various items going on within the Ministerial direction those items which I thought hon. Members might be interested in.

Now, Sir, turning to the European areas, we intend to continue our drive for greater efficiency mainly through increased yields and, in that, we are extending farm planning in the European areas just as we have extended it in the African areas. We are continuing the general advisory service, which is available to farmers, together with the research services. But our main effort must be, over a large part of the European areas, towards an extension, or a further development, of the system of farming known as alternate husbandry. It seems so me that in that on the smaller farms, at any rate, the dairy industry must, and will continue for many years to come, to be the main source of income from animal production. I want to warn hon. Members that the dairy industry to-day is running into very considerable dangers. There is considerable over-production of butter, or under-consumption of butter, in the world, and prices show a tendency to drop.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Now, there is no substitute on the small farm with intensively managed grass, for the income produced from the dairy herd. We have instituted, right through the Highlands, or are just about to institute, a series of experiments in the production of beef, but, the return from an acre of grass through beef even on a well-established ley, is not likely to be comparable to that returned from the dairy herd. It is essential to this country, if it wishes to move agriculture over to a steady long-term basis of alternate husbandry, to safeguard its dairy industry both in the European areas, and, eventually, as the Sahiwal crosses—to which I referred yesterday—develop, in the African areas.

On the larger farms, there may well be an opportunity for the production of beef, and I would like to say this, that I think the most crying need in the beef industry at the moment, apart from possibly the reorganization of its structure, is a determined drive to improve the quality of the product. I believe that the housewife in the town, who, after all, is essential to the farmer in that she is the consuming end, will willingly pay for a good quality beef product. That, Sir, we are attempting to do by intensified research into beef and beef crosses especially on to dairy herds. We cannot, however, say as yet whether the beef animal, as an adjunct to the end of the dairy herd, that is to say the lower yielding cows, will be a profitable venture. At any rate, we are experimenting in it and should shortly, that is to say in a year or two, be in a position to advise farmers on this aspect of their industry.

The Pastoral Research Services are well under way now and we are beginning to get the first results from the research which they have undertaken. I believe that the future will show that farming in this country can be based admirably on high-quality grass production rather than low-yielding cereal production.

In the matter of grass development and production from grass, I would just like to touch upon sheep. A word of caution is necessary, because their management is difficult and they need considerable skilled attention. But the Director of Agriculture is undertaking a research in-

vestigation into the best sheep and the best type of sheep and their management from the lower altitudes right up to more than 9,000 ft. I believe that we will find that a small flock of sheep, properly managed, may be a useful adjunct to the income of the small farmer who is mainly dependent on the dairy herd.

In this process of improving the efficiency of agriculture in the European areas, I would just like to mention the soil conservation services. Last year, 1955, no less than 27,000 acres were terraced. The farming population to-day is very conscious indeed of the necessity of soil conservation and, indeed, we have a public conscience in the matter which is excellent. But, I did wish to warn hon. Members that we will only reduce soil conservation services at our own peril. If we do not maintain the soil conservation services, we will be faced with a decline in the intrinsic capital of the soil.

In that regard, Sir, some hon. Members opposite may like to know that in conjunction with the Director of Agriculture, and the Board of Agriculture, we have worked out an administrative method, which we will shortly be putting into operation, which will, I hope, go a long way towards avoiding these disputes in which either the farmers or the soil conservation people feel they must have recourse to the Courts. Now, I am anxious to avoid this because it is essential that farmers should have confidence in the Soil Conservation Service if we are to proceed with the work. It is equally essential that the officers of the Soil Conservation Service should feel that they are protected from possibly ignorant criticisms by the farming community. I am rather hopeful that the procedure we have outlined will avoid that.

A small matter, Sir, which is tucked away in the Estimates, which will interest Members I believe, is provision for *Quelea* control. We have now got an agricultural officer available in the Rift Valley Province for dealing with *Quelea* and we have got an officer (bird control) who will deal with the matter of ascertaining their roosts, their breeding grounds and their habits. Now, I mention that because that particular bird did do very considerable damage last year and we are wise to tackle the menace now before it gets to very large proportions.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Sir, the Agricultural Ordinance set up a pattern for farming, in which the annual assessment for the Minister for Agriculture of price structures for certain produce needed for the development of the country or the maintenance of its people is essential. I wish to say a word on it, which is this: in the past we have built up these price structures by really piecemeal application, conditioned upon us by the exigencies of the moment—such as war, famine or the difficulty of importing alternative foodstuffs. I believe the time has now come when we should begin to use the mechanism of annual review of the price structure over the industry as a whole with a view to helping it to move its economy towards those products which are needed in the Colony and by the world and away from those products which may be temporarily in ample supply. The mechanism must be most delicately adjusted, but I do hope to have discussions at the end of the year, and I shall hope to have the sympathy of the farming community towards the thought that individual sections of the industry do not come to me as special groups to see how much they can get, but rather in the spirit of one family adjusting the cake to the particular needs of the family home. I believe if we look at the price structure mechanism in that way, we, as a Government, can do an estimable benefit to the farming industry by helping to move itself with adequate financial stability towards those fields of expansion which appear to be most suitable, bearing in mind the economic trends of the world's agricultural position.

Now, Sir, finally, I think yesterday I said I would be about 10 minutes—I think I am going to be a little bit shorter—finally, Sir, I would like to say this, that there has been very astonishing progress and advance in the agricultural world. A great deal of that, indeed, the most of it, Sir, is due to the officers of the Ministry, now under my control, who do a great deal of work which is not always seen by the public. They do it especially in the organization of the industry and the maintenance of its stability over such matters as price structure.

Secondly, Sir, it is also largely due to the Director of Agriculture, and his

officers in the field. I believe the great expansion of agricultural progress in this country recently, is entirely due to the Director of Agriculture and his officers. As I am a new Minister in this Portfolio, I want to record my thanks to them in this Council and, in particular, Sir, I want to record that the Director of Agriculture will be leaving shortly to take up the post of Minister of Agriculture in Tanganyika. Tremendous expansion in the Ministry has taken place, Sir, during his tenure as Director, and I wish to give the Council a little piece of personal history. Many years ago, about 22, I applied, in a moment of despondency, for a very junior post as coffee officer in the Telta Hills. I was, of course, as hon. Members may guess, short-listed. I think possibly, Sir, I might even have been appointed to the post if it was not for the fact that I had second thoughts and simply could not stand the prospect looming up ahead of me. Now, Sir, if I had been accepted, I would have had the pleasure of serving under the present Director of Agriculture, but, as it is, Sir, he sees a rather insignificant farmer now the Minister, in theory, at any rate, directing his policies. I want to record to the Council, Sir, that he has accepted that transition with the fortitude and calmness which are in the best traditions of his service.

Sir, might I just finish by saying that I shall miss tremendously his knowledge and ability in my new post as Minister for Agriculture. (Applause.)

THE MINISTER FOR WORKS (Mr. Nathoo) seconded.

Question proposed.

MR. CROSSKILL: Mr. Speaker, we have been listening to a very vivid description from the Minister of the stupendous development drive, particularly in the African areas of this country. It has been a refreshingly brief one, but particularly vivid and has given us a picture from which we can appreciate and realize the enormous tasks which he has undertaken together with the Director, the Agriculture Department and the various ramifications such as ALDEV to which he paid reference and tribute and other ramifications of the Agriculture Ministry such as the Board of Agriculture.

[Mr. Crosskill]

Before going any further, Sir, I would like to associate myself with the congratulations of the Minister to the Director, and hope that he will enjoy his future in Tanganyika.

The Minister, Sir, stressed the need for efficiency of production in the future and the improved quality of all our products. I think we all agree with him in that and I think it is remarkable, particularly this year in which there has been a world glut in wheat and in which we have had an unfortunate circumstance whereby we lost about £1,000,000 worth of our own product, that it has been found, even in this period of world glut, that imported wheat is coming in at a greater price than that which we are paying to the local producer which shows that there is no lack of efficiency with regard to the local production.

It is remarkable, Sir, in a way that we can compete in the world market in this way, particularly when we consider the vastly increased cost of machinery in this country as compared with the United Kingdom and other countries whose producing areas are near to the sea-board. It is a matter which will require our attention during the next few years to see how we can reduce the cost of production and, in particular, the cost of means of production—the machinery.

Some of the achievements the Minister mentioned, Sir, are really stupendous, and I think they require underlining and emphasis. I think, in particular, the achievement of the consolidation of African land units from their uneconomic fragmented state at the rate of 300 square miles a year, is worthy of very great note and I hope that he will be able to continue the consolidation at that rate.

He also said that now there are 1,000 planned farms. That, again, is a very, very considerable achievement. Also that there are 40 farmers' clubs. I think many of us did not know that such an organization for instruction had already reached such proportions and I wish to congratulate him on that achievement.

But, Sir, there is one facet of that development which I should like to draw

attention to, as I did, Sir, only a few days ago in this Council, and that is I fear that the greater part of that development, by far the greater part, is in the Central area. He did then, the Minister, Sir, promise that he would give attention to it in other areas and, in particular, to the Maragoli areas, and I hope in future speeches he will give us a progress report as to how far, and to what degree, he has been able to extend these great achievements to the other areas.

One of the most remarkable expansions, Sir, I think in African development is as regards coffee. The manner in which the Minister gave out the increase was put in rather a cryptic form and one had to take away the number one first thought of, but I have worked it out and there appears to be 35,000 acres of coffee, or will be by the end of the next year, in the African areas. Now, that, Sir, is a tremendous increase and really when one remembers that a Notice of a Motion was given recently in this Council asking that permission will be given by Government for Africans to be able to plant more than 100 trees, one does really ask my hon. friend, the African Representative Member, Mr. Mithu, "Is your Motion really necessary?"

Other increases are equally remarkable, and he stated, Sir, that in such crops as pineapple, pyrethrum, tea, sugar cane, beans and rice there will be in this next year an increase of 6,000 acres.

I was very happy to note, Sir, that the Minister is encouraging collaboration and co-operation to a greater degree between the Agricultural and Veterinary Departments. It has seemed to us in the past that they have worked too much separately, and there has been, to a degree, overlapping, particularly in travelling to outlying areas, and I feel that economy will result by the collaboration and co-operation of the two departments.

With regard to research, Sir, I would like him, when he replies, to give us an assurance that there will be continuity with regard to plant breeding and seed breeding in particular. There was a fear some months ago that there would not be such continuity with regard to wheat,

[Mr. Crosskill]

I hope he will be able to give us that assurance.

With regard to research in general, I think we are being extremely well served, and I would particularly like to say that in my personal experience, and particularly with the Pyrethrum Experimental Station at Molo, they have displayed tremendous energy in getting about the country and have achieved great results in breeding better types of pyrethrum which give higher yields and give a higher toxic content.

I now, Sir, wish to refer to what the Minister termed the denuded pastoral areas. I have referred to those areas recently in this Council, Sir, and the Minister has kindly, in the last week, provided me with some very valuable information with regard to the numbers of head of African cattle in the country. I have been deeply concerned with this for some time, Sir, because it does represent a tremendous capital asset to this country.

I thought there were 7,000,000 head and his figures show that it is less than that, 6,250,000. I believe that the capital asset, including the value of the cattle together with the grazing land which they utilize is as he confirmed to me something in the region of £100,000,000. It is, therefore, Sir, a tremendous economic asset which we must do everything possible to ensure is economically, fully economically, and properly managed to the advantage of, not only the owners of the cattle, but of the country as a whole. There are obstacles which are still in the way of this proper and full economic development of this capital asset which were listed by the Minister. Some of those, I believe, we can assist in overcoming: Many of them are already in the process of being overcome, by the industry and energy of administrative officers, and officers of the Veterinary and Agricultural Departments. The conservatism of the people concerned, the pastoral tribes, is perhaps a problem which requires longer to solve.

The question of disease preventing the movement of such cattle is rapidly being overcome.

With regard to holding grounds, and routes for the evacuation of surplus

cattle, I believe the settlers in the European areas can be of considerable assistance and I can assure him that I shall do all I can to see that those stock routes are made available where they pass through farming land. One of the most vital things in the proper economic handling of this asset is that the surplus take-off of each year shall be able to be removed to railhead.

Another of the problems is the marketing of the very low quality of cattle which form, unfortunately, rather a large part of the annual take-off end, of course, the raising of the quality of the grazing, to be able to carry the cattle. In fact, there is an appalling vicious circle, that of removing sufficient cattle each year to enable the grass to grow, to enable the grass to carry more cattle, but I believe that the energy being shown and displayed towards the solution of these problems now will soon result in success.

There are difficulties facing the administrative and veterinary officers in these pastoral areas with regard to enforcing a proper take-off of cattle. I would ask the Minister to give an assurance that he will give them the fullest support in every possible way. They are, I know, doing a magnificent job, but they do require his assistance and support. Now, in talking about this problem, some six months ago here, Sir, I was—shortly afterwards—taken to task for being over-critical, or perhaps wrongly critical in one respect when I was talking about the Samburu ranching area. I wish to make amends here and pay tribute to the district commissioner and those under him in that Samburu area. It is rather refreshing and perhaps very salutary to know that HANSARD is read in Maralal; I was taken to task quite rightly.

I did not know then, for instance, that the Meat Marketing Commission is not the only Organization which took off the surplus stock from that area, and the figures, therefore, that I was using were wrong. There are traders, private traders, there and there are abattoirs in that area which also assist in that process. I did not know, also, what an extremely good job the ranching area on the Leroghi plateau is, and I am told now that that scheme, which has been going

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for 19 years, has resulted in the quality of the grass there being better than it has been for 30 years.

The Minister mentioned, Sir, that he was endeavouring to improve native stock by the introduction of Sahiwal bulls. That, Sir, of course, is very commendable, but I do think that the first task that we have to do is to see that the stock as it is at present is in good condition. I do not think it matters so much if it is the size of an Alsatian dog; so long as it is in good condition it will sell, and so, I think, priority should be given to improving the grazing rather than the stock.

Now, Sir, with regard to the take-off of these cattle which, of course, is the profit and is the all important factor in the management of these herds. In the reply given to me by the Minister last week, Sir, he said that he considered it satisfactory as the total was 8 per cent and his target was 10 per cent. I am not going to split hairs with the Minister, Sir, about 10 per cent, although I think that is under what the optimum should be. But, on analysis on his figures, I find that in the more important areas, the take-off is only 6 and 7 per cent, that is in the Nyanza, Rift Valley, Southern and Northern Provinces. It is only 6 and 7 per cent and that, Sir, I believe to be only about half of what it should be, or certainly quite considerably under the mark. I would ask him to do whatever he can to see that that is increased in order that those herds shall be economic and shall improve in quality.

An interesting point which contributed to the difference in his percentages was that the central area had a take-off of 25 per cent all of which appeared to have been eaten. Well, Sir, it may be a very economic and satisfactory way of taking it off, and judging by the increased areas of crops in the central area, I think we can assume that it probably is so.

Now, Sir, I wish to refer to the question of marketing which is going to be one of the biggest problems in the future. We are now talking about increasing the off-take of cattle tremendously in the African areas and the Minister is encouraging us to double our production, or increase our production, very

considerably in the settled areas. He has given us an assurance, on many occasions, that he is keeping an eye on this marketing, on the future problems which will be presented by the increased production. But, I wonder, Sir, whether to-day he could possibly give us a more specific assurance that he will be forming some marketing body, some organization, not so much to carry out the marketing, but to look into potential future markets and organize them for the future. I think perhaps one might even be able to put one's finger on some staff for such body. If one turns to page 98 of the Estimates, I see there are six Development Loan Assistants. Well, Sir, I just suggest that as the money available in this period of stringency is only half what I believe the Estimate was, the Administration of that money will be only half of what it should have been, and perhaps three of those gentlemen might use their time looking for future potential markets.

I raise this again, Sir, this question of markets, because I believe it to be of tremendous importance. We have had grave difficulties over the expansion of other industries in the past, in the not very far distant past. The poultry industry. Not very long ago, the pig industry, before we organized proper overseas market for pig produce, there was a crisis in that particular industry. I remember only eight years ago being told to plough in my pyrethrum because I had ploughed it in there was a renewed world market and we want, if possible, to foresee the increased demands and try to see where it is going and not let these crises overtake us. I believe the same thing is happening to a degree with regard to dairy produce at the present time. A further point, Sir, which I think requires watching is the potentiality and capacity of the Kenya Meat Commission at Athi River. Is the factory adequate? Or have we got plans ready now for the expansion of that to deal with the increased production? It takes many years, perhaps, to get the plant out here and complete the buildings and I think it is a matter on which we should keep a very careful watch. Then again, Sir, in order to meet the demands of shipping at Mombasa we must have refrigerating trucks. Now those take a very long time to obtain and I would ask the Minister

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to keep an eye on that and see whether we should advise the East African Railways and Harbours to obtain some. Then again, cold storage at Mombasa. I feel that we should already have got that in order to meet the demand for shipping. I believe we have missed markets there, potential markets, by not having such cold storage and I think we should perhaps be getting down to that problem.

Now, Sir, with regard to taxation. I am not, this time, Sir, going to talk about taxation, so far as I am concerned it will be a tax holiday. I am sure the Minister for Finance will be glad not to have to reply, but I would just mention this, that all the organizations concerned with agriculture are watching the position anxiously and I have got a memorandum which has been subscribed to by the Pig Industry Board, the Kenya Meat Commission, the Coffee Board, the Kenya National Farmers Union, the East African Settlement Board, the Poultry Co-operative Society, the Kenya Sisal Board, the Kenya Farmers Association and the Kenya Co-operative Creamery. All who say they are anxiously watching the situation and are waiting the time when the financial position of the country will permit of incentives being given in the form of tax relief for development in all facets of agricultural development. But, Sir, I shall leave it at that to-day because I know that we are not in a position to consider any immediate relief and all those bodies will, no doubt, be giving evidence before the Royal Commission which will shortly start its operations.

Perhaps the Minister, Sir, would give an assurance that he agrees in principle that such reliefs and incentives are desirable and equitable and should be granted as and when it is possible to do so and that such is the policy of Government.

Finally, Sir, I just want to say one brief word about dam construction throughout the country. There has quite rightly, recently been a tightening up of regulations with regard to the construction of dams. There have to be more accurate surveys made and quite rightly, and it is at the moment holding up construction, and I would ask him, if it is possible, to apply these more rigid regu-

lations gradually as the supply of surveyors permits the required work on surveys to be speeded up so that the machinery and personnel can make dams, because it would be extremely sad if, in this big drive for development we had machinery and expert personnel idle.

Just finally, Sir, I would like to wish the Minister tremendous success in this drive that he is making, success commensurate with his own drive and energy.

Mr. Speaker, I beg to support.

LT-COL. GROGAN: Mr. Speaker, Sir, speaking as one yoked to another I am going to venture to draw the Minister's attention to a few matters which I think, after 50 years' battling with the precarious farming conditions of East Africa, merit more attention than they have received up to date.

First of all, I want to refer to the probably most valuable, and most useful crop in the world, and that is the soya bean—the soya bean—I think my hon. friend, the Director of Medical Services, will bear me out—he is not here but I think he will bear me out—in that it is believed that the protein of the soya bean, as distinct from any other or practically any other known vegetable source of protein, has the same nutritional value as animal protein.

Now, in the United States of America in the last few years there has been a gigantic increase in the cultivation of soya beans. It was provoked I think, first of all, by the late lamented Mr. Henry Ford, on the grounds that the soya bean was not only a source of synthetic cream, but it was also quite useful in making motor-car bodies.

Its culture has provided considerable difficulty because there are a very large number of different species. I have been told they amount to something like 350, and it was alleged, and I can confirm it to a certain extent, that the nitrogen fixing bacteria, which are specific to certain forms of legumes, vary from one variety to another in the matter of soya beans. But the hon. Director of Agriculture told me the other day, when I was discussing this matter with him, that there has been a very successful

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crop of soya beans in one of these new irrigation areas down in the Thika district. I do not know whether those were artificially inoculated, or not, but there does happen to be a leguminous weed in this country which belongs to the same family and for that reason, in various parts of the country, the soya bean does in fact nodulate without any particular attention.

I think this is a matter of the very greatest importance because quite a large proportion of the African population in East Africa is agricultural and not very well supplied with animal proteins. Let us take the Kikuyu tribe for example. When I first had contact with them, practically their only source of animal protein was the occasional flight of termites and the ordinary ritual killing of a goat, and another little ritual such as helping themselves to a teaspoonful of brains from the tribal babies, as happened on that "State" occasion at Lari a little while ago. I really honestly think that the matter of the soya bean is one of very great importance. An attempt was made a little while ago—a few years ago—by somebody who came out from England and wanted to grow these soya beans on a very big scale for the purpose of processing them, but he was undoubtedly received with the frozen mitt, not only here but also in Uganda, and he went away in disgust. I hope that matter will be taken up and attract the attention of the hon. gentleman.

Another one to which I want to draw attention is the avocado pear, which is the tropical equivalent of the olive in the temperate climates. The African fortunately enough, as a result of consolidation of holdings, is gradually, rather belatedly, becoming tree conscious, and the avocado pear, which is one of the easiest things to grow in the country everywhere, from the Coast up to about 6,500 ft., has an oil content of anything up to 30 per cent. I think that if a definite attempt were made to popularize these trees all through the native reserves, they would be of very great benefit to the natives. Actually, I grow a large number of them on my place, and the Africans did not take any interest in them, probably thinking they would be sweet fruit, instead of more

like a vegetable. So I was compelled to use my ordinary method of attempting to change the nutritional habits of my Africans. I put a guard on the trees and published the fact that, to be found helping themselves to any of the fruit from these trees, would be regarded as a very serious crime indeed, and that they were reserved exclusively for the use of the European population on the plantation. In a very short time indeed the trees were stripped! From that day onwards, to the great benefit of my African friends, they were a very favourite article and a very beneficial article in their diet.

One other point I think equally important, or very nearly as important, and on that I believe quite a lot of work is being done now is, that very special attention should be paid to the sorghums and the millets, as distinct from maize. I have occasion constantly to travel between Nairobi and Taveta and year after year, I see acres and acres of land planted with maize. I do not suppose more than once in four years any of them recover the amount of seed that they have planted. Of course, maize is attractive to the African because it is the lazy man's crop. The millet and the sorghums involve driving the birds away, although there are to-day certain more or less resistant types to bird attack, which ought to be taken into consideration. I think that a lot of attention ought to be paid to that question in the drier portions of the country, even to the point of making it almost a penal offence to grow maize on land that will not grow maize, but that would, in fact, grow millet and various forms of sorghum, with a certain amount of success.

I want to ask the Minister if he will pay a little bit of attention to the question of the water authorities in this country, who have rather peculiar ideas. I had occasion some years ago during the war to construct a canal about six miles long through the native reserve in order to supply a lot of fish farming ponds. Well, that worked all right. The other day I received a notice that this could not be continued unless I put in a concrete measuring weir at the entrance to the canal and paved the canal with concrete for six miles—it would have cost

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God knows what. Well, I may say that that particular canal comes from the head of a swamp. I went down to investigate to see what could be done about it, putting in this concrete measuring weir. With the assistance of a couple of my African friends I wandered into the swamp and I suddenly sank into it up to my neck, with my feet still dangling in liquid mud, and if it had not been for the presence of my two African friends and by means of a long stick, I should have been there still.

They also suggested that this concrete should be done in order to prevent seepage from the canal creating swamp effects. In actual fact, every time it rains seriously down there, the whole of the area through which the canal passes is, in fact, a swamp itself. The only conclusion one can come to is that either the gentleman responsible for making these ridiculous suggestions had not been supplied with a pair of rubber boots, or had not left his office seat. I think that a little bit of attention to some of those gentlemen might be of advantage.

There is another point which, I think might be of very great advantage, and that is that we are lucky now to have discovered these enormous Tororo phosphate deposits. Of course, phosphate is the essential key to all forms of life, and therefore all forms of agriculture, and very large portions of this country, excepting the old Lucustrine areas, are phosphate deficient. Some years ago, when Sir Henry Moore was Governor here, I drew his attention to the fact that phosphate was extremely expensive and very, very necessary, and that there was an opportunity to acquire some phosphate deposits on the shores of the Red Sea. Well, he took it up semi-officially with the Colonial Office. I knew all about these phosphate deposits, because I happened to be on a boat that lay alongside one of them for two days loading up with phosphate, which they were selling to Japan at the cost of Sh. 5 on board per ton. Well, one of the companies which owned these phosphate deposits had an office in London and I used to buy phosphate from them for my farms in Sussex. I went to them one day, hearing that they might be in the market to sell the property. They said, "Of course, ours is particularly valuable

phosphate because it is radio-active". I said, "Well, that is a very interesting coincidence because I happen to have saw-mills in Africa and all that timber is also radio-active, so we both start equal in that matter". Well, now they came down eventually to sense, and I found out that it was quite possible to purchase for a comparatively small sum, this great big phosphate deposit, plus the crushing machinery. The other one had already been purchased by the Italian Government.

Well, now we are lucky enough to discover that we have got a very, very large local phosphate deposit. But reading the papers lately it appears that the parties that are going to be active up in that deposit, who are looking not for phosphate but for something else, do propose to export this phosphate for treatment elsewhere. I am not a great believer in the so-called soluble forms of phosphate, because the soil reactions, especially in a highly ferruginous areas, are very quick, and as a long-term application to land I do not think it has any very great value. Personally I am very suspicious of this soda phosphate, because a very large portion of East Africa can be described as sodium-sodden. You have only got to go to Magadi, which is the ultimate sump of a very large portion of Kenya, and is the largest known soda deposits in the world—practically pure. Therefore, I think special attention ought to be paid in another direction and I believe—I have suggested it before—that quite large-scale experiments should be made, first of all to see that this rock phosphate is ground to infinite fineness, and that experiments should be made with heavy applications of this finely ground phosphate to land planted with lupins, because the lupin is a very peculiar form of legume and appears to be capable of utilizing mineral products that are not easily utilized by other forms of legume. Also I suggest that large-scale experiments are made in dressing with rock phosphate compost pits, because the compost pit, when it really active, contains microforms of life, so multifarious and so complicated that to my mind it is almost certain that some of these bacteria will be found capable of organizing inorganic forms of phosphate.

There is one other point I want to draw attention to and that is the contest

[Lt.-Col. Grogan] between game parks and agriculture. I have been an unfortunate sufferer from that myself. I am very fond of game, but I rather object to spending £4,000 or £5,000 a year in providing free food and free drink for unlimited numbers of elephant, which not only come and help themselves as at a free restaurant, but also bring a large intrusion of tsetse fly, which make it impossible to run cattle in that particular area. I did discuss the matter with my hon. friend, the Attorney General the other day. He wrinkled his brow a bit at the problem I put to him, and that was the slight recollection I had got left of my struggle with the law, when I was young and foolish. I was given to understand that *ferre nature*, wild animals, were entitled to help themselves to anybody's property, but on the other hand, the victims were entitled to protect themselves against the *ferre nature* but that as soon as a wild animal came under human control, in law it ceased to be *ferre nature* and its guardians then became responsible for any damage that the wild animals had done. Therefore that is a matter which I think should be carefully gone into with the two Ministers concerned, so that some sort of relief could be found for the people who, rather reluctantly, are feeding the privileged inhabitants of these Whipsnades.

The only thing I have got to say in conclusion, Mr. Speaker, is that I share everything that has been said about our Director of Agriculture. I think it is a sheer tragedy that as soon as ever anybody comes to Kenya and has gained not only the confidence but the affection of the people of Kenya, he is wafted away into some other sphere, and I always sit in fear and trembling lest this very remarkable Chief Secretary, of which we have the advantage to-day, will suddenly find himself extinguished under some gubernatorial cocked hat.

MRS. SHAW: Mr. Speaker, I should like to associate myself with everything the hon. Member for Nairobi West has just said about the Director of Agriculture, and also to congratulate the Minister for a most constructive speech. The Minister laid emphasis on greater efficiency for only through greater efficiency can there be increased production. He gave a list of headings, detail-

ing the means by which this efficiency was to be brought about; at the head he placed farm planning. Well, that is where it should be, for it is the first essential in more efficient farming. For as he so rightly pointed out, with higher production cost and a narrowing margin of profit, the happy days have gone when it was said: "Oh, anybody can farm, and after all it is a lovely easy life because you are your own master". To-day you may be your own master, but unless you are a very hard taskmaster to yourself and work extremely hard from dawn to dusk as well as plan your farm on an economic basis, you will go bankrupt. For I believe it was planned farming under the Increased Production of Crops Ordinance and the Agriculture Production Committee—and I should like to pay a tribute to the work they did in Kenya—that changed the face of the European-owned farmlands in the Highlands during the last war.

I welcome the Minister's plans for zoning, after an ecological survey, for that will prevent the new farmers from falling into the pitfalls, which the pioneers did, of trying to grow things in areas where they would not grow, and wasting years of not only valuable time but money.

Again, it is planned farming which is the first step in the coming in of individual land tenure in the African reserves which, in the more advanced areas, has completely changed the look of the countryside, so that you might be standing on a hill and viewing the county of Somerset rather than the African reserves. For this the highest praise must go to the agricultural officers who have done, in an incredibly short space of time, an absolutely magnificent job.

Also I was glad to hear the Minister advocate the close marriage between the two branches of his Ministry and I hope therefore that we shall see dairying as the basis of all planned farming, especially for the smallholding, for from sad experience many European farmers have learned not to put all their eggs in one basket, and there is a danger to-day, I feel, with the encouragement of the growing of cash crops, for the African, in the hope of the greater return which the cash crop holds out, to go in rather exclusively for such a crop as coffee, to

[Mrs. Shaw] the detriment of sound balanced farming. Although cash crops may be paying well to-day, such crops as coffee have, as we all know only too well, known slump periods!

I also ask the Minister if he would give us assurance that the rules for soil conservation, which come under the Agriculture Ordinance, might be tidied up. I do not quite know who was responsible for the drafting of those rules, but some of them are completely impracticable in their application, and they are giving many agricultural committees tremendous headaches in trying to implement them.

The Minister stated that the highest priority was being given to research in heavy rainfall areas. I, of course, welcome this, but I would also like the Minister's assurance that special concern might be shown for areas which have difficult problems from a geographical point of view, and where the people need special help that can be given from experimental plots and on the larger-scale experimental farms.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, the hon. Member would forgive me just correcting her; the words I used were "good rainfall areas". If we used heavy rainfall areas, we should eliminate so much of the farming areas of Kenya.

MRS. SHAW: Good rainfall areas. I still rejoice in that, because I have the honour to represent a good rainfall area.

I hope he will give me the assurance I should like to receive about the help for areas where the geographical contours of the land are difficult and make farming extremely complex and where experimental plots and farms could do a great deal to assist.

I wish to pay a tribute to the very excellent work being done in the eradication of tsetse fly, which has held so much of the country in its grip and made so many areas lie waste which would otherwise be usefully used.

Now, to turn to tea. I welcome the growing of tea in African areas for the Africans hold some of the finest tea land in this Colony, in the African land

unit. When I visited the Fort Hall reserve about two years ago, I gazed with envy at the mile-wide prohibited strip, which is so essentially suitable for tea. With the Indianization of the tea estates, there will be a great deal of British capital looking for an outlet in the near future and it seems to me that their best outlet can be found in East Africa, and so it would appear that the tea industry has a big future here. I suggest to the hon. Minister that the difficulty in African areas of erecting a factory, could be overcome by putting up a factory on a co-operative basis in the midst of small tea holdings comprising a 500-acre unit.

There is just one thing that the Minister failed to mention and it seems to me a rather important aspect of agriculture, and that is labour. Possibly he thought that plenty would be said about labour under the next heading, and I am sure it will, but I should just like to say to the African people that there is no good their going in for tea or coffee or, indeed, anything else, unless they are going to be prepared to work and work extremely hard. I have heard that there is an opening, for instance, in my own province for increased sugar production at Mtwani, but I have also been told by no less a source than the Provincial Agricultural Officer, who is an Assistant Director of Agriculture in this Colony, that they cannot persuade the Africans to grow the sugar required, although the factory, which is already erected and is being run by Asians, could take some 400 extra tons, but the Government cannot persuade them to grow the sugar because they, to put it bluntly, are just not prepared to do the work. Now that seems to me a tragedy and it presents one of the greatest difficulties that we have in increasing production, because unless we get efficient labour, we shall never be able to sustain this drive for increased production.

I would like to remind the African people of what I believe to be true, and it has been stated in the Royal Commission, that a country can only be developed to its greatest economic extent by a free flow of skills and capital from area to area, without any artificial barriers. That may not be, in as young a country as this with the problem of the three races being at such a different stage

[Mrs. Shaw]

of development, a practical possibility, but I think economically it is a truth. In the meantime, I do think that every community has a duty to develop the unproductive areas lying within their units, be it in the European White Highlands or in African areas, to the greatest extent of which they are capable.

Mr. Speaker, I beg to support.

MR. LETCHER: Mr. Speaker, Sir, I was interested to hear my hon. friend, Col. Grogan, refer to the growing of sorghum. It is a strange thing that although the African in the reserve eats any amount of sorghum, try and give him a ration of sorghum on the farm and he turns his nose up. Perhaps our hon. African friends will tell us why this is so.

I take this opportunity, Sir, of thanking the Ministry for bringing out to this country Mr. Neville, to go into meat production and marketing generally. Nothing but good can come of this investigation.

I should like to know from the Minister, Sir, what is being done to assist those young farmers who, at the beginning of the Emergency, joined the Security Forces, leaving their wives and families to take up accommodation wherever they could find it. I do know some of these young farmers suffered financial loss and have not yet been able to recuperate themselves. If financial assistance is being given by way of loans, will the Minister say how these men are to go about obtaining a loan.

Mr. Speaker, I beg to support the Motion.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, to deal with the point raised by my hon. friend, the Member for Trans Nzoia, with regard to assistance to the young farmers who have suffered in so far as the development of their farms is concerned through their personal action in regard to the Emergency I would make it perfectly clear, Sir, that the Emergency Fund "loan" which I announced on behalf of the Government in the main financial debate, was primarily directed at the troubled areas, but only primarily. The main purpose of that fund is to inject life into any slowing up of that portion of our agricultural development which could be laid at the door of the Emergency, so that if the farmers referred

to by my hon. friend will keep their eye on the paper, they will see announced shortly the names of the committee and the procedure which they should follow to place their case before the committee which will be advisory to the Minister for Agriculture and myself.

DR. HASSAN: I rise to support this Motion, Sir. The Minister for Agriculture gave us very good news in his speech, that he has extended the cultivation of rice this year by 3,000 acres. I hope he knows that the Asian community alone in this country needs about 9,000 to 10,000 tons a year, and 3,000 acres, if giving a very good crop, will never be able to give more than two to three months' supply. I hope these 3,000 acres will be increased every year so that one day we will be able to produce enough rice for the country's population.

There is one thing I wanted to bring to the notice of the Minister particularly, that is that the cultivation of 3,000 acres of rice should be by the improved seeds imported from overseas, because I do not feel that the European community knows very much about the type of rice needed by the Asians in this country. There has been rice of several varieties in Africa and attempts were made by Asians and the Agricultural Department to improve that rice production, but somehow or other they never succeeded. Africans insisted upon growing some ordinary varieties, which they liked themselves. This is a special commodity, chiefly used by the Asians. Therefore, first of all it is necessary that the Department should cater for the taste of the Asians, and introduce the right variety of paddy and distribute it to the Africans to grow in different areas. I think a preliminary attempt by the Department of importing a few hundred tons will be essential to make a start, and within a year you shall have a first-class rice grown by Africans in most of the rice-growing areas, and the trouble of not getting the good quality rice will disappear. In Nyanza, we do have certain areas where rice is being grown, but in a very small way. The proper rice-growing area is Tana River, where I expect the experiment that is now being carried out will be able to assist the Department to commence rice growing on a much larger scale than what has happened in the past. I remember some years ago I imported a seed

[Dr. Hassan]

from my own farm in Pakistan and distributed it in the Tana River. We had a very good year's crop there and although we did not get much in Mombasa, Lamu and Kipini people enjoyed it, but unfortunately the Government did not appoint anybody to continue supervision and keep that selective seed protected in a way so that the Africans would not mix it up, with the result that the best quality seed has almost disappeared from the Tana River.

The second thing is the question of experts to supervise the fruit growing in the Coast area. We know it is a very good fruit growing area. Cash crops, we do succeed in growing. Sometimes there is a good cotton crop, sometimes a certain locality grows a good crop of maize and so on. But almost every second year is usually a failure there, due to the climatic conditions, but permanent planted tree crops and fruit growing can be successfully carried out there, and there are certain fruits which could bring a considerable income to producers in this country, which they are now being deprived of and it is only spasmodically they get a small supply from the South and Spain and other places. Because we have not been able successfully to grow fruit at the Coast of the better variety, the "Asian" community used to get, when out of season in Kenya, from Pakistan. Formerly there was a system that if a person did import fruit from those areas, if he imported a certificate from the Agricultural Department, he was permitted to import fruit into this country. But lately the importing of fruit from Pakistan and India has been prohibited. Now, if the Agricultural Department can deal with the disease factor in Kenya, surely we have got similar agricultural departments in those countries. If it was put to them that fruit grown under expert supervision successfully in India and Pakistan and exported elsewhere, to certify a consignment of fruit as free from disease, there does not appear to be any reason why it should be prohibited in the port of Mombasa where we cannot get that type of fruit.

This was one of the matters I wanted to bring to your notice, Sir. We have always been told that there is going to be a fruit expert appointed at the

port of Mombasa to assist people to import fruit trees and fruit in Kenya, and thus do away with the prohibition of the importation for the benefit of the consumer as well as for the planters. But somehow or other this thing has never been brought into practice. It is not a new thing that a passenger arrives at Mombasa and brings a basket of fruit. He eats most of it on the way and a few pieces he brings for friends—a most valuable and very rare fruit. He arrives at the port and the Agricultural Officer says: "Now look here, it will be confiscated". Of course, some of them they stand up there in the port and eat it themselves and say: "Well, we had better eat it ourselves, if you do not like importing it into Kenya", but surely when we are getting fruit from the neighbouring countries which have not by any means taught us more in fruit growing than India and Pakistan—the countries where we have Europeans growing fruit. I would like the Government to consider very seriously if the Agricultural Department of those countries agreed to appoint a qualified inspector to send a certificate along with the fruit consignment to Kenya, it should be permitted to import fruit and trees as well.

Regarding off-taking of stock from the African areas, I think, by the advent of the Meat Commission in this country for the last five or six years, we have found out—that meat in this country is not only enough for Kenya, but we have got a considerable quantity of meat on hand for export, and that has happened without making a serious attempt to increase our stock in this country. Systematically taking off stock from the European farmers in this country, maintains the supplies of Kenya without very seriously touching the African stock in this country, and this was one of the problems of very serious competition before the Meat Commission came into existence; that was not very healthy and it was not controlled in a way so that it could benefit Africans as well as Europeans and establish a permanent stable market. The Meat Commission has naturally helped and assisted the European stock farmer to the maximum and taken most of the stock fit for slaughter, not only for the consumer in this country but also for export to the

[Dr. Hassan] to neighbouring territories. But they had to do so by neglecting the African side. Off-taking from the African side has been chiefly left to the stock trader and, to a very small extent, to the marketing organization, but under a system which did not permit them to buy the best beef and the best mutton from the African, because the price structure permitted to the marketing organization was so small that they could only get the bad second- and third-grade animals. It did not assist the African side nor did it prove of any help to the 150,000 Asians who were 100 per cent relying on supplies of African meat. They never used to buy the meat from the European sources because it was of very high standard and very high price and the way it was marketed, was only good for the European community. This system has been creating hardships to the Asians, because the Minister would agree that they did not make a very serious attempt to interfere in the function of the Meat Commission, because we wanted the Meat Commission to consolidate their position in the first instance, which they have done already. Now the time has come that the Meat Commission must give very serious consideration to get us the type of meat from the Africans—the type which we were used to and the type we would like to have.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Has the hon. Member much more to say?

DR. HASSAN: I think I have a few more points.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Then we must take the interruption of business. I now adjourn Council until 2.30 p.m. to-morrow, Thursday, 31st May.

Council rose at fifteen minutes past Six o'clock.

Thursday, 31st May, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Sessional Paper No. 101 of 1956—
Double Taxation Agreement with Canada.

(By THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))

ORAL NOTICES OF MOTIONS

AVOIDANCE OF DOUBLE TAXATION AGREEMENT, SESSIONAL PAPER No. 101

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

That this Council approves the arrangements proposed in Sessional Paper No. 101 of 1956 for the extension to Kenya of the Agreement between the Government of the United Kingdom and the Government of Canada for the avoidance of double taxation.

SUPPLEMENTARY ESTIMATES NO. 3 OF 1955/56 (COLONY) IN PARTS

(Governor's consent signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker I beg to give notice of the following Motion:—

That a sum not exceeding £609,929 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 3 of 1955/56, Part I.

That a sum not exceeding £30,997 be granted to the Governor, on account, for or towards defraying the charges of Supplementary Estimates of Expenditure No. 3 of 1955/56, Part II.

That a sum not exceeding £6,784 be granted to the Governor, on account, for or towards defraying the

[The Minister for Finance and Development] charges of Supplementary Estimates of Expenditure No. 3 of 1955/56, Part III.

DEVELOPMENT SUPPLEMENTARY ESTIMATES NO. 2 OF 1955/56 IN PARTS

That a sum not exceeding £122,811 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 2 of 1955/56, Part I.

That a sum not exceeding £34,488 be granted to the Governor, on account, for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 2 of 1955/56, Part III.

ORAL ANSWER TO QUESTION

QUESTION No. 6

MR. MATHU asked the Minister for African Affairs what action he intends to take expeditiously to compensate under the 'Defence (Compensation) Regulations, 1940, as provided by the Emergency Regulations, the right holders for the land occupied by the villages in the Central Province, and also for the surface disturbance arising out of the concentration of those villages?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): The Government has given this matter close and anxious consideration, and has consulted the African Provincial Advisory Council for the Central Province and the Chiefs and other leaders in the districts. In accordance with their advice, Government proposes to introduce legislation in the form of an Indemnity Ordinance excluding compensation as of right in respect of security measures taken in the Kikuyu land unit during the Emergency, including the use of land for villages. At the same time arrangements will be made to provide *ex gratia* compensation in cases of hardship.

MR. AWORI: Arising out of the reply, Mr. Speaker, may I know why he has taken such a long time since Mr. Mathu gave notice of this question last year, to give a reply?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): The length of time, I think, is largely due to the careful deliberation which we have had to give to this problem.

THE SPEAKER (Sir F. Cavendish-Bentinck): I would like to point out that a Minister may, or may not, agree to answer questions. It is entirely at his discretion.

MR. GIKONYO: Mr. Speaker, arising out of the reply, if cases of hardship are found, is the compensation, or *ex gratia* payment, going to be retrospective?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Yes certainly, Sir. You mean—

MR. GIKONYO: I mean from the beginning of villagization.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Certainly, Sir.

-MOTION

PROGRESS OF THE EMERGENCY

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I beg to move:—

BE IT RESOLVED that this Council notes the improvement in the Emergency situation and would welcome a statement from the Government as to their intentions for bringing it to a speedy conclusion and their plans for preventing a recurrence.

Now, Sir, this Motion lends itself to debate, I consider, in three parts: the terms of the past, the present and the future. I propose to deal with matters generally in that order without entering into unprofitable observations in regard to the past, although undoubtedly such observations have, from time to time during the past three years, led to some of our more lively and interesting debates. In fact, I think that all I need to say in regard to the past, is to pay a tribute to all those who have contributed to the present improvement in the Emergency situation. All those who have contributed to the defeat of *Mau Mau*.

I would like to take the opportunity of referring to the honour of Knighthood which has been conferred on the Commander-in-Chief, General Lathbury, and also to the Knighthood which was conferred on Major General Hinde

[Group Captain Briggs]

Unfortunately, Major General Hinde is no longer with us, but he was in the country throughout the greater part of the Emergency and he undoubtedly bore the heat and burden of the day and I am quite certain that he endeared himself to all those with whom he came in contact during the Emergency and he was deeply respected as well by all those people.

Now, Sir, well-deserved tributes have been paid from time to time to the work of the Security Forces; the Kenya Regiment, the police, the Kenya Police Reserve, and last, but certainly not least, the King's African Rifles. Now, the King's African Rifles have been employed operationally almost without cessation ever since the start of the Emergency and I think their record has really been a remarkable one. Now, I hope their services will be long remembered and fully recognized.

The Kenya Regiment not only gained a great reputation in the field against *Mau Mau*, but those young men from the Kenya Regiment, who volunteered to serve as district officers, Kikuyu, Embu and Meru Guard, performed miracles, I believe, in the reserves and at a time when conditions were particularly difficult and when it was extremely hard to find just the right men for that particular kind of work. Indeed, I think myself, the whole of the administration deserves very great credit for all they have done, and are doing, to bring the Emergency to an end. Lesser men would have been discouraged by the continual nagging, probing and prying that has resulted from the political pressures which have been applied by certain members of the Opposition in the House of Commons and by other persons outside the House of Commons. These people seem to be constantly looking for any sort of stick with which to beat the backs of their own kith and kin in countries outside the United Kingdom and, particularly, in Kenya.

Now, I intend to say a little more on this subject later, but I will say no more at the moment.

I have already referred to the fact that there have been lively debates in the past on Emergency matters, but, in the course of those debates, and elsewhere, a good many constructive suggestions have, I

think, emanated from hon. Members on this side of the Council which have been, I might add, in a great many cases, eventually adopted by the Government. Just to quote a few examples; the provision of tracker teams and tracker dogs, villagization, sky-shouting aircraft, forest rides and roads, the unconventional use of ground and air forces and a good many other ideas of minor and major importance. Now, Sir, I am not going to make the hon. Members on this side of the Council blush by paying them a tribute for what they may have done, but, on the other hand, although I have disagreed with some of the hon. Members sitting opposite on certain matters, hon. Members, who I may say at one time sat on this side of the Council, nevertheless, I am not going to be so ungenerous as not to pay them a tribute for the work they have done and the part they have played in getting these particular matters implemented.

Now, Sir, to turn to the present. There has, no doubt, been a tremendous improvement in the general Emergency situation. *Mau Mau* casualties are still high in proportion to the estimated strength of the *Mau Mau* at the present time, but I am very glad that Government spokesmen have made it clear that the Emergency is by no means over. If you ask farmers in certain parts of my own constituency, I can assure you that they will confirm that view. Therefore, there must be no relaxation at the present time. There is, I think, perhaps some slight tendency, a natural tendency, when things get better for people to think that things are going well and that they can perhaps ease up a little the intensity of their efforts. But I am sure that now is the time for everybody to intensify their efforts to bring the Emergency to an end, and there must be no relaxation.

I would now like to deal with some matters which are causing me some concern. Although I welcome the improvement in the Emergency situation, which has resulted in the reduction of troops in the country, I cannot help wondering whether it was altogether wise to give the fact that they were being reduced as much publicity as it was given. The question does rise in my mind that publicity might possibly give some encouragement to those *Mau Mau* who are

[Group Captain Briggs]

still in the forest and still holding out, to hang on a bit longer.

Now, Sir, my next point concerns the Kikuyu reserve. I hear from private but what I believe to be reliable sources, that there is still a certain amount of conflict between the Administration and the police in the reserve. It appears to me that this may be partly due to the fact that with the improved situation, the police may not be quite so actively employed as they were previously, and whereas the Administration are probably worked harder than ever, with the additional burden of all the post-Emergency problems to deal with. Also, I think it has to be remembered that the junior officials of the Administration all speak Swahili and they all have a good knowledge of African ways and customs. In the case of the police on the other hand, owing to their very rapid expansion, and I have every sympathy with them in this regard, they have naturally got a very large number of officers who are lacking in that knowledge and experience. It does, therefore, seem to me that the time has come when the strength of the Administration in the reserve should be increased, and I do appreciate the difficulties in increasing them, but I think the time has come now for a great effort in that direction, and that the police force might possibly be correspondingly reduced. Now, certain parts of the settled area are still having trouble, and the police stations and police posts are in many cases, under establishment. In some cases they have been run down to a very considerable extent. But, I do suggest that transfers, of the kind that I have envisaged from the reserve to the settled area, might be a matter for consideration at the present time. There is no doubt about it that where trouble is still going on in the settled area, those police officers are very much overworked and over-stressed, sometimes there is only one police officer in a police station and he has a tremendous amount of paper work to do and if he goes out on patrol, on an ambush, or anything like that there is nobody left behind at the station if anything else goes wrong. So I would urge Government to give consideration to that idea.

Now, Sir, I do think it is most highly desirable that the police should establish themselves, not only as the guardians of the law, but they should, also, at the same time, gain the respect of the people and the friendship of the people so far as they can. Now, Sir, this can never be achieved so long as any form of graft exists. I am well aware that this is an old-established custom in Eastern and African countries and it is correspondingly difficult to stamp it out and find ways of dealing with it. But, I do suggest that very stern efforts have got to be taken to do so. I believe this is a really serious matter. One of the contributory factors, I think, is that under the present police arrangements African *askaris* are responsible for buying their own food, and I do suggest that that is bound to create a tendency to live on the country and that, I submit, is the first stage to other forms of corruption.

The next point I would like to raise concerns the rate of release of detainees. My personal impression is that it is too rapid, and not only that, but I think there is something wrong in the system. I have evidence that suggests that either proper records are not being kept of detainees, or, if they are, they are not accompanying detainees concerned when they proceed down the pipeline. For example, I will quote from a letter, addressed to me only a few days ago, from a constituent. Now this letter, Sir, reads as follows: "It may interest you to know that as a result of screening on one farm, it transpires that we have two ex-gangsters on our farm. Number one came from the Labour Pool. He lived with an agng for some months and then surrendered, and led the Security Forces to his gang hide-out and, as a result, three gangsters were killed and a certain amount of ammunition was recovered. This man was then sent to a camp and, on his release, joined the Labour Pool. Number two was personally recommended by the headman of his village as an honest reliable type. It transpires that this man lived for months with a gang in the Aberdare Forest and was detailed to murder an African who had refused to take the *Mau Mau* oath. He set off to do this vile deed with other members of his gang who had been detailed to murder other loyal Africans. On their arrival at the village, where the

[Group Captain Briggs] loyalists lived, they were, however, surprised by Security Forces and had to beat a hasty retreat. The man in question was later captured, tried, and sent to Manyani. Later he was released and repatriated to his reserve and dished up to us as a loyalist. The point is, there appears to be no records kept of these ex-gangsters and what are their replacement going to be like?" There is a P.S. which reads: "The rest of our employees obtained in the last six months from the Labour Pool have all taken two oaths, but I suppose that does not matter".

Now, Sir, this is not an isolated case, and it suggests to me that there is something wrong in the system. In my opinion the whole of this system of releases, and the control of releases, should be completely reviewed, and I consider that it should be the responsibility of one department and one department only. I think I am right in saying, at the present time, that that is not the position. To my mind, the department which should handle this exclusively, or certainly control the whole policy and system and methods adopted, is that headed by my hon. friend, the Minister for African Affairs.

Now, it is very obvious that political pressure is continually being brought to bear on the question of releases from certain Opposition Members of the House of Commons in the United Kingdom, but I contend that it is the bounden duty of Government to see that dangerous terrorists are not released to prey upon an innocent community.

There is, I think, another aspect of this, and that is, that if the rate of release is too rapid and some of the information that I have received from private sources does suggest that it happens. If the rate of release is too rapid there is a danger that the loyalist element in the reserves may be swamped, and I do fear that there might be some recurrence of trouble on that account.

* Now, Sir, the next point also has a bearing on the problem of releases, and that is this. In earlier debates I have referred to the interpretation of the, I think it is called the Rules of Practice, concerning evidence relating to the uncorroborated evidence of accomplices.

Now, I raise this matter again to-day, because I believe it is possible that notorious Mau Mau criminals, possibly even some of those who have hit the headlines ever since the Emergency started, may escape the full penalty for the crimes they have committed and, indeed, that they might possibly escape any penalty at all. Now, to a layman, like myself, it is hard to understand how such a rule can lead to justice being done, in the particular circumstances surrounding the Mau-Mau rebellion. I should like to ask the Government what the position would be in the case of a Mau Mau leader who is known to have been in the forest throughout the Emergency, and is later captured? It is quite possible that the only direct evidence would be that of fellow terrorists. Is such a man to escape the penalty for the crimes he has committed on that account?

Now, in the early days of the Emergency it was admitted that approximately 95 per cent of the Kikuyu tribe had taken the Mau Mau oath. Now, that being the case, I would ask for an explanation as to how the decision is made as to when a witness is considered to be an accomplice and when he is considered not to be an accomplice?

I would ask the Government also how the law would be administered if 100 per cent of the population had to be treated as accomplices? I suggest that in such circumstances it will be impossible to administer the law. I do suggest that there must be some breakdown, there must be a partial breakdown under the existing circumstances.

The next point which, Sir, I would like to touch on which is causing some anxiety to my constituents is that relating to the return of forest squatters to areas adjacent to the settled area. Those I represent suffered severely throughout the Emergency, partly as a result of the aid given to Mau Mau by the forest squatters, prior, of course, to their removal, and I would like to make it quite clear that their return will, undoubtedly, cause very deep resentment amongst those I represent, and I hope that Government will give me an assurance that there will be no return of forest squatters to the areas immediately adjoining the settled area.

[Group Captain Briggs]

Now, Sir, the next point I would like to turn to. I would like to ask the Government, in their reply, to clear up the matter of licences for firearms. From a number of cases which have been brought to my notice, it does not appear that the Government's policy is being implemented by the police. Now, this is a very serious matter. To cite only one example. The wife of one of my constituents applied for the renewal of her licence and her licence was refused on the grounds that her reason for possessing a firearm was not considered sufficient. Now, the lady in question, lives near Nanyuki on the Leakey River which is just outside, in very thick bush country, and it has been a favoured haunt of Mau Mau ever since the Emergency started. The lady's husband is an agricultural engineer and, not only spends his days out in the country at work—a great part of his time out in the country at work—but very frequently is absent at night. Her husband informs me that she has had a pistol throughout the Emergency and also that she knows how to use it. Now, Sir, I would support the refusal of licences to those who have shown gross carelessness in the custody of them, and I would also support the refusal of licences to those persons who may be reasonably suspected of possibly disposing of them to Mau Mau or to other subversive bodies, but it does appear to me in the case that I have cited, we have a clear case where the refusal is definitely out of line with the declared policy of Government. There are many other cases which, no doubt, other hon. Members will draw attention to in due course. But I hope that the Government, when replying, will deal specifically with this point.

* Now, Sir, I hope that the Government, when replying, will deal not only with the points which I have raised, but with the Emergency as a whole; including a statement as to other, possibly subversive movements, which are, I believe, springing up in the country.

Now, within the bounds of security, I hope that Government will make as full a statement as possible and that it will cover the situation in Nyanza as well as in other parts of the Colony.

Now, Mr. Speaker, Sir, I would like to make some very brief comments in regard to the future. There has, in the past, not necessarily in this country, but I think it has been a general tendency in the past, to plan for the next war on the basis of the last one, and I believe it is just as likely that an emergency on different lines might arise in this country some time in the future. Therefore, in future planning, I hope Government will devise plans for dealing effectively with other forms of emergency which may or may not, arise in the future. One naturally hopes they will not.

Now, Sir, before I conclude my remarks, I feel that I must refer to a report in the Press relating to a statement attributed to that well-known publicity seeker, Mr. Michael Scott, who, I believe, is a clergyman of sorts. It appears that from the pulpit of St. Paul's Cathedral he made an attack on the Government of Kenya and on the European settlers, based on some form of tea party tit-for-tattle. I consider it is scandalous that such unfounded charges should be made anywhere, but that they should be made from the pulpit in St. Paul's Cathedral, that they should be used for an irresponsible attempt to stir up racial hatred, is, I think, contemptible. Despite the vile deeds perpetrated by Mau Mau, the behaviour of the settlers, throughout the Emergency, has, I believe, been exemplary. They have had much to bear, and I do not think that they should now be called upon to bear with Mr. Michael Scott. In fact, such unpleasant incidents that have occurred in the past, and we know there have been a few of them, are, or were, in almost all cases to be attributed to young men recently recruited from the United Kingdom and I think that is a point which should be brought home, so far as we can, to these people who are continually making these vile attacks on us.

I would like to ask the Government what action they have taken in regard to these statements and I would like to ask them how they propose to deal with the matter further.

With those words, Mr. Speaker, Sir, I beg to move.

MR. HARRIS seconded.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, in rising to support the Motion so ably moved by my hon. and gallant friend, I would like to share with him, in his tribute to both General Lathbury and General Hinde the honours which have recently been conferred upon them, this morning rather, by Her Majesty the Queen, I would also like, Mr. Speaker, to mention our Commissioner of Police, who has similarly been honoured, although he has not yet reached the stage of a Knight. I think perhaps that General Hinde, or Sir Robert, or Sir William, as he will be known very shortly, deserves the gratitude of the country for the fact that it is his plan, or it was his plan, that has definitely caused the improvement in the position we know in the reserves. Perhaps at the time he may have been criticised by many of the settlers of this country, but, indeed, Mr. Speaker, it would be a rare event if a soldier, or even for that matter, a member of the Administration is not criticised throughout his career in this country. But, those of us who have seen the improvement are deeply grateful to General Hinde. I think I am right in saying, as a settler, how glad we are that he has been honoured this morning. I think all of us, Mr. Speaker, are grateful for the improvement which exists throughout the country regarding the Emergency. The difference now compared to last year is so enormous that it is hard really to make comparisons; and although we continue to hear, every day, of successes against terrorists, either killed or captured, or surrendered, the fact remains that the difference between now and last year still cannot be compared without any question of being an odious comparison. I think it is only right, and I support my hon. and gallant friend, that we should pay a tribute to those people who have made the position as it is to-day. I refer particularly, of course, to the army, the Administration and the police, and without the co-operation of all three, we might still be facing the dangerous position which we knew beforehand.

However, having said that, Mr. Speaker, I would like to support my hon. and gallant friend when he expressed concern about the release, the forced release, of those people who have been detained, either for Emergency offences

or for suspicion of being involved with *Mau Mau*. It would be, I think, a thousand pities if political pressure, either from within the ranks of people in Kenya or from overseas, if such pressure resulted in people being released just because it would look good on paper that they have been released. I do not believe that this country can ever afford to go through the frightful and ghastly errors of the past just because of vociferous politicians in England and I must admit, Mr. Speaker, I am frightened that political pressure will result in these releases being quickened up, in order to make more attractive reading in England. I say this after, perhaps, having considered certain people, or having met certain people, who have passed through the pipeline and yet whose loyalty perhaps is on the side which is winning rather than the side which is right. Now, we all know, and it came out in the debate, I think I am right in saying during the Vote for the Minister for Community Development, that it is obviously easier to pass the test of loyalty by confessing to your past sins than it is to say nothing, and there is always a danger that those who say most may receive the best benefits. Earlier this year, Mr. Speaker, I moved a Motion which was accepted by the Government asking for a policy concerning terrorists who had either been captured or had surrendered. Again, I would like to ask the Government, especially, of course, the Minister for Legal Affairs, whether the policy which he announced that evening, in this Council, is still being carried on. The number of captures which have been given publicly in the Press for the last three months, is quite fantastic, but the number of prosecutions that have been announced in the Press is very small. I know, perhaps, that there are good reasons for not prosecuting terrorists but it is only right that the country should know those reasons. They always say, the bigger you are the safer you are, and although I know General Tanganyika has appeared in Court and the matter is *sub judice*, there are others, Mr. Speaker, who may not be so important, who have now disappeared into the oblivion of camps at Manyani or Mackinnon Road.

Now, Mr. Speaker, my hon. and gallant friend mentioned the question of the future. I would like to support him, in

[Sir Charles Markham]
his views, on the question of a closer administration which he mentioned particularly and paid a tribute to those members either born in Kenya or whose home is in Kenya who have played such a big part in the reserves. But I would like to make this point and perhaps the Minister for African Affairs, if he likes to intervene in this debate would answer me, are we not concentrating too much in the native areas—native reserves in the Central Province—and ignoring the settled areas?

In the course of many debates in this Council, we have heard of the dangers of *Mau Mau* going underground and Government has replied to the other side of this Council that they are well aware of the position. There are more ways, Mr. Speaker, of killing the cat than just trying to drown it, and I am very frightened that political pressure from England, or from elsewhere in the world, through that magnificent organization called the United Nations Organization, will result, of course, in its becoming unfashionable to keep going closer administration in both the reserves and the settled areas.

I was interested to read the other day of our friend, the Minister for Finance, being involved in a debate in London with certain people who are renowned for their vociferous opposition to good rule in Kenya. And reading the report in that journal called *East Africa and Rhodesia*, I came to the horrible conclusion that the majority of people present were more in sympathy with those vociferous opponents of British rule, than they were with the Minister for Finance.

We have the case, which has been repeated again in the Press this morning, of that woman who worked for a short time—she has now I see increased her permanent service by three months—who worked for the Minister for Community Development, without, I must say, much success. And yet, already she has attracted, I understand, over a dozen questions in the House of Commons as a result of allegations.

It does make us, and I say this, Mr. Speaker, in all sincerity, sometimes wonder whether it is worth the effort. We are fighting both a fanatical creed

called *Mau Mau*, and also fighting a tribe, or perhaps you might say a sect, or even perhaps a group of cranks, in England, who receive the utmost publicity and whose ambitions are well known. We know for a fact, Mr. Speaker, that despite what Government has said in the past, there are people in England who come from this country—whose origin is this country—who spend their time preaching subversive propaganda against the Government of this country. Yet the Government of England tolerate their presence and indeed give them facilities for making their speeches. I cannot understand as a layman, how such a situation exists. The similarity I can take, perhaps, would be of Yorkshire, from which county I come, if Yorkshire decided to be bobbery in matters other than cricket, and if Yorkshire decided perhaps to be awkward and even went to open rebellion against England, I cannot imagine the position where they would allow a Yorkshireman to sit in London preaching subversion against England. And we are a Crown Colony, Mr. Speaker, and yet we are now in that position. Perhaps there is an explanation and I would be grateful to know that explanation. Also, Mr. Speaker, I would like to hear facts, rather than perhaps platitudes.

I support my hon. and gallant friend, when he talked about the dangers of the *Mau Mau* movement or any other subversive movement recurring in the future: It is perhaps, as I said in my maiden speech in this Council, a danger that we might lose the peace by being too anxious to win the war. I repeat that remark to-day, Mr. Speaker, because I am frightened that in our anxiety to create the welfare state of Kenya, we may be blinded by the reality of what is going on behind locked doors.

I think—again although it is *sub judice*—that the disastrous events which have occurred up-country, the murders of Europeans, show the general contempt of the law by many of the Africans in Kenya. They realize only too well that there is a chance by a technicality to circumvent the law and be released. We know only too well of certain *Mau Mau* leaders who have similarly succeeded. We know as well how dangerous it is that if the impression is gained abroad that the law is weak, the results, of

[Sir Charles Markham] course, always show in the obvious disaster to this country.

I am not suggesting, Mr. Speaker, that we should in any way start the idea of a police state of Kenya. I think that suggestion was misinterpreted by the Minister of Defence during my maiden speech on this subject. But what I do say is this that all races in this country should have a proper respect for the law, and not, as they have at the moment, perhaps a contempt.

I wonder, as do many Africans with whom I have discussed this problem, what will be the future of this country. They have told me—those Africans with whom I have discussed this problem—that they fear the intentions of Government. They say, rightly or wrongly I do not know, that it pays to have been only half loyal throughout the Emergency. They say as well that those who shout most in Nairobi receive the most attention, and the Government looks to its political—you might almost call it the oracle—to those vociferous politicians in Nairobi rather than perhaps the genuine persons throughout the country. And, of course, there is great bitterness—let us face it Mr. Speaker—from those tribes who have been loyal, that they have been left out in the cold throughout this Emergency.

I am very frightened as well that the Emergency in this country will be declared at an end because of political expediency. Perhaps there are protests from the other side, but who knows exactly what is the wish of the British Government? How long, Mr. Speaker, will we wait for the legislation which has been promised by the Minister for Legal Affairs?

• We had another assurance the other day in the course of the policy debate on the Budget, but it is essential that the Emergency is not declared at an end, even if that legislation is ready, until such time as the Emergency as a whole is at end. The very fact that we stop killing terrorists is surely no reason to stop the Emergency, until we are convinced; that Government are convinced and the country is convinced that *Mau Mau* as such is dead, and dead for ever.

Mr. Speaker, I beg to support.

MR. SLADE: Mr. Speaker, Sir, I think it is fitting at this stage of the Emergency that tribute should be paid to all who have served the Colony so well and helped to bring it to an end, and it has been paid by previous speakers. I would ask hon. Members also to remember the contribution that was made in this Emergency, particularly in the early stages, by the African martyrs. Those men—indeed, these men and women—faced greater danger and greater psychological stress than any that the rest of us were ever faced with, and it was their endurance which really laid the foundation of our success in overcoming this Emergency.

Mr. Speaker, Sir, I wish to support every word that has been said by the hon. Mover and my hon. friend, the Member for Ukamba, and in particular to emphasize one or two points they made. They are right, of course, in reminding this Council that the Emergency is not yet ended, and, in that respect, in pointing out the great danger of premature release of detainees. I have not much to add to what they said on that subject, except to remind hon. Members that those who have been detained are the greatest menace to us for two reasons. One is the obvious one, that they have all been detained because of complicity in mischief, but the other and possibly even a greater reason for their being so dangerous, is that in the security of detention camps, and in the comfort and comparative luxury—I say it advisedly—in which they have lived, they have not learned the lesson that other members of the tribe have learnt who have been outside detention camps, and facing the real horrors of the Emergency. We cannot watch those men, Sir, too carefully.

Again, Sir, in view of the fact that the Emergency has not yet ended, I wish to endorse what has been said about the return of forest squatters. They had to go away because of the Emergency, and I submit that they should not come back until the Emergency has ended. And we are, indeed, very much disturbed in the troubled areas to see these people being brought back again on to our forest boundaries—to the very places where they made so much trouble before. We are still more disturbed, Sir, to see them being brought back apparently without

[Mr. Slade] any consultation with the county councils. Now, as I understand it, Mr. Speaker, it has only recently been established that county councils have jurisdiction over squatters in forest areas within their areas of jurisdiction, just as much as they have had it elsewhere. If that is so, I cannot understand how the return of forest squatters to these forest areas could possibly be considered without previous consultation with county councils. If I am misinformed, I shall be very glad to hear it. If I am correctly informed, I shall be grateful for an explanation.

Again, Sir, I wish to support the hon. Mover in what he had to say about accomplice evidence. That is a matter on which we have spoken many times before and I do not think I need add much to what he said, except to point out that it is part of a larger picture. It is part of something that we have got to realize in this Emergency, as in any other emergency; that is, that when you find it necessary to declare a State of Emergency, you are doing it because you cannot continue to run the country with your ordinary laws and your ordinary freedoms. You are having to set aside some things that you value most in order to recover them as quickly as you can, and that applies to the system of law as much as to anything else. You have to set aside during the period of Emergency some of those features of the law which you treasure most, in order to preserve the substance of the law. I have said it so often, Mr. Speaker, and I must say it once again, because it is fundamental to the conception of an emergency.

Finally, Sir, in support of the hon. Mover, I would like to add a word about licensing of firearms. The recent statement that we have had from Government on this subject seems quite satisfactory. It is in the application of that statement that we are still rather nervous. We have been told that the need of self-defence will be regarded as a sufficient reason for licensing a person to have a firearm if otherwise competent to handle a firearm. Well and good. But what is the yardstick of the need for self-defence? I would suggest, Mr. Speaker, for serious consideration, that, in this stage and in the circumstances in which we find ourselves now, it is not possible to say that in any single part of

this Colony, town or country, an individual does not need a firearm for self-defence.

I wish I could say that, I wish it could be so: that the protection afforded by Government is such that there are places where you could be quite sure that you do not need a firearm, but, Mr. Speaker, I say this time is not yet here.

I think we have learned a great many useful lessons out of this Emergency. We have learned many of the things that have to be done in an emergency to bring an end to that emergency, as exemplified by some of those measures mentioned by the hon. Mover. We have also learned, I think—I hope—what to do as exemplified by dishonourable offers of surrender. Those lessons, Sir, will help us quickly to end this Emergency, provided only we do not try to pretend it is ended before it is ended. They will help us also, I am sure, to deal with any other emergency that may arise hereafter. I think, Mr. Speaker, the real issue of this debate is how to prevent another emergency arising.

There are a few points I would like to make on that subject. Clearly our first need—and one which has been recognized—is that we must in future maintain an adequate police force. We must not make the mistakes of the past, of beginning to forget the needs of police the moment we feel secure. I need not elaborate, Sir, because I know Government is fully conscious of it, I think hon. Members on this side likewise. But in an adequate police force I include the maintenance of the Kenya Police Reserve, because we have seen their vital importance in times of emergency, and in times when we are threatened by emergency. They are there to hand, with their local knowledge and local enthusiasm, ready to be incorporated at a moment's notice, and they are quite irreplaceable, and they must not be allowed to dwindle in enthusiasm during times of security.

The next obvious lesson I think we have learned, Sir, is that we must be very firm in control of all overt subversive activity the very moment we see it. We have seen how much we have suffered through letting things go too far—obviously go too far—before this Emergency was declared. We must not let that happen again. We shall save

(Mr. Slade) much loss of money, and much loss of life, if only we are firm in time—and here I mean firm in dealing not only with subversion here, but in persuading the United Kingdom to deal firmly with subversion there—as mentioned by the hon. Member for Ukamba. In that respect I fully endorse what he said. We cannot allow people to indulge in anti-British subversive activity anywhere in the Commonwealth, and we have got to see that it stops. Then, Sir, for the rest, it is, I believe, mainly a matter of intelligence information—that is going to save us from having another Emergency. Of course, in the first place, that will depend on the Special Branch.

It is not easy for us to know on this side of Council how fully equipped our Special Branch now is. We have to trust in the Government not only to realize the need—as I know they do—but to ensure that our Special Branch is really brought up to the highest pitch of efficiency, and maintained there. But the Special Branch cannot do it all, and I would support what was said by the hon. Member for Mau in another debate—and though it was rather laughed at, I think, it was very true. We cannot afford henceforth to have administrative officers—or other officers for that matter—at any level pretending that things are better than they are in their areas. Now, Mr. Speaker, we have suffered from that in the past. We have suffered it very much in the very highest places. I do not think any of us will forget the despatch that went to the Secretary of State, within a month or two before the Emergency was declared, saying what nonsense it was to talk of subversion in this country. That has run all the way down—right down to the district officer who believed it was best to pretend that things were alright in his area—that his area was what was called a “quiet” area. We know what those “quiet” areas became, one by one in the process of the Emergency—they were the hottest of the hotbeds, because they were described as “quiet” for too long.

Again, Sir, another lesson we have learned is the matter of intelligence and of helping the Special Branch in their work—that is, the vital importance of encouraging loyalists to bring forward their evidence in time, and the vital im-

portance of using that evidence. We cast aside irrecoverable opportunities during the years before this Emergency, when intelligence was offered to us by loyalists, and we ignored it. It is not only a question of actual information offered by loyalists. It is also a question of helping the African to clear himself in time—to get things off his chest. The later stages of this Emergency, Mr. Speaker, have shown a very interesting development in the system of confessions. Now, I know—as the hon. Member for Ukamba said—some bad men simply use confession as a means of escape—a means of getting off lightly. That is very natural, it is not peculiar to any race. But others—many others—have been longing for some months to get this burden off their minds and off their souls, and welcome with open arms the first opportunity they are given to do it. I am quite sure, Mr. Speaker, that, before the Emergency ever broke, there were many in that state. There were many unfortunate Africans with a cloud upon them who, given the opportunity, would have opened up in time and got rid of the spell that was upon them; and, at the same time, given valuable information to the police and stopped the spread of mischief.

Now, I believe, Mr. Speaker, we must keep busy—keep on and on everywhere where there is any possible risk of subversion, in having opportunities for confession and clearing available to Africans who get to that state again. I do urge the Administration to consider that proposal very seriously. It is one of the really valuable lessons we have learned in this Emergency. We must not throw it away. But really, Sir, all that it boils down to, I think, from the few points I have just mentioned is the vital importance of the co-operation of the unofficial community—of the unofficial members of all races of the community. It is that co-operation which has been largely responsible for Government and the Security Forces being able to overcome this Emergency. Without co-operation of the unofficial community the strongest Government is helpless. With it, they have immense power, and with it they will be able to ensure that we do not have another Emergency; and that rests upon looking at every opportunity everywhere, not

(Mr. Slade) only in the matters I have mentioned, but in others, by every branch of Government, to seek the assistance of the unofficials—to encourage unofficials to help them. I do not think they will seek or encourage in vain.

I should like to conclude, Mr. Speaker, by answering one question that the hon. Member for Ukamba asked. He said, in the light of all the mischief that is made against us abroad, is the effort worthwhile? Well, Mr. Speaker, I am quite sure it is. I am quite sure that if Government will draw enough upon the unofficial community of this country we shall have such strength that we can become independent of the nonsense talked abroad, and we shall find our efforts well worthwhile.

I beg to support.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Maconochie-Welwood): Mr. Speaker, I think at this stage I should perhaps intervene in the debate, as I might cover some points that have not been raised, and which may come up later.

But, first of all, I should like to welcome very much the tributes that have been paid to the King's African Rifles, to the Army and to the Administration by the other side of the Council, and I should like to add one particular point of my own, and that is rather a special tribute to the British Forces from abroad, who came here at a time when we were in the greatest difficulties, and had to fight a war which was essentially not a soldier's war. It was the most frustrating war one can conceive of, for the professional soldier and for white soldiers from overseas, and to them I think we owe a very special debt.

The hon. Member for Mount Kenya mentioned a particularly sad side of the Emergency when he dwelt on the carping criticism which the Forces and the Administration have had from abroad—indeed, from all over the world—when they were engaged in fighting a battle of enormous difficulties against an elusive and savage people, for whom you would imagine there would be little sympathy. Moreover, the people fighting that battle out here were endeavouring

to do something which I believe has seldom, if ever, been attempted before—to keep the civil law still going almost on the battlefield itself, and it is the measure of their achievement that they have succeeded in bringing the Emergency to the present state where there is an enormous improvement. After all, if the law has been broken on occasion, it was the exception and never the rule, and it is an amazing thing in the temptations, difficulties, discomforts and provocation how seldom the law, in fact, was broken.

I would also endorse what the hon. Member said of the depressing reading we have had recently of allegations made from the pulpit of one of the greatest churches in the Empire, by one of those priests eaten up with political venom and fanaticism, men whose words very often in History have produced so much bloodshed and trouble, and who do not even bother to ascertain the truth or the facts. That in that address he should have quoted a high police officer, whose lack of reticence must, in my view, do not only little credit to him but, unfortunately, also a grave disservice to the great tradition of the Force that he represents. He was sent to this country to help, and he returned to England to stab it in the back.

Another person has been mentioned in this connexion—much smaller fry—who also is intent on doing damage to the country he once served. It is perhaps a tragedy of the present day that loyalty to their Services is a thing that appears to be declining in some individuals in England to-day, but fortunately I believe them to be the exception.

To turn now to the brighter side of the Emergency, until recently, from the fighting point of view, we were fighting a battle of fairly large forces, with large operations, combined with the military, the police—Tribal Police—and sometimes even large bodies of the people themselves, and special forces working in the background. Now, however, the situation has changed very considerably, for we have eliminated such a large number of terrorists that only some 1,100 remain in the forests, and these 1,100 are mainly fragmented into small groups and small gangs, which has made the importance of intelligence the

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very hub of our problem: and here I would say one word on the importance of the Field Intelligence Officers, 95 per cent of whom are local people—and who, by the nature of their work, must be local people—and that is why, when one hears, as one does hear, about the country some complaints at conscription still going on, and it still being necessary to call out local manpower, I would remind people that this intelligence must come from the people of the country. We cannot replace them from outside, and they must yet be prepared to go on for some time until the Emergency is at an end with these most vital jobs. At present, naturally, the main burden of operations—or rather, I should say, the main successes—must be got through various forms of special forces—pseudo gangs and other new means which are always being tried out to deal with the splinter gangs—and to their work intelligence is vital.

Food denial, similarly, which causes the greatest hardship to the farmers, is still of the highest importance, because it is by depriving the gangsters of food that we drive them to the desperate act of coming out of the forests for food, where we can catch them. Perhaps I may be forgiven if I give a few—not many—figures to illustrate the success that we have had in the last few months. In October, 1955, there were 33 major leaders left in the forests, and 73 minor ones. Today there are only 5 major leaders left and 14 minor gang leaders, and in that time, since the beginning of this year, we have killed 291 gangsters, captured 239 and surrendered 329, making a total of 857, and I think those figures do the greatest credit to the people who are engaged in the difficult—increasingly difficult—operations of bringing these smaller gangs to book.

One other figure I would mention is that in December, 1954, there were 148 stock thefts; in 1955 there were 49 stock thefts; and in May—this last month—21; and the aggressive incidents in those months have dwindled from 79 to 17 to one single incident in the month of May.

In view of the question raised by the hon. Member for Mount Kenya I will give the forces that are still kept in the field. The forces now engaged have been

reduced to one British battalion, four King's African Rifles battalions, one independent reconnaissance squadron, a Royal Engineers squadron—which will be leaving fairly shortly—and a company of the Kenya Regiment. Now, this strength is considered to be quite sufficient for the forces that can be mustered against us—if you can call them forces—of the gangsters in the forests—and no further reduction of these forces is contemplated in the foreseeable future.

Some criticism has been made of the number of farm guards still kept, for there are something like 4,000 of these, and, although it is hoped—obviously, for economic reasons—that we can reduce them, it has been decided not to reduce them in the meantime, except in a few individual cases and areas, for the same reason as the campaign for food denial must continue. It is in the next few months that gangs, we hope, will be driven to desperate acts to get food, when they will fall a victim either to the forces or, in some cases, to the farm guards.

The hon. Member for Mount Kenya mentioned one particularly delicate matter. He asked whether difficulties arose between the police and the Administration in African areas. All I can say to that, is to repeat what I think the hon. Member for Ukambani said, that you have an enormously increased police force, some of whom are not experienced in the situation as it is in Africa. In general, in the vast majority of native areas, the Administration and the police work in the closest co-operation, and this must be so. Where human beings are together, often in isolation, belonging to two separate forces, you may on occasion get friction, but it is vital to the Administration of the Colony that that should be got over, and, moreover, I should say here one thing which is often misunderstood, and it is that the circumstances of Africa are not as they are in more evolved countries, and it is quite essential that the police shall be in the control of the Administration: and the reason for that—the main reason as I see it—is that the African peasant inevitably looks to one control and to one master and to one representative of Government, and, ever since we have been in this Colony, that control and that representation of

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Government has been the hierarchy of the Administration; from the district officer to the district commissioner to the Provincial Commissioner; and, when—as may happen—policemen from England may feel that their position is not the same as they had serving in England, where they have the status of the common constable, they should realize—as they will when they have been here some time—that the circumstances of Africa are not the same as the circumstances of the United Kingdom—and cannot be so for a very long time to come.

The hon. Member for Mount Kenya said that he feared—indeed, this has come from two places from hon. Members opposite—that Government was under pressure to accelerate the release of detainees. I should like to say here and now that that is not so, and more over, the Kenya Government has no intention of giving way to any pressure to accelerate releases, even if such pressure should arise—the danger of security—we do wish to accelerate the rate of release of those people whom we genuinely believe to have abandoned *Mau Mau*. Now, Sir, I would point this out—that there is also a danger—a very grave danger—in keeping people in detention who genuinely have given up the idea of *Mau Mau*, and are anxious for release. To detain a man whom you are convinced wishes to make a fresh start would be absolutely fatal to the future peace and good Government of the Colony, and therefore Government is pressing on, as far as is commensurate with security, with an acceleration in the screening of detainees. They are screened, as you know, first in the main detention camps, and again in the works camps where they go for rehabilitation, and then they pass into the native land units, where they are absorbed in the ordinary life of their tribe, which one hopes will complete their rehabilitation. Nevertheless, I am certainly not going to stand here and suggest that mistakes have not been made—two have been quoted to-day—and that mistakes will not again occur.

There are two ways of screening. You can screen a man on his past, but you must also consider his present state of

mind as to whether he is fit for release, because if you go entirely on his past, you would not release anybody, and this is a tricky and difficult business. This does not mean that the type of person described by the hon. Member for Mount Kenya should have slipped through the net. Those two cases appear to be one of those accidents which would seem to me to be almost inevitable where you are dealing with 53,000 people in detention, and where inevitably the number of screeners is few—but that is a matter that will probably be dealt with at greater length by the Minister for African Affairs at a later stage in this debate.

We have—and I think I should give these figures now, because they have a certain importance—the return—with the consent of farming associations in the area—of 1,300 Kikuyu to the Rift Valley up to date, and such schemes are still going on. Those who are returned come in the main from the Kikuyu land unit, although some areas have agreed to take a few direct from one of the camps in the Rift Valley.

Another matter which was raised both by the hon. Member for Mount Kenya and by the hon. Member for Aberdare is the question of firearms licensing. The licensing of firearms has, I know, caused a very great deal of disquiet among Europeans all over the country, and I should take this opportunity of saying what is, in fact, the intention of Government and of the War Council. A carefully prepared statement was issued by the War Council to the Press, and it arose out of the decision of the War Council that in rural areas and country districts it was recognized that firearms are necessary for European farmers, and except—I would stress this—in exceptional circumstances, licences will be issued to their owners. The exceptional circumstances obviously are those circumstances where a man is not—and has shown himself as not—capable of looking after his firearms, or where he wants to keep six or seven firearms for his amusement. In the centre of the urban areas the police have tried to reduce small revolvers and pistols carried by people who do not really require them, and the reason for that, as you all know, is that stolen arms were a main source of supply to

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the terrorists at the beginning of the Emergency, and it is quite essential that people who retain arms should be prepared to have somewhere to keep them when they are not using them, or not carrying them—somewhere which is really safe, and not merely a flimsy locked cupboard: but, within those limits, it is not the intention of Government to deprive the European community of their firearms. I feel just as strongly as the hon. Member does that, in the circumstances of this country at the present time, it is as undesirable from the Government's point of view as from the citizen's point of view that European farmers should be disarmed.

Perhaps the most vital matter raised in this debate is not so much what we have done in the Emergency, and the stage we have reached, as the second part of the Motion which deals with what Government proposes to do to prevent a recurrence. Now, these measures as I see it must fall into two categories. The first of those I do not propose to dwell on at length, for they have come up in the course of this Budget debate from various Ministries, and they are those that are to give new ideas and interests to the people of Kenya to replace a fruitless repining over a miserable and savage past, and a desire to obtain more land and greater power by violence and subversion. Two of them perhaps are the most important. They are, of course, land consolidation and the teaching of craftsmanship to the people, because, if a man can be interested in his own soil or in his own craft, you have at least given him something to replace many of the amusements of the past that have gone from the African for ever—amusements of cattle raiding, of spear blooding, of tribal war, and so on—and, unless you can give a man an interest, he will immediately become discontented: and, more and more, I hope we shall think of things that may raise new and other interests in the African.

The other category is those methods of dealing with subversion before it becomes fatally dangerous and, in the world we live in to-day, are more difficult than ever before, for—as has been said in a previous debate by my hon.

friend, the Chief Secretary—we live in a world where freedom of speech is considered the greatest gift that a man can have. I have never been sure if we are right in that concept. It was earned very slowly in England, as the people became more capable of using the privilege, and not abusing it. In Africa we are asked to give it to a people who have only just exchanged the spear and the *pongs* for the spoken word, and it is very easy for this process to be reversed—as we have seen to our cost. I mention this in particular because we are often asked—and I dare say later in this debate we shall be asked again—why we do not yet allow country-wide political African associations. We are asked it not only in this Council, but continually in the House of Commons and in the Press of the United Kingdom. We are also asked why we do not allow the Kikuyu, Embu and Meru tribes to form political associations at present, and why we do not allow them to have political meetings: and the answer seems to me so plain that I am amazed at people asking the question. It seems incredible that we should be expected to grant freedom of assembly where we are still finishing off the tag end of a major rebellion.

It is not the intention to allow this sort of thing to take place in the Kikuyu reserve until the long process of sorting out the loyal Kikuyu from the others has taken place for the elections next year, and this will take time. Perhaps, as a politician, I can give this word of advice to intending African candidates. They will not lose as much as they think by not addressing many meetings months before the Election, for, in general, elections are won in the last two months before the poll.

I have been in the Kikuyu Reserve on various occasions and, if you talk to the older, mature men and the loyalists, they do not say they want political meetings. They do not say they want associations. What they say is crystal-clear, "We want peace to rebuild this country and, whenever our people in the past have formed associations, it has always ended in trouble and sometimes in bloodshed"; and this I think people should remember when they expect to proceed too fast with allowing meetings and associations in the Kikuyu, Embu and Meru area.

[The European Minister without Portfolio]

It has been raised in a previous debate, and raised again to-day, as to when the Government is going to introduce legislation to stop subversion at an earlier stage than we could do in the past. In fact, "when are we going to get down to it, and embody in permanent legislation some of the Emergency powers?" All I can say to that is that Government is concerned with this at this instant, and I have no doubt that my hon. friend, the Minister for Legal Affairs, may make mention of this later on, for Government has no intention whatsoever of allowing the peace of the people once more to be broken, and for men again to go about their ordinary lives in fear for the lack of being able to take legal action early enough against subversion.

Of other steps that Government has taken, mention has been made of the Special Branch, and the Special Branch, with ever-increasing knowledge and training, not only of what is going on, but of when action must be taken to prevent dangerous movements before it is too late, is another advance made since the Emergency taught us a sharp—and no doubt necessary—lesson. We had little of that prior to the Emergency, although I will rebut one statement made by the last speaker, the hon. Member for Aberdeen, who said that tight down through the administrative services people were complacent before the Emergency. That is not correct. I do not know what special knowledge he has of high places in this country, or in the United Kingdom, but what I do know is that the lower branches of the Administration were not entirely complacent, and that they did know what was going on. It is for that very reason that one of the other procedures that we are adopting to prevent a recurrence is an intensification of the administration of the country to a greater degree than ever before, for, if you have an administration in close touch with and, more than that—as it has generally been in the past—in sympathy with the people, you do get a forewarning which is beyond price—of what is going on.

I do not propose to deal with one question which was raised by one hon. Member, which is subversion in other areas in the country, as that, I feel, falls

more properly to my hon. friend, the Minister for African Affairs.

Perhaps I might conclude by saying something which I believe to be of vital importance, and it has a bearing on a point the last speaker made. He said, "What can this country do to prevent subversion against the Government of this Colony being preached in other countries and in the United Kingdom?" The answer to that is virtually nothing at all. I cannot imagine a situation where any country can deal with what is said about it anywhere else. It is one of the misfortunes of the democratic system which is cracked up as the beginning and end of all peace and good government, that you must bear—I suppose you must bear—with its more unfortunate aspects. Recently in England a foolish and very young African has spoken a great deal, advocating virtually an African State in Kenya. Such words do grave harm, for the future of this country cannot lie for the African, or for anybody else, in an African State. It lies essentially on the interdependence of the races that live in it, for, if the Africans did not have the European to help them, they would fall back into a barbarism far worse than *Mau Mau*, and there would be no forces and no ordered Government to put it right.

It is our particular tragedy that politics and all that they imply are now considered to be the road to progress for all people. In fact, they are the last thing that should come in the advancement of any country. The power of oratory which has given this young man a position where he is listened to and flattered in England—and doubtless on his return he will be listened to here—this power of oratory does not mean very often the power of thought, and, if the African here cannot be persuaded in time that his advancement does not lie, as leaders of that sort have said, in an all-African government who can talk but can never rule, then I believe there is but little future for them. But it does remain the determined duty of this Government—and it has every intention of doing it—to prevent the results of wild words and subversive activity, and, that being so, and having learned the lesson that we have every opportunity and every hope of preventing a recurrence of this Emergency.

THE SPEAKER (Sir Ferdinand Cavendish Bentinck): I think this might be a suitable time to take the customary break of fifteen minutes.

Council suspended business at twenty minutes past Four o'clock, and resumed at thirty-five minutes past Four o'clock.

MRS. SHAW: Mr. Speaker, Sir, it is very difficult to follow after the very eloquent, able and forthright speech this Council has just had the privilege of hearing from the European Minister without Portfolio.

I wish to join previous speakers in paying tribute where tribute has been so well deserved to all branches of the Security Forces. I would also support everything that the hon. Mover and Seconder have said, but I do not wish to go over ground already covered by other speakers. There are just one or two points, however, that I feel I would like to bring to the notice of the Council.

I wholeheartedly agree with what my hon. and learned friend, the Member for Aberdare, said about the necessity of maintaining a strong and efficient police force, for the Emergency has left in its wake a train of lawlessness which has produced such brutal crimes as the Lanet murders and, more recently, the tragic stabbing of Mr. Hutson in Kisumu yesterday.

I would support, too, all that the Member for Aberdare said in regard to subversion and the danger of *Mau Mau* going underground. In these days of political unrest, where we see on all sides riots, strikes and rebellion, it is not easy for a country such as ours, where the great majority of our people are only emerging from their dark and primitive background, to keep an even keel and be unaffected by events from the outside world.

Here I should like to add, Mr. Speaker, a word of warning to the Church. Throughout the ages, religious enthusiasms and fervours have so easily turned to fanatical perversion. Therefore I beg our Church leaders to guard against the danger of sending forth men whose loyalty has not been completely tried, as lay readers, for these people, in their position of trust and confidence with permits to travel throughout the African areas of this Colony, have an opportunity to do a great deal of harm. I have

known recently of two cases, two such cases, in my own province. Our Church leaders must, therefore, make sure that when they send these men forth to preach the gospel, that it is the gospel of the Church which is preached and not a perverted version to suit the man's own ends and the powers of evil in this Colony.

Lastly, I should like to pay tribute in this debate to one section of the community who have not yet been mentioned by any previous speaker, and that is the settlers who have lived in the Emergency areas. We, in the peaceful parts of Kenya, have been fortunate indeed, and I do believe that too great praise cannot be paid to the settlers who have lived since the early days of September, 1952, in the troubled areas. I think it is largely due to their great courage and fortitude that the Emergency has come to the stage when we can begin to see the beginning, at least, of the end.

I beg to support.

MR. GIKONYO: Mr. Speaker, Sir, like the other previous speakers, I would like to pay my tribute to all those members of the Security Forces who, through their efforts, the Emergency situation has so greatly improved. I especially want to mention in this connexion, the Kikuyu Guard. I feel that enough emphasis has not been made of what they have done. I feel that these people have done more than I think most of the people in this Council realize, and I feel a special tribute is due to them for the part they have played in fighting the *Mau Mau* war. I feel that when history comes to be written, they will not be forgotten because I think they have done a wonderful job just like any other unit in the Security Forces.

There are one or two other points that I want to raise in this debate, and one is the question of releases. Some fears have been expressed on this question of releases. Some Members on this side of Council feel that the rate of releases is very rapid. I do feel, Sir, that we have got to be very careful on this question of releases. We do know only too well that a large number of innocent people were put behind barbed wire; some on mere suspicion, others because it had to be done. In this regard I mention Operation "Anvil". These people, as I have

[Mr. Gikonyo] said several times before, have worked their way up through the pipeline and most of them have reached their home villages. Once they have got there, they are accepted on the condition that they are good. If they are not good, or if there are still suspicions on them, they are returned down the pipeline, and I feel that that is a very good safeguard. But, when it is suggested that through political pressure releases are going to be speeded up by the Government, I very much refute that because I feel, and I am very satisfied, with the method that is being used. The Kikuyu people—those in the reserve and who have seen the bitterness of the Emergency—will not accept amongst them any men, or group of men, who are likely to bring trouble once again to them. I think, also, that, through their efforts, it is very easy to choose the sheep from the goats.

I am very much opposed to this question of detaining more than is necessary of innocent people, because what is going to happen is only to make them more bitter, and I feel that whenever we can help to relieve, or to avoid this bitterness, we should do so without any hesitation because I think a lot of these people in the camps are innocent and, as they come back, they should join society as before.

I agree, Sir, that there should be a rule of law in this country and any measure that the Government proposes to that end will, I am sure, be supported by all people. It is important that people in this country should feel that they are secure in their ordinary activities. They should go without fear; fear of any anti-social acts and I think the Government will have the support of all those who are law-abiding in introducing any measures directed to that end. Therefore, any measures that are directed to prevent the recurrence of this subversion are surely to be supported by everybody.

In this regard, I want to ask the Government whether the time has not come to incorporate some of the Emergency regulations which they want to retain into permanent legislation, and, having done so, I feel that the minor Emergency regulations should be relaxed so that those members of the Kikuyu tribe who have helped the Government, do not feel

that the Government is necessarily being restrictive after the major part of this trouble is over. I feel that is important, and the Government has the chance to incorporate into permanent legislation legislation those Emergency regulations which they intend to maintain.

There is one other point I want to raise and that is the question of the freedom of speech. This is a very important matter because I feel that people should be allowed to express their views. The law is there to prevent subversion but, if we maintain that we are not going to allow Africans to come up and speak their minds, it is more dangerous than anything else, because, if they cannot express their views, what will happen? They will go underground.

I heard with interest the European Minister without Portfolio say that when he went through the Kikuyu country and he saw the elders there, they said they did not want political associations. It may be that it has not occurred to them because of the trouble they are having with the *Mau Mau*, but, when peace comes, surely it is only fair that these people, who have come on to our side, should be allowed to express their views on matters that affect their lives. I think it would be a great folly to stop them from expressing their views, particularly when they hear the Asians and the Europeans coming up in meetings and speaking out and saying what they want. I do feel that having all the necessary measures to prevent subversion, it is only right that we should allow these people to come out and let us hear what they want. If we say, "You are not going to talk", they are going to go underground. I think that is more dangerous. I believe that, within limits, people should be allowed to express their political views, their social feelings about things and I think that is the only right thing.

Now, with the advancement in African education, I do not think the European Minister without Portfolio should be afraid that the Africans are going to listen to the more talkative type of people. With their natural wisdom, they can very well choose who is just talking for his own sake and those people who can really speak for them. We have, in

[Mr. Gikonyo]

this country, illiterate chiefs and they command the respect of the Africans. They do not usually talk much, but they do more; they do not fail to get the Africans' respect because they fail to talk much because the Africans, like other people, can always choose what is good for them and, for that reason, I do not see the great fear that is exercised by the European Minister without Portfolio.

In conclusion, Mr. Speaker, I feel now that the situation, Emergency situation, is improving, we should try to do everything we can to persuade those who are willing to come on to our side to do so, because if they come and then we say, "Don't come", now where are they going to? The answer is not to keep them forever in the camps; that will not solve the problem. I think the only way, and the positive way, is to encourage those who want to come over to do so without unnecessary restriction. We should show them that we are not their enemies, and it is only because they have misbehaved and, as soon as they repent, I think it is only fair that we should not reject them. I think we should learn to forgive; it is human to err. People do commit mistakes time and time again and I think we should accept once again those who are willing to come. Those who are not willing, can stay in the camps until they change their minds.

Mr. Speaker, I beg to support.

DR. HASSAN: Sir, I rise to support this Motion, not that I agree with all that has been said by the previous speakers, but I felt it was necessary that they should have a statement from the Government as to what is going to happen after the Emergency ends.

I would like to associate myself in paying a tribute to those who helped us to get rid of this lawlessness and to bring the Emergency to an end. In this connexion, mention has been made of the Kenya Regiment, the Kenya Police Reserve, the King's African Rifles and the Kikuyu Home Guard and I would like to add to that list, the Asian combat units. They have done also very good work in the field and they, in their two years' conscription, have been very successful.

Mention has been made of the firearm licences. In this connexion, the European Minister without Portfolio mentioned about the disquiet that is being felt amongst the Europeans. I do not know why he did not mention the disquiet amongst the Asian community.

Now, there is a general complaint amongst the Asians all over this country that the people who were possessing firearms—some of them for the last 20 or 30 years—and have needed the use of them and knew how to look after them—that when they go along to the firearms office, without giving any explanation, they say, "You are living in the middle of the town, and you can do without them". Now, there is one matter that I want to bring to the notice of the authorities. It is a very serious responsibility which the police have taken upon themselves. It took considerable time for the police to register firearms in this country, so much so that they even gave permission to people who had never registered them ever since they had them to come forward and register without incurring any penalty. With this system, they knew at least where the firearms were in the country and who had them with the numbers and everything properly registered.

Now, if we are taking away firearms wholesale from the people, do you not think it is going to happen in the same way as before, that a large number of firearms without being registered are going to be possessed by the people? Do you not think there is more possibility of those firearms falling into the hands of the lawless element than the firearms which you had already registered in the name of individuals? In my opinion, I would not like to agree with the principle of taking away firearms from a large number of people, because it can be all right and it cannot be all right and, in view of the experience we have in this country, when we found out that very large numbers of people had firearms in their possession, and they were told, "You are going to incur no penalty; come on and register your firearms", you could see from that what a considerable number of them were in possession of firearms without being registered in this Colony.

Of course, the people who had firearms, long before this Emergency, did

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[Dr. Hassan]

not have them for ornamental purposes. They must have had some necessity for keeping them and that is why they were having them. To say that these people were just having firearms for the sake of playing with them, does not appear to be a very, very sound argument.

The European Minister without Portfolio mentioned about some destructive criticism from overseas, and particularly mentioned about the head of the police we had in this country, who was a most experienced and very intelligent policeman. During his stay here he carried the greatest respect of everybody in this country, and therefore we know that we never saw anywhere in the Press that he ever made a statement against the Government of this country. No doubt he may have differed from the authorities in the method of dealing with the Emergency and finding that they did not agree with him, he very respectfully retired and went back to his post and his statement is being mentioned by a gentleman of the Church—Michael Scott—who mentioned his name and said he was responsible for making such statements.

Of course, we should never forget one thing, that the British nation is respected and honoured all over the world because of their certain very, very high quality of character. A large element of the British nation—I think the overwhelming majority of them—are not frightened to say what they feel is the truth, whether it is against their nation or whether it is against somebody else. It is that quality for which the British people have been honoured and respected everywhere.

Therefore, anything coming from a British statesman overseas, we should not take it for granted that he has done so just to do any harm to us; he is speaking what he feels is a truthful statement, whether we accept it or not. But I could not possibly dream that such a statement could have come from the Government benches, I thought that the Minister who was speaking against the police officer appeared to be a person from these benches.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Maconochie-Welwood): Why, it was a statement of fact.

DR. HASSAN: Mention has been made that we want closer administration, we want increased police, we want increased Kenya Police Reserve, we want increased intelligence services and so on. And that is with a view to preventing the possibility of an Emergency appearing a second time.

But, Sir, with that, we can do something more. That is that all the manpower that is being used, should be used to bring about some improvement and change of mind among the Africans themselves. If we tried to spend all of the money to give them more education, to help them to improve their methods of agriculture and to help them engage themselves in services and so on, probably the result will be less expensive and far better for the future of this country.

We should not count upon that—that we can live only by the help of the police and the Kenya Police Reserve and the intelligence in this country. If we are to count upon that and this state of affairs is to continue in this country, I can assure you that it will not be a country worth living in. This trouble that we have had has brought about several changes, and one of the changes that we would like to stop in the future is that the *Mau Mau* element have evidently introduced a system among the Africans that it is not a very serious crime to take a knife or a *panga* and slash a person. That commenced more or less from the *Mau Mau* principles, and we have to do everything that we possibly can to change the point of view of these Africans, that to ruthlessly kill another person is not a thing that would help towards any peaceful purpose in this world. For the above reasons, I would like to bring about a change in the mind of the African in this country and we must endeavour to bring about a change in the mind of some of our own people as well. They must look upon Africans as their friends and comrades and help and assist them like friends, so that they should try to forget some of the old methods of killing others which they used to do before the British came into this country.

[Dr. Hassan]

With this, Sir, I wish to support the Motion.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I think the great majority of the points—and very helpful points many of them were too—made by my friends opposite have already been covered by the European Minister without Portfolio in his extremely able speech. I would however like to deal with a few specific matters—that have been raised.

I, of course, wholly agree with my hon. and learned friend, the Member for Aberdare, and the hon. and gracious lady, the Member for Nyanza, about the need to have a strong and efficient police force for as long as we can see to come. I would assure the hon. Member for Aberdare that there is no intention whatever of interfering with the Kenya Police Reserve about whose record, to which we all owe so much during this Emergency, I spoke recently during the debate on the Police Estimates.

The hon. Mover suggested that in some cases the police were possibly over-strength in the reserves and under-strength in the settled areas. I can assure him that part of the policy of the Commissioner is, of course, to place his men where they are most required by any situation that exists and I have already explained in the previous debate in answer to, I think, a remark by my friend, the Member for Mombasa, that we had necessarily made certain increases there very recently to deal with an increase of crime in that place.

The hon. Mover also referred to corruption amongst the police. Now I do not think that the police are extensively corrupt, but I expect, and I think anybody must, that with the great increase there has been in the force, the somewhat raw and partly trained people we had to take in in the earlier days of the Emergency, that the standards of some of them are not as high as we would like and intend to see. And, again, when I spoke on the Police Estimates, I did make—the hon. Member was away on that day I think—I did make considerable mention of the amount of consolidation which was going on and of the

training and retraining that was taking place in the Police Training School, which I think is the right way to end any of this kind of general lack of morals, whilst, of course, dealing with individual cases as they can be discovered. I should perhaps add here, although I imagine that hon. Members are already aware of it, that a Bill called "The Prevention of Corruption Bill" will shortly be before this Council.

Several Members have made mention of dissatisfaction with the matter of firearms licensing. I should like to be quite factual about this. Now the total number of firearms which have been stolen from private individuals during the years 1953 and 1956 up to yesterday, was 587. A main reservoir from which the Mau Mau have obtained their arms has been this. We have had a special unit checking for a long time now on the origin of all weapons recovered from Mau Mau. There is no evidence whatever of any foreign source, or of any source of obtaining weapons except by theft or capture in this country and the total, as I have already given, stolen from private individuals is 587.

On the 1st April, this year, which was the beginning of the licensing period for this year, the number of privately licensed firearms was, in round figures, 27,500 and, of these, 17,000 were revolvers or pistols. Now, Sir, this great number of firearms in private hands, allied with the fact that the supply to the enemy has been from them, has led the Government to conclude that the number should be reduced in the public interest, due regard being had to the circumstances of individuals. The criteria are that the individual should be able to use his firearm and know about it, and use it effectively, that he will be able to keep it safely and that he needs to have it for self-defence. I should add here that earlier this month I had introduced a further consideration which was the length of time the person had been in possession of the firearm, because many people who had firearms for many years and were obviously used to them and used to keeping them safely are, perhaps, a little different to the rush of clients that there was during the Emergency.

Well, now, the actual effect of cutting down on licensing in so far as figures

[The Minister for Internal Security and Defence]

can be obtained at this stage, which is not yet the end of the licensing period, since the returns are not in from many of the out-lying districts, is far less severe than hon. Members opposite think. 2,029 firearms were voluntarily surrendered, that is up to the 26th May. In round figures 9,000 renewals were granted, actually 8,993, and renewals refused were 1,315. Now, of those 1,315 renewals refused, there have been 552—or near half—appeals entered against the decision of the Police Licensing Officer. They are being dealt with by me, but I am sorry to say they are not being dealt with very quickly but the reasons are perfectly obvious. It is no use my merely looking at somebody's letter and deciding yes or no. I require the views of the district commissioner, and of a senior police officer in the area in which the appellant resides, who is of course not the licensing officer concerned.

I think my hon. friend, the European Minister without Portfolio, has made it quite clear that there is no intention of taking away firearms which are genuinely needed for self-protection by people particularly in the country areas. But I do not think there can be any doubt that there are a number of people living in the centre of towns, living in blocks of flats and places of that kind who do not require them and whose continuing to possess them merely adds to the number of firearms which are about and which afford in many cases such ready opportunities for theft—to the danger of us all.

The hon. Asian Elected Muslim Member, Dr. Hassan, referred specifically to firearms possessed for many years. I think I have answered him. He will now find on the application form a particular little paragraph asking the applicant to say how long he has been in possession of a firearm.

Sir, I think that has, in fact, covered the points which particularly affect my Ministry, and have been made so far by hon. Members opposite. I beg to support.

MR. CHANAN SINGH: Mr. Speaker, Sir, there is only one point on which I wish

to make a few comments. The question of firearms permits has been dealt with by two Ministers but I wish to inform the Government that there is a great deal of alarm in the minds of Asian firearms holders. There are complaints, not only from urban areas, but also from country districts. These complaints are due either to some misunderstanding on the part of licensing officers or to the fact that the instructions have not percolated to the proper officers.

We had an interview with the Minister for Defence some time ago and he explained the principles which are supposed to be observed by licensing officers in the renewing of licences, but it is quite apparent from the number—and nature of the complaints we have been receiving—some of these I have myself passed on to the Minister, that the police officers concerned are not carrying out these instructions. There is at least need to renew those instructions and tell these police officers that they must be more fair—if not generous—with the issuing of licences. In one small place there were almost wholesale refusals of licences. There is no police protection in that trading centre and there is no other means of protection.

I think, Sir, that at least people in areas such as that should have more consideration. It is also apparent that the police officers concerned do not know that those people who have had firearms for a long period ought to be considered for renewal, unless there is something against their personal character. Well, I do wish to request the Minister again to emphasize on the licensing officers the need to be more considerate in considering applications from those people who live in out-of-the-way places, or who have to go out of town on their businesses.

MR. AWORI: Mr. Speaker, Sir, I did not want to intervene in this debate, because we have been having from time to time these Emergency debates, but I thought that, on behalf of the Africans, I should say one or two things. First, Sir, I support the Motion, and I think that what most hon. Members have said has been very constructive, but I have one point—one or two points—which I would like to bring to the notice of the Government.

(Mr. Awori)

First, Sir, is the question of those Africans who are detained and they have been released and sent to the reserves. As an African Member I can quote numerous cases from Fort Hall, from various areas of people, who formerly worked in Nairobi but since they were detained and after being released they were sent to the reserves. Now these people cannot make a living since some worked as office boys or as *shamba* boys or as cooks in Nairobi. Now these chaps have no form of living and I think that the Government should give consideration to see that these people who are living in the reserves should come back to their former employers. I think that there are very many Europeans in Nairobi who are complaining to Government about their servants who have been detained and later released and sent to the reserves.

I think, Sir, that these people should be returned to Nairobi so that they should be able to go about their former employment.

The other point, Sir, is about the wording of this Motion. I think that this Motion, and the Mover who put in this Motion, put in the question of preventing a recurrence. I know that Government is doing a lot to see that we do not have any recurrence of the Emergency again. But, Sir, I do not agree with what my friend Dr. Hassan said about the Africans. We know that we have tragedies from time to time. We have bad men all round and that does not apply to the Africans only. It applies to all races, and we are quite sorry. The African Members are not happy to hear of any incident like the one we had at Kisumu. We are very unhappy about it, but it is a tragedy and it is not something for which one can blame one particular race for.

One point, Sir, is that I have been listening particularly to, and I was very much interested in, what my friend, the hon. Minister without Portfolio, said. He gave us a very constructive speech. But, when he blamed a particular individual in London for what he has been saying to the Press and at various meetings in the Press about the African Bureau do know who the particular

individuals are and they are people of the highest calibre and the highest integrity. I may say that I do not agree with some of the remarks of that particular gentleman who said it, but when you see that they are allowed that privilege and, in view of that privilege being allowed, I do not think that we should be able to stop him from saying what he wants to say. We have to wait afterwards. If we do not believe in what he says, the more we attack an individual then the more we give weight to what he says.

Therefore, Sir, I do not think I agree with what my friend, the European Minister without Portfolio, did say about this particular individual. I think if we do not agree with what he says, we should just leave it alone. But, at the moment, the Press is now listening and what we say about him will be radioed on the wireless and that will make him greater, so the best thing we can do is to neglect what we do not think is right.

I will not repeat what my friends on this side did say but I support most of the points that have been raised on this Motion and with those words, Sir, I beg to support.

THE MINISTER FOR AFRICAN AFFAIRS. (Mr. Windley): Mr. Speaker, Sir, I also am grateful for the comprehensive clarity and the admirable forthright speech of my hon. friend, the European Minister without Portfolio. Indeed, I think that his speech requires little further adornment. But there were certain points made by hon. Members which I also would like to enlarge on.

I noted and welcomed the theme that went through a number of the speeches of hon. Members opposite, referring to the lessons we have learnt so bitterly during the last four years, the lessons we have learnt, the lessons we are learning and the lessons that we will need to learn in the future. And I would like to stress to hon. Members that both Provincial Commissioners and myself will leave no stone unturned to ensure that there is no complacency among the officers of the Administration, however junior they may be. This is extremely important. I would like to say, Sir, from my own experience, experience in which I was deeply involved in the beginning

[The Minister for African Affairs] of this Emergency in the Central Province, that there was then no complacency among the officers of the Administration in the field.

The hon. Members opposite were asking for some sort of statement about what was described as subversion in other areas. Well, this, Sir, is obviously not a theme into which I would wish to go in very great detail, but Nyanza was mentioned by the hon. Mover. Nyanza, Sir, is an area with many problems—very difficult agricultural, agrarian problems, land tenure problems, problems of potential over-population and many others, Sir. And for these reasons, I do agree that Nyanza requires particular attention and it requires a stimulation of development programmes in this area, and it has recently been possible to give it much greater attention and more staff. Plans have been drawn up and are about to be put into operation, Sir, for a considerable expansion of agricultural development and plans also involving an intensification of the administration on the ground, which I believe to be vital and fundamental to the carrying out of any development plans whether they be agricultural, educational or any other plans.

These plans, as I say, Sir, have been approved and my hon. friend, the Minister for Finance, has had discussions in London connected with the provision of finance, without which, as hon. Members know, one can make no progress in any direction.

In Nyanza, Sir, they have as hon. Members know, always had a particular propensity for religious schism—the development of religious *dinis* and sects that hive off and break away from the more recognized forms of religion. They also, in certain areas, have this ancestor worship—*Dini ya Msambwa*, which has at certain times broken loose and gone into serious disorder.

This, Sir, I believe can only be dealt with by this close intensification of administration on the ground, by which I mean not only administrative officers, but chiefs, headmen and the rest of the machinery.

Nyanza, Sir, has, I know, at certain times also tended to break out into a variety of associations, all of which I

do agree with hon. Members opposite need to be closely watched. There is a narrow dividing line between thuggery and political subversion and I have no doubt that this line which has been crossed in the past will, again, be repeatedly crossed in the future and will need to be handled under great control and carefully. The political associations that hon. Members have urged, or certain African Representative Members have urged opposite, do, Sir, I entirely agree with the hon. European Minister without Portfolio, need to be carefully controlled. We have surely learned, during the last bitter four years here, from the origins of the trouble we have had, the need to remember that free speech must be conditioned by its effect on the people, particularly when you have an ill-educated, emotional, unsophisticated population on which, if allowed free rein, agitators of the type that we have seen in the past can bring about the sort of chaos and so easily slip into disorder and down the slippery slope which we have seen in this country here. It is for this reason that we must insist on a need to control and guide and, where necessary, Sir, we will also help the development of sound political association. But if, Sir, they do overstep this line, leading down the slippery slope to disorder, there will be a need for immediate attention.

I note, from the recently formed Nairobi African District Congress, from reports I have had, I may say, Sir, I am not entirely encouraged by the start they have made in this respect and I trust that they will remember the need for a rational approach to these problems and a need to avoid embittering race relations, undermining the lawful authority of Government and the rest we have seen, Sir.

I have also noted from reports that they are claiming the right, the sole right, Sir, to elect certain hon. Members opposite. I trust, Sir, that the electorate will not fall into that trap.

If I may, I would like to refer to the question of the return of detainees and what has now become known as the pipeline. We have learned, with a good deal of bitter experience, defects and the difficulties of this system, but I am convinced, Sir, that where a detainee is

[The Minister for African Affairs] susceptible to rehabilitation, it is much easier to achieve it soundly and certainly in the works camps that we have developed and the system of open camps in their own country. I, therefore, Sir, am naturally anxious to get out of the distant detention camps as many as are susceptible to rehabilitation and a change. Nevertheless, Sir, it is necessary to regulate the flow of this so that we can operate an effective screen of those coming out, so that the type of ex-detainees or terrorist mentioned by my hon. friend, the Mover, shall not get through the sieve. Undoubtedly, this will happen occasionally, Sir, and when it does, they must go smartly back down the pipeline and that is a fundamental thing in this system. The system of the pipeline, Sir, at open camps and works camps, is worked in close conjunction with the loyal Kikuyu, the local chiefs and elders, who have a say in this matter, at ground level, and are brought in to assist with the selection and rehabilitation of these detainees. Nevertheless, Sir, I have been concerned, at times, just as hon. Members are obviously opposite, about the dangers of the system perhaps breaking down in detail in certain respects, and the undesirable ones getting back into the reserve. I can only say, Sir, that the Kikuyu Advisory Council—the Central Province Advisory Council—I was talking to last week, also expressed their concern with this and urged me, and urged the Special Commissioner, to give particular attention to this, and I can assure hon. Members that this is being done, and will be done. The Special Commissioner was appointed to concentrate on precisely this type of problem. He is doing so, Sir, and he is constant touch with the machinery by which these detainees are released and, I believe, that his attentions are having the desired result.

I would also like to say, Sir, that in common with my hon. friend, the Member for Aberdare, and other hon. Members who spoke, and Mr. Gikonyo, I am second to none in my admiration for what has been done by the loyal elements among the Kikuyu. They are my friends, Sir, a very large number of them, and they are my personal friends, and we have worked together for years,

and I know exactly how much they have done, and what it has cost them to take the stand against evil which they have done. They will receive our support, Sir, now and in the future, to the maximum extent possible. But, I would also like to stress, particularly to my hon. friend Mr. Gikonyo, that these loyal elders, chiefs and elders of the Kikuyu people, are most anxious for Government to obtain the maximum powers to deal with the sort of mess that we have had on our hands, and the cleaning up of which is going to take us some years. They are in no hurry, Sir, to wish to expand political associations among the Kikuyu, because they realize the great danger of such political associations being infiltrated by the ex-detainee type, or the glib orator of olden days who may slip through the network. They realize, Sir, that after the bitter years, the bitter crimes, that have been serious crimes, that have been committed from the main body of their people by this *Mau Mau* evil which grew among them and from them, that there is a need for expiation among their tribe. They realize this and they welcome the opportunity of working back to their own salvation.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, there are only one or two points which concern me and which remain to be answered.

The hon. Member for Mount Kenya asked a number of questions about accomplice evidence, when a witness is an accomplice and various considerations of law which affect it. It goes a little bit against the professional grain to tell him without fee, but I will do my best to meet his curiosity. Sir, the rule regarding accomplice evidence developed as a feature of the common law, created and evolved by judicial decision, as a result of judicial wisdom, over the centuries. Basically it affects a matter for which one cannot legislate. It affects the matter of credibility. That is essentially, Mr. Speaker, and must always be, a matter which lies in the discretion of the court, assessing the value and the credibility of the particular evidence. But, judges, over the years, over the centuries, have decided and, of course, very logically so, that an accomplice is a person who has a motive in his evidence either to exculpate himself, or to justify

[The Minister for Legal Affairs] himself, and to inculpate his associates in the crime. There are, of course, categories of accomplice. There are those who participate in a crime willingly, wilfully, deliberately and with a common intention to carry out the crime with their associates; and there are others who, greater or lesser degree, participate under duress, fear, intimidation or some such involuntary compulsion. In the context of *Mau Mau* crimes, as the courts in this country have recognized, a person who participates in a *Mau Mau* crime may very well be in the latter category in that there is, if I may so put it, inherent in the atmosphere of *Mau Mau* implicit in the threat of *Mau Mau*, that form of duress which very frequently will divest a person who would otherwise be an accomplice of the taint on his evidence which a willing participation in the crime would present. As to who is an accomplice, the House of Lords, in comparatively recent times, has, if I may so put it without disrespect to that august assembly, cut the accomplice rule down to size, in that they have decided that a person, to be an accomplice, must fall within one of three categories, two of which are rather specialized. The main one is that he should be, as they put it, *particeps criminis*—a person who participates in the offence charged, as a principal or an accessory. As to the other two categories, in my present spirit of generous altruism towards my friend, the hon. Member for Mount Kenya, I will also tell him what they are.

The first is the receiver, who is regarded as an accomplice to the thief; and the last category is the person who participates in an offence which is adjoined in evidence to show system on the part of the accused person, or negative accident, or particular intent. That, as I say, is a rather abstruse category, but I will throw it in for good measure.

The House of Lords also, in the course of this decision, decided that there was no extension of this definition of an accomplice that they considered to be reasonable. Therefore, as I say, the definition of an accomplice has been cut down to size. Beyond that it is very difficult to go. The assessment of oral testimony is not an exact process. Judges, juries, assessors, who have to assess such

testimony, are not in the position of a scientist dealing with inanimate matter in the present, they are in the position of having to discover past events which are recounted by human beings, who may be forgetful, who may be honestly mistaken or deliberately untruthful. The assessment of oral testimony, therefore, depends partly on perception by the senses and partly on reason. When it comes to assessing accomplice evidence, the law does not say that a court shall not convict on the basis of the uncorroborated evidence of an accomplice; it does say though that it is acknowledged judicially and, I suggest, rationally and logically, that the evidence of an accomplice is inherently suspect and that a court, therefore, must be on its guard against accepting the evidence of an accomplice without corroboration unless it is fully convinced of its truth and accuracy. The extent to which a court, of course, would be prepared to accept accomplice evidence and to act on it, may, in the nature of things, remembering that the courts and judicial authorities are human and fallible, may depend, to some extent, on the gravity of the offence and, consequently, you may find a court more cautious perhaps in regard to accomplice evidence, and to any supporting factors, corroborative factors, in the evidence, in, say, a capital case, than in regard to a lesser offence.

In summary therefore, Sir, the question of accomplice evidence is basically one of credibility for which it is not possible, nor would it be right, to attempt to legislate. What one can do and what hon. Members will see an attempt has been made to do in the Prevention of Corruption Bill which will shortly come before the Council, is to emphasize and declare the law and to leave the matter as far as one can in the untrammelled judgment of the Court in its search for truth and its determination to do justice.

Passing, Sir, to a point made by my hon. friend, the Member for Ukamba, he asked whether the policy which I enunciated some little time ago regarding the treatment of captured and surrendered terrorists was still being carried out. I can assure him that it is. I do not want to say too much on this subject, but the fact remains that a number of persons who are liable to

[The Minister for Legal Affairs] prosecution have their uses, and in those cases I do authorize, in a number of cases, that the prosecution of those people be deferred until their use has been exploited. I make no apology or excuse for doing so because I believe that to do otherwise would be to cut off my own nose, to spite my face, or perhaps to cut off a man's head in order to serve the lesser interest of individual retribution at the expense of the greater interest of the successful prosecution of the Emergency.

In a very few cases—I can only recollect two particular instances, which I will quote—have I decided not to prosecute in such a case; in those two cases the two men concerned were responsible for the accounting, between them, of over one hundred active terrorists in the field.

SIR CHARLES MARKHAM: I thank the hon. Minister for giving way. When he refers to "I", does he mean him personally, or the Ministry?

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): I personally. As I say, I do not want to elaborate too much on that theme, but that is the position, and, if I remember, my hon. friend from Aberdare did mention, on a previous occasion, that these people should not be permitted to earn their passage back too easily, and I can assure him that that is not happening.

My hon. friend, the European Minister without Portfolio, has dealt, in his very able manner, with the difficulties regarding attacks made on us abroad and I think that perhaps I might supplement what he said by taking a leaf out of the hon. Member for Aberdare's book and saying that we must become independent of the nonsense which is talked abroad, remembering that to a very great extent it is only believed by those who want to believe it.

The hon. Member for Aberdare did refer to the question of confessions and whilst we have, in this debate, paid tribute to a great many people, and rightly so—tributes with which I would wish to associate myself—there is one further one that I would like to pay, and that is to those members of the Government service who have been responsible for the remarkable success

in the confessional system—a system which is not, as it has very often been suggested by some of the people to whom I have just been referring, which has not succeeded by any violence, but which has developed through thoughtful, concentrated application of a psychological process which has exploited what was, to many of us I think, the rather unexpected propensity of the African who had been contaminated with *Mau Mau*, when he was given the opportunity in circumstances in which he had confidence in the people with whom he was dealing, to unburden himself and get himself free of this incubus of conscience which quite obviously was causing him a great deal of trouble. To those people who have been responsible for that, and I believe that they have contributed in a very material degree to the success and improvement in the Emergency which we have achieved, I should like to pay my tribute.

The hon. Member for Aberdare did take from this confessional system and the success which it has achieved, a lesson for the future. May I say to him that I think I have been talking to the same fellow, and that he is not a hundred miles from the hon. Member's own constituency, and that the matter is well in hand or, to adopt a more common Government cliché, under active consideration.

Sir, I think there are no further points that I have to deal with and I beg to support.

MR. ARAP MOI: Mr. Speaker, Sir, I should like to associate myself with other hon. Members who have spoken throughout this debate and I should like to pay a great tribute to the Security Forces of all types—Police, K.A.R. and the British battalions who came to this Colony to help in crushing the *Mau Mau*.

Secondly, I would further pay my own special tribute, which has not been done in this Council, to the churches of all denominations who have firmly stood throughout the Emergency. They have supported the Government loyally and they have helped in getting these terrorists who have been detained or who have been put in camps—confess to what they have done, I believe, Sir, that without Christianity nothing can be

[Mr. arap Moi] done in this country and I do feel very strongly, Sir, that every support from Government should be given to all churches of all denominations.

Secondly, Sir, I should also like to pay a special tribute to the Minister for African Affairs who suffered through political pressure from all sides, either from this side of the Council or from outside this country, trying to sway him, but he never swayed, and we are all happy to see the results of the Emergency.

Thirdly, Sir, I should like to stress what the two hon. Members emphasized, that the police force should be trained and carry the standard of that in the United Kingdom, where they command high respect from the public, by their courtesy and by being friendly to everybody. I should not say that the present police are not friendly, but they should be trained, so that the standard is of a higher quality.

Fourthly, Sir, I should like the Government to consider people having their right to speak. I do feel that it has been confused with the Emergency. People living in remote areas where there is no Emergency are stopped when they want to express their opinions. I should like Government to state whether the Emergency does bind all the African reserves in the Colony or that the Emergency Regulations are only confined to those areas which have shown disrespect of the law.

Mr. Speaker, Sir, I beg to support.

MR. J. S. PATEL: Mr. Speaker, Sir, I rise to support the Motion and I would also like to place on record that I am fully satisfied that the Government of this country is doing everything possible to attend to the circumstances pertaining to the Emergency from day to day.

Sir, in order to do justice to my constituents, even at the risk of repeating the story of our firearms, and to be more factual, following the example of my friend, the hon. Minister for Defence, with your permission, Sir, I would like to read an application of one man, by name Gulzar Singh Mudhar, who is working as a water foreman in Kisumu. He says: "I am working as a water foreman for the Municipal Board of Kisumu. My Head of the Board, the Town En-

gineer, certifies that I have to attend the head waterworks beyond Awach by night. The head waterworks are 14 miles away in the forest from Kisumu Township. I also travel to the Hippo Point to attend to the pumping station which is situated on the lake shore about three miles away." The reply to this application from the Secretary for Defence is: "It is regretted that no good reason is seen for varying the decision."

Now, Mr. Speaker, Sir, you have heard that every Member from this side of the Council has shown concern about the policy of controlling firearms, and my own personal feeling is that the Government is taking this point far too far. There is also the question to be considered how long legally can the Government hold firearms belonging to the people without any compensation or giving them an option to sell their own firearms. In the reply, perhaps the Government will indicate whether they can really, legally, keep the firearms of the people, and if so, for how long, and whether they have any intention of buying them and thus relieving people who are really anxious to give the firearms over, with some sense of compensation. I beg to support.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I first of all would like to congratulate the European Minister without Portfolio and the other Ministers, for the very full and informative replies given to points raised by Members on these benches.

The next point is, I would like to tell the hon. Representative Member, Mr. Gikonyo, that my failure to pay a tribute to the work of the Kikuyu, Meru and Embu Guards was purely a slip of the tongue on my part, and I share his admiration for the work they have done throughout the Emergency. I admire them for standing out in the first instance when times were bad and dangerous.

Now the next point, Sir, refers to the matters dealt with by my hon. friend, the European Minister without Portfolio, concerning statements made in the United Kingdom, which was also referred to by my hon. friend, the Member for Aberdare. I do feel that when inaccurately and sometimes definitely lying statements are made in the United Kingdom concerning

[Group Captain Briggs] Kenya, concerning the Government, concerning the people, I do believe that it is the duty of the Government to take steps, either through their Public Relations Officer in London or, if necessary, through the Colonial Office, to see that those statements are refuted at once.

With regard to the question of subversive activities in the United Kingdom or in other countries, referred to by my hon. friend, the Member for Aberdare, I think in the Government's reply it was thought that my hon. friend was referring to statements made in places outside the United Kingdom and outside the Commonwealth countries, but I think, if I heard him correctly, he was referring to statements made in the United Kingdom and within Commonwealth countries. If so, it does seem to me rather an extraordinary state of affairs that seditious statements could, for instance, be made in Kenya affecting the United Kingdom, or they could be, and are, indeed, made in the United Kingdom affecting Kenya, and it does seem to me that some legal means should be found of overcoming that extraordinary situation.

Now my hon. friend, the Minister for Internal Security and Defence, referred to the matter of police dispositions. Now, I am afraid he has been misinformed in regard to the situation in the settled areas, because I do know at first hand that a great many of the police stations and police posts in the still affected areas in my own constituency are, in almost every case, down to one European officer, which I believe is below the minimum acceptable risk.

Also, my hon. friend, in dealing with the matter of firearms, I noticed that he gave the figures for firearms lost by the general public, but he did not give the figures for arms lost by the police forces and I hear that in the early stages of the Emergency they made a considerable contribution to the armament of Mau Mau.

Then again, I would thank my hon. and learned friend, the Minister for Legal Affairs, for his very full explanations in regard to the point I raised in connexion with the evidence of accomplices. I am very much relieved to know that the guineas are not ticking up for

the advice he gave me, which I am nevertheless very grateful to him for, but I regret to say that although he gave us a very learned exposition on the whole thing, he did not explain to us how the rules of evidence relating to accomplices would work in the case of a full-scale 100 per cent rebellion. As far as I can see, I may be quite wrong, it could not work.

Now, Sir, the purpose of this Motion was to give the Government an opportunity of making a statement in regard to the Emergency situation—in regard to the past, present and future—and to give hon. Members on this side of the Council the opportunity of raising matters which they felt should be raised. But in view of the fact that all these objects have been achieved by the Motion, I would beg leave from you, Sir, to withdraw the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): The facts are in the possession of the Council. Is it your pleasure that the Motion should be withdrawn?

The Motion, by leave, withdrawn.

COMMITTEE OF SUPPLY

VOTE XXIII—AGRICULTURE

(Debate adjourned on 30th May, 1956, resumed)

DR. HASSAN: Sir, I was speaking on the supply of meat to the Asians. Before I continue I would like to say that remarkable progress was made in the agriculture and animal husbandry of this country in the time of the previous Minister of Agriculture, and equally remarkable expansion has taken place during the time of the present Minister. He has been very kind and good to us and assisted us considerably in the meat supply at Mombasa and I must thank him for that because our meat supply has been considerably improved in that area. What we are worried about is the meat supply of this town of Nairobi, and as well as information that has been received from Nakuru. There is no doubt that if the Meat Commission cannot possibly supply us with fresh meat that we want, because it may be placing the staff to a great deal of inconvenience to slaughter in the early hours and bring it up to us in the market, as is done in Mombasa, then I would request the

[Dr. Hassan] Minister that the Muslims should be supplied with the live animal so that they should be in a position to slaughter it in the morning and bring it to the market for the consumer. In this instance, I suppose, there will be complications because the slaughterhouse in Nairobi has been closed, but I think the Meat Commission can help to open that slaughterhouse for this purpose, as we want to have at least 150 sheep and goats every day. It should be done in the first instance with sheep and goats. The Meat Commission would have their cut out of it just as well, with the exception that the Muslims will have fresh meat in the morning.

Now another matter which needs very serious consideration, The Meat Commission has now established itself and the time has come now that their monopoly of the African stock should cease and they should come out—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Arising, Mr. Speaker, on a point of order, the Meat Commission has no monopoly of African stock. The hon. Member should be responsible for what he says.

DR. HASSAN: I am quite responsible, Sir.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Only just.

DR. HASSAN: They have a monopoly that the African cannot sell their animals to anyone other than the Meat Commission.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Mr. Speaker, on a point of order, the hon. Member is not correct. He must be responsible for the accuracy of what he is saying.

DR. HASSAN: But I hope you would allow me to finish my sentence. You do not allow me to finish my sentence. When you have heard all my sentence, then you can blame me.

The monopoly in the reserve to the Meat Commission, whether it is direct or indirect, it is done. No outsider can go into the reserve—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): On a point of order, the hon. Member must be responsible for what he says and there is no monopoly in the reserves to the Meat Commission, whether directly or indirectly on African animals.

MR. AWORI: If I might help the Minister in this matter, I would like to say that the Meat Commission has no monopoly in the African reserves.

DR. HASSAN: Well, Sir, the animals that are bought in the reserve cannot be sold outside the reserve to anyone but the Meat Commission, and I would like the Minister to—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Another inaccurate statement.

AN HON. MEMBER: Full stop.

DR. HASSAN: No person from Nairobi can enter into the Masai reserve, bring the stock from there and sell it to anyone other than the Meat Commission, so that is the monopoly, and this is what I say: this monopoly should now cease and the Meat Commission must come out in the open market.

Of course they shall have as a standby all the European stock to themselves. This will do away with the problem of maintaining supply to the Asians as they like. The Meat Commission has failed during the last five years to give them fresh meat.

The other matter which has been brought to your notice during the debate by one hon. Member on this side, is the clash of the game with the stock. Your predecessor, the Minister for Agriculture, gave very serious consideration to this matter and he tried his level best to separate the Game Parks from the areas used by the livestock, and clashing of livestock with the game is neither going to do any good to the Game Parks, which we do want in this country nor is it going to help and assist the stock owners Masai stock owners have their own way of dealing with their stock. They have got to bring about improvement in their stock. They must provide water and grazing for their animals at suitable places so that they

[Dr. Hassan]

shall not be in need of rushing in to one particular waterhole or a lake to the detriment of the game which is there. The idea of some people that if stock in the Masai reserve and in other reserves is fully developed and all assistance is given to market their stock and develop their stock products, and that it may interfere and lead to very serious competition with the European stock. I do not think the Government is—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Order, Order. Apart from the fact that it is time for the interruption of business, I must point out that we are discussing Vote XXIII—Agriculture, and not Vote XXIV—which is Veterinary Services. The general discussion should be based on Vote XXIII.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): However, the time for interruption of business has arrived; Council will stand adjourned until 9.30 a.m. to-morrow, Friday, 1st June.

Council rose at nineteen minutes past Six o'clock.

Friday, 1st June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PROCEDURE—SCOPE OF DEBATE

MR. HARRIS: Mr. Speaker, Sir, at the close of business last evening, you gave a ruling from the Chair that one of the Members had exceeded his rightful rights in discussing veterinary matters under an agricultural vote. I wonder, Sir, whether for the benefit of all Members, you could just amplify your ruling.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Well, I think I did give hon. Members a warning that, having enjoyed a very great deal of licence—which is quite right and proper—for discussion of general policy of the financial statement introduced by the Minister for Finance, when we came to discussing individual votes latitude would be somewhat more restricted. This has to be because of the limitation of time allotted to these debates by Council. I know that I have given a great deal of latitude under most of the heads, including this one, and that other Members have discussed what might strictly be interpreted as "veterinary matters" under "agriculture". I do not think I have been any stricter on Dr. Hassan than I was on others, but, when I see ourselves getting involved in interminable discussions on the Meat Commission when we are supposed to be discussing Vote XXIII, I think that possibly it is only right and proper that I should try and bring the debate back to the head under discussion.

Perhaps again I should explain to hon. Members that, by ancient custom, the granting of public money and the imposing of taxation is a function of Parliament, or whatever corresponds to Parliament, and not of the Government and that, again by ancient custom, redress of grievances, or a full and public representation of grievances, must precede any grant of public money, but I think hon. Members have had ample opportunity for representation of grievances in the general debate of Mr. Vasey's introduction of the financial statement.

MR. HARRIS: Thank you very much, Mr. Speaker.

MR. COOKE: I got the impression, Sir, that you had ruled that it would not be correct to discuss the Meat Commission under Vote XXIII. but that under Vote XXIV. Veterinary Services, it might be brought up. Was I wrong about that?

CONGRATULATIONS

TO MEMBERS HONOURED BY HER MAJESTY THE QUEEN

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Strictly speaking, that is correct. I think within limits, we can allow under general agricultural policy discussions on cattle, but I do not think we should embark on a very acrimonious debate on an item that is not comprised in the vote under discussion.

May I, before we proceed—Mr. Harris short-circuited me with his interventions—say that yesterday we mentioned our great pleasure at the receipt of certain honours by General Lathbury and Major-General Hinde, and I thought that probably hon. Members would like me also to express on their behalf our congratulations to two of our Members, Mr. Hope-Jones and Dr. Anderson, and expressing our tremendous pleasure at the honours, which Her Majesty has seen fit to bestow on them.

COMMITTEE OF SUPPLY

VOTE XXIII—AGRICULTURE

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of debate adjourned on 31st May, 1956)

DR. HASSAN: Mr. Speaker, Sir, the Minister mentioned about dairy products yesterday, and I was speaking on that point; that certain persons had the impression that development of the African dairy products is likely to cause serious competition to the European stock-owners and that we should not go all out to help organize the dairy industry for Africans, but I do not think the Government is going to be a party to such a suggestion.

We know that the dairy products, particularly the milk requirement of this town, has always been very satisfactor-

ily dealt with by the neighbouring European farmers in the major towns and in Nairobi, and Indian dairymen around Mombasa. Later on, it was found out that milk was bringing more income to the dairy farmer than butter, cream and cheese and, lately, development has taken place so that milk could come into towns from far away areas by means of pasteurization and so on. But what we have to consider, to deal with the difficulties of marketing of stock products in this country, is not to encourage the dairy farmers to rush in with their supplies to the towns here because the requirements are very limited. What is needed to deal with the future of the dairy-products is to find markets in overseas countries. It is not necessary to restrict it to the preparation of butter only, which has been causing a headache to the creamery in this country, because they could not get better prices in the form of butter in overseas markets, but surely they could sell their dairy products as ghee. In India and Pakistan, the whole of Kenya cannot supply the ghee needs of even one town there and this was one of the most important points that I wanted to bring to the notice of the Minister and Kenya dairy farmers—expecting to get higher prices for their milk in local towns where the requirements are limited, would simply be interfering in the business of those farmers who supply the fresh milk in these towns.

We must help and assist the Africans to develop their stock products which we have not done in the past. We have got a million head of stock of the Masai next to us and we are getting no income from them. This is what is causing some people great concern, that the Masai are not improving their standards because they do not have any cash income coming to them by which the authorities could improve them.

The second thing the Minister mentioned, was bringing the Veterinary and Agricultural Departments nearer to each other. They have been always near to each other. If there has been any controversy among their members, it has been out in the field, but they always worked together. They are always co-operating, to my mind, and the only

[Dr. Hassan] tussle they had was about the clash as to who is the greatest expert on animal husbandry and who can manage the stock products better than the other. But on the whole, both departments have had considerable work to do, and if they were to follow their own line I think they would not have enough staff to deal with the whole of the work.

The other thing which I wanted to bring to the notice of the Minister for Agriculture, and that is that we take it you are the Minister of all the communities; as Elected Member of the Rift, of course, you are representing your constituency, but as a Minister we take it you are Minister of all the communities here and looking after the agricultural interests of all. Therefore I would like to ask what proposals you intend to introduce to help and assist the agriculture of the Asians in this country. Africans are going ahead; they have been helped and assisted. Europeans—they know how to deal with their own affairs. Asians need considerable help in agricultural matters.

We want to have your views, Sir, as to what are your intentions. Are you going to provide the help—with the revised Asian Land Settlement Board—and help them to assist the agriculture of Asians in this country? Is it that you are going to rule it out that the Asians are not fit for agriculture and no attention should be given to their interests? This is one of the matters which is disturbing the Asian community very seriously, and I would like to have some statement from you in this respect, Sir.

We all have ideas that after the Royal Commission Report is debated, there may be some change in the agricultural land in this country, and nobody knows whether that Royal Commission Reports is going to be debated this year or in 1960, but we would like to know, Sir, as to what is your opinion about helping and assisting the Asian agriculture.

With these few things, Sir, I support the Motion.

MR. RODDAN: Mr. Speaker, Sir, I first of all should like to thank the hon.

Members opposite and my hon. friend, the Minister, for the very kind things they have said about me. I have thoroughly enjoyed my service in this lovely and friendly country and apart, Sir, from the rare occasions on which I have had to make a speech I have also greatly enjoyed the privilege of being a Member of this House.

Various speakers, Sir, have made reference to the tremendous strides which have been made in recent years in agriculture. I agree, Sir, the strides made recently have been quite amazing, something which I certainly never expected to see, particularly in African agriculture, during my service. That this has come about is, I think, due to two main factors. The first is that we have had a wise and energetic and enterprising policy for agriculture; that we have had that, Sir, is largely due to you and to our present Minister for Agriculture. The second reason is that the foundations for the development of agriculture were well and truly laid in years gone by. We had the heart-breaking time of developing soil conservation, which was unacceptable to many people. We even had difficulty in inducing the African farmer to plant even ten coffee trees, not a hundred coffee trees! With an augmented staff of very able, loyal and energetic officers, we have been able to build quite quickly on these foundations so well laid.

In this modern world, Sir, there are many people around who are prepared to tell you what should be done; there are fewer who are prepared to tell you how it should be done; and there are still fewer who are prepared to get down and do the job of work themselves. It is to the lasting credit of the field officers of my Department—and here I include European, Asian and African—who are the chaps who have had to get down and do the job, that so much has been achieved in so short a time.

Mr. Speaker, I would now like to try and reply to some of the more technical points, as distinct from policy points, raised by hon. Members opposite. The hon. Member for Mau, Sir, for once got his arithmetic a little wrong when he was speaking about coffee. I think

[Mr. Roddan] he said that according to the Minister's speech, we should have some 35,000 acres of coffee in the African land units next year. The position, Sir, is that we have at the moment some 8,000 acres under African cultivation. Our annual target for increasing is 5,000 acres a year, in the next year and succeeding years, so at the end of next year we shall have something in the region of 13,000 acres under African cultivation.

He also mentioned, or asked for an assurance, that continuity in the plant breeding and seed production services would be maintained. Mr. Speaker, I have no indication—I have heard no rumours—that the continuity was to be disturbed in any way, and in so far as my Department is concerned, I can give an assurance that the continuity will be maintained.

He also praised the pyrethrum breeding services. This, Sir, is a very small section of the Department, which does not very often hit the public eye and I am very grateful to him. I agree that they have, in their own small way, done a very good job of work.

The hon. Member for Nairobi West gave us a discourse on soya beans. I agree with him, Sir, that it is a highly nutritious and desirable crop to grow. I also agree with him about the difficulties of obtaining correct varieties and the difficulties of obtaining the correct inoculants for the growing of the crop. We have carried out a good many trials with many varieties of soya beans and we have had the advantage of the sifting done by the Tanganyika Agricultural Corporation—the successors of the Groundnuts Scheme—the sifting of varieties done by them, and we have under trial quite a number of the more promising varieties. One difficulty he did not mention was the question of converting the soya bean into food which is palatable to the African and I understood from his speech, that he had in mind mainly the nutritional value of the crop to the African. It is difficult, Sir, to make soya beans into an acceptable item of diet to the African. We will continue with these trials, but I would, Sir, at this stage, point out that we have a pretty good substitute for the soya bean in the much-despised groundnut, which is almost as nutritious, which

grows without difficulty, and which is an accepted item of the African diet and; furthermore, it is, by and large, a higher yielding than the soya bean and at the moment also, if we are thinking in terms of cash crops, is a more lucrative crop than the soya bean. We will, however, continue with soya bean trials.

The hon. Member also referred to the avocado pear and said that, with consolidation of holdings, it should be possible to concentrate more on development of tree crops. I feel, Sir, again when he spoke of the avocado pear, that he had the nutritional needs of the people in mind and that he was not thinking that the Africans were possibly in need of a beauty-pack. We are, Sir, developing at two places—one at Thika and one at the Coast—what will be known as horticultural research stations, and it will be our intention, particularly on consolidated holdings, to give the Africans a much bigger range of fruit and vegetables than they have had before. In my experience in other parts of Africa, there is a very big leeway to be made up, certainly in variety available to the African.

The hon. Member also mentioned sorghum and millet and said that we should do more work on them—more attention should be paid to them. The problem of evolving improved sorghums and millets, particularly from the point of view of palatability and yield, is being undertaken on an interterritorial basis at Ukiriguru in Tanganyika, and we have also established in the Muchakos area at Kakumani a station which will again concentrate on territorial aspects of sorghum and millet breeding and will, of course, be linked with the interterritorial research. I agree with him, of course, that if we can evolve a palatable sorghum or millet, it would be a much safer crop for the African to grow in the lower rainfall areas than the common maize.

The hon. Member also referred to phosphate deposits at Tororo and suggested, I think, that instead of certain proposals of exporting the raw material and processing the raw material outside the country, we should investigate the possibilities of processing the raw material here. He said that the finely ground phosphate should be tried as a top dressing and as a substitute for soda phosphate or superphosphate. Well, Sir,

[Mr. Roddan]

We have been trying finely ground rock phosphate for a good number of years, on coffee, on arable crops and on pasture. The results to date are not promising, even with high dressings, promising, that is, as compared with the more readily available soda phosphate, and superphosphate and also in economic terms. We have not tried his combination of rock phosphate and lupins and I would like to discuss that possibility with specialist officers of the Department.

He also mentioned the possibility of enriching compost with Uganda rock phosphate. Again, Sir, we have tried this, first of all at Jacaranda. The hon. Member's suggestion was that in compost the bacterial life and other life which exists in it would be able to convert phosphate into some form which would be available to the plant. In our experiments so far, we have had very promising indications that this may come about. We will continue with the experiments. The application of any results from this would, I think, be in the African areas, where, in all the better farming areas, we have now got cattle *homas*, compost pits and so on going and it would be, I think, more within the realms of possibility to get the African to pay Sh. 30 or Sh. 40 for a ton of ground rock phosphate, than £30 or £40 for a ton of superphosphate. If the results we have obtained so far from enriching compost with Uganda rock phosphate continue, then I think there might be quite a big application in the African areas.

The hon. and gracious lady from Nyanza spoke about the change in the face of the countryside and paid tribute to the agricultural officers in Nyanza Province. I am very grateful to her for that; as I think all too infrequently are their efforts brought to the public attention. She also asked whether the Soil Conservation and Land Preservation Rules under the new Agriculture Bill could be tidied up as they were giving agricultural committees a number of headaches. The position there, Sir, is that draft rules have been drawn up on the basis of the old Land Preservation Rules which have been in force for many years. The present draft rules are very similar to the old ones; the only difference is that the headache of applying the rules

and the onus of applying them, will fall much more squarely on the shoulders of agricultural committees than it did previously, where the Agricultural Department was responsible. As I say, they are only in draft form; they have been circulated to all agricultural committees. When their comments are received they will be considered by the Board of Agriculture and, I hope, agreement reached on rules which are acceptable to both the farming community and to the Department.

The hon. Member also referred to the Minister's statement on the ecological approach and while accepting it, she did put in a special plea for the more geographically difficult areas, and I imagine she has in mind areas like Lumbwa/Songhor and Fort Ternan and so on. She made a plea, Sir, for experimental plots and advice in these difficult areas. Where the resources are limited, Sir, I think it is only right that we should use these resources in the areas were the best and quickest returns are likely to be achieved, but we do recognize the needs of these difficult areas to which she referred, and we have started, as she probably knows, experimental plots and we intend to give all the assistance we can to these areas.

The hon. lady also mentioned tea-growing by Africans and welcomed the idea. She suggested that a possible form of development would be the granting, as I understood it, of a 500-acre plot to a private tea company, and the development of African growers round that 500-acre plot. We have, Sir, under consideration, many forms of development and are only too anxious to avoid the high capital commitment of public funds which straight development of tea-growing by Africans involves. In the Nyeri tea area, the scheme is going ahead on the basis of an all-African tea concern, the capital requirements for the factory being provided by way of loan from Central Government funds.

In the Kimulot/Kericho area the existing tea companies have been extremely co-operative and helpful and have agreed to buy the green leaf from the pilot African area until such time as we can see whether the African is really going to be an efficient tea grower

[Mr. Roddan]

and until such time as production justifies the erection of an independent factory.

Mention was also made of sugar, Sir, and I think the hon. Member said that the African could grow sugar but he was not prepared to undertake the hard work involved. That, Sir, is only part of the story. We have, in some parts of Nyanza, gone ahead in a small way with sugar development in two or 300 acres at a time, not in one solid block, but in a compact area, each on individual holdings. We have quite a lot to learn about the way in which sugar growing should develop in Nyanza and we have, departmentally any way, put a brake on the development until we were a little more clear as to where we were going. A modern sugar factory producing white sugar is an extremely expensive luxury. It runs into, almost certainly, millions of pounds, and the form of development I have in mind is something much more simple. The two-, three- or 400-acre compact areas which I have mentioned would, as I see it, have some inexpensive processing plant in its centre. Jaggery, which is an obvious possibility, is not an acceptable form of sugar to the African. He would much rather pay the higher price for white sugar, and the export market in jaggery seems to have fallen away. We are receiving, in October, I think it is, a visit from a very experienced expert on sugar production from Mauritius, who will advise us not only on the technical side but also on the organizational side of sugar production. It may be possible, in the small and inexpensive plants, to process sugar to a stage where an acceptable brown sugar can be produced. Alternatively, it may be possible to carry the process so far at these scattered points and then transport the unfinished article to a central processing factory and produce an acceptable form there. As I say, Sir, we have a lot to learn about the technical side—the feasibility of the technical side—and we are receiving advice from an expert.

The hon. Asian Member for the East Electoral Area gave us a long talk about rice and he asked whether the increased 3,000 acres would be planted with improved imported seed. The answer, Sir,

is no. It will be planted with the best available local seed. He suggested, I think, that we should import several hundred tons of seed of an improved variety from India or Pakistan and go ahead with that. Well, Sir, I feel on fairly safe ground discussing rice with my hon. friend, because the first 14 years of my service were spent entirely on rice and developing rice research on a rice station on the west coast of Africa and I can assure him—and I think he will probably agree—that oddly enough rice is one of the most selective crops in its climate, soil and water requirements, and we have taken what I think is the correct step—we have undertaken between 70 and 80 different varieties of rice imported from India and Pakistan, China, the West Indies, British Guiana and so on. My intention would be—we have already had these under trial for one year; when we have bulked up to a reasonable quantity and when we have determined which varieties do well and yield well, we would then meet our Asian friends and provide them with samples of the varieties which bear well and do well, and have a palatability test conducted and we would gladly enlist the help of the hon. Member then. Having decided that a variety grows well, suits the country and is acceptable to the Asian palate, then, at that stage, it would be possible, if necessary, to import bulk seed from India, Pakistan or the country of origin.

He will be interested too to know that an officer of the Department has recently spent some nine months in India, Pakistan, Malaya and the Far East generally, studying rice cultivation methods in that part of the world. He is now back in the country and has taken charge of the rice experimental station at Mwa.

The hon. Member also asked when the expert to advise on fruit-growing at the Coast is likely to arrive. He will arrive in October. He has had two years' special training in the West Indies and in South Africa and the Chief Research Officer of the Department is at this very moment down at the Coags, making, I hope, a final selection of the site for a tree crop experimental station on the Coast.

The hon. Member referred to the difficulty of importing planting material and

[Mr. Roddan] fruit from India and Pakistan and, on this side, I think the hon. Nominated Member, Sir Eboos Pirbhai, must have been getting anxious. The position, Sir, is quite clear. It is clearly stated in the law and frequently there is a translation of the law in simple English put in the *K.I.O. Fortnightly* and the Press. Planting material from India of fruit trees, or other crops, can be brought in provided application is first made for a plant importation permit, and provided that the conditions on the back of that permit are complied with by the people in India or Pakistan. The material is received here; it is inspected and, provided the conditions are complied with, provided there is no clear evidence of pest or diseases, the planting material is released immediately.

In so far as fruit is concerned, much the same position obtains. A permit to import fruit from India and Pakistan, is required and again the conditions of fumigating and so on are stamped on the back of the permit. Provided these conditions are complied with, anyone can import, by air, up to 80 lb. of fresh fruit, at any time, from India or Pakistan. It must be consigned to the senior entomologist who will fumigate it and release it immediately.

I think these are all the points I have to speak to, and, Sir, I beg to move.

MR. COOKE: Mr. Speaker, I think, Sir, it was a happy day in the history of Kenya when my hon. friend decided to leave the rather gloomy dungeons of politics and to enter into the sunny fields of agriculture. I never thought that my hon. friend really looked very much like a politician and he always reminded me more of the "jolly farmer" and, indeed, I can remember a little saying—that used to be said in my childhood: "He who drives fat oxen must himself be fat", and I think, from every point of view, we are very lucky to have my hon. friend in the position that he is in to-day because it is a branch of the Administration of Kenya in which we shall need a great deal of drive and a great deal of enthusiasm.

There was one point, Sir, which I am very surprised has so far received so little attention, and that is the overheads in the Swynnerton Plan. Now we have

it from no less authority than my hon. friend, the Finance Minister, that those overheads, mainly housing, are 18 per cent—£900,000 out of £5,000,000—of the cost. Well, that seems to me, Sir, to be a most outrageous amount to spend on overheads. If the reply is, as I imagine it will be, that it is impossible to attract people from England, young agricultural officers from England, without supplying them with these splendid houses, well it does seem to me to be a very sad reflection on the people of England to-day. Some of us, when we came to this country first, had to live in one-roomed *bandas* for several years and I do not see why one could not attract young agricultural officers from England under the same conditions. It may be said also that these houses will be needed in the future, but, as I foresee the development of this plan, the agricultural officers in five years' time, at any rate, will, and I hope will, have taught the Africans enough about agriculture to carry on themselves without continued presence of these expensive agricultural officers.

Now, I think I am right in saying, and I know my hon. friend, the Minister for Finance, will have his eye on me because if I make a mistake of even a quarter per cent, he says I have exaggerated. I think that he will find that the Tennessee Valley Scheme in the United States of America, which was such a magnificent success, that in that scheme the overheads were less than 5 per cent, considerably less than 5 per cent, of the whole expenditure. They may have been five and a half per cent, they may have been six per cent, but it was something in that vicinity, and it should be our endeavour to cut down, at once, the cost of this very expensive project. If I personally cannot receive an assurance from the hon. gentleman about this matter, I shall have to move a Motion on it.

I thought that my hon. friend, Mr. Awori, was treated rather scurvily in the rather sarcastic reply that he received when, in my opinion, he made an extremely good suggestion, that we should look seriously into this matter. I do repeat it, that 18 per cent on overheads, according to the Minister for Finance, is quite excessive.

[Mr. Cooke]

I was glad my hon. friend, the Director of Agriculture, referred to agriculture in the Coast and certainly the Matuga Experimental Station has been doing a lot of valuable work. There is in existence, of course, the Swynnerton Plan at the Coast, but I imagine it applies more to the hinterland and I would ask my hon. friend, the Minister, to consider some sort of a Swynnerton Plan for the Coast area, that is the 10-mile strip, where citrus fruits and other fruits which do not grow in the hinterland so well, could be perhaps cultivated. Quite a number of Europeans have spent a lot of money on citrus fruits and have lost a lot of money because they have probably grown them under unsuitable conditions, or perhaps have not used the proper type of irrigation which is necessary for citrus fruits. Avocado pears, which my hon. friend referred to, should also do very well in that 10-mile strip; and I hope my hon. friend, the Minister, will consider, at any rate, appointing a special officer who knows the Coast and who has served in the Agriculture Department in the past, to report on that 10-mile strip which has a very large rainfall. For instance, the hinterland of Lamu down through Witu and through to Mombasa, also, incidentally, might be extremely good cattle country if it was freed of fly. But, it might also produce dividends in citrus fruits and, as my friend, said, avocado pears.

I am not, unfortunately, permitted to refer to the Meat Commission, Sir, but I hope that my hon. friend, the Minister, will, at any rate, give half an apology to my hon. friend, Dr. Hassan, for being so vociferous yesterday and contending that there was really no monopoly, because, I think, he will find that there is a quasi-monopoly, at any rate. It is very difficult for us, Sir, on this side of the Council, to compete with the claquers on the other side of the Council who seem at once to support their Member whether he is right or wrong. I suppose that is what is called loyalty, and it is very difficult very often for us to get a word in edgeways when that kind of thing happens! So we have got to put up with the position that I am in just now and make reference to it, because we are so overwhelmed both in num-

bers and vociferousness that we do not get a chance.

(Interjection by the MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: And I would not say ability!)

Sir, I beg to support.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, I only want to deal with one small point, a legal point, which was raised by the hon. Member for Nairobi West, regarding the incursions and depredations of wild animals on his property at Taveta. He suggested, Sir, that wild animals have, so to speak, a free right of entry on private property for food and drink, but that a person who brings them under control is liable for the damage that they may do. The implied suggestion, as I understand it, was that since Government had protected wild animals in the Game Reserves, they must accept responsibility for the damage which those animals do. That is not an accurate statement of the law, Mr. Speaker. The hon. Member did refer to his student days at the Bar of many years ago but, in fact, the law has been settled from even before that long time ago, the leading case is one of, I think it was, 1669, certainly in the 17th century, which was applied as recently as 1948, and it is to the effect that wild animals, in their natural habitat and their natural state, do not become the responsibility, or import liability on, any person; they do not have a free licence to feed on private property, or to drink private water, because the private individual has the right to safeguard his own property against them and that right, is, of course, statutorily enshrined in our own Wild Animal Protection Ordinance. The position is that where a wild animal is reduced to captivity, tamed, taken on some one's land, then that person must accept responsibility for any damage which it may do if it escapes and causes damage on someone else's land. That is the position, Sir, and, as a matter of fact and of law, the mere protection of our wild game does not import any liability on the Government. I, of course, fully sympathize with the hon. Member in his own problems down at Taveta and in, as he says, the reluctant generosity which he has to

[The Minister for Legal Affairs]

finance the food and drink of elephants, but I have only dealt with the legal aspect of the point.

MR. HARRIS: Mr. Speaker, Sir, I only wish to intervene to underline one of the points made by my friend, the Member for Mau. That is on the marketing of agricultural products. I have said in other debates, Sir, that some people seem to think that education is an end in itself and I think certain agriculturists seem to think that production is an end in itself. There is very little use in producing unless there is a ready, available and economic market for the produce. I was very glad to hear the Minister say, Sir, that he intended, in his policy, to switch the growing of certain crops to others which would be of greater economic benefit to the country. That is in the right direction but we have still got to find the end consumers for those crops. And, Sir, over a year ago, I did attempt, through the then Secretary for Agriculture, to get a meeting of those agricultural interests who must find overseas markets in order to be able to sell the crops already being produced. I include such things as the products of Athi River Meat, Uplands Bacon Factory, the canners, milk, cheese, butter, eggs, poultry and some other smaller items which are not already marketed in the same manner as coffee, sisal, tea and pyrethrum. I would commend to the Minister, Sir, that he might try and turn up the original correspondence of a year to eighteen months ago on this subject, because although in the Union of South Africa I believe there is a Government-sponsored marketing organization for agricultural produce, I believe that the Minister, with his usual tact, and persuasion, could probably get private interests together, under Government aegis, to carry out surveys of the natural markets for Kenya produce. That is, first of all, the other East African territories, the Congo, Rhodesias and so on, and also those countries bordering the Indian Ocean, rather than that we should use up a great deal of our potential in going for what are, in fact, more glittering but certainly less obvious markets.

I am now referring to bacon. We have managed to secure a very good name for Kenya bacon in Britain but it was

very obvious that when the economics—the true economics—started to operate, it was impossible for Kenya to compete with Denmark in the British market. I feel if we made a market survey of these closer areas it would pay a dividend and would warrant the agricultural policy which the Minister is pursuing, namely, to increase production.

MR. AWORI: The Unofficial Members on this side of the Council have the misconception that I may speak for more than an hour, but I did say privately to some Members who sit on this side, that I have several subjects and I am going to speak for more than an hour. I am sure they are very much worried that I might keep the Council here for some time! Fortunately, I have changed my mind and instead of speaking for an hour I am going to speak for half-an-hour!

First, Sir, I would like to pay a compliment to the hon. Director of Agriculture for his appointment as Minister for Agriculture in Tanganyika, and I would like to thank him very much for the advice which he has given us in this Council except that I must say I do not like the advice he has given on my points.

We had an agreement with the hon. Minister and Director yesterday outside this Council that I should not raise the point of the coffee trees, because my friend who is absent, Mr. Mathu, will be moving this Motion as soon as he returns to this Council, so for that reason I shall not be able to raise that point. But I would say only one thing which was mentioned by the hon. Member for Mau, about the question of coffee. He did say that 5,000 acres of coffee were being grown by Africans. Well, I do not think that.

MR. CROSSKILL: Mr. Speaker, I did say that the Minister had given those figures in rather cryptic terms, which made them rather difficult to analyse. I was very grateful to the Director of Agriculture for explaining and giving the true figures.

MR. AWORI: In any case, Sir, I will not raise the question of coffee, as I indicated that I would not speak on coffee because we shall have the opportunity later when the Motion on this matter comes.

[Mr. Awori]

The same hon. Member for Mau raised the question of African cattle. He said that there were about six and a half million, then he corrected himself and said seven million and then he re-corrected himself and said about six and a half million, worth a £100,000,000. I agree with him about the question of stock. It is true that we should improve these African cattle—I mean the stock. So far we have in this country, the African takes cattle as his bank asset. The more cattle he has got, just like any other person—a European or an Asian—the more money he possesses, and so it is with the African; the person who is rich is the one who has got cattle, or the one who has got money. I have not yet been able to understand the advantage that money has got over the value of the cattle. I, personally, Sir, support the hon. Member for Mau, that we should improve the stock of the Africans, because I do not believe that we should have any amount of cattle if they are not well catered for.

I have got something to say, Sir, on the Swynnerton Plan, but I shall be able to touch upon that later.

During the main Motion I did raise the point of the cotton ginneries. Unfortunately, neither the Minister nor the Director gave me a satisfactory answer about the question of cotton, either voluntary or the compulsory acquisition of cotton ginneries in African areas. I will not be able to mention names, but I know that outside the Council some of the interested parties I talked to, say they have no objection to the Africans in Kenya being able to take cotton ginneries on a co-operative basis. That is to say that we could start with one on the Coast and one in Nyanza, and, if the Minister could talk to me privately outside this Council, I would tell him who the cotton ginnerers are.

I did indicate in the main Motion, Sir, that we would like the help—the technical help—of the Europeans and even the Asians too, because they know how to handle these things, as it is done in Uganda.

The other point, Sir, is the question of Kano plains. When the Minister moved this Motion he never indicated what is going on about the Kano plains

as far as the rice plantations are concerned. I think I am right in saying that, when the former Minister for Agriculture was here in this Council on the other side, I raised this point and I was assured that something was going to be done about the rice plantations in the Kano plains, that is in Nyanza. Up to now nothing has been done at all, and it is a suitable area for the growing of rice.

I think some of the hon. Members on this side of the Council—I think the Asian Members—did complain about the question of rice, the quality, and not only this time but before they have complained about it. I agree with them wholeheartedly. What we want is the proper seed. If we were able to get the Burma seed, or the Malayan or Ceylonese seed, it would improve our quality of rice. What we have is what is called the mixed seed, and it is not good at all. That is why all the Asians and the Africans and some of the Europeans who eat rice would prefer the imported stuff to our local product. I do not think it is serving a good purpose in this country if we have to import when we are able to grow our own rice and have it here.

Now, the question of sugar plantations, Sir. Already I know that the Government is doing much to see that African grow sugar canes. But, then, Sir, it is no good if the African grow sugar canes and they have not got a factory near. We have got factories at places like Miwani and Kibos, but anybody living 80 miles away from Kibos or Miwani, how is he going to transport his sugar canes to that place? Sugar canes are always in bulk and transport is very expensive. I think, Sir, we should have two sugar factories, one in South Nyanza and one in North Nyanza, which would suit the Africans properly.

I have experience of this because my father has got a sugar cane farm and he is having great difficulty in having his sugar canes transported up to Kibos, so he has what is called a jaggery trade on the farm. You have to provide the firewood for them to make the jaggery and it does not pay.

Mr. Speaker, Sir, I wish to remark about the dairy industry. There is a rumour that the Kenya Creamery

[Mr. Awori]
Co-operative Ltd. is going to monopolize the supply of milk throughout the whole of Nairobi and, speaking on behalf of some Africans who own dairies in Nairobi, they have brought this matter to my knowledge. I would like to get an assurance from the hon. Minister whether it is true that they are going to do that. Personally I do not think it is true, because a while ago in the Press they made a statement that they are not going to have these monopolies for supplying milk without giving it to other agents. But I would like an assurance from the Minister that it is not true.

The Minister did say about the over-production of butter and its consumption. Well, Sir, the Asian Members on this side of the Council and even the African Members have complained about the scarcity of ghee. Now if we have got more butter, why do we not get more ghee? If you are not going to have butter, let us have a greater supply to the Asians and Africans who like ghee.

Another point, Sir, is what the hon. Minister had to say about sheep production. He said about the altitude, and I know it is difficult, but I think it is high time that sheep production, wool production, was introduced in the African areas, particularly those for shearing.

I support the hon. Member for Nairobi West with what he said, but I do not agree with him with what he said about the Kikuyu helping themselves to a teaspoonful of brains from the tribal babies, and he referred to the incident of Lari. I think that was an unfortunate incident, but I do not think that it has anything at all to do with the matter of agriculture.

He did mention about avocado pears, and he did say that we should encourage the Africans to grow avocado pears. I agree with him entirely. He did say that the African people did not at first like avocado pears; but later liked avocado pears, when he made some restriction, they began stealing and they liked them. But, from personal experience, I have got a number of avocado pears on my farm, and I bring them to my European friends. When my wife stays in Nairobi, she stays with them and the children did not know about avocado pears at all. They did not like them, and yet my child would be able to eat them. So this is

parallel to what my friend, the Member for Nairobi West said.

My friend, the Member for Trans Nzoia, did say that Africans did not like sorghum, and it is very difficult, Sir, for me to explain or to describe why Africans do not like *mitama*, in this hon. Council. But from the anatomical effects, I would be able to explain to my friend, the Member for Trans Nzoia, outside this Council why they do not like it.

It is not good. It is only good for making the ordinary African beer, but you cannot be able to have it. However, that is a matter like *ugull*, that I would not like to mention in Parliament. But my hon. friend can rest assured that I can be able to let him know the main reason why Africans do not like *mitama*.

Sir, I come to the question of the Meat Commission, which has been mentioned by quite a number of hon. Members. During the main Motion I did criticize the Meat Commission, particularly because I know there are a number of Africans from Uganda, and I think that my hon. friend, the Minister, knows that a representation was brought last year, or early this year, about the question of cattle from Kenya going to Uganda. My friend, the Minister, did say that they have an agreement with the Uganda Government that they cannot come and buy cattle in this country as they like, and I did say that the average price which we are paying the Kenya Meat Commission is Sh. 80, and I know that is true. Now, the African butchers in Uganda are prepared to pay Sh. 175, and I know that, Sir. I am a member of the Transport Licensing Board, and we have turned down about two licences of Africans from Uganda who wanted to take motor-boats to come and get cattle from Kenya, and they had already discussed with Africans in Kenya that they would be able to pay not less than Sh. 175 per head for each cow. But then I cannot understand about this agreement with the Uganda Government that they should have their meat from the Kenya Meat Commission. They are getting their meat from Eldoret, and they are not satisfied, because they are paying too much and they do not make any profit on that. I think that the Government should be able to waive this monopoly and satisfy them.

THE SPEAKER: I cannot allow any further discussion about the Meat Commission. I have given one ruling yesterday, and I repeat it now. If hon. Members wish to discuss the Meat Commission they can do so under Head XXIV. The item appears on page 111 but we are not at the moment discussing Head XXIV, according to the Order Paper we are considering Head XXIII, Agriculture.

MR. AWORI: Mr. Speaker, I respect your ruling. I am very sorry if I did go beyond that.

I will come now to a point which was raised by my friend, the gracious lady, the Member for Nyanza. She did mention about the question of tea factories in the African areas, which would be run on a co-operative basis. The African Members do agree with that, and we would like to see if Government could see that it is implemented. What I do not agree with my friend the gracious lady about is the question of sugar in the African areas. She said that Africans will not work, and, as I did say earlier, it was the question of having a sugar cane farm 80 miles away from the nearest place where you have to send the sugar cane, so it is impossible for you to make any money on that account, and, as I did say, that is the main reason why I have asked that we should have at least in Nyanza two sugar cane factories in the African areas—one in South Nyanza and one in North Nyanza.

I think it was the hon. Minister who did say that now the Africans are interested in taking up an agricultural course at Makerere, and that is a very, very good feature, but then in this Council the African Members have always complained that because of the treatment that the Africans who are trained at Makerere in agriculture get, that is why not so many Africans are encouraged to take up agriculture as a course, but now there has been a change in the department, and for that matter they will take up a course at Makerere.

I should like to know, Sir, from the Minister why the gentleman who was appointed recently has got a Bachelor of Science in agriculture from India, and he is not a full agricultural officer. I would like to know, up to now, why not a single African who is trained at Makerere has been appointed as an agricultural officer. They are all still assis-

tants. Furthermore, I should like to know why we are not sending any students in training to the Agricultural University College in Trinidad. It used to be done before, but even then we had only one student who was taking training there, and I do not understand the reason why this has been discontinued.

MR. SPEAKER, I think that I might just be running short of my time, although I did promise the Council that I would not speak for more than half-an-hour, and I have just come to half of my points.

I come, Sir, to the question of cotton. I will not repeat what I did say in my main speech about cotton, but I did complain that the African cotton growers do not benefit as much as the African coffee growers or the European coffee growers, because it takes time. I mean cotton is if yearly affair, and they have to plant and then they have to move the whole stuff year after year. It is not like coffee.

I want to know, Sir, if the Minister would be able to let us know about the question of Egyptian cotton. I have been in Egypt at one time, and I have seen they have those big trees of theirs, and they are quite different from our normal B.P. 52 cotton that we have here—or whatever it is called. I should like to know the difference in yield between the Egyptian cotton and the cotton that we have got here, because I find that the African cotton grower at the Coast and in Nyanza is not benefiting as much as he should, and if it is a question of introducing a different type of cotton in this country I think that Government should look into that sphere.

The question of farm consolidation. Now, this is a point that we have to be very cautious about. The African Members on this side have pressed very much in this Council about the question of farm consolidation. Unfortunately, the people whom we represent do not understand the real meaning of it. Then, Sir, as far as the Africans are concerned, their land is normally family land, and this point has been brought to my notice from time to time. They have got some fear—it is a natural feeling—that now Government is going to take away their land, I would like the Minister for Agriculture, with the co-operation of the Chief Secretary, who is in charge of African broadcasting, should be able to bring something to the notice of the

[Mr. Awori] Africans, and tell them the truth. If he can arrange programmes so the African Members could be able to speak on the African Broadcasting Service, and explain to the Africans this matter, it would be very, very much appreciated, because many Africans think that this question of land or farm consolidation is a question of taking away their land, and now, since the Emergency started, the African Members have not got a great opportunity of addressing any meetings and explaining to the Africans the question of this farm consolidation. It is a very, very important matter which I feel, with the co-operation of the Chief Secretary and the Minister for Agriculture, we might be able to let the Africans know the whole truth.

There is a point I would like to know, Sir, from the Minister during the course of his reply, when he mentioned the question of wheat. We also know, and he did mention that we lost £1,000,000 from wheat in rust and, at the same time we have spent £1,052,000 on research. I do not know whether that is annual—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): The hon. Member, Sir—perhaps he has taken that from a copy of the HANSARD—the uncorrected copy of my HANSARD speech, Sir. What I said was that the relationship was £1,000,000 lost in wheat to £52,000 spent on wheat research.

MR. AWORI: I am grateful to the Minister. I think I got it from the uncorrected HANSARD.

I would like to know, Sir, how the African does stand in the question of the growing of wheat. I know in my constituency—in North Nyanza—we have got a number of Nyansas growing wheat, and there is no indication to show how many acres have been grown by Africans. I think an encouragement, as far as the Africans are concerned, should be made by Government, so that in case of places like the European or White Highlands, if we mean to have enough wheat, at least we might be able to have some from the African areas. Already, I understand, we have got 10,000 tons of wheat coming from Australia, and I think that the country is going to suffer very much by having to import wheat from outside. It

was unfortunate—I do not blame anybody. I do not blame the hon. Minister at all for the matter, because the question of weather—nobody understood about it, but I would like to see an encouragement is made for the growing of wheat in the African areas.

Finally, Sir, I have only one point to speak about on the Swynnerton Plan. My friend, the hon. Member for the Coast did support me on my point raised on the main Motion about the over-heads on the Swynnerton Plan. I am still not satisfied that this money is being properly spent, and I will still continue to press on this point here in the Council, outside and with correspondence with the Minister, and he knows I have been corresponding with him on this issue, particularly in my area. I think that something should be done about the question of this Swynnerton money. My hon. friend, the Minister for Finance, was good enough to get this £5,000,000 from Britain, and I think since we are very grateful to the people of Britain who have given us this money we should see that it is properly spent and, if it is properly spent, it should benefit the people for whom it was supposed to be given.

MR. SPEAKER I beg to support.

MR. CHANAN SINGH, rose.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think, Mr. Chanan Singh, this is a good opportunity to take the customary fifteen minutes break.

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

MR. CHANAN SINGH: Mr. Speaker, I am not a rice-eater. I know nothing about the cultivation of rice, but, having listened to one representative of the consumers, and one representative of the producers and also to the Government spokesman, I must say that my sympathies are with my colleagues on these benches. I do not see what difficulties there are in importing good seed from other countries. Why should it be necessary for us to carry on experiments which have already been made in other countries? After all, we know our soil, we know our climate, we know the water that is available, so it should not

[Mr. Chanan Singh] be difficult to select seed that has proved successful in other countries. Why should we insist upon selecting suitable rice from local varieties? This is only wasting time. I think the advice, Sir, given by two Members on this side of Council, should be accepted by the Government and let us produce good rice, rice that is acceptable to local consumers, as quickly as possible.

Now, Sir, I wish to refer to another point made by my colleague, the hon. Member for East Electoral Area. We have a body called the Arab and Asian Settlement Board. It has existed for many years. It still exists on the books of the Government. Perhaps it will be allowed to die its natural death. Now that we have an elected Minister for Agriculture, we are asking him to take a personal interest in this matter and see if something worth while cannot be done to provide opportunities for those Asians who wish to take to agricultural life. I am sure something can be done. Apparently the Arab and Asian Agricultural Settlement Board has not succeeded; it has not got sufficient powers; it has not got the position that a Government department has, but I am convinced that if the Minister does want to provide some opportunities for Asians to engage themselves in agriculture, he can do that. It may be necessary to take some land on lease in the Highlands, but it will not be necessary to take any land by compulsion; we can take land only from those farmers who are willing to lease it. But I am sure something on those lines can be done and I do request the Minister to look into this matter and see whether something cannot be done.

The next point that I wish to make is in connexion with opportunities for the employment of Asians in the Agriculture Department. We do occasionally get an Asian who has a degree in agriculture, but it has not been possible so far to obtain employment in the Agriculture Department for such qualified people. I do not know what the exact difficulty is. I am not suggesting that a graduate in agriculture from an Asian university is necessarily as good as a graduate in agriculture from a British university, but all posts in the Agricul-

ture Department do not require British degrees. I know, from my personal knowledge, that there are a large number of officers in the Agriculture Department who did not obtain any specialized education in agriculture. Here again, I am sure if the Minister wishes to help, he can give some help. I am sure more fair play is needed because if opportunities for employment can be provided for a large number of officers who have not received any specialized training in agriculture, a graduate in agriculture from an Asian university can also be helped. The result is, Sir, that our graduates in agriculture have to take up jobs as teachers, sometimes in primary schools, sometimes in high schools because they cannot get into the Agriculture Department.

The final point that I wish to make, Sir, is in regard to the question of the sale of wheat. Although we have been assured in this Council before, that wheat in the grain is available for sale to the consumers, in fact it is impossible to get it. No grocer or shopkeeper stocks it.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Unmilled?

MR. CHANAN SINGH: Unmilled. I think, Sir, that wheat in the grain should be made available to consumers at the ordinary prices if they want to buy it, and I do not see anything in selling wheat to consumers if they want to buy it at the regular prices. I do not see any unfairness to the growers because they would get their proper price, but sometimes consumers want to have their own wheat gristed according to their own taste and sometimes the flour available in the market is not good enough. It happened last month, Sir—the Minister may know about it—that the wheat flour sold in the shops had something like starch mixed in it, and I know that the shop with which I deal had many of their customers returning wheat flour. Some people returned wheat flour twice or thrice and it is on those occasions that people are asking why wheat cannot be sold to consumers if they want to buy wheat.

Sir, with these words, I support the Motion.

MR. TYSON: Mr. Speaker, Sir, the Minister has given us a very full and comprehensive survey of the policy of his department—very full indeed—but I do sometimes wonder, Sir, whether a more concise statement in regard to the policy of his department would not be of considerable use throughout the country. As an example, I would quote from the explanatory memorandum which was presented by the Minister for Agriculture and Fisheries in Great Britain when he introduced what corresponds to our Agricultural Ordinance in 1945: This is what he said, "The objective of this policy is to promote a stable and efficient agricultural industry capable of producing such part of the nation's food as in the national interest it is desirable to produce in the United Kingdom and of producing it at minimum prices consistently with proper remuneration and living conditions for farmers and workers in agriculture and an adequate return on capital invested".

I submit, Sir, that in brief, that is the policy which the Minister is adopting here, but if it could be a little more widely known and expressed rather on those lines, it seems to me that a good deal of misunderstanding which arises from time to time as between producers and consumers might be avoided. I hope, in fact I think, the Minister in the course of his remarks intimated, that he was proposing to start the system adopted in Great Britain year by year of an annual review of prices in conjunction with the farming community and with the consuming interests. That is a step which, I suggest, Sir, would again go some distance towards making for a better understanding between the various interests concerned.

It will, I think, be obvious that there are two, what were called in Great Britain, pillars upon which the Government's agriculture policy depends, those of stability and efficiency. I particularly want to draw attention to the question of wheat production. If Members will refer to page 99, they will see a reference to a loss on wheat imports. I do suggest to the Minister, Sir, that some investigation should be made as to whether it is not possible for this country to produce the whole of the requirements of wheat for the Eastern African territories. I realize that weather conditions have a consider-

able bearing on this matter, but, with the increasing consumption of wheat products on the part of the African community, it seems to me that every endeavour should be made to guard against our having to do, as we are having to do this year, import something like 40,000 tons of wheat from Australia.

The hon. Member for Nairobi West, in some very informative remarks in the course of this debate, mentioned the possibilities of increasing yields. I realize that the Minister, on another occasion, stated that he does not consider that we can increase our present yields, but what I would like to ask him, Sir, is whether he does not think there are other areas where wheat could be satisfactorily grown.

The hon. Member for Nairobi West, told me last night that some years ago experiments had been made in the Taveta area with small plots of wheat, which Australian visitors had described as quite as good as that grown in Australia, from which we are, this year, importing some 40,000 tons.

I would like to point out too, what a precarious business this importation of wheat can be because, if Members will refer to paragraph 6 (4) on page 99, they will see at present prices this importation of 40,000 tons may involve the Government in a loss—it is quite true it will be shared with the other governments—but it is to be noted that a profit of the order of £35,000 was made on wheat imported in 1954. I do suggest, Sir, that if we could increase the production in this territory, we can be sure of a steady market, a ready market I think, in the East African territories, and, in addition, we can avoid this risk of losses.

Now, the hon. Member for Nairobi South, drew attention to what I think is a very important point and that is the dangers of increasing production unless, side by side with it, markets can be found for those products. Last year, in Great Britain, the margarine manufacturers made a tremendous attempt to get back the popularity of that product by a very intensive advertising campaign. It was followed by an equally intensive campaign on the part of the butter producers—I am not sure what the authority was, it may have been the Milk Marketing Board—but it does seem to me to give us

[Mr. Tyson] some ideas in regard to the finding of fresh markets, not necessarily outside East Africa, but within East Africa for the increased production which we are aiming at.

Subject to that, Sir, I support the Motion.

MR. SLADE: Mr. Speaker, Sir, I think enough has been said already by other hon. Members to express our appreciation of the very great achievements of the Agricultural Department during the past few years, and the extent to which we associate the hon. Director of Agriculture with that achievement. I am very glad those things have been said and I need only add that I concur entirely with them.

Mr. Speaker, it does seem to me that just at this time there is not a great deal to be said on this particular Head of Agriculture because so much now depends on the successful operation of our new Agriculture Ordinance and it is too early yet to judge the operation of that Ordinance. I think we have got to be a little patient and stand back and see what the Ministry and the Department make of it.

Meanwhile, Sir, there are only two corner-stones of development on which I would like to make some very brief comments. The one is research and experiment and the other is finance.

Mr. Speaker, as regards research and experiment, it is obvious I think to all of us that that has got to go ahead of large-scale development. It is sheer folly to try to develop without knowing what you are doing. I am quite sure the Minister is aware of that; in fact it is evident from what has been done in development of research and experimental efforts. But there is one point I would like to make, which I am not sure is fully appreciated, and that is the extent to which research and experiment can be carried out on private farms. I do not think it can all be done by research stations. If we are not going to use the private farms rather more than we use them now, we are missing a great opportunity. I am not only thinking of experiments with crops or with livestock, though for them most certainly, the private farm is the best field; but we are pioneering in all kinds of ways, and in each area conditions are

different, and in each area we must foster that continual experiment by the farmer himself, I say not only in the crops, in the establishment of leys, in testing of what minerals we need to get the best results from our cattle, what fertilizers we need to get the best results from our land, but in other problems such as drainage—how best to drain our land in the wetter country—and irrigation. In all these things, I believe, Sir, Government could do much more in trying to persuade the farmer to carry out experiments for the benefit of himself and his immediate neighbours and in providing facilities for the farmer to do that more easily, and in providing finance for him to do it on a small scale. I imagine, Mr. Speaker, that under the law as it stands, finance for experiments, in the way of pioneering development, could itself be treated as a development loan within the Ordinance.

That brings me, Sir, to the other question of finance, for just as development must be dependent on sound research and experiment, so, of course, it is dependent, also on finance. I suppose there are two main sources of finance; the one is loans, mainly from Government, and the other is capital introduced by private initiative.

Sir, as regards loans from Government, the provision of adequate funds for land development loans is vitally important, not only because of the actual need for the money, and the fact that we shall not be able to go fast enough without it, but also because it is really the foundation of the confidence of the farming community in our Agriculture Ordinance.

Mr. Speaker, in asking the agriculture community to accept the legislation that went through last year, we ask them to accept a great deal of regimentation, rather more than many farmers like to face; but, one of the inducements for doing so was the assurance that with it would come greater facilities for development and the prospect of land development loans being more easily available. That promise, Mr. Speaker, must be fulfilled, if the confidence of the farming community in this Ordinance is to be maintained.

Turning then, Sir, to the other aspect of necessary capital, that is the capital of

[Mr. Slade]

private enterprise, there is one point that worries me a little, and I am sure the Minister for Finance can reassure me on it; it is with regard to capital from foreign countries. Now, Mr. Speaker, we cannot afford to turn away any capital that anyone is prepared to bring for development of our agriculture in this country, provided that he is bringing it in the right way. That is to say, that I do not welcome the idea of any absentee landowners who just put their capital here and sit in another country waiting for the income to come back to them, but, if a man is prepared to come here and farm himself and to bring in his capital to develop the land, we must encourage him wherever he comes from providing he is the right type. Now, I know at the present time there are quite a lot of foreigners who want to do that very thing, who want to come and settle in this country with quite considerable capital funds which they are prepared to spend on immediate development; but I am wondering whether we encourage them enough or whether we restrict them too much by the terms under which their money comes here. That is to say, do we allow them in due course to take the income from their development back to the country from which the money came originally? Do we allow them eventually to return to that country the capital they brought from it? Or is the permission to introduce their capital conditional on it staying here and the income staying here, for keeps? If there is that latter condition, I do suggest, Sir, that we are making a mistake. We need that money to develop the land and it is still of great value to us even if the income goes back to the country from which the money came. We still have the benefit of the development, and it is only reasonable, in my submission, Sir, that the man who is prepared to bring his capital from a foreign country to help us, should be allowed to take his income back there and even up to the extent of his original capital; but I am sure the Minister can reassure me on that one.

Sir, there is only one final point. I agree entirely with the Minister for Agriculture when he says that our policy must be always to maintain the quality of what we export—look to that even more than to quantity; it is rightfully

important. In that connexion I was very interested at his suggestion that we might soon be developing an export trade of pork and beans, and I would remind the Minister that in order to maintain a reputation for quality in pork and beans, it is essential to have in each tin at least, one piece of pork, not smaller than my thumb nail.

I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Tinck): If no other Member wishes to speak, I will ask the Mover to reply.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, the hon. African Representative Member, Mr. Awori, has asked me if I would take points which he raised early in the debate as he has an important engagement elsewhere. So with the permission of the Council I will do that first and then deal with other points hon. Members have raised.

The hon. Member, Sir, asked whether we would consider the possibility of an African co-operative ginny. I see no objection to that whatsoever. In other areas of the country the growers themselves initiate these things and approach Government and we often make the necessary arrangements, and, without committing myself in any way, I will certainly say this, Sir, we are perfectly prepared to look at the possibility of an African co-operative ginny. It seems to be a logical development for the industry as and when the Africans themselves are sufficiently advanced to handle the matter. If the Africans of his area would like to put specific proposals to us, Sir, we could advise them whether we could help them; alternatively, if he would prefer it, we will look at it ourselves and tell him what we think.

He also said, Sir, that nothing was being done in the Kano Plains on the development of rice. Now, that is not entirely true, Sir. We cannot develop rice in the Kano Plains until we have solved the problem of irrigation, and before we can solve the problem of irrigation we shall have to have the necessary technical survey which is being done by Sir Alexander Gibb and Partners on the flow of water, the catchment areas available and the area which can be irrigated. Now, Sir, we

[The Minister for Agriculture, Animal Husbandry and Water Resources] do expect the final report very shortly. In the meantime we have done a certain amount of experimental work in cotton in the Kano Plain area which will help us when the irrigation starts, if we decide to use cotton as one of our crops.

He also spoke, Sir, about sugar cane, and the difficulties of growing it under what I might call, peasant conditions. I would like to tell the hon. Member, Sir, that we are very conscious of those difficulties and we are trying to find out now how to solve them. The problems are, one, whether we can get enough cane grown in a concentrated area by individual holders on a one-acre or two-acre basis; two, how we are going to break up the land with the necessary tractive engines; three, how we can transport the cane to the factory; four, whether we can develop enough sugar cane in any one area, subject to those considerations, to feed a factory and make it economic and, lastly whether really we can develop a portable system of factory management which we can take to the cane fields rather than the cane coming to the factory. In that latter case, we are already doing it, but we only can produce jaggaree or brown sugar, and we will not really know, Sir, much about it until after we have had advice from the experts to which the hon. Director of Agriculture referred.

The hon. Member, Sir, raised the question of fears that the Kenya Creameries Co-operative would monopolize the milk market in Nairobi. I would like to tell him, Sir, that so far as I know there is no intention of that whatsoever. The Ministry is, at the present moment, considering a report on the dairy industry and will make known to this Council its views on the dairy industry as soon as we can prepare a White Paper. When that happens the hon. Member will be able to debate the White Paper, if he so wishes, and put forward his views before the Legislation is drafted. At any rate, Sir, it would not be possible in my view to organize, under Legislation, a monopoly for the Kenya Creameries Co-operative Ltd., to which he has referred. Indeed, I would go so far as to say that any Legislation must weaken the

control of the larger co-operatives in the industry rather than strengthen it.

He also asked whether we could manage to develop sheep production in African areas, especially sheep for shearing. Well, Sir, we are undertaking a whole series of experiments to try to improve the management of sheep and research into the types of sheep in all areas. Now, I do believe myself that it may be possible for us to produce a good-quality animal from these African smallholdings. But I must give the hon. Member a word of warning. Sheep are very susceptible indeed, to disease and also need continuous and high-grade management. The moment the sheep is raised above the level of the indigenous African sheep, and if the hon. Member wants to move towards sheep for shearing, wool sheep, then we shall have to improve enormously the management of the African farmer himself and that I think is likely to be the biggest limiting factor.

Now, Mr. Speaker, you have ruled out of order remarks on the Kenya Meat Commission, and I would just like your indulgence if I might just touch on one point which affects the Kenya Meat Commission and which was raised by the hon. Member, provided I give you an assurance, Mr. Speaker, that I will not raise the Kenya Meat Commission again.

Well, Sir, the hon. Member was under a certain misapprehension which I would like to correct because it seems fairly common throughout the country. The Kenya Meat Commission do not control prices, nor do they set the price at which they can buy stock. That is set by the Governor-in-Council with a very close relation to the cost of living in town. So that when the hon. Member said that the Kenya Meat Commission did not pay Africans enough for their stock and they kept the price too low, he really made two errors. The first was that the Kenya Meat Commission control the price; that is not true, and the second is, that they buy African stock in the African areas; that again is an inaccurate statement. The Kenya Meat Commission do not trade in the African areas. Trading in African areas—

MR. COOKE: Would he tell us who advises the Governor-in-Council of the

[Mr. Cooke] prices? Is it not the Kenya Meat Commission?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Sir. If the Governor-in-Council is to set prices on beef, for instance, on advice given by the Ministry of Agriculture, we naturally consult the Kenya Meat Commission for this reason. The hon. Member may laugh, but they have to sell the beef and if we put the prices too high, nobody will buy it, so that we do have to consult them. I also consult producing interests themselves, as I am actually bound to do under the Agriculture Ordinance. If I may just go on, Sir, the Kenya Meat Commission do not buy in African areas. They buy only in the European areas and in African areas they are served either by traders, as at Mombasa, or by the African Livestock Marketing Organization which is a Government organization under the Veterinary Department specifically set up to buy stock. In addition, Sir, in all African areas, there is free trade for traders and it is that particular factor which causes difference in prices to which the hon. Member referred. The African Livestock Organization can only pay those prices that the Governor-in-Council has set, but the trader, who is a free man in the African areas, can pay anything he likes, and it is true that the African in the African areas will pay very much more for his meat than the consumer in Nairobi is paying for it to-day. There is thus a tendency for all the better animals in the African areas to be drawn off for the free traders and disposed of in a free market, leaving only poor quality animals at a low price for the African Livestock Marketing Organization. That is one of the reasons why, Sir, the hon. Muslim Member for Eastern Area suffered from a shortage in Nairobi. It is because the free trader in the reserves is able to buy his supply long before it reaches Nairobi. For these reasons, Sir, we are calling for an examination to be made into the whole structure of the meat industry, with a view to seeing if we can iron out these anomalies.

The hon. Member, Sir, also raised the whole question of African agricultural

officers, and if he will forgive my saying so, I think he is guilty of another inaccuracy. There is one African agricultural officer. He said there were none. There is one and he has the necessary qualification. We do not, at the moment, take Africans in as agricultural officers for one reason, a simple one, it is because they have not got the requisite qualifications, but, when men from Makerere come forward, and they will from now onwards, with the necessary qualifications, there is no reason whatsoever why they should not enter the grade of agricultural officer.

He asked me, Sir, to say a word or two about the difference in yield in cotton, if we were to use better varieties in Nyanza. We are experimenting both with the Egyptian and American varieties and I would like to say this, that this whole business of bringing in new varieties and carrying them on and experimenting with them, is a continuing process always going on in the Agriculture Department. I would say that the biggest single factor limiting yields in cotton is not the variety, but it is the fertility of soil which has been denuded over many years of African cultivation, the time of planting and the indolence of the farmers, together with the management of the crop. Now, if we can improve the soil fertility, get a stricter control of the time of planting and also the management we would increase the yield irrespective altogether of the varieties.

Sir, I noted the hon. Member's remarks about propaganda on farm planning. I am a bit doubtful about it. I believe that farm planning and consolidation is an essential thing to the African people, but I believe that if we were to show too vivid an interest in it, we might well make the more illiterate African peasant suspicious and I believe far the best propaganda is the successful planned farm in the areas of the peasant himself, where he, himself, sees the result of the planning and the consolidation. I believe if we were to blare it out through the organs of the Chief Secretary we might put the whole process in reverse.

The hon. Member, Sir, touched on wheat-growing for Africans, and I would like to assure him we would willingly have more wheat grown by Africans. It is largely a matter of the topography of

[The Minister for Agriculture, Animal Husbandry and Water Resources] the soil and suitability of the areas for wheat growing. He intimated that there was no real increase in wheat production by Africans. I do not think I mentioned it, Sir, when introducing this Head, but there is an estimated increase in African wheat production this year of something like 500 acres. If we can find more land where Africans can grow wheat and where they can overcome the mechanical difficulty of harvest, etc., I would be only too willing to do it. It is not a matter denied to Africans, it is largely a fact that the Africans live in areas where wheat does not grow as well as elsewhere.

I think, Sir, that was the main number of points raised by himself, and I would now like to turn back to the hon. Member for Mau. He did say that he was astonished at the numbers of farmers' clubs in being, African farmers' clubs, and the number of members. He intimated that my figures related to the whole Colony, but I was only giving him them in one district only—that was Fort Hall—there are 40 farmers' clubs with, I think, 1,800 members.

He also suggested, Sir, that by far the greater progress in African agriculture is going on in the Central Area. Well, I do not think that is so. Central Area is a very much smaller area than Nyanza Province, for instance, and, therefore, the same developments in a small area loom much larger than similar developments in a larger area where they look smaller. Now, if the hon. Member for the Coast can master that one! Well, it is so. If the area is small the developments look very large, if the area is big the developments look very small.

He asked, Sir, if I would give him some details about planning in Nyanza and I would like to do so. Really as a result of a visit which I made there, we have prepared a plan to cover five locations in North Nyanza, that is to say, Bunyore, North and South Maragoli, Nyangore and Teriki. Also a special plan to cover the Semu location of Central Nyanza with a view to finding out from that what are the best methods of dealing with the Central Nyanza District. Now, the agricultural plan we have prepared will run over 10 years and will need an

expenditure of something like £100,000 a year for that period and Semu will need an expenditure of £390,000 for the 10-year period. If these plans are to be put forward, are to be carried out, then the necessary finance will have to be found and the Development Committee will have to consider the matter.

The only point I want to make, Sir, is this. That if we are to proceed with the restoration of these areas, and I believe it is essential, then we shall have to provide the finance and other projects will, or may, possibly have to be delayed. In other words, it is merely a matter of fitting finance through the priorities of demands on finance. Now, in Maragoli, the plan provides for consolidation of holdings, farm planning, soil conservation, the improvement of livestock and a great development of cash crops, such as coffee, sugar cane, tea, pineapples and vegetables. We think that we may be able to produce holdings in that area which will support a man and his family on four acres, and in Semu according to the type of area, that is to say on the lake basin, or in the middle savannah-type country or in the higher rainfall area from four to seven acres and 14 to 15 acres according to the area. It is, in my view, essential that we should do this if we are to arrest the destruction of the soil and solve the population pressure in those areas.

He also mentioned, Sir, the denuded areas in the country and we are attempting, in some of them, to give special attention to them. I believe it is possible as a result of experience in Machakos and Kitui to restore most of the denuded areas. A priority which we are considering at the moment is South Barings and the Mugadodo area in Nanyuki.

I would like, Sir, to take this opportunity—I am sorry he is not here—of thanking him for his offer of help in putting over the policies which we want to adopt, and also for his assurance of full support to officers in the field in carrying out that policy.

He asked, Sir, whether we were wise to give priority to stock and whether we should not give priority to grazing and then to stock. Well, Sir, of course, the truth of the matter is that the problem is one and the same thing. We have to lift

[The Minister for Agriculture, Animal Husbandry and Water Resources] the stock off before we can improve the grazing. Once we have improved the grazing, then we can introduce, immediately, better methods of improving the stock, but until we can get rid of the stock, or control it, or rest the areas, we cannot improve the grazing. In order to improve the grazing it follows that we have got to deal with the stock.

He raised, Sir, as well as the hon. Member for Nairobi South, the whole question of marketing and as I do not want to delay the Council too long I would only like to say this. We are examining now the whole of the marketing question. It has not proved as easy of solution as I thought. There are many ways in which we can do it. We have, for instance, coming forward shortly, towards the end of the year I expect, certain suggestions in regard to produce marketing and it might well be that in that legislation we might place the necessary means of creating a marketing board or a council. Alternatively, we might work it in conjunction with the existing Statutory Boards or Co-operatives controlling industries such as meat, poultry, pig and butter. We have not entirely considered the form, but I would like to tell the hon. Member we are examining it and as soon as we have come to conclusions we can let him know.

I am, Sir, missing out some of the points that hon. Members raised, but they did raise a great many and I do not know whether hon. Members want every one answered.

The hon. Member for Mau raised the capacity of the Kenya Meat Commission. Well, at the present time, I think it is running at about five-eighths of its capacity and I have no reason to think that production in the beef industry will outstrip its capacity without our having very adequate notice.

Lastly, Sir, the hon. Member raised the question of taxation relief for agriculture, especially in regard to development. I would like to say this. The position is really as follows: we cannot give taxation relief to any industry and, in particular, we cannot give it to agriculture unless the financial position of

the country warrants it, and that must mean really, in effect, an excess of revenue over expenditure. Now we can achieve an excess of revenue over expenditure by economies within the Government machine itself which we are attempting to do, and by a resistance to unwise demands for further expenditure.

Lastly, Sir, we are, at the moment, getting help from the United Kingdom taxpayer, and I believe that until we have lifted that burden off the United Kingdom taxpayer, it will be extremely difficult for us to make taxation reliefs in this country.

Finally, Sir, if I may give what I know is the view of the hon. Minister for Finance. He is only too sympathetic to the idea of taxation reliefs, but it is entirely a matter of the wherewithal and the means of implementing it within our overall financial picture. Now, hon. Members, Sir, can help enormously by not making more and more demands for services which eat up more and more expenses.

The hon. Member, Sir, raised one or two points about dam construction units, and I would only like to say this, we shall shortly—not dam construction units. I beg the hon. Member's pardon, it was the construction of dams. We shall shortly be introducing amendments in this Council to the Water Ordinance to facilitate the process of dam construction up to a certain area, of size of dam and also in order to delegate a certain amount of authority to the regional water boards.

The hon. Member for Nairobi West, Sir, raised a number of points which have been answered by the Director of Agriculture and I will only refer to one. He seemed to be disturbed about an examination of his furrow at Taveta. Now, I think hon. Members of this Council will agree with me that the hon. Member for Nairobi West has a long and considerable career of water disputes with the Government of this country. But on examination, Sir, we have no knowledge of the incident to which he referred and if he would give us the details, we will certainly look into it.

The hon. Member for Nyanza raised a number of points, Sir, which were again answered by the Director of Agriculture.

[The Minister for Agriculture, Animal Husbandry and Water Resources] I only want to speak on one. The hon. and gracious Member raised the question of whether the tremendous developments in African agriculture would be matched by development in the African output of labour. I would only say this, that I have been astonished at the difference between the work performed by African generally in agriculture on wage economy and the work performed on these consolidated holdings. Consolidated holdings of five to seven acres or upwards, if they are to be run properly on a planned farmed survey, are extremely hard work and I have been very impressed indeed by the output of the farm owner in managing them. I therefore think that it is likely that as the thing progresses, if it is not accelerated too fast, we shall be able to manage the work output from the consolidated holdings.

Now, Sir, my friend, the hon. Member for Eastern Area, Mr. Hassan. The question of rice, Sir, has been dealt with by the Director of Agriculture, and the hon. non-Muslim Member for Central Area raised also the question of rice. I would only say this, Sir, We must improve the quality of rice in this country if the industry is to be any good to us, and all I want to say at this juncture is this, I will look personally into it myself and see whether there is any way in which we can accelerate production of a good quality rice in this country.

Now, Sir, I did, I think, undertake not to deal with the many questions arising out of the Kenya Meat Commission which the hon. Muslim Member for Eastern Area raised, and I therefore will not deal with them.

He raised, Sir, the question of the price structure being too low, and he felt that we did not get the off-take from the African areas for that reason. Sir, that may well be so, and I hope that as a result of this investigation, we shall have some fairly clear indication of whether that is so or not, but it does mean if the price structure is to be raised, that the price of third- and fourth-grade meat in the town must rise. He also mentioned, Sir, that Asian and especially Muslim butchers were not able to get sheep and goats for slaughter early enough in the morning. That, I think, possibly is, as it

were a technical point to his own particular community. I have made a note of it and I will look into it and see whether we cannot meet him in some way.

I have already dealt with the question of the Kenya Meat Commission having a monopoly in African areas. It, of course, has not got a monopoly and I see that the hon. Member for the Coast made many attempts to prove that it has got a monopoly, but it has not. He also said, Sir, that the Kenya Meat Commission have failed to give Asians fresh meat. I do not think that is entirely true. Sir, We have a shortage of the grade of meat which some communities like to eat. In fact, I can give an indication why we have got those shortages. It is partly due to the price that we can pay being too low. It is partly due to the difficulty in movement, because of disease, foot-and-mouth, and partly it is due to the pirating of supplies before they come to the African Livestock Marketing Organization by the free and private trader, which hon. Members opposite insisted on when the Kenya Meat Commission Ordinance was passed. Now, all these matters are being looked into. I think it will take, at least, three months before the report and examination of the industry is completed, but if there is any method of alleviating the trouble, we will use it.

Sir, I do not think I will deal in detail with the matters he raised over the rationalization of the dairy industry because it has already been indicated to the hon. African Member that we shall be laying a White Paper and hon. Members in this Council can debate it. I would only like to say this, two points, Sir. I do not believe that rationalization of the industry will increase costs. Indeed, in South Africa the experience has been that the rationalization of the dairy industry considerably reduced the cost to the consumer by streamlining the onward movement of milk from depots to the home of the consumer. Secondly, Sir, a very strong point I wish to make is this. I do really believe that agriculture is indivisible. I do not believe that we can have African agriculture, European agriculture, and Asian agriculture. What is good for agriculture is good for everybody and I believe that any idea that they are competitive in their own areas must be resolutely opposed. It is

[The Minister for Agriculture, Animal Husbandry and Water Resources] essential, therefore, that when we are considering the dairy industry we should realize it is just as important for African farmers to be able to market dairy produce as it is for European farmers. But it is not the farmer that matters ultimately, he dies, what does matter is the soil, and unless we can develop African agriculture and the animals in African farming, we shall not be able to maintain soil fertility. Now, that brings me on, Sir, the same principles to the points that he raised about Asian agriculture and they were also touched upon by the non-Muslim Member for Central Area. (Interjection by MR. CHANAN SINGH: Just Member.) I must be getting very old, Sir, because when I joined the Council, Sir, the hon. Member was a non-Muslim Member. I did not mean to insult the hon. Member, the Member for Central Area. Sir, on the advice, and after consultation with the Chairman of the Indian and Arab Settlement Board, we are winding the Board up and closing it down. That is a step we have taken in consultation with the chairman and I have notified various of the leading personalities of both communities. We intend, Sir, to replace it by a committee which will advise me on aspects of Arab and Indian agriculture. But, in particular, the point raised by one hon. Member, the training of Asians in agriculture. Now, there I believe there is a source of fruitful advance for the agricultural industry and I believe we should make more use of young Asian people in agriculture generally. The Government of Tanganyika is starting now its school for the training of Asians in agriculture and this Government will, I hope, be sending students to that school.

Now, Sir, he asked what help we could give Asian agriculture and I would only like to say this, I did meet the Asian farmers at Kibos and I was very impressed indeed with them. They, of course, are in a scheduled area and have representation—I think I am right in saying—on the Board of Agriculture. As they are in a scheduled area we can offer them the same assistance as any other farm in that scheduled area.

Secondly, Sir, we have assisted the sugar industry of this country, which is now almost entirely—the local produc-

tion—in Asian hands, by a form of subsidy to enable them to develop the industry further, and also to meet some of the difficulties under which they work which really are mainly climatic in this country, as compared with their competitors in Uganda. We have also granted from the Indian and Arab Settlement Board, certain sums of money for the improvement of communications in those Asian areas, such as the road, I think, from Chemellil to Kibos.

Now, Sir, the hon. Member for the Coast. I would like to thank him for the remarks he made about me as a farmer, as opposed to my political qualities. I think it is the first time in eight years in this Council that the hon. Member has ever said anything nice about me. I would say that it is a welcome change but a surprising one, Sir.

He raised, Sir, the question of overheads in the Swynnerton plan. I do not like to join issue with him on an economic matter, because I remember some years ago that he told me with considerable pride that he had taken a degree in economics. I have sometimes thought there was not a great deal of evidence for that. But he had told me so. But I would like to suggest to him that these are not overheads at all. This money is capital development for the carrying out of the projects under the Swynnerton Plan. Nor are they only, as he might well think, buildings for agricultural officers. The money is spent in a number of ways, but without it we could not carry out the great expansion under the Plan.

Secondly, the capital programme will run on for a number of years because we hope that the results of the Plan will be permanent and we shall need the capital programme for as long as agriculture is thriving in the area. The sort of things on which the money is being spent are offices in various areas for the control and organization of the Plan, pulping stations for the coffee industry on loan, which is expanding, co-operative buildings for the handling of the crops and the produce arising from the Plan, dips and races for the spraying of cattle, also developing under the Plan, and even farm institutes, apart altogether from the houses of the officers,

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Now, the hon. Member has several times referred to his arduous past, when he lived either on his feet or in a *banda* in the remote fastness of the Northern Frontier during the period when he was quelling the Somali rebellion. Well, Sir, I went round the whole of Nyanza myself and I was immensely struck with the quality of the agricultural officers that we have got at our disposal to-day, and far more than that, and a very interesting thing, out of all the officers I met I only met one who was unhappy and discontented with this country. And I regret to say that it was not the officer concerned, it was his wife who did not feel attuned to African conditions. I was, Sir, very struck indeed by the way in which young married couples had settled down completely contentedly in very remote conditions and were happy. Now, unless an officer is contented, he cannot produce the maximum work and the maximum enthusiasm, and I am certain it is penny wise, pound foolish, to put in bad houses for young officers to-day, because they marry earlier than in the hon. gentleman's day and there is no question about it, that if the home is contented, the officer can get on with his job.

MR. COOKE: The point is, Sir, will those houses be needed after the first five years?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Yes, Sir, that is a point. The hon. Member, I think, was wrong in assuming they would not be. I think we shall get a great expansion in all these areas of the intensity of farming, and we shall need the supervising and technical staff for a very long time to maintain that expansion at a high standard. I do not believe that we shall generate from the farmers yet the necessary energies to maintain the standard of farming, without good supervision and organization, and control. So I think, Sir, that an officer's house is not merely a five-year business, it will be there and will be an asset to us for a very long time.

Sir, the hon. Member for Central Area, has raised the question of the sale of wheat unmilled. Well, Sir, we shall

be running across the provisions of legislation passed by this Council in regard to the Wheat Board and the milling industry, but it might be possible to look at whether in specific instances we could give individual permits for small amounts of wheat, to be purchased and milled by the individual. I am quite happy to see whether we can do that.

The hon. Nominated Member, Mr. Tyson, Sir, quoted from the United Kingdom Agricultural Act, and he may be interested to know that what he quoted is almost verbatim in our own Agricultural Ordinance, and is indeed the policy of this Government in regard to agriculture.

I would only like to correct him on one point, I did not say that I proposed to start an annual review of prices with consuming interests. What I did say, Sir, was this. Under the Agricultural Ordinance I am enjoined to discuss for scheduled crops price reviews each year. Those have always been done piecemeal independently for each particular crop and I think the time has now come when we should seek the agreement of the agricultural industry to taking those discussions in whole and not in part, with a view to giving the agricultural community an assured and adequate income which will flow from those channels of production which is part of the Government's policy to pursue in the terms of the Agricultural Ordinance. Consuming interests do not come into those discussions, except in so far as all those prices are finally agreed and often discussed within the Council of Ministers.

He raised, Sir, the question of wheat production. I would like him to know this, Sir. We have already had a look at the possibility of expanding the acreage of wheat, but really, the zone for wheat growing and the suitable altitudes and conditions are limited to roughly an annual acreage of something like 360,000 acres. If we could increase the area it would be a great advantage.

In other words, Sir, I want to say that I am in complete agreement with the remarks he made, but the limiting factor is whether the land—suitable land—is available.

Nor, Sir, did I say that it was not possible to increase wheat yields. It is

[The Minister for Agriculture, Animal Husbandry and Water Resources] possible to increase them. It is possible to increase them by superior varieties, by superior cultivation, through the use of fertilizers and by an intensification of alternate husbandry. But the main limiting factor to our wheat production is suitable land on which to grow wheat.

The hon. Member for Aberdare, Sir, has spoken about research and experiment on private farms, and I would say that I am in entire agreement with him. We have already begun a series of experiments on the lines which he mentioned on grass, for instance at Molo, on livestock right through the country, especially attuned to the production of beef off the dairy cow, and on fertilizers. But there is a limit to the extent to which we can use individual farmers for experiments, mainly because we have not got quite such close control over the experiments, and therefore the results may be misleading. But I want the hon. Member to understand that it is something that we do, and we can certainly see if we can expand it.

He also, Sir, touched upon development loans, and I would like to say a word on this. We have got available until June next year £350,000 for development loans. This is nothing like what the agriculture industry needs and we are examining whether we can augment that slightly up to June, 1957. Now after June, 1957, when the Government will be planning its development programme again, the Minister of Agriculture will, of course put the needs of agriculture before the Development Committee. The point I really wanted to make to hon. Members is this. I do not believe that we can provide the requisite capital all at once. I believe that development must be a continuing process over a long period really on a planned basis, so that agriculture committees can set in motion a series of priorities for the use of the money and after we have approached Government in 1957 for the new allocation under the Development Plan, we shall be able to give agriculture a fairly long-term picture of the sort of capital available to it for development. I can say, Sir, that we have had the greatest sympathy

from the Government in the requirements of agriculture for money for development.

And, lastly, Sir, the hon. Member raised the question of outside capital. Now each case from non-British or foreign sources wishing to invest in farming in this country, each individual case is looked at on its merits. But we cannot get out of the arrangements made for the protection of sterling in the sterling area and nor can we evade to-day, as a member of that area, exchange control and all its ramifications. Those are really the only conditions or regulations which we impose on outside capital and which it is not within our power to alter as a member of the Sterling Bloc.

Lastly, Mr. Speaker, the hon. Member raised the question of pork and beans. He did actually misunderstand what I said, although he may have been done so deliberately! What I did say, Sir, was that we were developing, we hoped, a trade in beans. The matter of the pork, Sir, is a manufacturing concern, which comes under my friend the hon. Minister for Commerce and Industry.

Mr. Speaker, I beg to move.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Before putting the question may I draw the attention of Members to a matter of procedure, and it is this. As Speaker it is my job to see that within reason every Member has the right to express his views. I have also the duty of trying to see that the limited time at our disposal in these financial debates is utilized as Members wish. I think that if Members wish to have a general policy debate on one of the larger Portfolios, then I suggest they should include in the relevant order on the Order Paper the Vote providing for the Ministry concerned or Minister's office, in this case Vote XXII, then Members would be entirely at liberty to touch on anything that comes within that Minister's responsibility. But, if under one of the major Portfolios they select one Vote—in this case Vote XXIII, deliberately omitting Votes XXII and XXIV—then I, as Speaker, have no

[The Speaker] alternative, really, but to limit discussion to that particular Vote, so I hope hon. Members will please, in future, bear that in mind.

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think at this stage, since we have no time to resolve into Committee of Supply, it will probably be the wish of the Council to adjourn, and therefore Council will stand adjourned until 9.30 a.m. on Tuesday next, 5th June, 1956.

Council rose at thirty minutes past Twelve o'clock p.m.

Tuesday, 5th June, 1956
(Morning)

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Estimates of Revenue and Expenditure of the East Africa High Commission (Non-self-contained Services for the year 1956/57).

(BY THE CHIEF SECRETARY
(Mr. Turnbull))

The Education (Issue of Asian Teachers Primary Certificate) Rules, 1956.

(BY THE MINISTER FOR EDUCATION,
LABOUR AND LANDS (Mr. COULIS))

Report of the Public Accounts Committee on the Colony's Accounts for the Year Ended 30th June, 1955.

(BY LT.-COL. THE HON. S. G. GHERSIE)

ORAL NOTICE OF MOTION

THE SUGAR TAX CONSUMPTION ORDINANCE, CONTINUATION IN FORCE

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I beg to give notice of the following Motion:—

That the Sugar Tax Consumption Ordinance (Chapter 271) remain in force until 30th June, 1958.

PERSONAL STATEMENT

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, Sir, with your permission I should like to make a short general statement. Yesterday, when finishing my reply to the points raised on the agricultural debate, I was, quite unintentionally, rather discourteous to the hon. Member for the Coast, Sir. He raised an important point which was the necessity for agricultural development at the Coast and, in my desire not to delay the Council beyond our finishing time, I, unfortunately, omitted to answer it. If the hon. Member will

[The Minister for Agriculture, Animal Husbandry and Water Resources] look at pages 99 and 118 of the Development Estimates, he will see set out fairly clearly the Development Estimates, proposals for the Coast, and, in particular, for the Lamu hinterland which the hon. Member raised.

I hope the hon. Member will accept my apology for going over the subject so quickly.

COMMITTEE OF SUPPLY

Order for Committee read—Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

VOTE XXIII—AGRICULTURE

(Continuation of debate adjourned on 1st June, 1956)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that a sum not exceeding £613,906 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th of June, 1957, for Vote XXIII—Agriculture.

Question proposed.

Heads A to F agreed to.

LT.-COL. GHERSIE: Have we dealt with General Field Division?

THE CHAIRMAN: This is Vote XXIII—Agriculture, page 100.

Col. Ghersie, I think these Estimates are printed slightly differently from the ones with which we have been previously dealing and, under Head A—Personal Emoluments, comes the Item 3, General Field Division, page 103. If it is the wish of the Committee that we should go back to deal with Head A—Personal Emoluments, on which I understand Col. Ghersie wishes to raise some question, then we shall do so.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir, I would suggest we do but the hon. gentleman seems to have lost his place, but only temporarily I hope.

LT.-COL. GHERSIE: Mr. Chairman, I have not lost my place. I think you are

adopting a different procedure. Normally we take, with all due respect, Research Division; A—Personal Emoluments, General Field Division; A—Personal Emoluments, and so on. I think that is what we have done in the past. Anyhow, Sir, I would like to go back.

THE CHAIRMAN: Col. Ghersie, what we do is we have one Motion and one question in front of the Committee to propose that the net total at the bottom of page 100 be approved by the Committee. That net total is divided up into the items set out above, A—Personal Emoluments, B—Travelling Expenses, and so on, but the method in which this particular Vote has been printed, differs, when we come to particulars, from the previous Votes that we have dealt with.

If you wish to raise a matter under Personal Emoluments, then we can go back to A—Personal Emoluments.

LT.-COL. GHERSIE: Thank you, Sir! I would like to raise a point on General Field Division; A—Personal Emoluments, Item 12, Sir. While we, on this side of Council appreciate any reduction in expenditure, I find it rather difficult to appreciate why there is the same number of personnel, namely, 36 in 1955/56 and 36 in 1956/57. The cost in these Estimates is £900 as opposed to last year which was £3,240. There is probably some explanation, but I was wondering how this reduction has arisen.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, Sir, the hon. Member has defeated me. I am unable to tell him the reason and I will have to find it out and let him know.

LT.-COL. GHERSIE: Well, Sir, as I must confine my remarks to Personal Emoluments, is the Minister also defeated then. Sir, on the Soil Conservation Division, Personal Emoluments, where we have a similar example in Item 10 of personnel of 18 in 1955/56 and a similar number in 1956/57 and the cost this year is £270 as opposed to £1,620 last year?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I think I am right in saying, if the hon. gentleman is dealing with soil conservation, I think that may well be explained by

[The Minister for Finance and Development] the fact that it is in-part reimbursable from development funds.

LT.-COL. GHERSIE: Well, Sir, may I just reverse the position? When we go to item 25, we find that the personnel have been reduced from 331 to 321, namely 10, and the cost has gone up by over £4,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The same answer applies, Sir; it is reimbursable from development funds.

LT.-COL. GHERSIE: Sir, I realize that X—L means transferred to a new sub-head, Dam Construction, is the real answer, but the Minister does not appreciate that. If we turn to the Memorandum, Dam Construction, it says: "With the creation of this new Division mentioned in the General Memorandum Note, ten posts formerly known under Sub-head (4)—Soil Conservation Division, have been transferred, as the staff employed therein now work exclusively on dam construction."

Now, Sir, there is a reduction of ten personnel, but surely it does not give the answer as to why the remainder have gone up by £4,000.

MR. RODDAN: The answer, Sir, there is that wages as compared with last year have gone up very considerably. This is subordinate staff, and I am quite certain that that is the answer.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Just to come back to facts, Sir, and two points raised by the hon. Member before, if he will look at the note he will see, "Reimbursable from development funds". I think that must be the answer, but we will find out in detail.

LT.-COL. GHERSIE: I think, Mr. Chairman, you will appreciate on the one hand there is not an understandable reduction at all, and, on the other hand, there is an increase of £4,000; something like 40 per cent on last year's Estimates.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I must, Sir, come to the fact that the hon. Member is trying to relate two items which are, in fact, not related by the footnote. The

two items he referred to before, are "x. Reimbursable from Development Funds"; the one he is trying to make a comparison with is "x'. Post(s) transferred to new Sub-head".

LT.-COL. GHERSIE: No, Sir, I am not trying to make any comparison, really. They are two separate issues entirely; I quite appreciate that.

THE CHAIRMAN: I think it would be convenient to Members if we went through the Heads again, having started from A.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, if I may refer to Item No. 12, which the hon. Member raised, I am not quite sure whether we were dealing with all the other items. He seemed to be scurrying round a great many at once. In Item 12, Sir, the difference between £900 and £3,240 is for this reason, Sir. We have retained a number of posts, but only made provision for £900. If we need to recruit the remaining posts, then, Sir, we shall have to add to the £900 by Supplementary Estimate, and that accounts for the difference between this year and last.

LT.-COL. GHERSIE: Mr. Chairman, is that the correct answer? Surely if you provide for posts you should provide for the emoluments associated with those posts, otherwise these Estimates are completely misleading.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): No, Mr. Chairman, that is not so. If the hon. Member will remember, he drew my attention once to a motor-car in my Estimates of £1. That was no more misleading than this figure.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I must point out that the main principle involved in this, as far as this Legislative Council is concerned, not the number of posts; it is the amount of money voted. That is the real principle involved in this Committee of Supply, Sir, that the total voted should be £613,964. It does not matter how many posts are put in, the Ministry will not be allowed to spend more in the sum total than the amount voted by this Legislative Council.

LT.-COL. GHERSIE: Mr. Chairman, I must just ask this question again. In other words, I think the Minister for Finance is contradicting what the Minister for Agriculture has said because, Sir, if we examine these Estimates, we find there are many posts provided for, which it is quite impossible to fill at the moment, and yet the emoluments for these particular posts exist in these Estimates. It applies in your Accounting Division, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the hon. gentleman is wrong in this respect, that we are now, I suggest with all due respect, voting £638,670 to Personal Emoluments, and that is the total that will be allowed to be spent. Now if the hon. Minister for Agriculture wants more than £900 for this Item, he will have to find it from other items. What the hon. Member for Nairobi North, I think, Sir, is thinking of is going back to those old, and if I may say so, terrible days when we went through each item bit by bit and the hon. Members opposite found themselves unable to move reductions and effect reductions, because we were concentrated on detail. So that, Sir, what is provided in this Estimate is a total of £638,670, of which £900 is set down as the amount likely to be spent by the Ministry on this particular Item 12, in A (3). The Ministry will only be able to exceed that, if it should fill the posts, by providing money from some other item.

LT.-COL. GHERSIE: Mr. Chairman, I will not press this any further; I would just make one further point. I accept what the Minister for Finance said in regard to the total sum involved, but I do submit, Sir, that if that figure is correct, then the figure of 36 must be wrong, because you cannot employ 36 people in one year at a cost of £1,240 and 36 people this year for the cost of £900. Therefore the 36 figure must be wrong.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I deeply regret that we must go through this one, but the Estimate 1955/56—£3,240—was only an estimate. It may well be that the posts were not filled, and therefore no more than £900 was spent or is being spent during

1955/56. If that is so, although the Ministry is authorized to obtain 36 Field Assistant Levellers, if it can get them, it would be entirely wrong for them to have money in their Estimates which they are unlikely to spend, and I think that is the reason why there is only £900. The £3,240, to which the hon. gentleman is referring, in 1955/56 is only an estimate and when the final accounts are published it may well be that not even £900 has been able to be spent under that heading.

LT.-COL. GHERSIE: Thank you, Mr. Chairman, I will deal with this under another Head, when I think the hon. Minister will contradict himself.

THE CHAIRMAN: I think it is the wish of the Committee that we go back and deal with B, C and D, the other sub-heads which we passed and on which Members may wish to raise matters.

Sub-heads A, B and C agreed to.

Sub-head D

MR. COOKE: I do suggest, Sir, that it is not so satisfactory this year as it was last year, because you have got to keep skipping from page 100 to pages 101 and 102. I should have thought it would be much more satisfactory to do it detail by detail. I suspect that my hon. friend, the Minister for Finance, wants to hurry things up. It is much easier to go through it in detail on page 101, and then we have the detail right in front of us if we want to raise a particular item.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, with all due respect to the hon. Member for the Coast, the Finance Minister has no such object. I would refer the hon. Member for the Coast to the long discussions which took place before we finally produced, in agreement with the hon. Members opposite, this particular type of Vote which enabled them, indeed, to get at reductions without having to deal with specific items; a performance which caused the troubles in this Council of 1951/52, when the hon. Members were impelled to move reductions on items they did not wish to move reductions on in order to get some reduction in the total Vote, and to the fact that the hon. Members opposite expressed their agreement time and again with the procedure

[The Minister for Finance and Development] which we have now placed in front of them to allow them a much greater freedom. But, Sir, if you wish, the Government has no objection to going through but I would suggest we are going through A; B is on page 105; C is on page 105; D, E, F, G and H are all on one page—page 106; so I do not think we can be skipping from page to page, Sir.

MR. COOKE: A is on all sorts of pages.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir, but having got past A, which is the long one, we will find that B and C are on page 105; D, E, F, G and H are on page 106; I, J and Z are on page 107.

MR. COOKE: Yes, but Personal Emoluments are on four pages. You have got to keep skipping from one page to another.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): It is not skipping from one page to another; I suggest it is turning them over in rotation.

Sub-heads D, E, F, G, H, I and J agreed to.

Sub-head Z

LT.-COL. GHERSIE: Mr. Chairman, Sir, Z—Appropriations-in-Aid, Item 12. Purely as a matter of interest, Sir, how do the overpayments in the first instance arise? There is a recovery of overpayments of £1,600. Might one ask in this connexion if there are other overpayments to be recovered?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): If the hon. Member will wait, we will give him the accurate information which my hon. friend is now about to produce. On this side, Sir, we restrict our guesses.

MR. RODDAN: This figure of £1,600, Sir, represents in the main an estimate of overpayment of salaries based on past experience.

LT.-COL. GHERSIE: Estimates, Mr. Chairman? Surely this must be based on a specific amount which they feel they are going to recover. Does it mean that there is an increased figure on this,

possibly? Is it a fact, then, that there are always overpayments by the Agricultural Department which they have to recover later?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Chairman, in dealing with this sum of £333,000, we have found in the past there are one or two occasions when there are overpayments. Experience has taught us it is wise to place before hon. Members of the Council an estimate of that amount, and the estimate—and I would stress to the hon. Member that this is an estimate—it is not an actual figure; the hon. Member seems to be in some considerable doubt about what he is debating. These are estimates, not actual expenditure. Our estimate to cover what experience has taught us is likely to happen, is £1,600.

LT.-COL. GHERSIE: Mr. Chairman, how do these overpayments arise?

MR. RODDAN: Overpayment of salaries does occur when you are dealing with a very large staff, running into thousands, it is inevitable that some mistakes are made during the year when so many members of the staff are in the field.

LT.-COL. GHERSIE: Mr. Chairman, would he like to include here an estimate for overcharges on postage and telegrams.

MR. HARRIS: Mr. Chairman, is it only in the Agricultural Department that there is this overpayment of salaries?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Yes, Sir, because the Agricultural Department is an honest department, mainly engaged with nature in the field.

SIR CHARLES MARKHAM: Is the hon. Minister implying that the other departments are not honest?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): All departments are honest. I was referring to "honest" not in the sense of financial, but in connexion with the great, broad open spaces.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Out in the open!

Sub-head Z agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and approval of the Resolution, without amendment, and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir F. Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved a Resolution that a sum not exceeding £613,964 be granted to the Governor to defray the charge which will come in the course of payment for the year ending the 30th June, 1957, for Vote XXIII—Agriculture.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY VOTE XXXIV—LABOUR

MOTION

THAT MR. SPEAKER DO NOW LEAVE
THE CHAIR

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair for the purpose of examining the Estimates for 1956/57 of Vote XXXIV—Labour.

It will be noticed, Sir, that the total for the Labour Estimates for 1956/57 is £251,074 against £234,769 for last year. It will also be noticed that more has been allowed in Appropriations-in-Aid than for last year, and the net total is therefore £236,954 as against £234,689

for last year. However, hon. Members will note that there is an increase in the total Estimates of somewhere in the region of £17,000.

As has already been stated in the prologue to the Estimates on page 162a, this increase reflects the cost of normal increments, some up-gradings and also on some new posts, on which I will comment in due course.

There are a number of items regarding labour policy generally on which I would like to comment. Firstly, wages and wages councils: During the last year the minimum wage in Nairobi has risen for adults from Sh. 84 to Sh. 100. It will be noted, of course, that these figures include an item for housing. Also the first steps to implement Government's policy outlined in Sessional Paper No. 21 of 1954, were taken by raising the housing allowance for adult males by 33½ per cent. On the 1st January, 1956, a dual minimum wage was introduced by raising the adult male wage ten per cent over the youth wage, and also it should be noted that the inflationary effect of the labour shortage has caused African wages generally to increase throughout the year. In this respect it is interesting to note that the average engagement rate for Nairobi was Sh. 110/50 in March of this year, 1956, as compared with Sh. 95 in March of last year.

For some time during 1955 it looked as though the wage-fixing machinery was working satisfactorily, but towards the end of the year two of the wages councils ran into some trouble. I should explain that there are in existence three wages councils, one for the Road Transport Industry, one for the Tailoring Industry and one for the Domestic and Hotel Workers Industry. Members will probably also remember that I gave notice shortly after I took office of intending to establish two further wages councils, which were for the Motor Engineering Industry and the Baking and Biscuit Trade. In effect, for reasons which I will explain in a moment, these latter two wages councils have never been constituted.

The wages councils were, as is statutory, deliberating and setting up wages for three parts of the country. Wages were fixed for Nairobi/Mombasa, which

[The Minister for Education, Labour and Lands]

was Schedule 1; the second was seven other urban areas and the third was for other rural areas. Now when, in October, the Road Transport Wages Council submitted wages, Government felt that they had not paid sufficient attention to the rural areas; in other words, they said that the wages were really being fixed on a basis which was an urban wage, concerned largely with Nairobi, together with an increased percentage for the outside areas. The wages proposals which were submitted to Government were therefore re-submitted to the wages council. The wages council then reduced the rural areas by an overall flat Sh. 4, and sent it back to the Government, but once again the Government did not think that this was a proper attitude and that, in fact, the wages councils had not considered the rural wages adequately and once again it was re-submitted to the wages councils. The result of that was that the union members, who were the employee representatives on the wages councils, immediately withdrew, and as a result the wages councils have not really functioned adequately since. Since then there has been—

MR. COOKE: Would the Minister make it clear which wages council was the first to protest. I think you said it was not the Garment Makers.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): The first one, Mr. Speaker, was the Road Transport Wages Council, which protested in the first instance. Thereafter the Tailoring Wages Council also protested and finally the union members of all three existing wages councils then withdrew themselves, and therefore no wages councils have functioned adequately since that date.

Proposals are now being considered for the reorganization of these councils and the main difficulty is to get over Government's statement that, in fact, they have not adequately considered the situation in the rural areas, and it now being proposed that the size of the wages councils should be increased considerably. It may be that they may be a little unwieldy, but I do not know quite how otherwise we can get over the present trouble. It will mean, when these

matters have been fully considered, that an Ordinance to amend the existing Wages Ordinance will be brought before this Council, and I hope that I shall get the support of the Members of this Council. What, in fact, happens at the moment under the present Ordinance, is that once wages have been fixed by a wages council and they are submitted to the Government, it is for the Governor-in-Council to agree whether the wages are right and proper or not. I am suggesting that the Government in this matter should gradually step out of this arena and to do what, in fact, should be done, and that is let wages councils be the tutelary stage between present conditions and ultimately the condition where unions or labour will make their own arrangements with their own employers. With that in view I am suggesting that now the Government should decide whether or not the personnel on the wages councils are fit and proper people to do their job, and then having so decided, to let them get on with their job and the regulations which they make will then in future be approved by the Minister and not by the Governor-in-Council. I hope, therefore, as I say, that when this comes along that I will get the support of this Council.

The next point I want to mention is the question of trade unions. Mr. Speaker, Sir, when it was my duty to entertain the young I remember having to play very often a certain gramophone record. On one side of it was a little ditty which went: "Hush, hush, hush, here comes the bogey man", and I always feel, when talking about trade unions, that this gramophone record, particularly recently, has been very often played. I feel that now the trade unions have got into the category of all the terrible things, many of which "go bump in the night", and I do feel, in many respects, we should take a stock of what in fact is the position and perhaps not play that side of the record quite so often. At this point, of course, I would wag my paw at my hon. friend, the gallant Member for Mount Kenya, over this matter. I understand his point perfectly well, but I do think there is a confusion of thought here—confusion of thought as between trade unions or societies which are being promulgated

[The Minister for Education, Labour and Lands] purely and simply for political and subversive ends, and proper trade unions who have got a role to play in the labour field in this country—and I do feel that we want to get these two particular things quite separate and distinct in our minds.

As regards trade unions at the moment, what, in fact, is the position? There are something like 18 trade unions in existence, of which only half appear to be functioning properly at all, and it seems to me that, if we conjure up this bogey all the time about them, they will continue to recede into their shell and they will not make any real progress.

The other side of the record to which I referred was a little ditty called *The Teddy Bears' Picnic*, and I wonder whether perhaps we could not play that for a bit—not that I feel that members of the trade unions are either teddy bears or we want to make a picnic out of it, but I am wondering whether a feeling of motherly kindness might not come out a little in so far as they are concerned. Mothering them and teaching them improved internal administration and attention to sound book-keeping—that is the sort of thing I feel is what they really require. I feel that if we could do something along these lines, we will be getting somewhere; I am quite prepared to agree with hon. Members opposite that if they get into wrong hands they will create trouble and we are only storing up trouble for ourselves, but it is our duty, I feel, to get them into right hands.

There is a post which exists in the Estimates for an Industrial Relations Officer. Hon. Members will find it at Item 9 on page 163. It has been unfortunate, I think; that this Government up till now has not been able to fill that post, but I am glad to say that a person has at last been found, and he will be coming, I hope, this month, and it is hoped that with his coming very special attention will be paid to trade unions and to their growth and to their proper fostering, and give them such attention as we have not been able to do in the past. But it will be the duty of this man to spend his whole time in trying to make trade unions properly efficient.

The next point I should like to mention is that branch of the Labour Department which is known as "Training within Industry". There is, in the Estimates, an officer at Item 10 called a Training Officer. This scheme was begun last year only and is in the hands of an extremely energetic and able officer. The whole idea of training people within industry began some 16 years ago, I believe, in America and it is really only in its infancy here. The idea behind it is that if you can make supervisors particularly efficient, then you will not only make your particular industry more efficient but you will also save money in the process, because better work will be done and you may even be able to do with less staff. The idea is that everyone, whether he may be from the highest until the very lowest, is himself a supervisor—is an executive officer in some way or another and the Training Officer's main idea is to make each one of these people in the ladder more efficient at his own job, with the result that you will get naturally overall efficiency.

In such large departments, for instance, as the Public Works Department and Education, I feel sure there is scope for schemes of this nature. There are a large number of people who every day have to handle others, and it is considered to be important that new techniques of supervision should be taught to them. The present Supervisor has, during the last eight months, done a considerable amount of work for the Railway Administration and also for the Posts and Telegraphs, both of which I have heard have been very appreciative of his work and have already, I believe, begun to see the results of it. We have put in the Estimates a Training Assistant which hon. Members will find at Item 11. That Training Assistant will, we hope, further his work; I personally would have felt that it would have perhaps paid us better, if this sort of thing is going to save us money and save us staff, if we had gone further and perhaps got two or three of these Training Assistants, but in view of the necessity for economy we have only asked for one this year.

I now turn to the question of apprenticeships and trade testing. Since 1952, 1,138 apprenticeships have entered

[The Minister for Education, Labour and Lands] properly indentured training. Of these 881 have been in Government institutes and 257 in private industry. Of the Government apprentices, a certain number have gone to the Public Works Department as indentured on-trainees for a further year's practical training, but I am afraid that the numbers have not been high, approximately only 20 per year for the last three years. Three private firms have shown interest in the employment of indentured on-trainees and have drawn up trade indentures, but have not, as yet, taken on on-trainees. As I stated before in this Council, it is Government's intention to provide, at a fairly early date, a comprehensive Ordinance for the purpose of regulating apprenticeships and apprenticeship schemes. The proposals are likely to provide for two grades of apprenticeships, that is, those who are prepared to stay for as long as five years in order to be fully trained as craftsmen and those who will, in fact, be learners. They will do a slightly shorter course and it will be called a Learnership Course. It is proposed that these principles which we have now drawn up should be re-examined by the Advisory Council on Technical Education to make quite certain that we have not made any glaring mistakes and as soon as that has been done I hope to be able to arrange for the Ordinance to be introduced into this Council, and I think I have already made a plea that this should be backed when the Ordinance does come before you.

There are, at the present time, three trade-testing officers. If you examine the Estimates at Item 22, you will find that there are five provided for. There were posts for five provided last year, but so far only three have been appointed. One for the clothing, one for the building (that is the stonework part of building, not carpentry), and the third for mechanical trades. The remaining two are still to be appointed and they would have been appointed had we have been able to make quicker progress with the Ordinance to which I have just referred. They will be used for the electrical trade and the woodwork side of the building trade. Hitherto trade testing has been confined to artisans and the total number of standard artisan trade tests carried out

since 1952 amounts to 1,406. The number of applications for trade testing is rising steadily and there appears to be growing support for trade testing from both employers and employees. Trade tests of craftsmen have not yet been introduced as the demand for such tests, in fact, really has not amounted to anything at all, but in the near future I hope that we will be able to turn to such tests for craftsmen. I feel that this is a very important part of the work which is done by the Department and as time goes on, by using this medium and the output of the trade schools, a much higher standard of artisan training should be, I feel, achieved.

I now want to turn to the question of the inspection of factories. You will find under Item 8, five inspectors of factories and in that number you will notice that there is an increase of one during the current year. The four that have already been there are out in the provinces and it is particularly necessary to have a fifth because of the building industry. By accident record, this industry stands out as being in very urgent need of attention. Three hundred and twenty-two accidents were reported in 1953 from the industry, 15 of which were fatal and 74 resulted in permanent disablement. In 1954 these figures had risen to 413 accidents of which 15 were fatal and 136 resulted in permanent incapacity. These figures do not include the figures for Government work or Government industries. The building industry is expanding very rapidly and it is likely that this accident rate will continue, and it will increase both in frequency and in severity unless a Code of Safety Rules are laid down and enforced through systematic inspection. This enforcement, Mr. Speaker, could not take place without the addition of this extra post which I have asked for in the Estimates for this year.

Now, Sir, under Item 6 you will find the post of Specialist Medical Officer. Now, Sir, I am almost prepared to bet the whole of Delamere Avenue to a ticket for the Mayor's premier film that there are practically no people in this Council who know what this Specialist Medical Officer does. Apart from the D.M.S. himself, the Labour Commissioner and myself, I would be very surprised if hon. Members actually know.

MR. COOKE: He deals with diets.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): Well, I will now turn and inform the hon. Member for the Coast what, in fact, he does. During the year he carried out intensive investigation into the incidence and type of pulmonary disease amongst workers especially among the sisal workers because of sisal dust. He also carried out a smaller investigation to determine the hazards from radio activity as a result of the diggings at Mrima Hill. Other investigations were conducted into the incidence of occupational diseases connected with foundries, salt works, diatomite mining and processing. Considerable time and attention was paid to the prevention of poisoning amongst workers using methol bromide in the fumigation of maize and the prevention of anthrax in hides and skins industry, and the prevention of ill-effects from irradiation by persons handling X-ray machines.

One of the greatest health problems in this country, however, and one of the greatest menaces, particularly those employed in urban areas, Mr. Speaker, is tuberculosis. In other parts of the world urbanization and industrialization has been associated with a large increase in this disease. During the year the World Health Organization and the United Nations Children's Fund have been approached jointly through the Labour Department and the Medical Department for technical assistance in order to help with this particular disease, and it is proposed that there should be a project designed to find out the most economical method of solving the problem. I am glad to say that both of these world institutions have agreed to help, or they have said anyway they are particularly interested and I hope that they will help.

As regards Workmen's Compensation during 1955, £54,314 were paid out for fatal accidents and accidents where permanent disability resulted. The legislation dealing with Workmen's Compensation you will remember was revised in this Council during last year and that revision was the result of four years of work on an interterritorial basis, between these three East African territories. I am glad to say that last year

has been relatively free from industrial disputes and no strike of any great importance has occurred since the last Budget debate. If hon. Members are interested in figures, approximately 0.0002 per cent of all the man days worked were lost between April, 1955 and March of this year.

I expect that quite a number of Members will want to know the position regarding the report recently submitted by the Rural Wages Committee. Well, Mr. Speaker, I am very sorry to say that the report has been received but it has been necessary to re-submit the report to the committee with certain observations because some of the recommendations of that report were a very long way outside their terms of reference. It was necessary to ask the committee to consider either giving reasons for the recommendations linking up with their terms of reference, or possibly making some other suggestions. I realize, Sir, that this will probably be a considerable disappointment, not only to people in this Council but also to many people in the country, but I am afraid that we will now just have to wait until we can see what the committee say about the observations which we have made.

Now, this, I think, Sir, raises the point of the general question of labour as it stands in the country to-day. There has been a great deal of talk about labour, about the shortage of labour, about the inefficiency of labour and also on the other side there has been talk about bad conditions and all the rest of it. Sir, I believe this to be a very serious problem. I think probably that there is a malaise and, Sir, I for one would be very surprised if there was not a malaise arising after what this Colony has gone through during the last three years. I feel, although I was spared, luckily a great deal of it, I feel that people are tired, they are upset and in many cases they are frustrated. Now, Sir, that does not apply just to one section of the population. I feel that it applies to everyone. When you have had such a monumental upset as one has had during the last three years it is only natural that there should be repercussions all along the line. I feel myself that there are many repercussions in the instability of labour which can be attributed almost directly

[The Minister for Education, Labour and Lands] to the conditions which have been predominant in the Colony during the last three years. There is a shortage arising out of the Emergency because the Kikuyu, Embu and Meru tribes have been kept away from the labour market. Conditions of employment perhaps are not related to conditions which occur at the present moment in the reserves. One must remember that conditions in the reserves have risen and the standard of life in the reserves has risen tremendously during the last few years. Also, I was actually about to say in this Council had I to speak on these Estimates last week, that I felt that consolidation of land in the land units might have an unsettling effect on labour working in the principal towns and, indeed, Sir, that seems already to have been borne out by results of two extremely rowdy *barazas* which have taken place recently both in Mombasa and in Nairobi.

Education facilities may be lacking upon farms for children. Housing in urban areas may be provided on the basis of a bed space only and not for the man and his wife. Sir, I feel that this is a modern world. We are getting away from ancient conditions and there are things which have to be done by everybody and, Sir, I want to say this quite clearly. This is not a problem for just one person or one race, this is a problem I feel, Sir, for all. I feel that this is something which must be tackled by the combined effort of everyone in the country, and, Sir, I feel that unless it is tackled, all our talk about what is going to be done in agriculture, what is going to happen as a result of that agriculture; the prosperity of this Colony will all come to naught, because we must, first of all, settle this rather distressing and difficult problem. Sir, I, myself, am acutely conscious of the fact that to a large extent the responsibility will rest on me, and, Sir, I will do the very best I can in order to arrive at some solution. The solution probably will not be a single one, there will probably be many facets to that solution. But, Sir, it will probably arise out of the recommendations which we will eventually put before the Council as a result of the deliberations of the Rural Wages Committee, and what I would

like to say now is that I hope that I will receive the fullest support from everyone, Sir. Not from one side or another, but from everyone, otherwise, as I have already said, we are not going to be able to solve it.

I would like to mention in this connexion the fact that the Government has been considering during the last two or three months, the possibility of introducing Banyu Ruanda labour from the Belgian Congo in order to help particularly with the larger industries such as sisal and sugar. I want to say that this is not a new thing. It has been considered by Government now for three or four years, and to a large extent the department has put this decision off because it has felt that it would be unwise to introduce labour, thereby creating unemployment in this country. But the time has now come, Sir, when I feel, myself, that it is necessary if we are not going to allow production, particularly in the sisal industry, to fall a long way below what it should be, and that we must take some steps which may be rather serious ones.

Sir, I want to say that it is only after very long and serious consideration and in the first instance it will only be a pilot scheme. The labour that will be brought in will be brought in on very strict conditions and they will probably only go to one or two sisal estates in the first place and we will then see how the matter progresses.

Before I finish, Sir, I would like just to mention the work of the Labour Commissioner and the Department. In the Labour Commissioner, Sir, I believe that you have a man who knows his work backwards. In the old American expression I find him thoroughly "clued up". Indeed, Sir, I also feel that he has considerable intelligence which he applies to that knowledge. Also that he is backed up by a largish team, as you will see in the Estimates. This team, many of whom are in their own way, Sir, professionals and themselves are devoted people who are trying to do their best for the labour conditions in this Colony. It distresses me, therefore, Sir, sometimes to find that there is a certain amount of antagonism against the Department. I do hope, Sir, that the antagonism will not be evinced in the coming years, as people realize

[The Minister for Education, Labour and Lands]

how much the Department can do. Theirs, Sir, is not an easy task; theirs is a task to mediate between two sets of people whose interest should be in common, but whose interests many times are very often at variance. The result is that they earn not the gratitude but usually the opprobrium of both sides. Sir, I feel that it is our duty if, as I have already said, the conditions of our labour in this Colony are going to continue to be better than they are, that we should give the Department our fullest help.

Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): seconded.

Question proposed.

MR. COOKE: Mr. Speaker, when the Minister said that a great many people regarded trade unions as a bogey-man I think he used a very true metaphor. It is a pity, though, that it should be so, because there is the old saying about giving a dog a bad name, and if you give a dog a bad name he usually remains a bad dog. I think we should try to readjust our views here about trade unions. At any rate, whether they are good or bad, they have come to stay and we must make the best practical use of them. I also do personally deprecate when individuals of the African Labour Movement are attacked. When people like Mr. Tom Mboya are reported as being intransigent, I am sure that there is a great deal of truth in that, but the more you tell him that he is being intransigent, probably the more intransigent he will become. I would also say that when I have personally met him I have always regarded him as a very intelligent person and I think a little more could be made of him by less criticism and more effort to see his difficulties. I hope, therefore, when he comes back to this country that people will try, at any rate, to give him an opportunity of being a constructive member of the labour party in this country. Otherwise he will merely become a second "Bustamante", if I may use the term, and will spend the rest of his life badgering the Kenya Government.

Sir, with regard to the Medical Specialist, I am glad to hear of what he is going to do. I understood in the past

that he was also a dietician and recommended diets for the various labourers but as the hon. Minister has not mentioned that as part of his duties, I suppose I must conclude that he has put his attention to more serious things.

I have rather a criticism of the management of the handling of the Wages Councils. Now, perhaps not everyone knows what a wages council is. I would not have known if I did not happen to be a member of one. The wages council, of course, is composed of representatives of employers and representatives of employees, plus three independent members of whom one is chairman. I happen to be one of the members—independent members—very independent at times, of the Garment Makers Union (or whatever it is called) Wages Council, and I find that on these councils you require an almost infinite amount of patience. It is quite incredible how arguments seem to spring up when you think you have already finished with them. The African is a very argumentative person and it is no use being a member of these councils unless you are prepared to have an almost inhuman patience.

Now, I think a mistake was made, personally, in perhaps jumping fences too soon by the Labour Department in the matter of the Transport Workers Wages Council. At any rate, having seen the way things were going in the Transport Workers Wages Council, I think that the Ministry for Labour should have been more careful in the way they tackled the other Wages Councils. It is perfectly true that on the Garment Makers Council, on which as I say I was a member, there was no direct representative of the Rural Garment Makers. But the employees' representatives argued, and I think correctly argued, that they had been sent there both by the urban and rural garment makers, and that, therefore, although there was no direct rural garment maker on that particular council, the rural garment makers were represented by their own people. I think, personally, that if before things went too far, a member of the Labour Department or the Minister himself might have met the Wages Council and tried to adjust the differences which seemed to exist. I know he did come along at one period, but I think that was too late.

[Mr. Cooke]

A decision about the Transport Council had been given and a feeling of obstinacy had grown amongst all the other councils. I think it is a great pity now these councils have fallen into desuetude, and I hope that they will be revived again before very long, because they do offer one way of a peaceful solution of labour problems.

I would congratulate the Minister for putting an African on the particular wages council of which I am on, one of the independent members is an African, and I profoundly think that that is the way the African should be used in this country at this present stage of development in an advisory capacity. This African who was only put on the Board—on the council—a few weeks before it ceased to exist, certainly showed that he would be a very useful member of that council and I hope that on the other councils it will be possible also to bring in African members.

Sir, I support the Motion.

SIR CHARLES MARKHAM: Mr. Speaker, I have got two very brief points to raise. First of all, I must support what the Minister said about the trade union movement, but I find myself at a bit of difference with my hon. friend, the Member for the Coast, because I do not think anybody has attacked the gentleman concerned, who is in England, for his trade union activities. What has been attacked, of course, is the very point the Minister made concerning political activity, and provided the trade union movement remains a trade union movement I am certain all Members on this side of the Council will give it their support, but if it again gets involved in politics, it is only right that we should draw the attention of Government to that.

The point I would like to make now, Sir, concerns this registration of persons. I think the Department has been criticized in the past for the registration system. There is, of course, a Select Committee sitting on that and other subjects at the moment. It is a thousand pities, of course, that the report of that Select Committee is not available when we are discussing the particular item. I do not think, Mr. Speaker, that the present system can be called satisfactory,

when there is no positive means of identifying a person unless that person goes through the whole mill of fingerprints, etc. Now, it is purely a voluntary system, I think I am right in saying, for an African to hold an identity card unless he leaves the reserves. But in the reserves he need carry nothing. I suggest, Mr. Speaker, that in these modern days of progress, which is what the Minister said in his speech, the registration of all persons should take place in the reserve, including births and deaths. I know the argument straight away which will be used against me, which is that the cost of this operation would be exorbitant. But if the simple fee of one shilling was charged for registration of a birth and one shilling for the registration of a death, I venture to suggest that the income ensuing would be a great deal of benefit to the Colony. But it would at least give practical knowledge on these various problems which arise, especially since we never quite know in this country what the numbers of a census really involve. I would, therefore, like to suggest that the Minister, in his reply, might give consideration to this point of compulsory registration in the reserves as there as in the settled areas.

Finally, on that same point, Mr. Speaker, I would like to raise the question of the present identity card. During the Supplementary Estimates which came earlier this year, I suggested to the Minister that I did not think the present identity card was satisfactory, and his reply was not the proverbial lemon, but not far off it. I still maintain the present card is not satisfactory, and a sum of £3,000-odd has been estimated for the purchase of identity cards, I would suggest to the Minister that now is the time to really produce a document which is satisfactory. At the moment I do not think that any but an optimist would consider that document of any value. It requires a skilled fingerprint expert to identify the holder, it is stolen and lost at will, by the very fact that the easiest way of hiding your identity is to lose your identity card, I would suggest that a better method including a photograph should be introduced—a proper photograph—so that the holder of an identity card can be identified as the name implies.

Mr. Speaker, I beg to support.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, the Minister in the course of his remarks made some comments in regard to my particular attitude in regard to trades unions. I think if my hon. friend can find the time to examine the pages of HANSARD, he will see that on every occasion when I have spoken on the question of, trades unions, I have made it extremely clear that I am not opposed to the principle of trades unions, but, what I am opposed to, is their use for subversive purposes. I would not like it to go on the record that I am opposed to trades unions as such because I have repeatedly made it clear that that is not my attitude.

I hope, furthermore, his comments have no connexion with the remarks made by a Member of the Opposition in the House of Commons at Westminster who appeared to suggest that hon. Members of this Council should, in some way, be stopped from criticising the trades unions in any way whatsoever. It seemed to me to be a very strange attitude for a Member of presumably a democratic party to take.

Now, my hon. friend, when he was speaking, referred to the fact that it was the intention of the Government to try and see that the trades union movement remained in good hands, or would remain in the future in the right hands. I hope that they will, do that, but I will be interested to know how they intend to implement that because I am afraid our experience in the past has not been at all happy.

I would like to congratulate the Minister particularly on the latter part of his speech, but I regret a little bit that no reference was made to the great amount that has already been done. He referred, for instance, to the matter of farm schools. Well, a tremendous amount has been done in the way of developing farm schools and there has been a very great increase in agricultural wages, but unfortunately, so far it has not been accompanied by any increase in output and I would like to know the hon. Minister's ideas as to how the output is to be increased.

Now, I entirely support the remarks of my friend, the Member for Ukamba, in regard to identity cards and the docu-

mentation of labour and people residing in land units generally. There is no doubt about it that the labour at present available from the Kikuyu reserve in the settled area which I represent is of very poor quality. The general opinion seems to be partly that the best labour is being obtained in the reserves and that we are getting the dregs. Well, there is little doubt about it that a great many people with very doubtful records are finding their way on the farms in the settled area. I think in the course of the Emergency debate I gave some rather startling information in regard to that particular point.

Subject to those remarks, Sir, I beg to support.

MR. HARRIS: Mr. Speaker, Sir, I would like to congratulate the Minister on having produced a statement of policy which is devoid of the usual starchy-eyed Utopian attitude that we have come to expect when dealing with this matter. I would also, Sir, like to thank the Commissioner for Labour for the work some of us know he has been doing behind the scenes in supporting the Minister in that policy.

Now, Sir, the Minister mentioned the re-orientation of wages councils and I feel sure that most Members on this side will welcome the proposals he told us he was putting up. I personally, believe that providing there is a benevolent rubber stamping organization in the form of government behind these negotiations, it is time that employer and employed should get down to it in wages councils and try to find the solution without the rather greater weight of government advice being present at the time.

Now, Sir, the Minister did make a differentiation between societies—I presume he really meant semi-political societies—and trades unions and suggested that we might try to adopt a more motherly feeling towards trades unions. I think, Sir, and particularly after what the Member for Mount Kenya has just said, we wish, on this side of the Council, to adopt that motherly feeling, but, Sir, there must be a loyalty of a child to its mother before you get the motherly feeling. It is a natural instinct and, Sir, I have criticized it before, and I criticize it again,

[Mr. Harris]

I believe we have gone wrong by superimposing over the embryo of trades unions a thing called a federation. It is that federation which seems to be dabbling far too much in politics and not nearly enough in wages and conditions negotiations. I would suggest, Sir, that if the Minister requires us to produce this motherly feeling, then he should try to produce a child that we may have to smack every now and again, but, generally we like, and in the federation there are elements which I am afraid will not be generally acceptable.

Now, Sir, the Minister drew our attention to the appointment of an Industrial Relations Officer and also a Training Officer with an assistant. I think these again are signs of progress which we welcome, but I would ask the Minister to be most careful when these people are selected—and I gather the Industrial Relations Officer has taken a good deal of finding—that they do not accept automatically the first person that they get. We have had experience, and other countries have had experience, of getting the wrong advisers on these kinds of things and labour is a matter on which wrong advice can lead to a tremendous amount of trouble. Therefore, Sir, whilst welcoming these appointments, we would ask for a very careful check of the background of the individuals who are to fill the posts.

The Training Officer particularly, Sir, I think should be welcomed because everybody who has had anything to do with industrial processes in this country knows that the great shortage is in the supervisory grades. There is a void between the unskilled artisan and the man right at the top and anything that can be done by training within industry to strengthen that intermediate stage of the supervisor, would be welcome and, of course, must increase the efficiency of output below that level and increase the efficiency of industry generally.

I think also, Sir, most of us who have tried at times to start some sort of apprenticeship scheme will welcome the announcement that apprenticeship legislation is on its way. Too often in the past, firms in this town have started apprenticeship schemes, have given a great deal of time and thought and

expenditure to them to find that an apprentice, on being offered Sh. 10 more as a bus driver, will just walk out of his apprenticeship and drive buses. Sir, we want the African craftsman to become a stable feature of society in Kenya and it is only through sound apprenticeship schemes, to which the apprentice can be held to his indentures, that you will build up that stable African middle class.

—Finally, Sir, the Minister did make a statement of an enlightened labour policy which, if necessary, the Government will enforce by legislation to see that it is carried out. I only regret, Sir, that whilst imposing employer/employee relations on private enterprise, Government does not carry out its own policies with regard to its own servants.

I beg to support.

CAPTAIN HAMLEY: Mr. Speaker, Sir, I entirely agree with the Minister when he says it is a pity that trades unions are regarded as bogies and it is of course his difficult task to see that trades unions are not decked out in such a manner as to appear frightening. I think they serve very useful purposes. I think their three most useful purposes are that in the first place they provide an avenue, an authorized avenue, between the employees and the employers so that the employer knows what the employee is thinking and what he wants. I think they provide a debating ground so that the wants of the employee can be crystallized amongst the employees. So often have I seen something wrong with employees, discontent among employees, and the employees, themselves, not knowing what it is they want.

Lastly, Sir, a most important function I think of trades unions is that in times of trouble, as I have said before, they do provide the right avenue for negotiation towards a settlement which, at times of labour trouble in this Colony, has proved one of our biggest difficulties.

Sir, the Minister will be fully aware that I am not one wont to teach his grandmother to suck eggs, but my conception of a trades union is a body of persons of similar occupation, collectively articulate in matters affecting that occupation, through their elected representatives. Now, Sir, that is rather a

[Capt. Hamley]

mouthful, but I would like hon. Members to consider that because it sums up, in my opinion, the functions of a trades union and it also points a difficulty because of course the difficulty is to decide, the Minister's great difficulty, is to decide the scope of matters affecting their occupation. That is where the trouble arises every time.

My worst conception of a trades union, Sir, is as a press-ganged supporting caste on a political platform, and that is where the line has to be drawn between what affects occupation and what becomes a political issue outside that particular occupation. It is a very difficult thing for the Minister to decide, and that is why, when he talked about the Industrial Relations Officer, I had hoped that he would give us a little of the background of that officer, what is his experience and what he has been doing up to now, because on the hon. Minister, the Labour Commissioner and that Industrial Relations Officer hangs a very great weight of responsibility as regards these trades unions and what their orbit is going to be. If they are trying to get into the political orbit, we are always going to have trouble in this Colony. If they will confine themselves to matters of difficulty of occupation, if they will confine themselves to negotiation between employees and the employers as regards matters affecting their occupation, then, Sir, they are performing an extremely valuable function in this Colony and they should be encouraged.

My second point, Mr. Speaker, is that I hoped that the Minister would perhaps tell us how he is getting on with the matter of interterritorial collaboration—rather a mouthful that but on it hangs a lot. I am thinking in particular, Sir, of the ports. The ports are administered by the High Commission but they are under the jurisdiction of the respective Governments. Now, Sir, take the case of a small port and a small industrial question arising therein. The chances are that that industrial question will evolve into an industrial dispute and a tribunal will be appointed. It may well be that the industrial matter under consideration is a small one, almost a parochial one, and it may well be that the tribunal will be a parochial one, but the award will be far from being a parochial one; it will

affect all the ports and, in particular, it is bound to affect the port of Mombasa. And, Sir, anything that affects the port of Mombasa, we have to be particularly sensitive to. Mombasa is our one and only port; it sticks out rather like a snail's eye on the end of so many miles of railway line, and any industrial dispute in the port of Mombasa can grow into a very, very grave matter for this whole Colony and for Uganda. And yet, as far as I can see, Sir, it is so prone to be susceptible to the repercussions of an extremely small trade dispute in some insignificant port. It may well be that the Minister has had this in hand; it may well be that the solution is in sight, but it has given difficulties in the past and I can only wish the Minister the very best of luck in any efforts he may have taken, or be in the course of taking, to settle this matter, which, believe me, Mr. Speaker, is no light one.

Lastly, Sir, I want to make a point which may be received with levity in some quarters and, in other quarters, it may be taken as an effort on my part to upset the custom of the country. I am not going to go into it very deeply, Sir, but I think a lot of the ills in this country arise from the employment of houseboys and I do really believe that there would be very great advantages accruing from a changeover to housemaids. I wonder if the Minister, Sir—I expect he is fully aware of it—but I wonder if he can exert any influence, or can take any steps, towards what I consider to be a very valuable aim.

Mr. Speaker, I support the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think this might be a suitable moment to take the customary fifteen minutes' break.

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

MR. AWORI: Mr. Speaker, Sir, I would like to make a few remarks on some points raised by the Minister in moving this Motion and on some points raised by some hon. Members on this side of the Council.

First, Sir, I would like to refer to the point mentioned by the Minister, that is the question of minimum wages in

[Mr. Awori]
Nairobi which has been raised from Sh. 84 to Sh. 100. Now, Sir, the African worker may not appreciate this for one reason and that is the question of housing, because, from time to time, whenever wages are raised at the same time the rents for houses go up. The Minister did say that the rents had gone up by 3 per cent, so how will that benefit the African worker when he has to pay a higher rent although his wages are raised.

The Minister spoke on the question of wages councils and mentioned three different wages councils which were not co-operative. Now, Sir, I am not quite sure, I did not get clearly, the main reasons why these councils are non-co-operative. During the course of his reply, I would like to know the main reasons why these wages councils have not been co-operating. He did refer, Sir, to the question—

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): I am grateful to the Member for giving way, Sir. The word was not "co-operating". The words I used were "not functioning".

MR. AWORI: I am grateful to the hon. Minister for letting me know the whole truth.

Well, I would like to know, Sir, why they are not functioning.

The Minister also mentioned trades unions and that there were 18 in existence and only nine were operating properly. Sir, I would like to know whether it is because of the question of not having efficient leaders among the nine, or whether, for some reason or another, they have become defunct. The Unofficial Members on this side of the Council, have always been criticizing the trades unions for the fact that they indulge in political matters. I do agree with them, Sir, that the trades unions are not there as a platform for political matters, but, the main reason, I know why, since the beginning of the Emergency, certain trades unions have been involved in political matters, is because due to unfortunate circumstances of the Emergency, Government was forced to disband the African political organizations so there was a vacuum and some of the trades unions leaders had been members of these political organizations

so they took the advantage of bringing political matters into the trades unions. Now, Sir, since Government has given the African an opportunity of starting district political associations, I do not think we will have politics getting into the trades unions. It has been most unfortunate and I, like other hon. Members, feel that the trades unions should only abide with their Constitution—that is, to deal with matters relating to African workers and their employers.

There was a point, Sir, which was raised by the hon. Member for Ukamba, that was the question of the registration of births in African areas. If I remember rightly, I think it is compulsory and the African District Councils, all over Kenya, are empowered to see that these returns are made.

The Minister also referred to the Industrial Relations Officer. If I remember rightly, for the last 18 months, since the last officer left the country, we have been having an assistant—I think, who was an African. The Minister did not tell us anything about how this Assistant Industrial Relations Officer has been performing his duties and whether he has been satisfactory or not. If I understand it properly, I notice it was mentioned in the course of the Minister's speech that the present African assistant, who deals with this work, has now taken up the job of Labour Officer in the field. How true it is I do not know, but I hope I will get some information from the Minister.

I am not too happy about the remuneration of this Industrial Relations Officer. I think it is £1,000. It may be one of the reasons why we have not been able to get a suitable man to take over this job. In my opinion, I think it is a very important job which commands a good salary so as to get the best man for it.

The question I would now like to deal with is the question of juvenile employment. A short while ago, we passed in this Council a Bill about juvenile employment. I would like to know since the implementation of this Bill what has been done. When you go round Nairobi, or any other town, you still find small children being employed in private houses, particularly in Asian houses, as *waioto* working in the kitchens. I wonder

[Mr. Awori]

whether the Labour Department has tried to ensure that these children, who are being employed for this sort of work, their parents or guardians have given their consent according to the Bill as passed. It would be most unfortunate if a Bill of this sort is passed and then is not implemented.

Now, Sir, once again I come to the question of trades unions and I will mention one point very briefly. I would like to know, and have some information from the Minister when replying, what steps the Labour Department have taken in having trades unions in certain employment where people of all races participate. I think one defect about trades unions is that when you find a trade union composed entirely of Africans, who may not be able to get suitable leaders, they go aground. In certain employment where we have got Asians, Africans and Europeans, I think the Government should encourage to see they form a trade union whereby members of all races participate and, from the experience of Europeans and Asians who know these matters, they will be able to give proper guidance to the immature trades unions by providing leaders who might be presidents or secretaries.

I would like, Sir, to refute what my friend, the Member for Mount Kenya, said about the best labour remaining in the reserves. That is not true. If it were true, I think our agricultural production in the reserves would be twice or three times as great as it is now. What I understand, particularly in Nyanza, is the people who are farming in the reserve are mostly the old men and the young men normally prefer to come out and work for some time and then go back into their reserve, so I do not agree with the hon. Member that the best labour remains in the reserve.

One last point, Sir, before I sit down is the question of housing and particularly in Nairobi. I do not know what steps the Department has taken, particularly in the City Council housing of the menial labour, in a place like Kariokor. Those are houses which were erected as far back as 1914 and, if you go inside them, you will find they are most unsatisfactory, most insanitary, most of them are 8 feet by 6 feet—that

is 48 square feet—and, according to the Regulations, a person needs at least 100 square feet for himself. Now, you will find that, in places like Kariokor, the housing there consists of rooms of 48 square feet and a whole family—a person and his wife and several children—are living in that room and also that is the place where the cooking is done. I think the Ministry should tackle the City Council and see if they are able to improve the housing of these lower-class Africans in Nairobi and in other places.

With those words, Sir, I beg to support.

MR. GIKONYO: Mr. Speaker, I have always felt that the hon. Members of this Council and, indeed, the people in this country, have shown very little recognition of the part the African labour has played in the development of this country. We have been told time and again that the economy of this country depends on the agricultural industry. I am quite right in saying that in every farm, everywhere in this country, you have African labour. Now, every time hon. Members speak in this Council, they speak of the inefficiency of the African labour. On the contrary, the Minister for Finance, every time when he presents his Budget, tells us about the expanding economy, agricultural economy, in this country. Now, what I wonder is this. Does not the African labour play a part in this development? We should give them recognition, however small it may be. I agree that individual labourers may be inefficient, but, taking the case as a whole, I do feel that we should be very grateful for the part African labour has played in this country and I feel it is a great injustice not even to recognize that they have played a part in this expanding economy that we are told about.

Here, I would like to pay my special tribute to the African labour in general: those who are employed in the agricultural industry and those employed in every other sphere, because I feel it is lacking in recognition if we are not going to recognize, at least, that they have helped us in that expanding economy.

Now, I come to the question of trades unions. I feel, Sir, that this country for a long time has enjoyed low-wage economy. The Africans have, for a long time, been underpaid and I feel that the

[Mr. Gikonyo]

Government is quite entitled to encourage these trades unions, particularly if they are to collectively bargain for the better wages and better conditions of those employed and I think it is wrong for the Members of this Council to unduly criticize the trades unions movement. I agree that they should not indulge in politics, but, at the same time, I feel that undue criticism is likely to cripple their activities. I think the Government is right in insisting that they should train these trades unions leaders so as to be able to lead the movement in the right way.

Now, the other point, Sir, is the question of importing labour into this country. The Minister said that they want to start a scheme whereby they want to import labour from Ruanda, in the Belgian Congo. I very much oppose this idea because I feel that we have got sufficient labour here. I think what we are lacking is improvement in the labour conditions. Now, he talked about the sisal industry. I do not think we are short of labour. I think what is wrong are the conditions in this particular industry. (Interjection by the MINISTER FOR COMMERCE AND INDUSTRY OF "Nonsense".) Well, Sir, the Minister for Commerce says "nonsense". I do not think it is nonsense. If you improve the conditions there, surely you can attract better and good labour, but, if the conditions are so bad in the sisal industry, surely the labour will remain back. What is the use of somebody coming to work on the sisal estate if he is so poorly paid that he is unable to clothe himself. Now, he, quite naturally, will prefer to remain at home and dig in his own small *shamba* and grow food but, if the conditions in the sisal industry are made attractive, I am sure they will not fail in getting people. I think it will be a great tragedy if we import labour from the Belgian Congo. We are going to create unemployment and, with that, create difficulties.

The other point I want to raise is the question of rural wages committees. I was a little bit disappointed to hear that the recommendations of this committee had to be referred back to this committee. It has taken so long time for this committee report, and I do not know how much longer it is going to take for

them to report back. I hope the Minister will endeavour to ask this committee to report back as soon as possible because I think these fellows who are engaged in the agricultural industry are entitled to a better wage because, at the moment, I feel they are underpaid and, when they see their fellows in the urban areas getting better wages, I am sure there will be an influx from the agricultural industry to the urban areas and I feel, Sir, that something should be done for these people and pretty quickly.

The other point, Sir, is the question of the Industrial Relations Officer. My friend, Mr. Awori, has referred to this matter. As he said, there has been an African who has been acting for I think a year and a half, and it is most unfortunate that it was not found fit to appoint this African to that post. Now that a new officer has been found, what I want to know is what is going to happen to this African? Are you going to demote him? Are you going to give him another post? In this regard, I want to know from the Minister what chances have Africans employed in the Labour Department got for promotion? I would like to know how many African labour officers there are, because I feel in this Department you have got to give the Africans higher posts so as to enable them to contact the Africans and speak to them for I think they have got a very important role to perform. The Africans are most likely to listen to their African fellows better, and I feel there is an opportunity to promote some of these officers who are working in this Department to higher posts.

While we were debating the Agriculture Vote, my friend, the gracious lady for Nyanza, mentioned about the Africans not working hard. She mentioned the case of Miwani where Africans could not be persuaded to grow sugar cane. The Minister for Agriculture gave a reply to that, but the point I want to raise is this. She said that the Africans cannot be persuaded to work hard and, therefore, it was useless for them to even go into the coffee industry. What I want to say is this, that Africans work very hard. They work extremely hard. Now, if you go into the reserves, you will find them working very hard at their farms or their small *shambas*. Now, if you go to the farms in the settled areas,

[Mr. Gikonyo]

you will find them working hard and I think it was most unfortunate not to recognize that the Africans do work hard. It was most unfortunate that she just picked on that one case because, on the whole, I think she should recognize that the Africans work hard and I still maintain that, given better conditions and better wages, we will have nothing to regret. Africans will always provide that labour which we need.

Mr. Speaker, I beg to support.

MR. CROSSKILL: Mr. Speaker, I had no intention of intervening in this debate, but, after hearing the dangerous over-simplification of the problems confronted by us from my hon. friend, the African Representative Member, Mr. Gikonyo, who has just spoken, and the very dangerous generalization of the problems, I feel that I must throw a little light on the picture up-country. I fear he has been painting a picture possibly of conditions in, or around, Nairobi, but, Mr. Speaker, those are by no means the conditions which obtain up-country. Only recently, I have taken over a new farm. I have been doing my utmost to get the labour and, in particular, the Kipsigis labour, to reside in more sanitary modern houses than they have been accustomed to, but, Sir, I have been thwarted; they refuse; they wish to live in the same houses as their fathers and their grandfathers lived in before them. I find it quite impossible to alter their ideas. What is more, Sir, they are not working hard by any means. They dislike work intensely. I decided to get rid of one Kipsigis because he was completely uneconomic as a labourer. However, he said he liked the job, besought me to keep him and, weakly, I did so. But, Sir, the picture is very different to that which has been painted to us. I do feel that it should generally be realized that conditions do differ. We still have a great battle to fight to teach these people to appreciate better conditions, but it is not easy, and I can assure you, Mr. Speaker, that by just providing the better conditions is not going to produce more economic labour and harder work.

I beg to support.

DR. HASSAN: I rise to support the Motion. The previous speaker mentioned about the labour. He said they are in-

efficient and another speaker said they are efficient. What we have to see in this country is that the Africans get used to hard labour, and it is absolutely impossible to make him get used to hard labour unless conditions in the reserves are considerably improved. In the reserve, the Africans are working very hard on their own *shambas* and on their own plots, but others which are coming out as labourers from the reserves are usually not from among the very hard workers in the reserves. Therefore, the efficiency which they are displaying in the reserve is out of question that they should ever display it on the farms. I found out the cause of inefficiency away from the reserve. It has been usually due to this general system of freedom of Africans of every age in indulging in alcoholic drinks. That was my experience during my service in the Government, that those that I came in contact with in the reserve and in the service there, they deteriorated their efficiency considerably due to this bad habit of indulging in beer drinking in canteens. That is, freely being sold in every corner of Kenya to-day. The most important thing to help and assist the labour so that they should get used to hard work is to improve the conditions in the reserves considerably. Their agriculture should be improved. Education should be improved, so that their requirements are increased there and responsibility is increased, and until such conditions are created in the reserve they will never have any sense of responsibility when they go out on the farms as labourers. I do not think they would appreciate the sanitary and modern accommodation which the previous speaker said they are providing on the farms, so long as they know that when they go back they will have the same old huts in which their fathers used to live, and which they are accustomed to, they will never appreciate modern structures.

The Minister mentioned about importing labour as experimental project from the Belgian Congo. I can assure him that it will be a failure. Africans in the Belgian Congo are used to a different type of life and that will make this projected experiment very expensive. In the Belgian Congo the African children are educated in African

[Dr. Hassan]

and I do not think coming to Kenya on the sisal estates they will provide efficient labour, and probably they will be very much more expensive. It is a pity that in Kenya where we have 6,000,000 Africans that we should be making experiments to get labour from the neighbouring territories. If there are any disabilities which are preventing Africans to come out on the farm, it is time that steps should be taken to improve our labour so that not only we should find capable and efficient labour for the estates in this country, but we should have surplus labour for the neighbouring territories instead of importing labour from the neighbouring territories.

Mention was also made about the danger of the trade union by some speakers. It has been admitted that trade union is one of the most important developments in the labour market in this country, and any member of the trade union, if he gives his opinion on politics, I do not think it should, in any way, be attributed to the trade union. We know very well that the labour was not treated very well in this country. Their conditions of improvement were never given the serious consideration which were needed in the past, and to-day if they, themselves, made arrangements to have unions to look after their interests and see that nobody exploits that labour in the country, they should be welcome.

The Minister said about the Specialist Medical Officer who is investigating pulmonary diseases and diseases they can possibly get through mining, etc. I wonder if that specialist has given any attention to investigate fluorine in the water. A certain amount of it is quite useful for human beings, but an excessive quantity is supposed to be very dangerous for the health of the people in this country.

With these few points, Sir, I support the Motion.

MR. CHANAN SINGH: Mr. Speaker, Sir, it has been suggested that a trade union should consist of persons engaged in one occupation only. I believe that is the correct idea, but in the conditions of Kenya, Sir, I think that should be kept in view, that should be regarded

as an ideal to be achieved at some future date. At the present time, it is permissible for workers engaged in different trades to get together and form one union, provided the constitution of the union contains provisions to protect the interests of different sections of workers. I think, Sir, that that is as far as we can go in the present stage of Kenya's development. But when we have industrially gone further, it will be possible to do more, then we will be in a position to insist upon workers engaged in one occupation only to belong to one trade union. But, I do not think that can be insisted upon just now.

The other point which I wish to make, Sir, is in connexion with a co-ordinating of a body, which will co-ordinate the activities of the various trade unions. Sir, the name of Kenya Federation of Labour has been mentioned and it has been suggested that the Federation has been superimposed on the existing trade unions. Well, Sir, I hold no brief for the Federation of Labour, but as a person who has taken some interest in the trade movement in the past years, I do think that there is need to have one body which will co-ordinate the activities of the various trade unions. I agree that the activities of such a body might be restricted to the co-ordination of the work of the trade unions, rather than functioning as a trade union itself. But I think it will be wise to allow the registration of such a body. It is not clear from the definition of a trade union in the Trade Union Ordinance whether or not such a body can be formed. In fact, the last Trades Union Congress that was found, came to grief very early in its career. I think, Sir, that is one matter to which the Minister might give consideration because if we are encouraging trade unionism, the time will very soon come, if it has not already come, when the co-ordinating body will be needed.

I support the Motion.

MR. CONROY: Mr. Speaker, Sir, the hon. Member for Ukamba said that he thought it was desirable that the law should provide that in the reserves the registration of births, deaths and marriages of Africans should be compulsory. The hon. African Representative Member, Mr. Awori, said, I think, that the law already did so provide.

[Mr. Conroy]

Sir, the legal position is this, under the African District Councils Ordinance of 1950, African District Councils can make by-laws making it compulsory for the registration of births, deaths and marriages within the African District Council areas. Therefore, Sir, to that extent, both hon. Members were right and both hon. Members were wrong.

Sir, having made a speech which I think is technically out of order as it comes under the Head XXX—Local Government and not under Head XXXIV—Labour (with which we are now dealing) I wish to support the Motion.

MR. LUYT (Nominated Member): Mr. Speaker, Sir, various Members have touched upon the duties of the Specialist Medical Officer and I would just like to amplify those slightly. His main function, Sir, is complementary to that of our factory inspectorate and is to do research work, to take preventive steps and give advice on occupational diseases. He, therefore, spends the bulk of his time on this subject and, as the hon. Minister explained earlier, he has been covering a fairly wide field in his investigations as to where occupational diseases exist and giving advice on how they can be avoided or eliminated. The factory inspectorate, on the other hand, do similar work in order to prevent occupational accidents as opposed to diseases, so the two make an effective team in covering the field of occupational injury generally. He does (in answer to the Member for the Coast) give advice when required on matters of diet, and on housing, and on general health matters concerning labour, but his main function is in the field of occupational diseases.

In regard, Sir, to the question that was raised concerning fluorine in water, I would say that it does not create an occupational disease in that it is common to all users of the water, and it is a matter, therefore, for the Medical Department rather than the Labour Department, but I do understand that it has been investigated and that it is not being overlooked.

Trade unions, Sir, have come in for a good deal of comment this morning and I would like to confine my speech mainly to this subject.

In doing so I would like to say, first of all, exactly what the Department does in practice in this field, because I frequently find that there is much misconception. When employees of their volition decide to organize themselves collectively in their interest as employees and form a trade union, the Department makes it known to them that we have officers, and, we believe, experience and knowledge to assist them in the right way of doing it, to give advice to them on the law, on the keeping of accounts, etc. We give such guidance as we can to keep them on the rails and to enable them to conduct their affairs as efficiently and as correctly as possible. We do not, Sir, as I have said before in this Council, go among labour suggesting to them that they should form trade unions. We do not create trade unions where there has been no desire shown for them to come into existence. We do not of ourselves go round enlisting members for trade unions. If we were to do so, we would be creating something so artificial that I do not believe it would stand up to the stresses and strains that are bound to come its way. Trade unionism must rest on natural growth and a natural desire to exist.

We do, perhaps, take the initiative a bit more strongly in the encouragement which we give to employers and workers to co-operate in works' councils, in joint staff committees, at the level of the individual undertaking, particularly, Sir, in essential services, where the law virtually removes the right of labour to strike—to withdraw its labour. We feel it is quite essential that there should be a medium through which employers and employees can get together and can discuss grievances and problems common to their employment relationship. We do not make no bones about saying it—we do positively go to employers at the undertaking level and advise them and encourage them to set up works councils for joint consultative purposes, for collective bargaining purposes, particularly in essential services. We do not do this so positively in the field of trade unionism. We do not take the initiative there in creating trade unions, but, where they create themselves, we certainly do make available to them the guidance and advice which we think it is appropriate for them to have.

[Mr. Luyt]

The Federation of Labour, Sir, is not a creation of Government and it is scarcely within Government's power to decide whether or not it should exist, unless one were to outlaw it legally. The Federation is, again, the creation of the trade union movement and, as has been mentioned by some Members, it has got a very desirable and valuable part to play in the scheme of things, provided that—and this proviso is an important one—it does not itself usurp the autonomy of individual trade unions in respect of their domestic affairs. That, Sir, is the principle which the British Trades Union Congress holds quite sacred in the trade union movement in Britain and the Trades Union Congress does not attempt to give, and in fact would never dare to give, orders to individual unions as to decisions that they should take on matters of domestic concern to those unions only. It is my belief that the Federation of Labour in Kenya should develop on similar lines.

On the other hand, there is plenty of value in an organization existing which can be a co-ordinating body on matters common to all trade unions, matters that affect labour generally. It is useful to have one contact point such as the Federation of Labour which the Government can approach to discuss matters which are of common interest to all labour—all organized labour. It is of value, I think, to workers of the trade union movement at large, that they should have a body which can examine problems which do concern them all and which each trade union need not have to investigate of itself. But it does remain important that this central body, the Kenya Federation of Labour, should not take over the right to make decisions in respect of the internal affairs of individual unions.

We were asked, Sir, to take very great care in making appointments to posts such as that of Training Officer and Industrial Relations Officer, and in respect of the staff of the Industrial Relations Section. I can assure members, Sir, that care is taken and it is largely because of the great degree of care that has been taken that so much time has passed in the filling of the Industrial Relations Officer's vacancy. It is over a

year now since the previous holder of the post left us, and we have had to get along without a permanent appointment, and we have had to get along with a staff shortage, partly because we accept fully—that not only must the Industrial Relations Officer be fully technically competent to do his work, but he must be a man who is satisfactory in all other respects.

I was asked to say something about the newly appointed officer, Sir, I think by the hon. Nominated Member Captain Hamley. This officer—a Mr. Dammerell—has for the last eight years been the General Secretary of his own union in Britain—one of the smaller unions—and he has acquired considerable experience, naturally, in trade union affairs and trade union activities. I might add that in earlier life he had a university career and he was also decorated with the Distinguished Flying Cross while serving with the R.A.F. during the war.

While dealing with that post, Sir, I should reply also to other questions that were raised about the African officer who has been filling most of the needs of the post since it became vacant some 15 months ago. I said most, Sir, because it is important to understand the true facts of the position. This officer, who is the substantive holder of the post of Assistant Industrial Relations Officer, has never been called upon to take over all the duties of a very difficult post, because that would not have been fair to him. He is a very able officer, and I wish to stress that. He has done extremely well and I wish to stress that too, Sir, and I am most grateful for the efforts which he has made. But he is a younger officer who has not yet perhaps had sufficient experience or attained sufficient maturity to be expected to take the whole post and he never was asked to do it. He did take over a fair share—a very substantial share—of the routine work of the post and he has performed those duties very efficiently. Now that we have filled the post with a new officer, the African officer who has been doing this work for the past year, merely reverts to his post which is still open to him, that of Assistant Industrial Relations Officer.

It was mentioned too by a Member that he understood that the African officer was to be pushed aside into the

[Mr. Luyt] field as a field Labour Officer, and it was implied perhaps that his services were not receiving sufficient recognition, or perhaps that the department was ungrateful for the work that he had done. We are anything but ungrateful, Sir, and I have already paid tribute to his efforts. For the interest of the Member who raised the point, I might add that the African officer has himself applied for a vacancy as a Labour Officer, which is on a salary scale superior to that of Assistant Industrial Relations Officer, and because he himself feels that in his own interest—for his own career—that he should widen his experience.

There has also, Sir, been much said about the political activities of trade unions. We have gone into that fairly fully in this Council recently, and I do not intend to say much, except to mention that the more genuine routine work the trade unions are given, the more readily they are received as having an active place in the scheme of things in the community, the more likely are they to busy themselves in their proper field rather than to go seeking to catch the ear or the eye in the more flamboyant and less legitimate field of politics.

I do find it gratifying, Sir, that throughout this Council there is an acceptance of the proper place of trade unionism in Kenya. We are no longer arguing about that. But I think it is also important for everyone to understand that if we do not keep trade unions busy and active in their normal field, they will inevitably interest themselves in and become active in some less desirable field. I would say that it has encouraged me in the last month or two in several places that I have visited in the country where I have spoken to trade unionists, to find that there does not appear to be a widespread desire to busy themselves in matters such as politics and matters outside that field which they fully realize to be the more appropriate field for trade union organizations.

The hon. Nominated Member, Captain Hamely, drew attention to the need for interterritorial co-operation, particularly in respect of port labour. I think that need was clearly emphasized over our experience in respect of Tanga a

couple of years ago. I can confirm to hon. Member, Sir, that following upon the experience of Tanga, when an arbitration award did have unfortunate repercussions in Mombasa, the Labour Departments of the three East African territories examined the position very closely and we worked out ways and means by which the fullest possible consultation between the Governments and between labour and employers could be achieved whenever any matter of importance, on any labour matter or in particular on disputes, did blow up at any of the ports. When we had the Mombasa strike some fourteen months ago, this co-operation between myself and the Labour Commissioner at Dar es Salaam did, I believe, Sir, work satisfactorily. We were in touch with each other daily. Tanganyika was kept fully informed of all developments and proposed developments in respect of Mombasa, and although I am not suggesting, Sir, that we have yet achieved absolute perfection in the form of co-operation in this matter, I can assure the hon. Member that the importance of this requirement is fully recognized and will be pursued even further.

The hon. African Representative Member, Mr. Awori, Sir, raised the question of juvenile employment, particularly in urban areas; and hoped that the very laudable provisions that were included in the recent Bill on the subject before this Council were not now to be lost sight of by failure to implement them.

The position as regards juveniles in urban areas is that children—those under the age of sixteen—need permits if they wish to go into employment. We have an inspectorate which does its best to ensure that unauthorized employment does not take place. I cannot claim 100 per cent success for that inspectorate, but I might mention that one of the difficulties which we run into is collaboration between employer and child to defeat the law. It is one of the most difficult things of all, when an inspector finds a child on the premises of an employer, and yet both child and employer deny most strongly that there is any employment relationship between them. If we could get public opinion to help us in this matter, it would go a long way towards meeting the difficulty.

[Mr. Luyt]

Finally, Sir, in returning to trade union matters, there are one or two points that I see I did not reply to before. The question of multi-racial unions was raised by an hon. Member, and it was suggested that encouragement should be given to unions of all races. Well, Sir, unions must, as I mentioned earlier, be self-created. If they are Government created, or even employer created, they are most unlikely to be of that health and that vigour and that independence that will enable them to operate successfully. One can give guidance in respect of union creation, but it would be wrong, I think, to impose by Government action too strong a direction upon the development or the form that a trade union should take. I might mention, Sir, too, as will be seen in the estimates, that trade union courses are to be held again this year. We did not run them last year because we did not have the post filled that I have discussed at some length already. But this year, with the help of Jeanes School, we are again to have courses for trade union leaders. These courses, Sir, deal mainly with the responsibilities, the obligations and the duties of trade union leaders, and I hope that through them trade unions are helped to conduct their affairs better, more efficiently and more responsibly.

Finally, Sir, I would also wish to make a point in respect of trade testing and apprenticeship, and to assure the hon. Member for Nairobi South that the point he raised about indentured apprentices being able to work out of their indentures and leave employers in the lurch, midway through their training, is a point that full regard will be given to in the new legislation which the hon. Minister referred to earlier on. We are fully aware of that weakness and the fact that the legislation must take care of the point and cover it.

Finally, Sir, I would like to emphasize that in practically all the regulation of labour affairs, it is my policy and that of the officers of my department, that there should always be the fullest consultation with those who are most concerned in the field of employment, in other words, with employers and workers—employees. Where there are organizations of employers and employees, so

much the easier, so much the better; but in all things, factory inspection, apprenticeshipwork and in many of the wide activities of the department, where we can associate employers and employees in discussions which lead to the formation of policy, so much the better, so much more we require to do it.

I beg to support.

Mrs. SHAW: Mr. Speaker, Sir, I would like to congratulate the Minister on his most interesting speech. I would have wished that it has been a little more constructive, but it is very important anyway to realize that the Minister and the Department are fully aware of the tremendous problem of trying to make our labour do an honest day's work, although, obviously, they have no immediate solution to put forward or the Minister would have given it to us to-day.

I have lived in Nyanza for the last 29 years and I have never known the labour so impossible. At the beginning of the Emergency, when a great many of the Kikuyu, Embu and Meru were put into detention and many of them were taken away from the farms, the big farmers, living in the Emergency areas, came to Nyanza to recruit their labour. Many of my friends who live in the Nanyuki/Nyeri district said then "We cannot imagine how you have managed to farm all these years with the Nyanza labour. They will not do a day's work. They show little sense of responsibility and they are ever demanding a greater wage". We said "Well, we have got into the way of employing more than you would consider necessary, having worked with the Kikuyu". That was a perfectly honest and true reply in those days. We had got into the way of farming with large numbers and we are perfectly content with our labour. But the serious thing is that to-day that is not so in Nyanza. The Nyanza farmers are pretty well defeated and I have never known labour so difficult. Tasks are not only halved, they are quartered. It is not a question of better housing, because indeed our standards, as you must know from visits to the tea areas, are very high standards indeed, both of housing and of quite a high basic minimum wage as well. It is not that. I do not know what it is. The

[Mrs. Shaw]
Kisii are the best of a bad bunch—that is the way they were described the other day. The Luo are suffering from some definite go-slow policy which may, or may not, have a basis in the misunderstanding and foreboding about land consolidation. The Kipsigis are a delightful, perfectly charming tribe with a great sense of humour, but their young men are literally unemployable. In the old days we ran our farm entirely—in fact all the farms in Solik were run entirely—by the Kipsigis because no other tribes would come into the district because they probably thought they would have their throats cut before they had been there a week, which was perfectly true. Nowadays, of course, that just is not true, and indeed the Kips employ a great many of the Luo tribe in their own areas. But I had tremendous complaints the other day when I attended a Kips *baraza*. The wealthy Kipsigis said that the Luo to-day were just quite impossible and they could not make them work at all. So it is not only Europeans who are suffering from the go-slow policy which is being shown amongst the Luo.

I believe firmly that a low wage economy is one of the worst features of this Colony. I do not think that it is, in fact, an economy. I am perfectly certain that there is not a farmer in Kenya to-day who would not rather employ and house and feed 200 if he could get a sufficient day's work out of that 200 than to employ 400 which he has to employ at present to do the same amount of work. There is no question of that. Your housing costs are doubled, your feeding costs are doubled and your supervision costs are doubled. It was said to me the other day by a tea planter coming from our area, that to-day, and this is a man whose company is very wealthy with a great deal of money behind them, that unless you employ one European for every 150 labour, you would get nowhere. And that is on ordinary tasks, not specialized tasks, that is on ordinary tasks of cleaning tea bushes and *shamba* work.

There seems to me to be only one answer and that is a long-term answer. I do not know what the immediate answer is. I think it is a tragedy that we have to import labour from Ruanda

and various countries outside this Colony. I think that is a tragedy, but it is a necessity if our own tribes are not going to come to their senses.

I think that the long-term answer may well be that of accommodation, for, when individual tenure comes in, it must bring in its train inheritance, and with inheritance the eldest son comes into the holding and the others will have to go out and earn a living. After all, that happened a great many years ago in England, when land enclosure came in, and I do not suppose that any of us would really work hard. We would all much prefer to sit in the sun, if it was not for fear of the sack. When the African no longer has his country estate to return to and can no longer keep his wife and children there, then I think probably that fear may apply and our labour force may become a much more efficient labour force, earning a much higher wage which will be a necessity if they are going to bring their wives and families out to work and/or to support them on very small holdings in the reserve.

I should like to pay a tribute to the Labour Department. Of course, there have been exceptions, there have been moments when the farmers have become very irritated with their Labour Officer. The Labour Officer has a very difficult role to play, but, in my experience, and I think the experience of most farmers in this Colony, he plays it extremely well. He is very co-operative with the farmers, at least that has been our experience as far as Nyanza is concerned, and I do think that there is a very great understanding between the Department and the farming community.

I beg to support.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Mr. Speaker, Sir, I would like now to thank all hon. Members for the contribution which they have made to this debate and I would like to deal with a number of points which have been raised by hon. Members on the other side, apart from those which have been dealt with by my hon. friend, the Labour Commissioner.

The hon. Member for the Coast raised the question of unions and the question of the Medical Officer which has been

[The Minister for Education, Labour and Lands]

and also raised the question of wages councils. I think he said he thought that the Department had made a mistake in jumping fences, particularly in dealing with the particular wages council of which he himself was a member, that is the Tailoring Wages Council.

Well, I think, Sir, the trouble there was not so much a question of jumping fences, but the fact that the law laid down certain courses which had to be taken, and one of them was that the regulations which those wages councils made, had to be referred to the Government and the Government had to consider these regulations before approval for publishing them was given. Further publishing of these wages could not take place until the beginning of the following month after approval was given. The result was that considerable delay took place. The Members of the wages councils themselves got a little bit tired of what was going on and eventually, when they were told in the particular case of the Tailoring Wages Council that if they wished to they could publish two of the columns which they were allowed to publish and not the third, they got completely tired and walked out. These are the difficulties, Sir, which I am hoping to overcome by the proposals which I will eventually bring before this Council. I am hoping, Sir, that these proposals will not be long delayed and that the wages councils can take some comfort in the fact that we are trying to do our best to bring in amendments as soon as possible.

Then, Sir, there was a point raised by my hon. friend, the Member for Machakos, who talked about the registration of persons. He talked about the fact that the present system was unsatisfactory, and that something should be done in the reserves. Sir, I am aware that there is a considerable body of opinion in the Colony at the present time who believe that the present system is unsatisfactory and that is yet again another of the things with which I will have to deal. It may appear that one is somewhat slow in such matters, but there are certain steps which will have to be taken and I believe also that this is one of the things which will be dealt with again arising out of the Rural Wages

Committee to which I have made reference.

As regards the identity card, I do Member will see that under Item 17 on page 165—I apologize, Item 18 on page 165—there is an item which is called "Registration, Native Land Units", £2,000. That indeed, in fact, is the sort of thing for which he himself has asked. I may mention that registration has gone on, as indeed it has gone on for everyone throughout this Colony, not only in the reserves but elsewhere, and there have been since time immemorial registration clerks in each district, whose duty it is to issue identity certificates to people. I may mention that the Registration of Persons Ordinance is compulsory.

As regards the identity card, I do know that the hon. Member raised this point before when dealing with the Supplementary Estimate and all I can say, Sir, is that I hope to deal with this matter as soon as possible, because I realize that it is a matter which will have to be dealt with one way or another.

Now, Sir, as to my friend the hon. Member for Mount Kenya. I am very grateful to him for making it quite clear to me—(after all I am a very new and junior member of this Council, Sir, and I have not had the pleasure of hearing him actually in person before on these matters, except very recently) I am therefore grateful to him for making it quite clear that he is not opposed to the principle of trade unions and I would like to assure him that my remarks had no connexion whatsoever with any hon. Member's remarks in Westminster. And, indeed, Sir, I, personally, am the fullest supporter of free speech and I would certainly not expect anyone, either on this side of the Council, or anywhere, to tell the hon. Member opposite what he should say or what he should not say.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): In accordance with the Resolution passed last Wednesday, business will be suspended until 2.30 p.m. this afternoon.

Council rose at thirty minutes past Twelve o'clock and resumed at thirty minutes past Two o'clock.

Tuesday, 5th June, 1955

(Afternoon)

ADMINISTRATION OF OATH

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

Mr. Charles Henry Gerald Coventry.

COMMITTEE OF SUPPLY

VOTE XXXIV—LABOUR

(Debate resumed.)

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Courtis): Mr. Speaker, Sir, when Council adjourned I was dealing with some points which had been raised by the hon. Member for Mount Kenya and I was saying that far be it from me to say that he should not say what he wishes to say in this Council, naturally free speech is a privilege of us all.

He then went on, Sir, to say that perhaps not enough had been said about what is being done by certain employers and he mentioned the question of farm schools. This point was also made, Sir, *per contra* by the hon. African Member, Mr. Gikonyo, when he was talking about labour generally and saying that not enough has been said about how much labour had contributed to the country. Sir, far be it from me, to minimize any efforts which have been made by anyone in this country, both on the employer and on the employee side. What I was trying to say possibly in rather a muddled way is that there is a problem which we all have to face in this matter. The hon. Member for Mount Kenya asked how the output is going to be increased, and that poses virtually what the problem is.

Sir, it seems to me that this is largely a matter of incentives. It is what I was trying to say this morning, there are incentives for people to work, and I do not think for one moment that this is purely a Kenya problem. I believe that it is a problem which spreads throughout the whole of the Continent of Africa at this present time. Regarding incentives, I heard the other day a story of a Nyanza recruiter who was not offering particularly generous terms, who introduced a system of taking back to the relatives of employees letters when he went back and very often in the letters

there was money enclosed and when he held out the money, there was great enjoyment by the relatives and the result was that he was able to go back with quite a large recruiting bag. It seems to me, Sir, that that is an incentive. There may be hundreds of other incentives which we have got to find, and what I was trying to say this morning, Sir, is that it is not a case of just employer, or just employee, or just Government that have got to do something about it, it is a case for us all, and we have got to find what the answer to that problem is in some way or another. As I said earlier the greatest responsibility rests on me.

As regards the hon. African Member Mr. Gikonyo's plea that labour had done a good job of work, I would quote a case also which I heard the other day of a man in the Ruiru/Thika area, who, hearing something going on in his coffee at 3 o'clock in the morning, went out, expecting to have to shoot up a *Mau Mau* gang and found his headman and his labour actually weeding his coffee. Well, no doubt, Sir, there are times when labour and also employers do their very best, but there is, as I have said, a problem which we must face.

Now, Sir, the hon. Member for Nairobi South dealt, I think, largely with trade unions which have been answered by the hon. Labour Commissioner and also the question of the Industrial Relations Officer.

Sir, I would then go on to a point which was raised by the hon. Nominated Member, Captain Hamley, when he said that he thought that possibly a lot of the trouble might arise these days from employment of houseboys, and suggested that we would do better by employing housemaids. Sir, I am prepared to agree with him. I remember quite vividly the Secretary of State's adviser on labour, Mr. Orde Brown, as far back as 1942 or 1943, in a speech at Kiambu, saying that we would have to face even then the prospect of having girl domestic servants rather than males because we were taking out of the potential labour market something like 50,000 males who should be otherwise employed. I feel, Sir, that this will probably come and, in fact, is already coming because of an economic squeeze and we may find that this

[The Minister for Education, Labour and Lands] matter may be dealt with sooner rather than later.

Next, Sir, the hon. African Representative Member, Mr. Awori, after mentioning something about minimum wages, asked me why wages councils were not functioning. Sir, I think I would be perfectly justified in asking him to read his HANSARD to-morrow morning, because I thought that I had spent about ten minutes of this Council's valuable time in explaining why they are not functioning. But the short answer to the hon. Member is that there arose a disagreement between the Government and the wages council about the regulation of wages and how they were to be promulgated and it was out of this disagreement that the employee members withdrew their support from the wages council, and I am hoping that the steps which we are now taking will result in a better answer.

He also raised the question of houses. I feel, Sir, that this is not really a matter either for me or for this Head of the Estimates, but he did say something about 100 square feet; actually the labour minimum laid down is 40 square feet and I can say, on behalf of the Department, that the Department is constantly looking into the question of housing conditions, because housing conditions, in fact, are part of these incentives which I have mentioned before which are so necessary in order to make labour give a better output.

The hon. African Representative Member, Mr. Gikonyo, opposed the idea of the introduction of Banya Ruanda labour, and said that there were conditions that were wrong in the sisal industry and that was why we did not, in fact, get the people that we needed. Well, Sir, one must look at this from the point of view of production. We have now delayed the introduction of the importation of labour from outside for four years because we felt that it was possible to get our own labour to do the job and, Sir, we have failed to do it. Therefore, we must try to take other steps if we are going to keep production and, as I already said this morning, it is only on production that we are

going to get the money which is going to make this Colony work and it is only on production that we are going to get the money for the much-needed social services which everyone screams for from time to time. Therefore, Sir, I am afraid that desperate times need desperate remedies and we must try this. In fact, in replying at the same time to my hon. friend, the Member for the East Electoral Area, who said that this labour was going to be very expensive. We know that. We know that the labour is going to be expensive. We know also that there are going to be considerable difficulties about bringing this labour in. But at the same time, Sir, I believe that the introduction of this labour may provide another of those incentives. If, in fact, these people have got to be treated better, well, others will have to be treated better. If, in fact, these people take the bread out of other peoples' mouths, then perhaps these other people will make a bigger effort—a bigger effort to do the work which they might otherwise have done.

I do not think I need answer the hon. Member for Mau who merely stated that there has been an over-simplification of the case and with which I actually agree that there had been an over-simplification of this kind.

My hon. friend, the Member for the East Electoral Area, talked about improving conditions for labour. I am surprised that he did not use ration for labour as an excuse to talk about rice and meat, but I see that he merely raised the question about the cost of the importation of labour with which I have already dealt.

The hon. Member for the Central Area dealt largely with trades unions and a body for the co-ordination of trades unions which I think was adequately dealt with by my hon. friend, the Commissioner for Labour.

The last speaker, the hon. and gracious lady, the Member for Nyanza, said that she did not think that my speech had been sufficiently constructive. If she meant, as I think she did mean, that I had not given an answer to this difficult problem, then, indeed, I agree with her, but all I can say to her now is that the matter is very much under my eye and I will certainly give an assurance

[The Minister for Education, Labour and Lands] to this Council that in so far as it is within my power I will do my best to try to find a solution.

Sir, I beg to move.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read, Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

VOTE XXXIV—LABOUR

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £236,954 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXIV—Labour.

Question proposed.

Head 1—General Administration

A—Personal Emoluments

SIR CHARLES MARKHAM: General Administration. Could I just ask on No. 40, the duty allowance of provincial officers, I cannot find anywhere mention of provincial officers anywhere in the Estimates, as far as this Department is concerned.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): Well, Sir, the answer is that he will find them under labour officers, 33 of them, some of whom are provincial officers.

SIR CHARLES MARKHAM: Could I ask, Sir, why they get this allowance?

I am asking the Minister for Labour, not the Minister for Commerce and Industry.

MR. LUYT: There are six senior labour officers, Sir, as will be seen from sub-heads 4 and 5. Senior labour officers carry provincial responsibility and there is a special provincial allowance for officers with provincial responsibility in all departments.

SIR CHARLES MARKHAM: Mr. Chairman, I gather from that lucid reply, that these scales are not laid down, as there

are benefits as well by working in the provinces. Is that correct?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): It is a duty allowance, Sir, and I believe was recommended by the Lidbury Report. Sir, in most cases in the Civil Service many of the allowances which civil servants receive for one thing or another, such as travelling allowance, etc., are hidden emoluments.

2. Registration of Persons. A—Personal Emoluments agreed to.

3. Other Charges agreed to.

B—Other Charges agreed to.

Z—Appropriations-in-Aid agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and adoption of the Resolution without amendment and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved a resolution that a sum not exceeding £236,954 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXIV—Labour.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said Resolution.

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XI—A—MISCELLANEOUS A—POSTAL SERVICES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker.

[The Minister for Finance and Development] I beg to move that Mr. Speaker do now leave the Chair.

This, Sir, is to cover Vote XI—A—Miscellaneous A—Postal Services on which I understand, Sir, hon. gentlemen opposite have certain points which they wish to raise.

This Vote, Sir, covers inland postages, telegrams and miscellaneous, and I would, Sir, leave my hon. friend, the Secretary to the Treasury, to deal with the matters in detail.

I beg to move.

MR. MACKENZIE: Mr. Speaker, Sir, I beg to second.

As my hon. friend, the Minister for Finance, has just said that the object of this Vote is to pay for inland postages, telegrams and various miscellaneous postal services such as the diplomatic bags, Colonial Office bag and a few minor matters of that kind.

I have done a certain amount of research into this Vote and I find that in 1954/55 the actual expenditure was £111,120 of which £78,500 went on internal postages. Twenty-seven thousand, three hundred pounds on telegrams and £5,300 on miscellaneous. In 1955/56, the actual estimate, as approved in this Council last year, was £112,000. This has since had to be revised to £121,000 of which £90,000 will be for the internal postages as against £78,500 last year. Thirty thousand pounds for telegrams against £27,300 last year, and £9,000 on miscellaneous as against £5,300. There has been alterations in charges in so far as telegrams were concerned in that inland telegrams, the cost was increased from Sh. 1/50 for 10 words to Sh. 2 for 10 words. That is partly the reason, but not entirely the reason for the increase in the cost of telegrams during the year.

Well, Sir, the system whereby the internal postages charge is levied is one which, at the moment, unfortunately, gives very little opportunity for control, except to the extent that individual officers and Heads of Departments ensure that correspondence is kept to a minimum and ask themselves whether their methods are really necessary whenever they issue them. The method where-

by the charge is levied is that of a census of official mail which is taken by the Posts and Telegraphs Administration during a selected fortnight in every year. A fortnight is, of course, selected by the Posts and Telegraphs Administration, unfortunately we are not allowed to do our own fortnight or we might be able to ensure that the total amount of the Vote is very much less than it is. But, of course, this method of levying a charge is not a very satisfactory one, in that it may be that in certain years we should be lucky and the Post Office would select a fortnight when there was very little mail. On the other hand, they might select a fortnight in which there was a tremendous amount of extraordinary correspondence going on. There is, of course, also always the practice of mistakes being made in the count and there is a certain amount of luck about it. But much more serious is the fact that this method does mean that the people who are responsible for issuing the correspondence, which incidentally covers, I think, correspondence under franking privileges for hon. Members of this Council. There is no method of controlling it and, therefore, the Government has been giving the matter a good deal of thought recently. There are various new ideas of post and the main one is that in all the larger offices franking machines might be introduced; and in the smaller offices officers might pay for their postages, putting on stamps in the normal way. In so far as franking machines are concerned, that would involve a certain amount of capital expenditure. I understand these things cost from about £60 to £160 each, but it would mean that in each office there would be proper control and I think it might be found in that way that the expenditure would be reduced. Certainly for some time the Treasury which, of course, as all hon. Members know is an extremely progressive office had a franking machine and it has worked extremely well. There are, of course, other ways in which expenditure is kept to the minimum as much as possible at the present time, such as ensuring that in places like Nairobi all letters are sent round from office to office by hand and do not pass through the Post Office at all. But, I think, that the important thing is to ensure that each department is responsible for its own expenditure as in every other

[Mr. Mackenzie] thing and then we shall be quite sure that the responsibility rests where it ought to and that who calls the tune will in future pay the piper.

As regards telegrams, Sir. These again are paid for centrally at the moment instead of being paid for by people who send off the telegrams. For the reasons which I have given in respect of postage, I do not think that this can be regarded as an entirely satisfactory state of affairs, and there again, we are looking into the question of decentralizing payments for telegrams. There are difficulties. One of the main ones being that it is very much more convenient for the Post Office to send in one monthly account which gets paid centrally than send out a large number of small accounts, and I understand that it may be necessary to make special payments if we are to ask for a lot of separate accounts to be sent out to various offices up and down the country. But, I think it may well be found, and we will go into this, that to do so would result in a considerable saving in the end, in that it would make people realize that it is most important to keep telegrams as brief and to the point as possible, and not to spread themselves in the knowledge that somebody else will have to pay.

Finally, Sir, there is the miscellaneous section which, as I said before, covers diplomatic mail and Colonial Office bag and a number of minor points such as free Emergency telephone calls and that type of thing.

Before I leave the Vote, Sir, I think I probably should mention that under most departmental heads, there is also a postal service in the Vote. I should like the Council to know, Sir, that there is no overlapping between these departmental votes and the one at the moment under discussion: The Votes under departmental heads cover telephones, parcels and overseas mail only and if, of course, the central Vote were to be centralized, the other matters would also be dealt with by departments and this particular Vote would disappear altogether.

As I have already said, Sir, the important thing about this particular Vote is that every officer should ensure that economy is being exercised. I think most

officers do so already and I am quite sure that if we were to succeed in decentralizing it we should probably find that it would pay.

I beg to second, Sir.

Question proposed.

MR. CROSSKILL: Mr. Speaker, I think the main reason why we are partially interested in this Vote on this side of the Council is the phenomenal increase which has been announced by the East African Posts and Telegraphs Department to take place from the 1st July this year. There appears to be a non-acceptance of the principle that these post, telephone and telegraphic communications should be treated as one as regards the costing and charges and there appears to be an adherence to the principle that each should be self-supporting. Now, Sir, I believe that that is wrong. I believe that in no country in the world is each self-supporting and I believe that it is generally accepted that the postal service must carry, to some degree, the other two to which I have referred.

Now, Sir, the main service to which I wish to refer is the telephone service which is a vital necessity throughout the country, particularly on account of the very great distances which people live away from civilized centres and townships and hospitals and so forth. Now, it may be said that it is a luxury, but, Sir, I contend that it is certainly not. We have heard encouragement from the Government benches during the last few weeks with regard to more efficient production, reducing the costs of production. The telephone, Sir, is an instrument which can assist to a very great degree in reducing those costs of production. I would ask you to visualize farms which may be as far as 20 miles away from the centre and the telephone is a necessity when spares are required or for social requirements such as a call for medical assistance.

The alternative is to motor many miles to the centre and that is a waste of time and fuel. Now, of course. We have telephones over a large area in this country, but, Sir, the formula by which the charges have been assessed has recently been changed tremendously to the disadvantage of those who live in

[Mr. Crosskill] the remoter parts of the country. Now, the formula, Sir, on which the cost of installation of the telephone is based is a formula which takes into consideration the radial distance of the subscriber from the nearest exchange. Now, that would appear to me to be a very fair basis on which to assess such installation charges, but, Sir, in practice it does not work out quite like that. For those who live near to an exchange, let us say two miles, the charge is £2, and, Sir, nobody can grouse about that, it is very equitable and perhaps a fair charge. If such a charge for installation should be required at all, I shall return to that point a little later, Sir.

Let us take the case of someone who lives say 16 miles away from that exchange. In equity perhaps that should be eight times as much as the person who is two miles away. Perhaps there should be a little discount for the extra amount he has to pay, call it £15. But what, Sir, actually is the charge made for connecting that farmer who is 16 miles away. Not £15 but £415. Now, who, Sir, is able, or to whom is it economic, to pay £415 for the connecting charges on to a telephone service? If, Sir, defeats the whole object of this telephone service, which should be an economy but, at the present time, is quite the opposite. Telephone wire, seems to be a commercial commodity which is unique, entirely different from any other commercial commodity that I know of, because the more you buy of it, the more it costs. Usually the principle is that the scale works the other way. Now, Sir, if this formula works to the disadvantage of those whose need is the greatest. Those who are the farthest away from a centre, and, Sir, I believe that this formula is quite iniquitous. It has only recently been introduced and many people who were connected to the telephone as little time ago as four or five years had to pay only a very, very small, proportion of what is the present charge. Therefore, it is militating, not only to the disadvantage of the potential subscribers, but also, of course, to the telephone service. But, in fact, one can only deduce that the only services being encouraged are those in the urban and suburban areas because those are the only ones which are economic. But, Sir,

I think a country-wide service like this should be made available to the whole country and, in particular, to those who live in the more remote areas.

How, Sir, can we overcome this problem? First, I would submit that the installation of these services should be done out of capital. It should be installed out of loan capital which should be serviced by the call charges and the rental. That, Sir, would be equitable to all. But I am told that the charges then would be so high that it would be uneconomic for almost everybody in the country. Sir, with reluctance I have had to abandon that idea which appeared, at first sight, to me to be logical and obvious.

The second one, Sir, is that the postal service as opposed to the telephone and telegraphic service, should contribute in some way to the reduction of the charges of the telephone service. Well, Sir, I believe that is right and to some degree the East African Posts and Telecommunications Department have been following that principle, but, for some reason they have been made to abandon it and now are to increase charges to a degree that the telephone service will, if the present subscribers continue, be self-sufficient.

Now, Sir, this formula. If we had accepted this formula with regard to other forms of communication, such as roads, how many people would be able to afford to live, let us say 20 miles away from Nakuru? It would be quite impossible. We should have had no settlement in this country. There would have been no need for telephones except perhaps one here and there in order to be able to dial 999 because there would have been emergency after emergency. Therefore, Sir, I think we must try to overcome the problem of this excessive cost in the manner in which the roads are provided. That, Sir, is that they are provided by the State.

Now, Sir, it is an unfortunate time to put in a request for State subsidy for telephones, but, I do ask that this should be accepted in principle because I believe it to be absolutely vital and to be right. I do ask, Sir, that Government will agree to the appointment of a committee to investigate this impossible position of a man living 16 miles away from an exchange and not being

[Mr. Crosskill] able to telephone unless he can put down £415. I ask that this committee shall investigate it with the idea in view of the possibility of asking Government to subsidize, to some extent, the installation of rural telephones.

Mr. Speaker, I beg to support.

MRS. SHAW: Mr. Speaker, Sir, I do not really wish to enter on the lists of this Vote except to support very strongly what the hon. Member for Mau has said about the rural telephones. These connexion charges when you are in an outlying area I find are debaring a great many people who live in areas where it is most desirable, from the security point of view, that they should have a telephone, especially if they are elderly, from having telephones altogether. I think the trouble is that the rural telephones do not pay and, therefore, as Mr. Crosskill says, the more you have the less you pay, and not as it should be, the more you have of anything, the less it costs. The more you have the greater the costs according to the Assistant Postmaster General. But he does admit, I think, that there are some grounds for subsidy because I have a letter in my hand, with your permission I will read, from the Assistant Postmaster General where he says, "So far as subsidies are concerned, we did suggest that one means will be for farmers to be able to reclaim their connexion charges from some source of general revenue. That would, we think, be the simplest way of meeting this difficulty in any of the three territories. That is to say that general revenue might be called on to meet particular individual costs". I think he is admitting that there are some grounds for subsidy in the case of a rural telephone and farmers living in very outlying districts. Before, I believe that is the Member for Mau has said, that connexion charge was based on your distance from the main line. Now, as I pointed out the other day, a great many of those lines were erected some time ago when costs of installations were nothing like as high as they are to-day. It is perfectly fair that when you ask to go on the telephone that you have to pay for your mile of line, or whatever it is, or your two or three miles of line, according to

the length of your farm roads. It seems to be rather iniquitous now that costs should be based on your distance from your local centre and in actual fact what is happening, you are not only being asked to pay for the new line, but you are being asked to pay for a portion of the existing line which you are going to be connected to. I cannot see that that is very equitable. I do submit, Sir, that as the Assistant Postmaster's letter says, there does really exist some grounds for subsidy for rural telephone owners on this connexion charge rate which is to be instituted on the 1st July.

I beg to support.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I find it somewhat difficult to deal with some of the points raised by hon. Members, as they have gone into some detail and as this is a High Commission subject, and the Postmaster General sits in another place. I am also somewhat surprised that hon. Members, who elect their representative members to the Central Assembly, have not asked that this should be raised in that place where the responsible Minister can answer.

However, having said that I will do my best to answer the points which my hon. friends have raised. If I fail to answer in proper detail, I must ask them, Mr. Speaker to excuse me and I will, in any case, bring the points that they have raised to the attention of the Postmaster General, if they are outside my power to answer.

To deal with the points raised by the hon. Member for Nyanza first.

She quoted a letter from the Acting Postmaster General about subsidies for rural telephones, but she neglected to read the whole paragraph and, with your permission, Mr. Speaker, I have it in my hand, and, with your permission, Mr. Speaker, I propose to do so. She said that the Acting Postmaster General says that subsidization was the answer. It is true that he referred to that as a possibility but he went on to say, and I quote, "We think that any general effort to subsidize the telephone service out of general revenue would be very difficult to apply as between individuals who might benefit.

[The Minister for Commerce and Industry]

As I tried to make clear, there is a general element of subsidy already in the telephone charges since the telephone service has been, and will continue to be, subsidized from postal profits raised from postal users, that is, the general public throughout the three territories".

Now, Mr. Speaker, that also answers a remark made by the hon. Member for Mau who made the point when he began to speak that, in his view, all the postal services were taken and the money was raised to make them a paying proposition individually. Well, Sir, in quoting from the Acting Postmaster General, I can only say that he refutes the allegation made by the Member for Mau.

Now, Sir, there is a further point, and here I would like to refer to the existence of the East African Posts and Telecommunications Advisory Board. On that Board, Sir, the hon. Member for the Coast is a member, the hon. African Representative Member, Mr. Mathu, is a member and the hon. Nominated Member, Sir Eboob Pirbhai, is a member. On the 16th March, Sir, all these increased charges were put to the Board. I am entitled to quote what they agreed, because at their specific request, the Postmaster General associated the Board in their full agreement with the new charges; in other words, Sir, the hon. African Representative Member, Mr. Mathu, the hon. Member for the Coast and the hon. Nominated Member, Sir Eboob Pirbhai, all agreed to these increased charges *in toto* and specifically asked that their names, in common with the other members of the Board, should be associated with the announcement of the increased charges. I am, therefore, surprised, Sir, that not one of them has felt it his duty to get up and defend these increased charges.

Now, Sir, I will finish and then I will give away. I had one further point to make—and then I will give way to the hon. Member for Mau. I come back to the point of separate charges. He made, in fact he based his whole argument, as far as I could see, on the fact that separate charges are raised in respect of separate services. I do not want to refute that point.

MR. CROSSKILL: I am grateful to the Minister for giving way, Mr. Speaker, but I must, if I may, just refer to the letter to which reference has already been made, in which the Postmaster General lists the deficiencies in the last few years and goes on to say—

THE SPEAKER (Sir F. Cavendish-Bentick): I am afraid, Mr. Crosskill, you are making a second speech and not explaining what you, yourself, said.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I was, Mr. Speaker, going to come to that point and I think I can deal with it. I was quoting from the Postmaster General's letter to complete the quotation that the hon. Member for Nyanza did not complete, but the point the hon. Member for Mau has just raised, although a new one, is very important and I was going to deal with that.

These are, I think, the points which he wished to deal with. On the telephone account for 1954, according to the letter which we have all been quoting, the actual deficit was £230,554—that is on the telephone account. In 1955, it was 300,000; in 1956, £500,000 and, in 1957, £600,000 estimated—as indeed it was of course an estimate for 1956. Now, Sir, you might say, are they then going to raise money merely to meet that deficit? Well, again, I am advised by the postal authorities, and here I must ask your indulgence to look at the somewhat extensive notes I have been provided with—(Interjection by an Hon. Member of "Briefs")—briefs yes, thank you—that, it would mean that without an increase in postal and telephone and telegraph charges, there would be no money whatsoever for renewals and, to say that the charges are to be increased in one direction solely to meet the deficit in that direction, is wrong because, of course, like any other business, the Posts and Telegraphs Administration has to replace its fixed capital equipment. They work on the basis of 15 to 20 years depreciation and, unless these charges are raised, as I believe every member of the Posts and Telecommunications Advisory Board will appreciate, that would mean there would be a slow decline in the efficiency of the service owing to the fact that equipment was not replaced when the time came to do

[The Minister for Commerce and Industry]

so. So it is wrong to say that because the deficit has occurred in certain services and charges are raised there when charges have perhaps been raised in other directions previously, that those increased charges are related particularly to that specific service. Now, under the Ordinance, under which the administration of the Posts and Telegraphs operates, the organization must be run on business lines just as the Railway and Ports, Post Office have to run on business lines. That is, it is not subject, under the Ordinance, to subsidy on a continuing basis from the three territories. It is not financed from taxation in the sense that say the services of the Labour Department or the Education Department are; it is a self-financing organization and, Sir, I do suggest to hon. Members that they cannot have it both ways. They cannot ask for a self-financing autonomous organization raising the money that is required from its own charges and, at the same time, ask for subsidization from general revenue.

The hon. Member for Mau made a further suggestion when he asked that a committee should be set up by this legislature to look into the whole question of postal and telephone charges. Now, Sir, I am advised that it would hardly be proper for this legislature to take such a step. The proper step would be to see whether a Motion introduced in the Central Assembly would not be best as that is where the Postmaster General answers as being responsible for a self-financing High Commission service. It would not, therefore, be proper for me either to refuse or to accept that request.

Sir, having said this, I do want to make it clear that, as far as this Government is concerned, we do appreciate the difficulties faced by those living in remote places in regard to telephone services. It is not the view of this Government that the telephone service is, in any way, a luxury for people living in such circumstances as the hon. Member for Mau suggested. As for the formula for rural lines, that, I feel, Sir, is precisely the sort of detail that the pundits of the Postal Telecommunications Advisory Committee will understand or the Post-

master General will understand. I can only say that to me it does appear to be somewhat geometrical in its progression.

Mr. Speaker, I beg to support.

MRS. SHAW: Mr. Speaker, the hon. Minister did not look as if he was going to give way when he gave his speech, and I did just want to say that he was incorrect when he said we had not done anything about this. We brought—

THE SPEAKER (Sir. E. Cavendish-Bentinck): Mrs. Shaw, you are making another speech. You can only explain what you, yourself, have said.

DR. HASSAN: I rise to support this Motion, Sir. I do not think I can put up any suggestion at all about the charges, because the Minister has just now informed us that the Members representing the three major groups gave their blessing to these charges in the Central Assembly. What punishment should be given to them I will leave to the three major groups, but what I would like to ask is whether in that Board there were any Members of the Kenya Government?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Perhaps I could correct the hon. Member. I did not say in the Central Assembly; I said on the Telecommunications Advisory Board and I also said who the three Members from Kenya were; there was no representative of the Kenya Government on that Board.

DR. HASSAN: Well, that makes things very much simpler, Sir, that the Government of Kenya did not represent Kenya from the Official side on the Telecommunications Board. However, Sir, I will leave the question of charges, because it was purely a matter for our representative to deal with and, as they did not protest against it, we shall probably have to find some other way of doing it.

What I would like to point out, Sir, is that I have had reports from the Asian community that they have been waiting for a telephone to be installed for the last eight years, and there must be something wrong somewhere that those people in these major towns who applied for telephones eight years ago are still on the waiting list, although new lines, away from these major towns, are being installed every day. It is something for

[Dr. Hassan]

which a very strong protest is needed by the Kenya Government to the authorities who appear to be deciding things over their heads without their knowledge.

With these points, Sir, I support this Motion.

MR. COOKE: Mr. Speaker, the Council would have been deprived of the eloquence and the forcefulness of my hon. friend the Demosthenes of this Council if I had spoken earlier, but, of course, one of the previous speakers had answered the question already when he said that telephones were of vital necessity in this country. It is for the very reason that they are of vital necessity that the Postmaster General had erected in many, many parts of the country telephones at an enormous cost, hundreds of them, which have never paid their way. It merely amounted to this, that a great many outlying farms had telephones installed and they are very seldom used and, therefore, it has been found impossible for the telephones to pay their way. This is the first time, I believe, for many years that telephone charges have been raised. They have kept at a level and they have been financed, for the last few years, by the postal services. Now, the postal services section is, itself, feeling the strain of high prices and so on and, quite rightly, could not go on any longer subsidizing the telephone section. I would put it this way to the farmers: although the telephone charges have gone up, so, also, have farming prices gone up over the last few years, and when you consider that the value of the pound has fallen so much, this rise is not really so great as it feels. However, when this matter came before the Posts and Telegraphs Advisory Board, I, and the other Unofficial members, had no hesitation whatever in recommending that the prices should go up.

MR. HARRIS: Mr. Speaker, Sir, I think it seems to be forgotten in some places that the telephone is a mere service just the same as roads, which were mentioned by the hon. Member for Mau, sewers, electric light and other things, and it is all a matter of economics. This suggestion that the outlying farmer should be subsidized by the inlying townsman to my mind is completely absurd.

If the outlying farmer, who already has not got these services, is willing to pay for his land what the townee is willing, or has, to pay for his land because he has the services available, then there would be some merit in the suggestion put forward that a telephone should cost Sh. 40, whether it is in the middle of Nairobi or the middle of Nyanza. But when one compares the economic factors which go to determine the price of land in the middle of Nairobi and in the middle of Nyanza, then one sees why, if some peculiar person wants to be civilized in the middle of Nyanza—though I cannot understand why they should—and wants a telephone, of course they have got to pay for it. In a case where a telephone is necessary, either for security or is necessary for what one might call a "community necessity", then I think there is a case for the consideration of a subsidy in those particular cases, but not as an overall rule.

Now, Sir, I came into this debate late, but it seems that people were quoting bits of the Acting Postmaster General's letter without quoting the other bits, and I now have to come back. Sir, because the Minister for Commerce and Industry said that the hon. Member for Mau could not substantiate the point that the telephone services *per se* had to be made economic. Now, Sir, had he read on a little bit further, having read the telephone accounts results for the years 1954, 1955, 1956 and 1957 estimated, and, as my hon. friend said, as was 1956, he would have read: "This is the situation which faced the Board in March this year, which had to be put right by the increase in the telephone rates which is to take effect on the 1st July next".

With your permission, Sir, and at the invitation of the hon. Member, I will read the whole letter, and then we will all have got it straight, but I think, Sir, that is the relevant point, and I think the hon. Member for Mau, Sir, has been substantiated in his contention.

I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): No other hon. Member wishing to speak, I shall call upon the hon. Member to reply.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I rise in a very small and

[The Minister for Finance and Development]
humble voice, Sir, to say that—as my hon. friend, the Secretary to the Treasury and myself endeavoured to point out—the subject of this Vote is Inland Postages, Telegrams, Miscellaneous—including Diplomatic Bag and Colonial Office Bag—and nowhere within the mention of this Vote is there anything to do with telephones.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That has not escaped my notice!

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I therefore found myself in very great difficulty when the hon. Members opposite started to produce arguments about telephones. Well, Sir, I felt that, as they had raised the matter, my hon. friend, the Minister for Commerce and Industry, would obviously—as he did—deal with them and very little has been left for me to say on this matter.

The hon. Member for Nairobi South spoke about where a telephone was necessary on security grounds. I think every hon. Member on the opposite side is aware that the Government did subsidize telephones on the question of Emergency and security grounds, so that, where an urgent matter arose with regard to the security position during the Emergency, the Government willingly moved to subsidization. That is—as my hon. friend, the Member for Nairobi South said—an entirely different matter from embarking upon a general policy of subsidization of the individual, which would need considerable thought before it could be agreed to. It became, Sir, somewhat of a game, I think, to read the letter which was addressed to the Hon. Sir Alfred Vincent, Rhino Park, Ngong, from the Acting Postmaster General, which seems, Sir, to have been in somewhat common circulation, and which I am quite prepared to lay on the table of the Council, Sir, in order that the full record should be made. Perhaps, with your permission, Sir, I may now read another paragraph having picked up where the hon. Member for Nairobi South left off:—

“There is also the thought, which I think was concerning Mr. Harris

particularly, and that was that on our Estimates based on the increased telephone charges, 1957, should show a profit assuming the telephone account then balances and the postal profit remains at about £400,000 to £500,000 and the telegraph deficit remains at about £100,000. Mr. Harris wanted to know what would be done with a £300,000 overall surplus if we get it.

The answer I suggested was first of all that we had better wait and see whether we get that much profit. Already we are now faced with a possible £200,000 extra staff bill. In addition, there is a deficit in our renewals fund of the order of £400,000 which must be made good out of the future net surplus. Really to put our Administration on a proper footing we ought to aim at a net revenue surplus over the Administration as a whole of the order of £½ million a year. Unless we can achieve this we will never be able to build up the reserve so necessary in an Administration of this size, in order to meet unexpected financial difficulties which might arise in the future or unexpected increases in cost, and to provide ultimately for an improvement in our services out of current revenue. All this at the moment seems a long way off, but unless we can build up a surplus of this nature, the future is not going to be very healthy for the Administration, since there will be continual crises of temporary shortages which will have to be met by spasmodic adjustments in rates.”

That, Sir, I think, completes the letter, with the exception of one tiny paragraph at the end.

Mr. HARRIS: On a point of order, Sir, as we, in our ignorance, discussed telephones under this Head and as the Minister, with his specialized parliamentary and accounting knowledge has pointed out, this debate is, in fact, out of order, I am wondering, Sir, whether we should continue to discuss telephones.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It did not escape my notice that strictly speaking this Bill is out of order, but I thought this was one opportunity hon. Members had for airing certain grievances about telephone

[The Speaker]
services in Kenya which are an inter-territorial responsibility. I think, however, that where arguments are based on what amounts to an official document in the shape of a letter from the Acting Postmaster General, I suggest that that letter should, in fact, be laid on the Table.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Thank you, Sir, and I am now, Sir, laying it on the Table, and I would say, Sir, that I am surprised at the hon. Member for Nairobi South, having developed his argument should say “after all, it is quite out of order”, but that will not stop me from developing mine.

However, Sir, as I wished to say, there is only one tiny little paragraph left, Sir, to which I would like to add:—

“These are only intended as notes following our meeting, and, if you wish, I am available for any further discussions.

Yours sincerely,

Acting Postmaster General.

P.S. We are looking into the question of renaming Ngong.”

Sir, I beg to support.

The question was put and carried.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

VOTE XI—A—MISCELLANEOUS

A. Postal Services

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £130,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XI—A—Miscellaneous—A. Postal Services.

Question proposed.

SIR CHARLES MARKHAM: On a point of order, Sir, in view of the fact that this debate is out of order, I suppose this present Committee is out of order as well. Is that correct?

MR. CONROY: The matter before the Committee is the question whether this Committee approves the grant to the Governor of the sum of £130,000 in the terms of the Motion which is before the Committee. Any debate on that Motion is relevant.

SIR CHARLES MARKHAM: In view of the fact that money is being granted in the High Commission Estimates, how can we debate it now in this Committee of Supply?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): May I respectfully submit to the hon. Member that this has nothing to do with the High Commission Services. This Postal Services Vote is to pay for postal services enjoyed by the various departments of the Government in so far as—I repeat—Inland Postages, Telegrams, Miscellaneous—including, Diplomatic Bag and the Colonial Office Mail Bag—are concerned. The fact that hon. Members, in the main debate, went right outside the terms of the Motion is no suggestion, Sir, that the Motion itself is out of order.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Might I respectfully suggest one further point of order that, when the hon. Member for Ukamba states that the previous debate was out of order, he is being out of order, because the Speaker did not rule that the debate was out of order.

SIR CHARLES MARKHAM: On another point, Sir, which is not a point of order this time, I want to ask a question. How can we debate in Committee of Supply this particular Vote when it is required for a High Commission service? You are paying it to the High Commission, are you not?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the hon. Member is really carrying this to an absurd length. Is the hon. Member going to say that because, in another Vote, Sir, we have to pay something to an outside agency, no Vote of that kind should ever be debated, because that is the logic of the hon. Member's argument.

This Vote has nothing to do with the High Commission, Sir. This is a payment made from the Kenya Government

[The Minister for Finance and Development]
funds for a service given by an outside body.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Committee doth report to Council its consideration and approval of the Resolution, without amendment, and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not exceeding £130,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote-XI—Miscellaneous A—Postal Services.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Council doth agree with the Committee in the said Resolution.

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXXII—HEALTH

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

DR. ANDERSON: Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair. The purpose of this Motion is to enable the Council to consider Vote XXXII—Health.

Mr. Speaker, in presenting the Medical Estimates this year, I am asking for certain increases in staff. The reasons for this are several. First of all, there is, of course, a constant and growing demand for medical services which, somehow or other, have to be met.

Secondly, there is an increase due to the development programme, which has already been approved by this Council, which includes, of course, additions to existing hospitals, which need to be staffed. And, thirdly—and perhaps most important of all—there is the necessity to consolidate the position which has been brought about by the Emergency.

Now, during the Emergency, Sir, the Medical Department had to undertake very greatly increased responsibilities. They had, for instance, to undertake the medical care of a very much enlarged Government service. They had to look after the health and medical needs of a very large increase in the prison and detention camp population, and, more recently, as a result of closer administration—principally in the Central Province, but also in other Provinces as well—the demand for hospital treatment has very greatly increased. One of the results of closer administration has been that, it is difficult nowadays for a patient to be seriously ill in his hut in a native land unit without finding some way of getting to hospital. As a result, many of our hospitals—particularly in the Central Province—have become almost overwhelmed.

Now, Sir, during the time of the Emergency—for the last few years—we have had to carry on these extra responsibilities with very little increase of staff. One of the results of the Emergency was that overseas recruitment fell off. In addition, the total number of trained staff available to the Department actually decreased, owing to the comparatively large number of trained staff belonging to the Kikuyu, Meru, and Embu tribes who were detained.

The increases that I am asking for at all includes Item 11—Medical Officers. The increased establishment I am asking for is 11 medical officers, including in which is two medical officers brought over from the Emergency establishment, making a net total of nine additional medical officers. The reasons for this have already been explained, but if this increase of staff is granted, I hope for the first time to be able to post medical officers to certain districts which have never had a medical officer before. I refer particularly to Samburu district and to West Suk and Turkana.

[Dr. Anderson]

Item 32, Nursing Sisters. I am asking for an increase of 29 Nursing Sisters. Now, this includes eleven brought over from the Emergency establishment, so that the net increase for which I am asking is eighteen. These are required partly for the consolidation of the position brought about by the Emergency, which I have already described, but they are also needed for certain other reasons. It is essential to increase the trained nursing staff at the King George VI Hospital. The reason for this is that we are now training nurses at this hospital up to a standard which is—we hope—in every way comparable to the standard of nursing training in the United Kingdom. If—as we hope—we are to receive recognition from the Nursing Councils in the United Kingdom, and if we are to achieve reciprocity with those bodies, it is necessary to have an additional nursing staff to supervise the trainees during their work in the wards.

The increase under this Head is also required to staff the Poliomyelitis Unit, which requires very exceptional skilled techniques for the complicated apparatus which is used if the treatment of poliomyelitis is to be properly carried out.

Item 31 is Health Visitors and, for the first time, this has been shown as a separate item, distinct from Nursing Sisters. This is a branch of the work of the Department which I am most anxious to develop. These ladies, who are in the first instance trained nursing sisters, and receive later the qualifications of Health Visitor, will be concerned only to a small extent with hospital duties. They will spend most of their time in the native land units, holding specialized clinics antenatal and child welfare clinics, and concerning themselves with other special clinics such as those concerned with tuberculosis. Perhaps most important of all—supervising a subordinate staff of health visitors, who will be concerned with visiting the women and the children in their homes, and teaching the mothers to bring up their children in the proper way—a subject on which so many African mothers are lamentably ignorant at the present time.

Another grade in which I am asking for an increase is that of lay administrators. This includes hospital secretaries,

hospital superintendents and assistant hospital superintendents. They are required first of all to help the medical officers with their administrative duties. As the medical services have grown, the amount of administrative work which a medical officer in charge of a hospital is required to do has grown also. The position is rapidly approaching when the medical officer in charge of a district hospital has very little time to do clinical work, and it is to relieve him for the duties for which he is skilled and for which he has been trained that we are introducing more of this grade. They will also relieve the senior nursing sisters in charge of a district hospital of responsibilities in connexion with storekeeping. Again, the senior nursing sister in a large district hospital finds a great deal of her time is taken up with these duties, whereas her time ought to be devoted to the supervision of nursing and training of staff.

The third duty of these lay administrators is in connexion with the collection of fees.

Now, I think perhaps I ought to issue a few words of warning to the Council at this point that, as the Estimates were framed before the decision was taken to introduce fee paying, it will be necessary, if we are to introduce fee paying in all our hospitals, to ask the Council later on for an increase in this staff. At least they will have the advantage that they will be collecting revenue where no revenue was collected before.

Now, Sir, if I may say a few words on the subject of fee paying. This was, of course, dealt with by my hon. friend, the Minister for Health, in a previous debate, but I should like to say that I fully understand the misgivings of the African Members opposite on this matter. I fully understand that they were worried that cases of individual hardship might occur, but I would like to confirm what my hon. friend, the Minister, has said on this subject. He said that in certain districts, which are less wealthy than others, the scale of fees would be reduced and that the medical officers would be given full discretion to remit fees in cases of hardship. I would like to give an assurance to the hon. African Members opposite that no case in an emergency—whether that emergency is

[Dr. Anderson] surgical, medical or obstetric—will be refused admission to a hospital just because he or she has not the money to pay for it.

Now, Sir, I would like to say a few words about one of the most important functions of the Medical Department. I refer to the training of staff. We train a very large number of specialized medical auxiliaries and nurses of various categories, and it has for long been our ambition to have a training centre where all these categories—or at least the senior ones, not including, of course, doctors, who are still training at Makerere—where all these senior categories can be trained in the same institution and on the same site. Recently, as a result of the generosity of the International Co-operation Administration of the United States, we have found the money to do so; and that building—or collection of buildings—is very shortly to be started.

In connexion with training, I should also like to mention that the Health Education Unit which was started some three years ago, and which has, I think, amply proved its value, and which has become extremely popular, will be expanded and its work, I hope, during the present year, will be increased.

Now, Sir, I should like to turn to a few subjects under the general heading of Public Health. I think there can be no doubt that, at the present time, the most important public health problem which faces us in this country is that of tuberculosis. Now tuberculosis, unfortunately, is a difficult disease to tackle on a really comprehensive scale, and the difficulty lies principally in the fact that the disease is a very chronic one, and its treatment lasts a long time. The treatment of a case of pulmonary tuberculosis should last a minimum of a year. This makes the organization for the treatment of tuberculosis a particularly difficult one. We have been thinking about this problem for the last two or three years and made considerable efforts to solve it, and the problem—I should like to remind the Council—is not a problem of treating a few tuberculosis cases in hospitals. The problem, if it is to be tackled at all, means a country-wide treatment campaign to treat every known case of

tuberculosis. Now, the special efforts we have made are first to provide more hospital beds—because the acute case of tuberculosis does need at least a few weeks—or preferably a few months—rest in hospital, and he does need fairly complicated methods of diagnosis involving X-ray diagnosis. So, by means of additional buildings under the Development Programme, and by means of setting aside beds in district hospitals, we have been able to make available some 550 special beds for tuberculosis in Government hospitals in Kenya. If we can make the Development programme stretch a little bit further than it really is able to, we may be able to bring the figure up to 600 by the end of the year, and if this achieved it would mean that we would have 10 per cent of our general beds in Government hospitals set aside for tuberculosis. We are hoping at the same time to get the help we can always count upon from the mission hospitals in supplying beds for this purpose. But the treatment of a case in a hospital bed is only able to touch a portion of the problem, and for that reason we are arranging for the setting up of an organization for the continuing treatment of pulmonary tuberculosis, after the discharge from hospital, in the patient's own home. This requires an organization for health visitors and health assistants to visit the patients, and it means that the medical officer has got to go round to certain centres in the district and see his patients at regular intervals, and supply them with a further supply of the drug in tablet form, which they need to take for at least a year.

An essential part of the whole scheme is, of course, isolation in the home; and here we believe that we have—at least in embryo—an organization adequate to supervise this. We believe—in fact we know from previous work—that, if the patient can be taught the rudiments of hygiene in connexion with this disease, and if he can be induced to sleep at night in a separate hut, the chances of infecting his family are very small.

Now, this scheme which I have talked about at some length is, I think, of great importance, and it is a scheme which—as far as I know—has not been attempted anywhere else on the same scale or in the same way, and it is giving rise to quite a lot of interest outside the country. In

[Dr. Anderson] particular, the World Health Organization is most interested, and one of their high officials has told me that, if our scheme is successful, it will undoubtedly be used as a pilot scheme which may well be copied in other tropical countries. We are hoping to enlist the help of the World Health Organization, both with technical personnel and with finance, to help us with this scheme.

Now, Sir, I should like to say a few words about a section of the Medical Department which is perhaps little known in this country, although its work is widely known in scientific services throughout the world. I refer to the division of the Department known by the rather cumbersome name of Insect-borne Diseases Division. This division is concerned with two main branches of work. First of all, with research, and secondly with the practical application of that research to control schemes. This dual function has the great advantage that it ensures that the research which is carried out is of a practical nature. It ensures that the scientists concerned in it have their feet on the ground, and their heads well down below the clouds. This division has been responsible in recent years for most important scientific discoveries and most important control measures. I cannot mention all of them, but I should like to mention the eradication—or the measures which have been taken which we hope will lead to the eradication of *onchocerciasis*, or river blindness, in Kenya. The last large-scale field control works were put into operation last year and, although there was a small recurrence of the *Simulium* fly, which carries the disease, a few months ago, the area in question has been treated again, and now, I believe, at least I hope, that we will have achieved a complete eradication of this disease in Kenya. Time alone—perhaps two years—will prove whether this has been successful or not; but if it has been successful, it will have proved to have been an operation of very great importance and very great benefit to the people of this country.

Other research work and control schemes are also in operation in connexion with *kala-azar*, particularly in the Kitui district, but also in connexion with a small outbreak which has occurred at Baringo, and also concerning *Filaria*

at the Coast, *Trypanosomiasis* in Nyanza and *Bilharzia* in several parts of the country.

An aspect of medical—or rather public health—work in this country which we are anxious to develop still further is the chain of health centres now being developed throughout the country in the African land units. These health centres have achieved in the few years in which they have been in operation a remarkable degree of success, in integrating preventative, promotive and curative services in one unit and under the same roof. They are—as I think hon. Members know—staffed entirely by Africans, and only supervised from the centre by the medical officer. They have proved extremely popular, and recently—as hon. Members have probably seen—have given rise to very favourable comment from one or two distinguished visitors, who have studied them, and who have come from outside.

I would now like to turn, Sir, to two aspects of Government policy which have very intimately affected the public health in this country. First of all, there is the development of villages which has taken place in the Central Province. I should like to call it “village development”, because I feel that it would be a disaster if the word “villagization” became a permanent addition to the English language. These villages, although they were built almost in the heat of battle—and although they were built far too quickly—have, in very many instances, improved the standard of living of the people to an almost unbelievable extent. In the better ones the standard of living of the people is now far higher than it was two years ago. In addition, certain amenities are now being provided, very largely due to the effort of the people themselves, such as water supplies, and I feel that these villages will have a very beneficial effect indeed on the physical health of the people, and I believe—and this is perhaps more important—on their mental health as well.

The other matter of Government policy which has a profound bearing on the public health is the improvement in agriculture and the land consolidation now being carried on in various parts of the country, but particularly in the Central Province. Here again, I believe that it is

[Dr. Anderson]

most important that the human element of this policy should not be overlooked. I believe that it is essential that, when farmers start to move out on to their consolidated and improved holdings, that they should, as an integral part of the betterment of that holding, build for themselves—or be shown how to build—an improved type of homestead. That is a work in which the Sanitation Division of the Medical Department has been intimately concerned with over the last 25 years, and I believe that here we have an opportunity—and that this opportunity presents a challenge to us again to raise very materially the standard of living and the standard of health of the people in a very short time.

Now, Sir, in the policy debate there was a good deal of reference to the planned family. My hon. friend, Dr. Karve, introduced this subject, and I am grateful to him for doing so. He suggested that the Government was apathetic in this matter, but I am quite sure that, having heard the reply of my hon. friend, the Chief Secretary, he will be convinced that the Government is not apathetic. I think that most of the references to this subject have been concerned with the total number of children in a family, but there is, I think, another aspect of this question which may perhaps be overlooked. I refer to the proper spacing of children in a family. Medical officers are so used to seeing malnutrition amongst children that they are beginning to—perhaps—consider this as one of their most important health problems, and I think one reason for this malnutrition is that it is almost impossible for a peasant family to bring up healthy children if those children follow each other in too quick succession. I would like to confirm what my hon. friend, the Minister for Health, has said—that Medical Officers are prepared to give advice in this matter, but I would suggest that in a matter of this sort, which so intimately affects the private lives of people, and which, if handled wrongly, may arouse religious prejudices, that it is best to hasten slowly.

I should, I think, Sir, in this debate refer to the help that the medical services in this country have received from outside agencies. I have already referred to the help that we are getting from the

International Co-operation Administration of the United States. We are also receiving help from the World Health Organization in the form of assistance with technical advice and fellowships overseas. We also hope to get help from them in the future with our tuberculosis problem. The United Nations Children's Emergency Fund has also been most generous. They have given us equipment which, of course, includes transport, for the large malarial control scheme in the Nandi district, and in the Turbo-Kipkarren area. They have provided equipment for training and equipment for health centres, and also a mobile van, and equipment for our health education unit.

I should also like to mention with gratitude the help we have received from the St. John Ambulance Association and the Red Cross Society. These two bodies have given us very generous support in personnel who have done magnificent work, particularly in the Central Province, but also in the Rift Valley Province and in the Southern Province, in relieving want and treating cases of malnutrition in children.

In conclusion, Mr. Speaker, as this is the last time that I shall have the privilege of addressing this Council in a Budget debate, I perhaps might be permitted to make a few general remarks about the state of public health in this country compared with the time when I first arrived here.

During the 30-odd years that I have been engaged in medical and public health work in this country, I have seen very great changes in the public health take place. These changes have come about so slowly that I think it is probable that many people who have lived in this country during that time have perhaps not noticed them and I am quite sure that a newcomer to this country is ignorant of them. But, to a very great extent, communicable diseases, or what we sometimes call tropical diseases, have been brought under control during that period. I can well remember in 1926, when I was in practice in Nairobi, being concerned in probably the most severe epidemic of malaria that this part of the country has ever seen. In that year practically everybody in the town went down with malaria. At that time deaths

[Dr. Anderson]

from blackwater fever in the outlying areas are very heavy and cemeteries are full of the graves of early pioneers who were the victims of this disease. About the same time, in the Trans Nzoia and Uasin Gishu of which I had personal experience at that time, the deaths from malaria and blackwater fever were so serious that it looked as if the development of those two important farming districts would be held up. Nowadays malaria is a disease of very much less importance than it used to be, and blackwater fever is a rare disease. It is so rare that I believe the majority of doctors practising in this country now have never even seen a case.

This country can, I think, count itself fortunate in the various medical organizations which have grown up in the last 30 years or more. You now have a chain of European hospitals and nursing homes throughout the country of which this country may well be proud. You have a number of Asian hospitals of comparable standards, which are now projected or being built. You have the medical and health services of the African district councils which together cost them a quarter of a million pounds. They are entirely responsible for ambulance services, health centres, dispensaries and maternity services. You have in the older municipalities well developed health services, and you now have developing health services in the county councils. The Minister for Health said in the policy debate that the settled areas were a long way behind the African land units in the development of their medical services. That is perfectly true. But from what I have seen of the developing county council health services I believe they have every intention of catching up as soon as possible. You also have a growing number of mission hospitals which have given devoted services in the African areas. And finally, Sir, you have in this country a medical department of Government, of which I am, perhaps, best entitled to speak. You have in the King George VI Hospital a hospital of a very high standard, which has now over 1,000 beds. It is therefore larger than most of the famous teaching hospitals in London. It is probably one of the largest hospitals in the British Commonwealth. The district hospitals

also are rapidly improving their amenities and their standards and are not far behind—many of them—the standards of the King George. You have also a body of men and women of all races in the Medical Department who are determined to build up a medical and health service in this country which is second to none. I hope that now and in the future, members of this Council will see to it that these people are given the appreciation which they deserve and will see to it that the financial provision which they need is given to them, if they are to undertake with success the tasks which lie before them.

Mr. Speaker, I beg to move.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): This might be a good opportunity to have the customary fifteen minutes break.

Council suspended business at twenty minutes past Four o'clock and resumed at thirty-five minutes past Four o'clock.

MR. AWORT: Mr. Speaker, before I start speaking on this Motion I would like to congratulate the hon. Director of Medical Services for the most able way in which he has moved this Motion. I think he has one advantage, that, that he being a professional he knows the inside of the Medical Department, so he would be at a great advantage over an Elected Minister who has to take the facts from him and come and speak in the Council.

I have got a number of points that I shall be able to remark upon, some of which I have raised when moving this Motion and some new ones on which I shall seek information.

I did appreciate, Sir, what he said about health visitors, particularly they are most desirable in the African land areas. Presently we have got sanitary inspectors, formerly they used to be trained in Uganda, now they are being trained locally here, for the Certificate of the Royal Sanitary Institute in London, although the examination is being taken locally and the examiners are local people here. I would like to know, Sir, from the hon. Director in the course of his reply, what qualification these health visitors get. Whether they are trained in the same way as health inspectors, or

[Mr. Awori] whether they have a lower standard of training and a lower standing of qualification.

During the main Budget speech, when my friend the Minister for Finance who raised this question about hospital fees. The Council knows that the African Members were not too happy about it, and my colleague and myself did suggest that the time was inopportune for levying this fee. I do not call it a tax, my friend the Minister did say that the African Members thought it was a tax. I personally do not call it a tax. I did suggest, Sir, that it should be halved. However, presently I have one other suggestion, and I am quite sure that the African public, whom I represent will not feel the pinch, if in addition to the poll tax, we had what is called a hospital tax of one shilling per head, so if one happens to be sick, he can be treated free, if he does not, others will benefit. I think in that way, the African public will not realize when they go to hospital that they are having to pay for these free medical services, as it has been presently and in the past.

I know some hon. Members on this side of the Council did say that the African does appreciate what he pays for, and what he does not he does not appreciate. I do not think that this is true. However, if that is the case then I would propose that the Government—Legislative Council—should waive the question of having the patients paying a fee in hospital when they are admitted and that they pay it indirectly as a form of poll tax which shall be called hospital tax, which they can pay at the same time as they pay their poll tax.

I am glad that the hon. Director of Medical Services has assured us that in certain districts where the people are unable to afford them, the rates will be reduced, and at the same time there is the question of hardship. But, Sir, I cannot understand when a person is admitted to hospital or he goes to the dispensary, and he is a sick person, how are you going to find out from him when he is very sick whether he is able to afford it or not? At the same time I think that later on this sort of scheme might be subject to abuse.

On the question of health centres, as my friend, the hon. Director of Medical Services has mentioned, we receive some aid from the United States of America, through United Nations International Children's Emergency Fund and through World Health Organization. I know in my own area in Nyanza particularly United Nations International Children's Emergency Fund, have supplied us with some Land-Rovers, which have been used at health centres. We have applied for this and we think that the Government will try to get some more aid to help us in this sphere.

There is one point which I thought my friend might be able to mention—the question of the leper camps. Fortunately I live in a district where this leper camp is. I thought it was a subject which the Council should know about. We have got one in Itesio near Uganda and Kenya—near Busia. It is a big camp and I have visited it. I would like to pay a compliment to the officer who governs it. It is in the bush and these people, the doctors, they live under conditions which most of us who live in cities and in towns would not like to have.

I think these officers are doing a good job but, Sir, what I would like to know from the Director is what success is going on as far as this leper camp is concerned. How many people who are there, who have been admitted, who have been released, that are now all right, and have been cured of their maladies?

The question of tuberculosis, which my friend the Director mentioned I appreciate what is going on as far as treating the African patients who are suffering from tuberculosis is concerned, but my friend did mention the question of when these people leave the hospitals they are able to be visited by health visitors and others. In my opinion we should have the fully sick men in the hospital and leave when they are fully cured, because I do not think that it will be possible when people are scattered about, we have not the necessary manpower to visit every single individual who has left the tuberculosis hospital and find out how he is getting on. Otherwise, Sir, since we have got health centres, these people could be admitted into the health centres and the health visitors could be able to help by finding out how they are getting on.

[Mr. Awori] I would like, Sir, to pay a compliment to the Government since they started this scheme of sending African doctors who left Makerere and they are paying the bills for a short course in Britain and some of them go to take a refresher course in tuberculosis or children's diseases. I would like to see that Government does extend this scheme so that it is a yearly affair, and not discontinued.

Another point, Sir, which my friend, the Director mentioned, was the question of the medical course at Makerere. Presently we have got African students who have taken this course at Makerere, and they get, when they pass, what is known in this country as L.M.S. East Africa. It was suggested and it was mentioned that after getting permission from the British Medical Association in Britain by 1958, we should be able to have a full course of M.B.B.S. at Makerere. I think, Sir, that it should be immediate, I do not see any reason why we should have to wait until 1958. If it is the question of the professors, I think we can still recruit them from overseas. The African doctors are not too happy after taking seven years at Makerere that they should be satisfied with only L.M.S. They should be like others who have been abroad, and have the M.B.B.S.

I would like to know, Sir, from my friend the Director, whether these African doctors who graduate at Makerere and have got their L.M.S., could be permitted to go to Britain for a course of—I do not know how long it takes, it may be 18 months or two years to get a diploma in public health.

My friend, the Director, did mention the question of villages and I do appreciate what has been done, but I would like to see that dispensaries are extended to these villages. What I do not agree with, Sir, is that Africans like the Kikuyu, like the village system. I do not think they do. It was introduced during the Emergency as an emergency measure and it was to protect the Kikuyu from the terrorists, the loyalists in particular. We did raise a lot of complaints in this Council as far as this question of villages was concerned, by saying that there was not enough sanitation. But now Government is doing what they can to introduce sanitation and at the same

time bring schools near the villages. What I have not seen is the question of health services and I would like to see dispensaries introduced in every village which has been constructed.

Now I come to one point, the question of Government and missionary hospitals. I must say that the African public pays great compliments to the missionaries for the services they have rendered to the Africans, and at the same time we do pay a compliment to the Government for what they have done, as far as health services are concerned. But when it is said in this Council that the African does not appreciate what he gets free, I must say that if he has to pay for greater services, he will be able to accept them. That is why you will find that those Africans who can afford it, prefer to go to missionary hospitals where they get better treatment and they pay for the services.

My friend, the Director did mention the question of the King George VI Hospital. I do agree with him that it is one of the best we have got in this country. But in other places, in other districts in the various places, you will find that they are not up to the standard which is required. The service in most of the district hospitals is not sufficient. In a hospital like the one in Kisumu, it is too overcrowded and at most times you will find sick patients sleeping on the floor. I think that an extension to improve this overcrowding should be done by Government.

While on that subject of the King George VI Hospital, I should like to mention one very minor point this was introduced during the time of the Emergency and, of course, if we had not restricted everybody going to the hospital some accident would occur like the one which occurred at Kiambu Hospital some time ago. So the system which the Government has is that—what the hospital authorities are doing—is that anybody going to visit the patients have to leave whatever belongings they have outside with the *askaris*. But the system is not good, particularly with the African ladies. You will have some who have got their handbags. Now they do not get any receipt for them, they might have some very expensive property in their handbags and they

[Mr. Awori]

have to leave their handbags behind. When they come back they might find something missing, or they might, even if it is not missing, have some things which they would not like the *askaris* to see. I think that the Director might be able to have it arranged so that whenever a person deposits a handbag or a briefcase, he or she gets a receipt for it.

The other point, Sir, is the question of Red Cross. We appreciate what the Red Cross has done in this country, but I would like, Sir, in co-operation with my friend, the Chief Secretary, to agree that publicity through A.B.S. should be given from time to time so that the Africans should be able to subscribe something towards the blood bank. I think that it is a very, very desirable purpose and it has been done in this country, I as a person have given my blood once or twice, and I think if the Africans were told about this, it would help their own people and somebody else, they would be able to come and help in this question of the blood bank.

Mr. Speaker, finally, there is this question of detainees who are on Mageta Island or on Sayusi Island on Lake Victoria. Most of these come from the Central Province. I would like to get an assurance that these areas have been completely freed from tsetse fly and other flies which spread malaria and other diseases. I think, myself, coming from Nyanza having been bitten by mosquitoes, I am immune from malaria, but the people from up-country, they are not so immune and despite all the faults of these detainees, I do not think that we should let them suffer by being bitten by mosquitoes. If I can get an assurance that these areas where the detainees go have been completely freed from malaria, that would serve a good purpose. I do not think I have any more to add to this, except to support the Motion.

MR. ARAP MOI: Mr. Speaker, Sir, I should like to pay tribute to the hon. the Director of Medical Services who presented his budget in an able, clear manner. In this Motion, Sir, I should like to make several points. First is the introduction of fees. Although, I do not reject or I do not deny the principle of introducing fees in Government hospi-

tals, I disagree with the practice. In practice it is not practicable. In fact, I should like to know from the hon. the Director of Medical Services, whether the medical officers are not deprived from paying attention to the patients in attending to the finances. I do feel this will involve a lot of work as he apparently knows that Government procedure in looking after money is becoming a strict one. If the hon. Member does not bring in more office staff to look after the funds, and allow medical officers to be free to do their work, I do feel, Sir, that it will be jeopardizing their work.

Secondly, Sir, it will involve a lot of work, as the hon. Member Mr. Awori has suggested. If a patient is sent in to the hospital, the medical officer will have to write a letter to the district commissioner, the district commissioner will write a letter to the Chief, the Chief will write back saying whether the person concerned is able to pay the fee or unable to pay. Again the district commissioner will return the letter to the medical officer. This will involve a lot of work and at the same time when the auditor calls on the medical officer, he has to produce his receipt books and the number of patients treated during the year. He might find that there are, for example, 700 cases treated during the year. Now he will ask how many paid fees. This, again, will be a very complicated business. I suggest, Sir, that Government adopt a method by which an individual pays a certain amount of money which would be regarded as a hospital fee or a hospital tax, although many would not be able to benefit from that, but still it will save a lot of trouble.

Secondly, Sir, with a view to the expanding health service in the Colony, the trained staff, particularly the compounders, health assistants, hospital assistants and the rest, are very much needed to run these centres, and at present, Mr. Speaker, the hospital assistants and the compounders and the rest are not satisfied with their present pay. I would like the hon. Director of Medical Services to consider increasing pay for the hospital assistants, compounders and those who take equivalent courses, so that many may join in this work. It is a very important work and in order to bring the best men into the medical

[Mr. Arap Moi]—
profession, we should attract more youngsters to come in.

Thirdly, Sir, I should like the Medical Department to consider giving missions which are prepared to erect hospitals in any place, so that they may bring in more medical officers and nurses, because the Medical Department is short of medical officers and I am glad that there is some additional increase of medical officers and nurses.

There are very remote areas like West Suk and Samburu, areas which require medical officers who would perform work in that area, because it is very difficult to carry a sick person 100 miles to a hospital; he will die before he is treated.

As regards the Suk people, most of whom are blind, I do appreciate very much the work which the Medical Department has done in getting specialists to that area, and I am glad that one of the eye specialists is now in East Suk, and has been looking into the work done by previous medical officers who have been doing research work in that area, and I am therefore grateful to the Medical Department.

Mr. Speaker, I support the Motion.

DR. HASSAN: Mr. Speaker, Sir, I would like to support this Motion. I would like to follow the previous speaker in congratulating the Director of Medical Services for giving us a very fine picture of the medical achievements during the last 30 years in this country. I know something more about the achievements, because I have seen them for the last 50 years in this country, and the colossal development which has taken place in Kenya from 1906 until to-day, can only be known by the people who have been here in Kenya during that time. I quite agree with him that a new person coming here would hardly be able to know what progress we have made in this country.

The Director spoke about the village development in affected districts. There is no doubt that the village development took place entirely due to the Emergency, and, in my opinion, from what I have seen in the reserves, I was not very much impressed with village development, because although the huts seem to be in

very straight rows and formation, but similar spacing to what we used to see before in the native villages. They were new, of course, they looked very orderly, they were all in line, but there was no such thing as improvement in the residential requirements of the African. I know it could not have been done better than that because it was done in a rush, to meet the requirements of the Emergency. But this was a unique opportunity for the Government to bring home to the Africans in the reserve the benefits of living in a nice, sanitary and a decent hut, which is absolutely essential for the prevention of disease among the Africans. I hope the Medical Department will insist, as soon as the Emergency is ended, that the huts in the village development are thinned out so that each family should have no less than half to one acre to themselves. Otherwise completed village settlement will create the greatest headache, not to us within our time, but probably to the future generations as is happening all over the world. It has been happening in Nairobi, in Mombasa and probably will happen in Kisumu one day.

He also mentioned the incidence of tuberculosis. There is no doubt that the Medical Department has carried out considerable spare work to deal with tuberculosis in this country. There never was a hospital before and to-day they have 500 beds in Kenya. I am sure the Director would agree with me that it is not enough. It is just a start, and there needs to be a very much larger number of beds made available in this country. But always the question of finance arises, because funds are required to extend facilities for treating tuberculosis patients.

Of course the Medical Department is running the medical as well as the health service. I never was impressed very much with the duplication of services of medical and health, particularly in the reserves, because what I felt during my service, that what was needed was more medical and less health. It was the medical people who were more in demand to give attention to the treatment of the sick people and also to give demonstrations of the health requirements in hospitals. In large native towns and native hospitals within municipalities and town councils you want to have health services but, when it comes to the reserves, they only need more or less

[Dr. Hassan] demonstrations which could possibly be given to them in hospitals, instead of wasting the health services in the reserves, because they can effect no improvement in the houses and the way Africans are living in those houses.

There is no drainage, no sanitary services. Africans love to have a free life, they have no latrines and so on, and health services are almost wasted on them.

I remember talking to one of the most senior medical officers on the Coast one day, and he said if instead of having expensive health services in the reserve, if they were to put up a very decent hospital in the centre of that area, that would help and assist the African much more than the health inspectors going from hut to hut and village to village.

I know my friend is quite right that prevention is always better than cure, but I would like somebody, a superhuman gentleman, to go into the reserves and prevent the disease there.

The second point mentioned by the Director was family planning. I think this subject was introduced by my friend, the Nominated Member for Mombasa. I do not think such improvement can ever be brought about in this world by any artificial means, Sir. If the people fail to use their human brain they ought to follow the example of the animals. I do not think if the person was to play the game in this world that he would ever have more than four or five children throughout his life. But if he does not want to play the game. (Interjection by an HON. MEMBER OF "It is because he does play the game!") Nothing can possibly stop him and no artificial method can possibly prevent him from playing the mischief. Nature has laid it down, and very clearly, that a child born of a mother—the mother is his property until he is able to eat. And if this system were followed and no artificial means were introduced by human invention, a person would not have more than four or five through his lifetime. Family planning is a matter which is a human invention and I do not think it can ever help the world.

I hope the Director will give attention to the Asian Hospital Scheme, the re-

port of which we submitted over a year ago. It is very important and before his retirement, I hope he will introduce this scheme for which the Asian community will be very thankful.

My friend raised the question of hospital fees. I think to charge fees to Africans in these major hospitals for out-door patients, is not desirable. All these major hospitals, particularly Mombasa, you hardly find a day that there are not at least 300 patients standing in a line as out-door patients and you can imagine that if a doctor was to work continually for four to five hours, how many patients per minute he could possibly give any attention to. There is a feeling among the Africans that when they go to hospital as out-door patients, they do not get proper attention. The doctor has no time to give them proper attention. He never, never raises his head from the paper that he is writing on and, as fast as he can write, the chits are given to the Africans and they go out, but whether they get any medicine or treatment or not, doctors do not know. Out-door patients should not be charged, but a fee naturally should be charged to those in-door patients.

So far as fees are concerned, I know that Africans who go to private doctors offer no objection and without hesitation pay the fee of Sh. 10, sometimes Sh. 15, for the attention that is given to them by the private doctor. He does not mind it; because he gets proper attention. If he goes to the Government Hospital, there are hundreds waiting, and I would like to see a doctor who can attend to two patients a minute and give proper attention.

The Director further said that he needs about nine more medical officers in his department. I believe quite a number of Asian medical officers are now going through their probation in the Medical Department and, according to my information, there are a considerable number of them going through a medical course in the United Kingdom and I hope, in case they do want to serve in the Medical Department in Kenya, they shall be given full opportunity to enter the medical service.

I would like to associate myself with the Director and must thank the United Nations and the Americans for helping

[Dr. Hassan] and assisting this country to deal with malaria, tuberculosis and child welfare. I think they deserve the thanks of this Government because they have made considerable sums available to the Medical Department to deal with these necessities.

Sir, I beg to support.

LT.-COL. GHERSIET: Mr. Speaker, Sir, my object in intervening in this debate is to make a remark which is rather personal to the Director of Medical Services. In the course of his speech, he was referring to the improvement which has been made in regard to the medical services in general in this Colony, and he took his mind back to the 1930's and referred to the incidence of malaria and blackwater in the Uasin Gishu and Trans Nzoia in those particular days. Well, Sir, I can go back perhaps a little further to 1920 and I well remember the difficulties, and the casualties, which existed and occurred in those days. And, Sir, during the course of his speech, I think he made the remark that this was probably the last occasion on which he would be present at a Budget debate and I can only conclude from that, Sir, that he will be leaving the service at some future date and, as this Council dies in another few weeks, and it may be that some of us are not back in this Council after the General Election, I, personally, Sir, and I am sure I am speaking for Members on this side of the Council, would like to pay a personal tribute to what the Director has done for this Colony and all communities in general during his term of office. It is, Sir, purely for that purpose that I am intervening in this debate, and I am sure if we do not have the opportunity of seeing him again after this Council is dissolved, we would like to wish him all the best of luck wherever his future may be.

LT.-COL. GROGAN: Mr. Speaker, Sir, as one whose medical history is rather a checkered one—it goes back to the days when malaria was supposed to derive as an emanation from the swamps—I wish to add my tribute to the hon. Mover's record of a most remarkable achievement. It is a long time, over 50 years, since my cook was taken seriously ill and tried to commit suicide because

I told him I was going to take him to the local hospital, which, at that time, was a comparatively small tin shed down in the town. But it is a long stretch from that period to the present time, when a *sindano* is regarded by the African population generally as a cure-all, even if only charged with polluted water. And I want to take this opportunity, Mr. Speaker, if I may, of putting it on historical record for my own sake partly, that quite a long time ago the European hospital, despite my protest, was built by the Public Works Department on my land and Sir Percy Girouard, who was the Governor in those days, had a wholesome habit of taking long walks early in the morning and, as I was his nearest neighbour at the time, he used to drag me out of bed and insist on my going with him. In the course of a rather aggravated argument as to whether this, in fact, was my land or not, he pointed out, at the same time, that he had been unfortunately compelled to inform the Colonial Office that J, and the late Mr. Jivanjee, were the two main bawdy-house keepers in Nairobi. Well, I had considerable difficulty in explaining to him that that particular proud privilege did not attach to me, but to him because the land in question, on which this string of bawdy-houses existed, was quite close to the hospital and was, in fact, still Crown land, although it was under contract to be handed over to me in a matter of ten years later. I have always felt since, whenever I have been to the Colonial Office, that they will always say, "Here comes the brotchel king". I do not suppose it has even been corrected and I think it is only fair to myself, as it is rather tied up closely with this health matter, that I should put it on permanent record for my own safeguard.

There is one thing that does trouble me, and that is, as a constant reader of the *Medical Journal*, I do not think there is nearly enough publicity to impress upon the Africans the quite incredible amount of work that is being done on their behalf and I think with the particular profession, which of course is notoriously a non-obtrusive, or un-obtrusive, profession—and not inclined to proclaim their activities—a departure might be made, and much greater effort made than is done at the present time.

[Lt.-Col. Grogan] to teach the African natives in particular, and the rest of the population incidentally, what an incredible amount of work is going on all over the country and what a remarkable amount of research work is being successfully achieved by our Medical Department.

I beg to support

MR. SLADE: Mr. Speaker, Sir, I should also like to thank the hon. the Director for his very interesting and remarkably modest survey of this fine medical service of ours. It is a survey which inspires both pride and confidence. I only hope that the hon. Director does realize how much we appreciate what his personal contribution has been to this, not only during his final directorship, but also during all his previous years in the service. I was particularly interested, Sir, to hear of the development of the health centres in the African land units. I am particularly glad to hear of the new appointment of health visitors. In that respect, Mr. Speaker, I do not agree at all with the hon. Member for Eastern area, who seemed to wish to see the rural areas' health services completely subordinated, and almost extinguished, I think, by the medical service, or what one might say the purely medical service. It seems to me, Sir, not only a matter of prevention being better than cure, and I am very glad that the Medical Department is not so defeatist as he is on that subject, in believing that there can be no prevention of disease in the African land units. But it goes further than that; it is a question of the difference between improving health and curing illness. Surely, the service that would make our health better, is quite as important as the one which will achieve the more negative side of merely curing illness.

Sir, there is only one question I would like to ask the hon. Member, and that is with relation to the problem of mental deficiency. I believe, Mr. Speaker, that the mental defective is already a considerable problem with us and will become a greater problem as our civilization develops and becomes more complex because, when people are living in very simple conditions with lower standards of living, the mental defective is not very noticeable, but, as you

develop your standards, so he becomes more formidable noticeably, and more and more a drag on the economic and social development of the community. So we are going to feel his presence much more in the future than we have heretofore.

Sir, the problem is not only what to do with the mental defective that we have with us to-day. It is also a question of how to stop there being many more mental defectives in the future; because, as I understand it, mental defectives, by reason of a certain lack of responsibility, tend to ignore any idea of family planning, even more than the hon. Member for Eastern Area would have us ignore it. What is worse, and again I am sure the hon. Member will correct me if I am wrong, mental deficiency tends to be hereditary, so you have them breeding faster than anybody else, just the kind of people that you do not want to breed. Now I believe, Mr. Speaker, that we have not really made a start in dealing with this problem. I believe that Mathari Mental Hospital is well enough equipped to deal with our main needs of the insane at the present time, but is not equipped—in fact should not be used—to deal with the problems of mental deficiency. It is a different thing altogether. I shall not be surprised, Mr. Speaker, if the hon. Member tells us that we really have not got anywhere in this problem yet. All I am asking is that he should give us some indication of what he thinks we can do about it in the future and how he thinks we should set about it.

I beg to support, Sir.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. J. Jeremiah): Mr. Speaker, Sir, I should also like to support the Motion and at the same time to express my regret at the occasion of the pending retirement of our friend, the hon. Director of Medical Services. We are all very grateful indeed for the services he has built up and for the help actually given to Africans.

Now, Sir, I was a bit surprised to hear the hon. Member for East Electoral Area suggesting that the Africans should be taught about health matters in hospital itself. But, Sir, I do not understand how that could be done, because

[The Parliamentary Secretary to the Minister for Local Government, Health and Housing]

in hospital itself, one would be treated and perhaps he may be shown how the hospital itself is built. But after that, what happens? He just goes home back to his house. I think that the Medical Department say that we should try to improve health measures in the African land units and the practice which is being carried on at present is that in the health centres we have a hospital assistant, we have a health visitor, we have a midwife and we have dressers—all those people. Now a person who comes to the health centre—if he is not very ill he is treated and he is sent home. Also, the hospital assistant visits the people in their homes and treats them there in order to keep them healthy. Now we have the health visitors, Sir, who go to the homes of the people and teach the women in their homes how to look after their food, how to look after their children and how to keep the house clean. They may not be in a position to build strong buildings like those which they have been seeing in the hospital. Furthermore, we have health assistants who go and show the people how to build better houses and how to have windows in the home. So those are the matters which are concerned with health centres and they are very essential indeed. They are the way of preventing diseases, but in hospital there we only deal with treatment. So, Sir, I oppose very strongly the suggestion made by the hon. Member for East Electoral Area that Africans should be taught about health matters only in hospital.

I beg to support the Motion.

MRS. SIAW: Mr. Speaker, I merely wish to join with everything that has been said by the hon. Member for Aberdare about the hon. Director, and I just want to pay special tribute to one department of the Medical Services that I do not think has been mentioned in this debate, and that is the wonderful work, both in research and in the field, that has been done in polio in this Colony in the recent outbreak, and I would also in that connexion like to ask the hon. Director if he could give us any information as to when the vaccine might be available for children in this

Colony—the vaccine which is now being used, I believe, successfully in the United Kingdom.

I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I intervene in the debate only for two purposes, Sir. The first is to deal with the financial points raised by the hon. gentlemen, Mr. Awori and Mr. urap Moi.

The hon. Mr. Awori, Sir, suggested that instead of the system of fees, we should introduce an additional shilling on the poll tax, directed to hospital services. I am sure, Sir, that the hon. gentleman realizes that there is already a very great contribution from general revenue to these services, even though a fee is about to be charged. I would suggest that an additional tax would not serve the purpose at all, which is to relate the fee or the charge to the service actually being rendered to the individual. There is, as I said in the main financial debate, Sir, a very great difference in the impact of taxation, which covers a general field and a fee, which has a direct relation to the service enjoyed by the individual. There is, Sir, a difference between what the hon. gentleman was thinking of and the European Hospital Tax, which is on an insurance basis, and I would suggest that the hon. gentleman should think again about that proposition, because the inevitable tendency of additional taxation of this kind, is to be lost in the general welfare and not related to any particular or specific service.

The hon. Member for Eastern Electoral Area, Sir—East Electoral Area—I must not accuse my hon. friend, Mr. Patel, of uttering these particular sentiments—the hon. Member for East Electoral Area spoke about not charging fees to the outdoor patient. The technical side I will leave for my hon. friend, the Director of Medical Services, but I would say, Sir, that I am sure that if my hon. friend could see Sh. 5 to Sh. 15 per patient treatment coming into his coffers, the level of service which he would render would be astounding. Therefore to talk about the level of fees now proposed, as if they were any burden or any comparable charge when

[The Minister for Finance and Development]

balanced against the service which is being given, and the improved service which over the years it is hoped will be given, is absurd and ridiculous, and I think, Sir, the hon. Member for East Electoral Area tended, once again to exaggerate his argument.

Now, Sir, my hon. friend, Mr. urap Moi, spoke about granting more money for more hospitals and the general need for extending the service. I am sure, Sir, the hon. gentleman realizes well enough that we are moving apace in this medical field. If the hon. gentleman will look at this year's Estimates alone he will see that they are an increase, in one year, of some £340,000—the great majority of which is being directed to the benefit of the African community and I suggest that that is a colossal step forward in one year. I do not believe, Sir, that in so far as capital grants are concerned, we can go very much faster. I am sure that we shall hear more money needed for roads; we shall hear more money needed for agricultural development loans; we shall hear more money needed for hospitals, for schools—for aerodromes and for houses—and the fact remains, Sir, that although each Member says "Hear, hear" to his own particular need, there is only one amount of money from which the lot can be drawn, and I do suggest to the hon. gentleman that the indication of the sincerity of the Government in this matter is shown by the huge increase in Medical Vote within this one year.

Now, Sir, I turn to the second purpose for which I intervened in the debate. A number of hon. Members have spoken, Sir, as if my hon. friend, the Director of Medical Services, was leaving us immediately. I am happy to say that all of us, I hope—all of us, I hope—will be enjoying his company in this Legislative Council at least until early next year. So it will not be, Sir, the last occasion on which we shall hear him modestly, sincerely and with emphasis argue the case for his department. But he did say it was the last occasion on which he would speak in a Budget debate, and for that reason, Sir, I particularly wanted to intervene because, as Minister for Finance and, in the old

days, as Member for Health and Local Government, I had the privilege and pleasure of working with the hon. Director of Medical Services for some time. I learnt to appreciate his advice, his sincerity and his determination to get the best that he could for the people of this country within the limits of the money available, and I would conclude by saying, Sir, happy is the country and fortunate the people who have such devoted servants at their will.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): If no other Member wishes to speak, I will call on the Mover to reply.

DR. ANDERSON: Mr. Speaker, Sir, the hon. Representative Member, Mr. Awori, raised a number of points. The first one was about the qualification of health visitors. Well, the training of health visitors is in a very early stage, but we are now training assistant health visitors at two centres, at Kisumu and in Embu district. This is perhaps the most recent training programme to be initiated by the Department, but already I think it is showing that the girls we are training are going to, on qualification, carry out their duties with efficiency.

The hon. Member also asked how one found out when a patient was very ill, whether he could pay or not. Well, Sir, without wishing to be flippant the only answer I can give is that you wait until he gets better and then you find out.

The hon. Member also asked about leprosy and leper camps. The only large leper camp that we have in this country, or rather leprosy hospital, which we have in this country, is, as he has said, at Itesio. I am afraid I cannot quote the figures for the number of discharges and the number of cures, but it is a fact that with modern treatment the outlook for the treatment of leprosy has improved enormously and now it can be considered as a curable disease, although the cure often takes several years. It is perfectly true, as he said, that I did not mention leprosy in my speech, but if I had mentioned all the diseases with which we are concerned, my speech would have been a very long one. But I would like to say just this, that in addition to our scheme for the country-wide treatment of tuberculosis, we also

[Dr. Anderson]

have a very similar scheme for the home treatment of leprosy, which is now in operation and which, as far as we can tell, judging from the short time it has been in operation, is being very successful.

Mr. Awori also said that it was a pity that we could not treat the cases of tuberculosis in hospitals all the time. Well, I entirely agree—if funds were available that would be desirable because I think the cure would be quicker, but in a country such as this, with limited resources, this scheme which I have outlined very briefly is, I believe, the only one which will make the available funds stretch so as to provide treatment for everyone, and I would like him to remember that the estimated cost of tuberculosis treatment in the home is £10 a year, whereas the estimated cost in hospital is probably something over £100 a year.

He also mentioned visits to England by medical officers. These, I hope, will be continued, I hope every year, and it is our intention now to include certain senior members of the department, such as hospital assistants, who have proved their worth by work at health centres and elsewhere—we hope to send them on World Health Organization fellowships to England in the near future.

He also mentioned Makerere and the question of recognition, not by the British Medical Association but by the General Medical Council. Well, of course, that is a matter which is entirely out of my hands and entirely out of the hands of the Government, and it depends entirely on the General Medical Council of Great Britain being convinced that the standard of Makerere has reached the necessary standard, and I hope that that recognition will not be long delayed. I also hope it will be possible, in certain selected cases, for medical officers, East Africa, to go to England to take a diploma in public health.

He also, I think, said that he hoped the dispensaries would be extended to villages. Well, there are of course several thousands of villages in the Central Province, and as the dispensary service is the financial responsibility of the African district councils I am afraid it

would be beyond their means to lay on dispensaries in every village. But we hope that it will be possible, before long, to start the operation of travelling dispensaries which will, to some extent, meet the medical needs of these villages.

He also said that villages were not popular. Well, I do not feel that that is a question that I can answer, but I would refer him perhaps to the HAN-SARD record of the speech of my hon. friend, Mr. Wanyutu Waweru, who told us the other day in Council that although the Kikuyu did not like the villages at first, they are now beginning to realize the advantages of them.

He mentioned that mission hospitals gave better treatment than Government hospitals. Well, now, I fully recognize that mission hospitals have something that a Government hospital has not got. For one thing, of course, they charge fees considerably higher than the fees that will be charged in Government hospitals, and consequently they can select the people who go into them. One of the results of that is that the mission hospitals, as a rule, are not so overcrowded and do not work at quite such high pressure. There is also, perhaps because of the slower turnover, more of a personal contact between doctor and nursing staff and the patient. I am quite prepared to admit that. What I am not prepared to admit is that the treatment given in mission hospitals is better than that given in Government hospitals, because on the whole, treatment given in Government hospitals is of a high order. That particularly applies to patients who are actually in-patients in the hospitals. He mentioned that hospitals were overcrowded and that they should be extended. Well, I could not agree with him more, but my hon. friend, the Minister for Finance, has put the financial position to the Council and of course we have to take our time from him.

With regard to valuables of patients attending the King George VI Hospital, I am afraid I cannot give him an answer, I understood that in every case a receipt was given for valuables, but I will certainly look into this matter, and if that is not being done I will see that it is done in future.

MR. AWORI: On a point of order, Sir, I said the valuables of visitors, not of patients.

DR. ANDERSON: I beg your pardon, I had not appreciated that point, I am afraid, but I will still look into the matter and see what can be done.

In regard to Mageta Island, there is no sleeping-sickness on Mageta Island, and the malaria is either non-existent or extremely low in its incidence. The health conditions of the detainees at this and all other prison camps are very carefully watched indeed.

The hon. Representative Member, Mr. urap Moi, mentioned that the medical officer would have to devote a great deal of his time to collecting fees, and this would jeopardize his work. Well, in introducing my Estimates, I did explain that I have asked for a considerable increase in lay administrators, one of whose principal duties will be to look after the collection of fees and to relieve the medical officer of a great deal of his administrative work.

With regard to the complicated procedure of writing to district commissioners and chiefs to inquire into the circumstances of the patient, I am appalled at the suggestion that such a complicated procedure should be adopted. Obviously something very much simpler will have to be adopted, and I admit that the details of the operation of this scheme will have to be worked out in conjunction with the district commissioner and the department.

As regards audit complications, as the department is now responsible for its own internal audit, I think that the accounts will be treated sympathetically by the officer who goes round, as he will understand the particular difficulties of the department.

He mentioned increased pay for hospital assistants. Well, of course, in common with everybody else in the public service, they have recently had a considerable increase of pay as a result of the Lidbury recommendations. Senior staff of the hospital assistant category and similar grades have a scale of pay which compares favourably with other departments and certainly there is no shortage of recruits for these grades in the department. On the contrary, there is considerable competition for joining the department.

He mentioned the need for a doctor in the West Suk and Samburu country, and I did mention in my introductory speech that I hoped to post, for the first time, a medical officer to these two districts.

The hon. Member for East Electoral Area mentioned that he was not impressed with the villages—the huts were too close and there was no improvement in the standard of building. Well, all I can say is that as these villages were built in a hurry, they do vary very much indeed; in certain areas, they are not as good as they are in other areas where it was possible to build them more slowly, but taken by and large, and I have seen a great many of them, there can be no question that the improved houses are an enormous improvement on the type of house which the Kikuyu lived in before. Last week I was asked to judge a competition to determine the best village in Limuru area, and I must say I was astonished at the high standard of hygiene and tidiness that these villages had achieved.

Now I must profoundly disagree with the hon. Member about the remarks he made concerning the relative value of preventive and curative services. Preventive services have been successful in a great many districts in reducing the incidence of disease and raising the standard of living of the people. I mentioned the changes that have taken place in the 30 years that I have been in this country, in the incidence of tropical disease. Practically all those changes for the better have been due to preventive medicine and not to curative medicine; and I would remind him that the cost of preventive service in a district is only a minute fraction of the cost of a hospital in the same district which is provided for the treatment of the sick.

With regard to his remarks on family planning, all I can say is I have no comment.

With regard to the Asian Hospital Scheme, I am attending a meeting this week to consider the whole question and the revised scheme which has been put up by the Statistical Department. I think I am as anxious as he is to see this matter reach finality and I hope it will do so in the near future.

[Dr. Anderson]

With regard to the engagement of Asian Medical Officers, he asked whether they could have an opportunity to enter the service. Most certainly they will, and a number of Asian Medical Officers have recently appeared before a selection board appointed by the Secretary of State for the Colonies with a view to joining the Medical Service on probation. We have not yet had the result of that Board.

I do not think that any comment from me is required on the speech of the hon. Member for Nairobi North and Nairobi West except to say that I am most deeply grateful for the very kind things they have said about me and my work, but I would like them to realize that any credit which they think is due to me is far more due to the loyal support which I have had from the members of my department, than anything I have been able to do myself.

With regard to the question about mental deficiency from the hon. Member for Aberdare, I am afraid that at the moment I do not know what the answer is. We do, of course, recognize this as a problem and it is a problem that will have to be tackled, but just what will be the best way to tackle it, I am afraid I am in no position to answer at the moment.

The hon. and gracious lady from Nyanza paid a very well-deserved compliment to those members of my department who have made a special study of the treatment of poliomyelitis. I entirely agree with her that they have done magnificent work. With regard to the vaccine, we are now in communication with the Ministry of Health about this and it is possible that some of the vaccine may be available later on, but I would give this word of warning about the vaccine. It is still in the experimental stage. It is still not the kind of thing which can be given indiscriminately. For instance, it cannot be given while an epidemic of poliomyelitis is in progress. So that although we are in close touch with the Ministry of Health, I am unable to say when this vaccine will be available.

That, I think, deals with all the points that I have been asked and, Mr. Speaker, I beg to move.

The question was put and carried.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

VOTE XXXII—HEALTH

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,750,969 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXII—Health.

Question proposed.

Sub-head A

MR. HARRIS: Mr. Chairman, A. I beg to move, Sir, that Vote 32 (1), reference 1, be reduced by £10.

I do not do this, Sir, with any—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Mr. Chairman, the hon. gentleman is surely wrong. The item on which he moves it is A, and not on a specific note which is for information.

MR. HARRIS: I thank the Minister; it helps me a lot because I was going to say that there was no personal animosity in this matter. As a matter of fact, Sir, I was not sure whether I would move this on reference 1, reference 4, reference 26 or over the page, 18 or 19.

The matter I wish to bring up is a ruling, I understand, which has recently come from Medical Headquarters, that civil servants, when they are attended or rather, when they are sent by a private practitioner to a Government medical specialist, have to pay fees for the service rendered by the medical specialist. Now, Sir, in fact, on Monday of this week a civil servant reported to the Nairobi Clinic suffering from fibrositis. He could not see a doctor until Thursday. The receptionist—and this is where the receptionist comes in—said it was possible he might see a doctor that day, but she could not guarantee it. He was in considerable pain, so he went to a private practitioner, who diagnosed fibrositis and said "What you want is the gentleman at Item 19 on page 152—"the physiotherapist", and gave him a chit to the physiotherapist, who duly saw this civil servant, treated him and then said that as the patient had been sent by the private practitioner a normal fee

[Mr. Harris] would have, to be charged, although under the terms of service of this civil servant he was entitled to that service free.

I am informed that it is a ruling from Medical Headquarters and unless, Sir, I can get some sensible explanation, I shall have to persist in this reduction of the Vote.

DR. ANDERSON: Sir, this particular case has not been brought to my notice, but it is a fact of course that when a patient is treated by a private practitioner he should report to a Government officer before being referred for special treatment. But I am quite prepared to look into this particular case and give the hon. Member an explanation of it in the course of the next day or two, if that will satisfy him.

MR. HARRIS: Would the Director agree, Sir, that as a Government Medical Officer was not available, there is a case anyway for remission of that fee?

DR. ANDERSON: I think I would admit Sir, that there is a case for the remission of that fee, and will certainly give him an assurance that I will look into it.

MR. HARRIS: With your permission, Sir, I would like to withdraw the Motion.

THE CHAIRMAN: Is it the view of the Committee that the amendment be withdrawn?

(Cries of Aye, Aye.)

The amendment was withdrawn.

LT.-COL. GHERSIE: I have a question to raise on Personal Emoluments, on 6, 7 and 8.

Sir, on the note accompanying this particular heading, we see that "Six additional posts are included for accounting and internal audit staff of which two posts of Accountant were previously held on the Treasury establishment, the cost being met through appropriation-in-aid from the Ministry of Health". Sir, what I want to ask really is, have those posts been filled—6, 7 and 8?

MR. MACKENZIE: I think, Sir, that the answer to my hon. friend's question is that the posts which were held against the Treasury establishment have been filled but that the new posts which were not there before obviously cannot be

filled until after the 1st July, when these Estimates come into force. But every effort will be made to have them filled. That, Sir, I think is the general position.

LT.-COL. GHERSIE: Mr. Chairman, forgive me just pressing this point. If you remember this morning, Sir, when I brought up a similar matter under the Agricultural Head and received a most unsatisfactory reply—there was an enormous discrepancy there—and we were informed that the sum alongside the actual personnel column represented the actual posts filled. I am sorry the hon. Member, Mr. Mackenzie, was not present this morning, he might have been able to elucidate the position. Now here we have exactly the reverse position where we have a large sum of money provided for in the Estimates for personnel who in fact do not exist.

MR. MACKENZIE: On that point, Sir, the position is that the Estimate which has been placed at 6, 7 and 8 is what the Government believe it will be possible to spend on these posts during the coming year. It is not necessarily an exact estimate because it obviously cannot be an exact estimate since the people are not there, and for instance under Item 8-1 Internal Auditor, Scale B 5-2, the provision made is £762 which I think is probably the amount required to fill the post at the bottom of the scale for, shall we say, something like nine or ten months, but it may well turn out that the person to be appointed would have to be appointed at a higher point in the scale than the minimum; as hon. Members know, that is possible under the regulations; and in that case, of course, an attempt would be made, and would very probably succeed, to find the additional money from savings elsewhere. I think that all hon. Members are aware, Sir, that in a Vote of this size, where there is a total Personal Emoluments provision well over £1,000,000 there are bound to be various savings here and excesses there which generally balance one another out. I hope, Sir, that that explains the point to the satisfaction of my hon. friend.

LT.-COL. GHERSIE: Mr. Chairman, not quite. All I want to know, Sir—do these amounts represent what it is proposed will be the emoluments of these individuals if the posts are filled?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, my hon. friend, the Member for Nairobi North, will notice that without any consultation with my hon. friend, the Secretary to the Treasury, he has made exactly the same answer as myself, which is the fact. It may not so represent—this was exactly what I said, Sir, early this morning—it may not so represent, but if it does not represent the full cost, then the additional cost would be found from somewhere inside the full Vote. But what we certainly could not do, is accept the suggestion of the hon. Member that it is wrong that these Votes should be put in for posts which are not filled. We obviously, Sir, have no right to fill them—and this is a point which hon. Members opposite have made from time to time—we have no right to fill these posts until the Legislative Council has voted the money for these posts.

LT.-COL. GHERSIE: Mr. Chairman, just in conclusion. There is a complete red herring being drawn around this at the moment. I agree with this procedure quite frankly. What I am trying to establish is, as I said this morning, I am sure the Minister for Finance would contradict what he said this morning, and I think he has done so.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I am loth to argue with the hon. gentleman, but if he will read what I said this morning and read what I said this afternoon, he will find that they are in substance, principle and detail the same.

SIR CHARLES MARKHAM: Mr. Chairman, could I ask the Director, Sir, whether this particular person, Inspector of Drugs, is a qualified man?

DR. ANDERSON: He is not a qualified pharmacist, Sir; he is an ex-policeman of very long service.

SIR CHARLES MARKHAM: Arising out of that, Mr. Chairman, is it the intention to make this post for a qualified man, in view of the fact that under the new Pharmacy and Poisons Ordinance—which I know is not through the final stages yet—for such control it is surely necessary to have a qualified man who is a pharmacist and can identify some of these drugs and also the writing on doctor's prescriptions.

DR. ANDERSON: I do not think so, Sir, I am very satisfied with the present holder of the post, who has had a good deal of experience now in the specialized part of his duties. He is in very close touch with the Chief Pharmacist, who keeps him right on technical matters and think he is just as capable of reading a doctor's handwriting as a pharmacist.

MR. CHANAN SINGH: May I raise one or two matters of detail? One is with regard to the recruitment of medical officers. There is some doubt, Sir, with regard to the proper method of recruitment. We were assured a little while ago that the Medical Department would get in touch with the Colonial Office and arrive at one definite method, whereby either all Kenya applicants would be referred to a Board in Kenya, or all of them would be considered by the Colonial Office, I do not know what the conclusion is. Would the Director tell us if any conclusion has been arrived at?

My second point, Sir, is with regard to quarters for Asian nurses. Is the Medical Department thinking of making a provision for quarters for Asian nurses? It was announced some time ago that quarters would be built.

My third point is with regard to a small hospital at Marsabit. There again, I am told the officer in charge is a dresser. Would it be possible to consider posting at least a hospital assistant there?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, in accordance with Standing Order No. 10, I beg to move that Committee do report progress and ask leave to sit again.

Question proposed.

The question was put and carried.
Council resumed.

[Mr. Speaker in the Chair]

REPORT

MR. CONROY: Mr. Speaker, I beg to report that the Committee of Supply is considering Estimate of Expenditure, Vote XXXII—Health, reports progress and asks leave to sit again.

Question proposed.

The question was put and carried.

MOTION FOR ADJOURNMENT

UNDESIRABLE LITERATURE

MR. HARRIS: Mr. Speaker, Sir, I beg to move that the Council do now adjourn and I do this in order to bring to the notice of the Council a matter of public moment. The matter, Sir, is concerned with the spate of undesirable literature which is finding its way through the post to inhabitants of this Colony, mostly from countries overseas.

Now, Sir, under section 177 of the Penal Code, it is enacted that "any person who for the purpose of or by way of trade or for the purpose of distribution or public exhibition, makes, produces, or has in his possession any one or more obscene writings, drawings, prints, paintings, printed matter, pictures, posters, emblems, photographs, cinematograph films or other obscene objects or any other object tending to corrupt morals, is guilty of a misdemeanour and is liable to imprisonment for two years or to a fine of Sh. 2,000". At the moment, Sir, I have to plead guilty to having in my possession most of those things!

Also, Sir, under section 215 of the East African Posts and Telecommunications Act, the Postmaster General has power to confiscate and destroy obscene literature and there the offence is punishable by a fine of Sh. 1,000 or one year. It is also possible, Sir, for importation through Customs for similar action to be taken by the Customs Department. Recently, in the Drugs and Pharmacy Act this Council agreed to penalties for misrepresentation of cures for otherwise incurable diseases.

Now, Sir, it seems that all of these penalties and laws do not cover the type of literature which is at present coming into the country or, if they do, there must be serious loopholes in finding out the perpetrators of these offences.

Roughly, Sir, they fall into five categories. The first are those which are purely sexual in nature and are appealing to sensuality more than anything else, but it is significant, Sir, that on the bottom of those leaflets there is the expression, "We take full responsibility that you will receive your gifts . . ."—I will not describe the gifts, Sir, as it

would not be within the dignity of this Council—" . . . at your door without any trouble from the Post Office", so presumably, the senders of this material are aware of the Post Office regulations in this country.

The second category, Sir, might be termed pseudo-medical and depends entirely on the gullibility of the recipients. They claim to cure every known, and a good many unknown diseases—I think even the Director of Medical Services would have difficulty in establishing exactly what the diseases are—for very high sums of money which, in this case, have to be sent to Durban, South Africa.

Might I say in respect of that last one it is very interesting that all these have been sent direct to Africans by name in this Colony and I can only assume that as with each one, Sir, there is this hideous coloured form which informs the recipients that if they fill it up with the names of all their friends, they will receive a free gift. I presume that the names of individual Africans have been obtained by other Africans filling in the lists and giving the names of their friends. Those have been sent to Africans employed in the Kenya Meat Commission, on farms, in the settled areas and in towns.

The third category are those that deal with a sort of useless but highly boosted mystic charm. I have one here, Sir, which was sent to an African school. I can only assume that it was sent there because, among other things, they are offering the "all-round special happiness ring" which, among other things, gives success at examinations. I know there has been a demand, particularly from Asian Members in this Council, for competitive examinations for the Civil Service, and I can only assume, Sir, that they have been collecting some of the rings advertised in this.

But, Sir, on the question of these things going through the post, I have a collection of envelopes here which enclose advertisements for a charm, that is really much more than a charm—it does quite a lot of things—and on the outside the envelope, as hon. Members will see, there is an advertisement for the matter of which I am complaining at the present time. Those, too, have

[Mr. Harris] been sent to Africans as well as Europeans. I, so far, have not had any correspondence from any of my Asian friends; perhaps they are trying their luck!

The fourth class, Sir, is what I call the "get rich quick scheme", which, again, is playing on the gullibility of the less educated members of our community. They send you books. There is an amazing "new book for those who wish to become rich in no time". I will give this one, Sir, to the Minister for Finance when I have finished with it. But, Sir, although it sounds amusing, and it is—for educated people—the objection that a great number of people take to this is that it is sent to people who may believe that by sending really large sums of money they may learn the complete answer to all the problems of this world.

There is a fifth class, Sir, which I hope comes under the Drugs and Pharmacy Act, but I am not sure, dealing generally with aphrodisiacs. I have copies of some of that literature. I do not intend either to display it or to quote from it because I do not consider that this is a right and proper place, as is any other place, Sir, for such matter.

Now, I have brought this Motion, Sir, for the adjournment, in no spirit of criticism because I realize how difficult it must be to try to track down these people who are abusing the postal services. But I think it will give an opportunity to the Government to make a statement as to what they are doing in this matter and what they consider doing in the future. All the matter that I have mentioned, Sir, emanates either from India or from, in one case, the Union of South Africa, and, if the answer is that the crime takes place outside the jurisdiction of the East African courts, then I suggest we should take very strong diplomatic action. I would suggest, Sir, that we should let the Government of India know that we will be even stricter on Indian immigration if this sort of thing is sent to East Africa. I would suggest, Sir, that we might make representation to the Colonial Office to ask for the withdrawal of Trade Commissioners if this is the sort of stuff that either of those countries wants to trade in East Africa.

I believe, Sir, that most people will agree that sex, like religion, is a personal matter and the postal services should not be available for a matter which offends against the good taste of any section of the community. Some of these things may be normal to parts of the community but may be disgusting to others, and I would ask the Government, Sir, to take every step to try to prevent, particularly the lesser educated members of society, from being bombarded with this kind of literature.

MR. CHANAN SINGH: Mr. Speaker, Sir, I have no intention of defending the indefensible. Indeed, I feel bitterly disappointed that one of the countries which is responsible for sending out this disgraceful literature, is the country of my origin but I am sure the Mover does not appreciate the difficulties of the Government of India itself. There can be no person in any responsible position in India or here who likes dissemination of this sort of literature either in Kenya or in India, and I am also sure that if the matter is brought to the notice of the Government of India, they will try to check it as much as they can.

In India, Sir, in regard to pseudo-medical literature, the difficulty is this. There are two medical professions. One is the recognized profession of doctors, people who practise the system of allopathy and then there are indigenous doctors who have no disciplinary code because their profession and their qualifications have not, in the past, been recognized. There are no bodies of theirs which can impose discipline. I know from various reports, that responsible people in India are very much worried about this. Only about two years ago newspapers in India were discussing what to do with advertisements dealing with the type of thing which has been referred to here. As a result of discussions, the more responsible newspapers stopped accepting the advertisements which were given by pseudo-medical men or which dealt with medical remedies which made exaggerated claims. Before that, Sir, whole pages used to be devoted to charms or medical remedies which, in fact, were no remedies.

By saying this, Sir, all I wish to suggest is that we must not assume that the Government of India likes this sort of thing,

[Mr. Chanan Singh]

or that the Government of India will not be prepared to take whatever action any Government can take.

The suggestion made by the hon. Member for Nairobi South that we should ask the Government of India to withdraw their Trade Commissioner and stop immigration if this sort of literature cannot be stopped, I think was made rather light-heartedly. In any case, Sir, I agree that we should make representations to the Government of India. There is, I feel, no particular need to write to the Colonial Office in a matter like this; we can write to the Government of India's Commissioner here. I am sure, in my own mind, that he will give us whatever assistance he can, but, as has been pointed out by the hon. Member, India is not the only guilty country. There are other countries also, so that we will have to deal with all of them alike. We will even have to ask South Africa for instance, to withdraw their Trade Commissioner and will have to stop immigration from South Africa also! I am sure in my mind again that that is not the suggestion which the hon. Member wished this Council to consider seriously.

Sir, I support the views expressed before this Council by the hon. Member.

LT-COL. GHERSIE: Mr. Speaker, Sir, the hon. Member has asked me to point out—as he will not have a further opportunity—that when he made a reference to one of these publications originating from Durban, he did not refer to Europeans. For instance, Sir, it says, "For many years I have received complaints from most of my patrons that they have tried in several places in pursuit of reliable places where they can get good medicines and other things they wanted, but they have never received satisfaction. I am O.K. Ndabezitha the sole surviving African agent solely devoted to cater for all the interests for all Africans". I only want to make that clear, Sir, in case there should be any confusion in the minds of people; this has emanated from an African in Durban and not from a European.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, the Government of course, agrees with everything that the hon.

Mover has said about this disgraceful traffic in pornography and fraud.

The hon. Member has stated the law as it is and has already pointed out the difficulty of operating it. The difficulty is because until recently the great bulk of this kind of literature, which he has described, was posted and came from outside the jurisdiction. The first pamphlet which I saw some two or three months ago, had actually been posted in Togoland; since then, the bulk of them have come from India and Uganda and we have, of course made appropriate representations to the police of those countries.

The hon. Member referred to those envelopes which had advertisements printed on the outside and which could perhaps be more readily detected in the post. It is possible, to some extent, to pick up things of this kind as they come through the post, but I would ask hon. Members to remember that there are 100,000,000 postal articles received a year in East Africa, so the likelihood of picking up single items posted from Uganda and India and addressed to individuals, is not a very great one and not easily achieved. However, recently, the purveyors of these pamphlets have taken to posting some of them locally, that is in Kenya. A week ago, as a result of information received, there was a very successful police raid on a shop in Nairobi in which nearly a 1,000 of these pamphlets were discovered and, as a result of which, I think my hon. friend, the Minister for Legal Affairs, will be able to take action. I do not want to say any more on the police side of this, because there are some birds who I would not, at this stage, want to scare.

The issue about which my friend, the hon. Indian Member, Mr. Chanan Singh, spoke will, I think, be dealt with by my friend, the Chief Secretary who has been taking action on the very lines which the hon. Member has advocated.

Mr. Speaker, Sir, I beg to support.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, I should explain that I have already discussed this embarrassing subject with the Commissioner for India and I hasten to say that the Indian Commission is most disturbed at this flood of objectionable advertisements which,

[The Chief Secretary]

for some time past, have been finding their way into this Colony. The Commissioner feels, quite naturally, that the good name of India may be jeopardized by this pernicious traffic in the dishonest, the obscene and the salacious; and the office is fully alive to the need to put a stop to it as quickly as possible.

I would like to explain, Sir, precisely what action is being taken by the Indian Commission and I wish to quote from a letter from the Indian Commission.

"I find that the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, and the rules thereunder (copy enclosed for ready reference) have been brought into force in India from the 1st April, 1955. The Central Government are *inter alia* concerned with the enforcement of the provisions of the Act and the rules thereunder relating to the import into and export from India of certain advertisements. The Postal and Customs authorities have been apprised of the provisions of the said Act and the Rules thereunder and the need for exercising a strict check over import into or export from India of prohibited advertisements.

Complaints have been received in India from this country as well as from others that objectionable advertisements are being made by parties in India in the newspapers and journals of other countries and that objectionable literature, is being sent out by post. It is not possible for the postal authorities and the Customs to open all incoming and outgoing letters and articles with a view to ascertaining whether they contain prohibited advertisements but all Indian missions abroad have been asked to furnish the names of parties who are advertising in foreign journals and newspapers and who are sending out objectionable advertisements and letters. On receipt of these names and addresses the Government of India will take suitable action against such parties under the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, and the Rules made thereunder.

My office is taking action to communicate the names and addresses of

parties in India indulging in objectionable advertisements, so that suitable action may be taken against them by the Government of India. I would suggest that any such parties coming to notice in Kenya should be made known to us so that the Government of India may be informed and necessary action taken against them."

I think hon. Members will agree, Sir, that the Government of India is doing all it possibly can in this matter. They are acting under some difficulty for the central agencies, or the manufacturers of these articles, work under some kind of accommodation address system and it is extremely hard to trace the actual site from which the advertisements are printed or from which the magic goggles, and the other "wonder articles of mysterious India", are fabricated.

I think possibly we are ill advised to wax too merry about this fraudulent and pornographic rubbish. I agree that grown and responsible men can find much to laugh about over these advertisements, especially when they are couched in stationmaster's English; but the half-baked, the purient and the adolescent are always with us and we have to consider what the effect is going to be upon them and not upon the educated man with a sense of humour.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think that terminates our business for to-day. Council will adjourn until 2.30 p.m. to-morrow, Wednesday, the 6th of June.

Council rose at forty minutes past six o'clock.

Wednesday, 6th June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Report of the Administration of the East African Airways Corporation for the year ended 31st December, 1955.

(By THE CHIEF SECRETARY (Mr. Turnbull))

The Transfer of Powers (Minister for Legal Affairs) (No. 1) Order, 1956.

The Transfer of Powers (Minister for Legal Affairs) (No. 2) Order, 1956.

(By THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones))

ORAL NOTICES OF MOTIONS

ANNUAL ESTIMATES—ADDITIONAL TIME

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

THAT in accordance with Standing Orders that sufficient time as necessary, not exceeding five days, be allotted to the business of the Annual Estimates for the period 1st July, 1956, to 30th June, 1957.

TRANSFER OF POWERS (MINISTER FOR LEGAL AFFAIRS) ORDERS

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, I beg to give notice of the following Motion:—

THAT the draft Orders cited as—

The Transfer of Powers (Minister for Legal Affairs) (No. 1) Order, 1956, and

The Transfer of Powers (Minister for Legal Affairs) (No. 2) Order, 1956,

be approved.

PUBLIC ACCOUNTS COMMITTEE REPORT ON ACCOUNTS FOR 1954/55

L.T. COL. GHERSIE: Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT the Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1955, which was laid on the Table of this Council on 5th June, 1956, be adopted.

TIME FOR INTERRUPTION OF BUSINESS

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, there is a certain tradition attached to the first Wednesday in June which forms part of what is known as the British way of life. In order, Sir, that hon. Members may observe this tradition; and if you agree and if the hon. Members opposite concur, I would request that the interruption of business might be at 5.15 to-day instead of 4.15 as is the usual practice.

MR. HARRIS: Mr. Speaker, Sir, I am sure hon. Members on this side concur.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): There is nothing laid down in our Standing Orders to determine the time of our customary break and if that is the wish of the Council, of course we will take it at 5.15.

COMMITTEE OF SUPPLY

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., in the Chair]

VOTE XXXII—HEALTH

(Continuation of debate adjourned on 5th June, 1956)

DR. ANDERSON: Mr. Chairman, when Committee adjourned yesterday evening, I had not had time to answer the questions that were put to me by the hon. Member for Central Area. The first question he asked was about the recruitment of doctors who were born in this country. The position, as I understand it at the moment, is this, that under certain circumstances, the Secretary of State is prepared to engage on probation doctors who are born in this country who apply to him in the United Kingdom. That is, if he is, in every way satisfied with them and if their qualifications are satisfactory. Should he be in any doubt, he would require them to return to this country and, if they

[Dr. Anderson] wished, they could then undergo a short period of temporary employment and it would then be open to them to apply to the Secretary of State's recruitment committee which will presumably be held in this country about once a year.

The second question was about quarters for Asian nurses. The position is that there are no funds at the moment to build any additional nurses quarters, but this will be given high priority in the Development Estimates for 1957-1960 and we hope that in the early part of that period, some extra accommodation may be built.

He also asked about the possibility of posting a hospital assistant to the hospital of Marsabets. I recognize the need for this, and I would very much like to do it, but the position is that we are so short-handed that I am afraid it cannot be done at the moment, but I will bear the matter in mind and, if it is possible to do so in the future, I will see that it is done.

DR. HASSAN: May I know, Sir, if there is any system under which the Secretary of State for the Colonies will engage qualified Asian youths in the Colonial Office? Are there any instructions for Asian youths to follow, that their engagement will be considered? Because some of the youths who returned to this country, said that when they applied in England for appointments in Kenya, they were simply told, "You go to Kenya and apply there. We do not engage people here for Kenya service". I would like to know if there is any system which should be brought to the notice of those youths who are receiving medical education in the college to follow in future.

DR. ANDERSON: I do not think there is any difficulty about this. It is perfectly true that there was some doubt in the mind of the Secretary of State at the time when the correspondence between this country and the Secretary of State was being conducted, but that is the agreement that has now been reached and I do not think there will be any trouble in the future. Provided the candidate has the necessary qualifications, and I think from that point of view it would be important that he should have quali-

fications gained in the United Kingdom, then he has every right to apply to the Secretary of State and he certainly would be considered.

Mr. Chairman, Sir, for the information of the Council I would like to say that item 2 (a) 15 on page 152 should read as follows—instead of "Assistant Surgeons 29"; it should read "Senior Assistant Surgeons 3 and Assistant Surgeons 26". The amount in the right-hand column is unchanged.

Head A agreed to.

Other charges—Heads A to E agreed to.

Government Chemist's Department—Heads A and B agreed to.

Z Appropriations-in-aid agreed to.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and adoption of the Resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not exceeding £1,750,969 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for the Vote XXXII—Health.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Council do agree with the Committee in the said resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XL—WORKS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair.

The object, Sir, of this Motion is to give a brief review of some of the interesting items which are happening in the department and which are under construction, and also to enable the hon. Members opposite to raise questions affecting the Public Works Department.

If hon. Members will turn to Vote XL, on page 204, they will see, Sir, the Draft Estimates for the year 1956/57. In most cases the Vote is almost the same as it was last year except for some few small increases due to ordinary increments and such other matters. The only exception, Sir, in this is the sum which has been asked for in the maintenance of aerodromes and the fire-fighting equipment required at these various aerodromes, Sir. In the past, Sir, we have maintained aerodromes at Eastleigh which is a 24-hour service, Nairobi West, Port Reitz, Kisumu and Kitale, and under the suggestions which have been received from the Secretary of State for the Colonies which require the services, particularly the fire-fighting and crash services, to be of a certain standard. It is necessary that an increase in staff is required as well as some increase in the equipment. In this respect, Sir, there is an item of nearly £23,000 which is required for this equipment. I want to make it quite clear here, Sir, that this item was estimated at a time when the prices were at a certain level and it seems now, Sir, that when we go out to buy these items we may have to incur about £4,000 to £5,000 more. This might entail a Supplementary Estimate in due due course.

The other, Sir, is a great item in increase in the rents which are being paid for buildings, for offices of Government Departments and houses for our officers. I think, Sir, it would not be out of place if I mention that during the coming year, a large block of buildings, called Agricultural House is being rented

by Government for the purpose of housing our Agriculture Department when it vacates its present offices.

Another big commitment which the Government will have, Sir, is with regard to the houses which the Government has rented on the Block, Masada Estates in the Bernhard Estates. There are other flats which are being rented at Nakuru and there are a number of other flats which the Government proposes to rent in Nairobi to house the officers, not only those that we already have, but those officers which have recently been recruited. This, Sir, is creating for us a great deal of problems, not only with regard to the rents which we have to pay, but the maintenance which we will have to carry out. I mention this, to show hon. Members opposite how tight the money position is. That in spite of these increased buildings coming for maintenance under our control, the maintenance Vote itself has been reduced by nearly £10,000 and in the previous year the department has always felt that the maintenance Vote has never been adequate. This, Sir, will show to the hon. Members opposite that much as may be desired to get things done, our desires must be limited by the finances which are at our disposal.

Then, Sir, one of the chief difficulties the Public Works Department faces these days along with all other Public Works Departments and other technical institutions, not only of this country, but all over the world, is the lack of technical staff. The demand for this staff, Sir, the world over is so great that in spite of all the inducements we offer to them, we are not always able to get the staff we want, and to that extent, Sir, the capacity of our work and the quality, to a certain extent of our work is effected inasmuch as we do not have the supervision we should have. I think, Sir, it is necessary here to sound a note of warning that if we desire to carry out our work without the adequate staff, we must be prepared to take risks, risks which may, later on, result in additional cost to us of the schemes we have undertaken.

In this respect, Sir, I would like to mention that recently we have had students at the Kampala Engineering School from where about eight new

[The Minister for Works]

trainees are coming to the Public Works Department and who, after a two-years' course, will be able to go out to the African district councils to lend assistance to those councils in connexion with the maintenance and other work falling under that purview.

There are also, Sir, 17 Africans, nine Asians and seven Europeans who are serving as engineering apprentices and two of these are training as articulated apprentices. I feel, Sir, that this is the type of scheme which requires our very great support and encouragement. As time goes on we will find that a great deal of our technical staff must be produced and trained by us if we are to carry on with our work.

Now, Sir, there are one or two schemes which I know hon. Members are very interested in, knowing something about. One of which is the General Hospital at Mombasa. In the Mombasa Hospital, the admission block is completed. Drawings for the African blocks are completed and the contract is let, and the drawing for the Asian block is now with the quantity surveyors and very soon will go out to tender. This, Sir, we know, is a matter of vital interest and necessity to the people at the Coast, and I would like to assure hon. Members opposite that we, on our side, are doing all we can to see that this scheme is completed at the earliest possible date.

There is another item, Sir, which has due to the headlines in the paper, engaged the attention of the Colony when I referred to the Nakuru Primary School. After a great deal of discussion, Sir, with interested parties, satisfactory standards have been agreed to and the work is proceeding satisfactorily there and we hope, Sir, very soon the school will be used to the satisfaction of the people who formerly were disgruntled on account of the low standard of that building.

Another item, Sir, which has, or which had been, I should say, engaging the attention of the country was the main Mombasa Major Project of water supply, Sir. In that respect, Sir, I am happy to say that as far as we can see at present, everything is going on satisfactorily, but, Sir, I would like to say here, that when such major schemes

are undertaken, it is not generally appreciated in the country that even in the final stages slight things going wrong can delay the project by weeks and this was, Sir, particularly noticeable during the time when Mombasa was short of water. Unfortunately, Sir, I would like to say that during that particular time there was a continued drought at the Coast that the original supply also was limited and the inhabitants of Mombasa were put to a great deal of inconvenience. I would like to assure the hon. Members opposite, particularly, Sir, to those representing the Coast's interest, that all throughout this scheme it has been our constant aim to see that water was supplied to Mombasa at the earliest possible opportunity and I do hope, Sir, that with the increased supply that particular aspect of the difficulty will be now over.

Now, Sir, I should like to touch on a subject which I think more than anything else engages the minds of the country, and particularly the hon. Members opposite, and that is the question of roads.

Now, Sir, I think it is generally not quite appreciated that Government is as anxious and us keen to do all it can to see that the roads of this country are maintained to a satisfactory standard and that as many roads are brought to better standard as possible. But, Sir, as always, the eliminating factor is the money, and until such time as we are able to lay our hands on some large sums of money, either by way of borrowing or by way of revenue through other sources in this country, I am afraid, Sir, it is not possible to do all that is desired by people who use these roads. Sir, to that extent, I beg of the hon. Members opposite to appreciate the position that with the Emergency on us, with the huge expenditure which has to be incurred in that direction, that all these schemes, in the way of social services, in the way of buildings, in the way of water schemes, all had to have a cut in the original Estimates, and I can only say, Sir, that as compared with the other schemes, the roads have not suffered as much as some of the other schemes and to that extent only I can say that we have been able to do all we can in that direction.

[The Minister for Works]

Another point, Sir, in respect of roads which has generally been made by hon. Members opposite, is the engaging of private contractors in building these roads. I would like to say here, Sir, that as regards the engagement of private contractors, unless the work which can be offered to them is of that magnitude as will warrant a maintenance of the large force both in treatment and in technical staff, the large contractors are not interested. But, Sir, as time goes on it is the policy of the Department that a greater amount of maintenance work should be delegated to the local authorities and that, as far as possible, we have got the staff it should engage itself mainly on advising and on planning these various schemes. In this connexion, Sir, as hon. Members are aware, the Manzoni Report has just been received by the Government and I would like to assure hon. Members that this report will have the earliest possible consideration by the Government and later on it will be available for Members to see as to what these recommendations are. But, Sir, I would like the hon. Members to appreciate that when a report on such technical matters is received, before, either can be published or it can be performed, a great deal of time has to be spent both regarding the implication and its commitments and, to that extent, I would like to assure hon. Members that we are doing all we can to expedite this matter.

Then Sir, there are one or two roads I know particularly about which hon. Members are very anxious to know. One of them, Sir, is the road between Kwa Jomvu and Mackinnon Road. I know, Sir, the hon. Members representing the Coast's interest and those members of the public who have had occasion, or have the occasion, to travel on these roads are extremely perturbed in the serious state of the road. But, Sir, it has to be appreciated that when bituminization of such a large amount of road has to be undertaken, a great deal of consideration has to be made in the way of obtaining the necessary stone and laying on all the equipment before the actual bituminization can take place. I can only tell the hon. Members that before the end of 1957, the road for about six to seven miles will be completed to bitu-

minized standard. It is, Sir, sometimes said that the rate at which we are bituminizing our roads is so slow that in our lifetime, we will not see many miles of such first-class roads. But, Sir, again, in that connexion, I would like to say, and I think it was said here, in this Council, in reply to a question by the hon. Member for Mau, that formerly the rate of bituminizing this road on the Nakuru-Mau Summit road was to the order of about four miles. Measures have been taken whereby about 10 miles a year will be done and that is, I am afraid, the best and the maximum possible I can offer the hon. Member.

Another road, Sir, which has been engaging the attention of the general public and which has been causing a great deal of inconvenience to people who have to travel in the Kisumu-Kakamega area. Now, Sir, there has been some criticism, perhaps some of it is justified, Sir, due to the fact that the travelling on that road causes a great deal of nervous strain on these people. But quite often, Sir, some of the criticism which is made is not quite generally justified due to the fact that people do not appreciate a great deal of difficulty the Department has to face whilst dealing with such schemes.

Now, Sir, it has been stated that there has been an inordinate delay in getting this section of the road completed, that is the escarpment on the Kisumu-Kakamega road. But, Sir, I would like to say that when tenders were asked for, there was a provision of about £50,000 in the Vote for a road of about five to six miles on this escarpment. When the actual tenders were received, Sir, the lower tender was to the order of £75,000 and the highest of nearly £135,000. Government had to think again, Sir, since there was not enough money to carry on the work, and a negotiated contract was carried on with the lower standard and a contract given for a slightly smaller part of the escarpment. There was some criticism, Sir, from certain interested parties that Government should have chosen the bigger firms and given out the contract and the work would have been done so much quicker and perhaps so much more efficiently. But, Sir, when you see these things, in the terms of pounds, shillings and pence, I think the difference between £75,000 and £135,000 was so great that

[The Minister for Works]

as the technical advisers to the Government, Sir, they were obliged to carry on a negotiation with a lower standard.

Now, Sir, this contractor took the contract and very soon went into liquidation. Now, some of those directors, Sir, came to an understanding with the Government that they were prepared to carry on with the work and arrangements were arrived at whereby these people agreed to carry on the task.

Now, Sir, one of the chief criticisms which has been levied at these people is the state of the deviations which are existing on that road. But, Sir, I want hon. Members to appreciate that when a new road like that is constructed, there is only a certain amount of provision for the deviation roads and that if a better standard of a deviation road is required, so much less money is available for the main work. Now, as to this deviation, Sir, after hearing a great deal of complaint, I took the opportunity of going down there myself and to see how far the criticism was justified and I would like to say this, Sir, that whilst the deviation was very rough, I do not think it was much worse than the road as it previously existed. I think, Sir, if we are to look after our pennies whilst we are constructing the road, I am afraid we must put up with a little more with the inconvenience which is caused to us due to this rough deviation.

Another criticism, Sir, is the time which is taken by the contractors. But, Sir, on the terms of the contract, I would like to state that so far nearly 40 per cent of the work has been completed and the contractors are about three months behind time, but I am assured by my Department that the contractors are doing all they can to see that the work will be completed in the time stipulated in the original contract.

Then, Sir, there is another factor which comes into play, particularly in places such as Kisumu and Kakamega, where certain engineers are residing in that area, Sir, and whilst the work is being constructed without knowing what the full scheme is, a great deal of criticism is received by the Department as to their inefficiency and as to the standards on which they are carrying out this work. But, I would like to

assure the hon. Members opposite, Sir, that whenever this criticism is received, however horrible it may sound on the face of it, I assure them, Sir, that all these points receive our careful attention and we do all we can to see that no mistakes are made which may later on result in increased expenditure.

Then, Sir, there is another aspect of the case which, I think, is in the minds of hon. Members opposite as was evinced by a question which was asked some time back in this Council, Sir, with regard to the Athi River bridge. Now, Sir, in respect of this bridge, I would like to say that the answer which was given in the Legislative Council, an impression had been created that the Crown Agents were at fault in supplying the quality of the steel which was used, and which is being used, in that particular bridge. I would like to, Sir, to remove that impression because what happened is this, Sir, that at the time when the steel was required for the bridge, British steel was not available and it was felt that the scheme was of such sufficient urgency to get the steel from wherever we could and from one of the local suppliers a quotation was received for Belgian steel. This was obtained, Sir, and the Crown Agents were asked to take particular delivery of the stocks and this was sent out. The steel, Sir, was not quite up to specification, because it had to be treated in a certain manner before it could be used. This was not done, Sir, but after the first flaw was found, measures have been taken to see that the work is being completed to the standard which we think would be satisfactory.

There is, Sir, one other point which is generally made by one section of the community, Sir, and that is the section who resides at the Coast. From time to time, Sir, I get complaints from people at the Coast that in relation to the other parts of the country the needs of the Coast do not get sufficient attention. In that respect, Sir, I would like to say that apart from the fact that the Mombasa water supply which has been provided to the town at an expense of nearly £5,000,000. Quite a few things are being done in that district. One of them, Sir, as hon. Members must have seen from the local Press, is the survey of the main road on the north side of the Island

[The Minister for Works]

which is being gone into with a view to see whether it is possible to provide a permanent bridge on the other side of the Island so that developments can go on.

(AN HON. MEMBER: When?)

Well, Sir, the hon. Member is asking "when"; I would like to say that before a scheme of this sort can be undertaken, a great deal of technical data is required. I would like to assure the hon. Member that an agreement has been reached by all interested parties in this matter, and the work of the survey will begin very soon. I will assure the Council, Sir, that every possible effort will be made to see that the findings of this committee will receive the Government's attention at an early date.

The other thing, Sir, is the question of the Mtwapa bridge about which hon. Members know. We are doing our best to see that negotiations are completed with the private interested parties, so that a great deal of land can be made available, both for residential and industrial purposes on the north of the Island.

There is also, Sir, the question of the Likoni Ferry on which we have engaged consultant engineers, and whose report was received some months back. There were technical details, Sir, which required the expert attention of naval architects and these experts came out a few weeks ago and we are waiting the result of their findings before we can go forward with the new plans in connexion with that ferry.

This, Sir, in short, are some of the things which come under my Department, and will come during the ensuing years. I would, Sir, be grateful to hear from hon. Members opposite about any particular scheme, or any particular information which they require and I shall do my best to give them information and assure them all the time that the Government is fully aware that the need for communications, the need for water development, and the need for increased buildings are there and are receiving our serious attention. If we have not been able to do all what hon. Members wish us to do, it is not because we do not want to do them, but because we are unable to do them, (a) by lack

of finance and (b) by lack of technical personnel.

Mr. Speaker, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) Seconded.

Question proposed.

MR. COOKE: Mr. Speaker, I do not know how long, Sir, it may take to make a Government official. My hon. friend has been a Minister now for two years and is fast becoming a first class Government official in the making of excuses for what has not been done, from this side of the Council, I, at any rate, from this side of the Council, would like to see what is called "divine discontent" in the Ministers on the other side of the Council. We do not want to hear a lot of excuses for things that have not been done. What we want to know really is, what is going to be done and done quickly.

Now, so far as the Coast is concerned, I have always told my constituents that the Coast is quite well off by the amount of money allocated. I know that a good many of my constituents do not think so. But, where I do complain is the delay and very often the inefficiency with which these moneys are administered.

Now, my hon. friend mentioned the Kwa Jomvu-Samburu-Mariakani road. That, Sir, I think is a typical case of delay and inefficiency. I have been on the Road Authority now for only two years, but even before that as a member of the Coast Development Committee, I saw a good deal of what was going on, and I think I would not be exaggerating if I said—my hon. friend, I hope, will contradict me if I am wrong, he probably has not got the figures with him now—that in the last 10 years something over £1,000,000 has been spent on the Kwa Jomvu-Mackinnon Road and all we have got to show for it now is about seven miles of tarmac, practically all; we have seen a lot of realignment and one bridge only at Maji ya Chumvi or in that vicinity, counting in the military contribution, I reckon nearly £1,000,000 has been spent. Now, that £1,000,000 should have given us, I reckon, a tarmac road for the 50 miles from Mackinnon Road to Kwa Jomvu. Instead of that, as I say, we have got seven miles. Now, we are

[Mr. Cooke]

at least I am not, and I have got to take the word of the technical officers every time when they give assurances, but sometimes I must say that we get very impatient when time after time we are told that a certain sum of money will be sufficient for a certain bit of road and then we find that it is not even half enough for that section of road. We are told, I am sure, quite truly, that prices have gone up and also that the soil was perhaps more unstable than they originally reckoned it was, and, therefore, it is costing more money. But I notice whereas, I am not saying the Public Works Department alone, but so many other Government departments, are always behind time; we never hear them being before time. I do not see how people like, for instance, Field-Marshal Montgomery and others could ever have waged the campaigns they did wage if they were not just a little bit before the enemy on the other side. What we want to see in the Government service in this country, even though people make mistakes, as they must do, is a little bit more, as I said, of this "divine discontent" and a little bit more of go-getting, getting things done even though they do make a few mistakes in the process. Now, I really got up mainly to protest against the contribution from revenue towards the Road Authority being reduced from £150,000 to £50,000. My hon. friend, the Minister for Finance, says that we will be fairly well off in any case because there will be more money accruing from statutory contributions, because more petrol is being consumed, and so on. That is all very fine, but that is balanced, Mr. Speaker, by the increased traffic which is making so much wear and tear on the roads. It may not completely balance it, but it wipes off a good deal of the increased revenue. Also we have had to pay this year in arrears to the municipalities of this country something like £135,000, on account of moneys due to them with reference to taxes accruing from petrol used in the municipalities—their share of vehicle licences, actually, on the Road Authority's finances in the municipalities. That also has been a great strain on the Road Authority's finances, so that we shall find ourselves in a very difficult position this year.

There is always this danger, Mr. Speaker, of a wasting asset; and the roads in this country are becoming a wasting asset, owing very largely to delay in tarmacking those roads. For instance, as I know that road engineers will tell you, they put gravel on a road at great expense and it is either blown away by the wind or washed away by the storms or shaken away by the fast-moving traffic, and a great deal of that money expended on gravelling must therefore go to waste. A good deal more perhaps can be put on later from the side of the road, but a great deal of it is wasted altogether.

That is a very good example, I think, of a wasting asset. So one gets back to the time factor, of a soon as possible putting this black coating or whatever it is called in technical terms on to the roads. Until that can be done properly we will deal with this wasting asset.

I have here, Sir—I am coming back to my old King Charles's head now once more—such statistics from the Road Improvement Association in Great Britain, where the roads, of course, as compared with here are infinitely better. There it says that the wastage of national wealth owing to the inadequacy of the English roads amounts to £250,000,000 a year. Now the wastage of our national income here—the loss to our national income, must also be very great owing to the inadequacy of our roads and that is where my hon. friend, the Minister for Finance, and I cannot see eye to eye. I think he thinks that I am a very stupid, illogical person, and sometimes I think the same about him and about my hon. friend, the Minister for Agriculture. Well, I was very good to the hon. Member yesterday, so that is all the more reason why he should not interrupt. But when we think, and it has been recognized, I have not seen it disputed, that the extra cost of travelling on a bad road amounts to 20 cents per mile, and if you multiply that 20 cents per mile over the mileage consumed as it were by all the motor vehicles in Kenya, you get something like £3,000,000 a year wasted owing to bad roads. Now we believe that that money could be obtained by loan or otherwise, to avoid that wastage of 20 cents a mile; and that is to say nothing about the intangibles, such as waste of time and fraying of nerves and so on

[Mr. Cooke] that takes place, it will amount to a very considerable amount of money indeed.

Now, of course, there must be a time-lag where people would be paying heavier taxes and not seeing, perhaps, a result in good roads, they have got to be patient about that. I think, Sir, the public of this country are prepared to be patient. I said when I was first elected, now 20 years ago, that if the people of the Coast only did three miles of tarmac in a year, between Malindi and Mombasa, that in about 20 years they would have a tarmac road. They rather ridiculed me, but the fact of the matter is that if they had done that—it was not beyond possibility that it should have been done—they would have 60 miles of tarmac road-to-day instead of only two or three miles. It only shows, Sir, just like planting trees that we in this generation will not reap the benefit of, but we have got to think of those who come after us as well. For that reason I do strongly urge that something should be done about capital development. My hon. friend says he has the first lien on any moneys in this country which are floating about, he wants them for other purposes, to build schools, to build port houses, to build this, that and the other, to put the *Mau Mau* on a better basis—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, the hon. Member, if he is referring to me, I never said anything of the kind.

MR. COOKE: The hon. gentleman may not have used the word "lien" but I can show the quotation in which he said the words to that very effect, that if there is any money to spare in this country that he would have the first choice on that money, and that it need not necessarily go to anything but what he chooses.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, I do not think the hon. Member is correct. I think what the hon. Member is misquoting is when I said that if there was any surplus money for disposal it should be devoted to reducing the burden on Her Majesty's Government.

MR. COOKE: I can show my hon. friend the quotation. But I am very glad he takes the line that he is taking now.

It is a very great relief to me to hear that. Now I shall be able to develop my argument all the more logically and all the more convincingly so far as my hon. friend is concerned.

I do say this, that any loose money that we can collect in the way of loans—if there is any loose money in Kenya—that we, the Road Authority, should be allowed to float loans and to get some of that money into our "kitty" as it were—into our pool. And I do suggest that instead of my hon. friend, as he did last year, putting a 25 per cent tax—customs duty tax—on petrol, if he had put a petrol tax of 25 per cent on, we would have got quite a lot of money into our particular revenue—that is the Road Authority—to put it to the upkeep of the roads. But I am very relieved indeed to hear my hon. friend say that we will, as it were, have a good place in the queue looking for money in Kenya, which should be obtained, if not by taxation then certainly by loans. If the Kenya people are not prepared to subscribe to loans, I personally think that they should be taxed. Money should be obtained in that way, and I do not mind saying that even on the verge of a general election, because it has always been my opinion that money must be obtained for development in this country and that we must have money for productive development; that is money that will produce more money and not be simply lying idle as very often it does when it is simply spent on what is not immediately productive. Sir, I beg to support the Motion.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I listened with interest to the speech of my hon. friend, the Minister for Works, the history of which appeared to imply that we may perhaps get jam tomorrow, but certainly not jam to-day.

I was also interested to hear his comments in regard to the Manzoni Report, but I would very much like to have some more specific information as to when it was going to be laid before the hon. Members. I think there is to be another sitting of Legislative Council in July and I would like to ask whether the Manzoni Report will then be available for examination by the Members of the Council.

Now, Sir, in the course of the debate on policy I raised a number of matters concerning road policy. I particularly

[Group Captain Briggs]

stressed the need for finance in order to make the roads suitable for the traffic that they have to bear to-day and to make them economic to maintain, which they are not to-day. Of course that does imply a large-scale scheme of bituminization.

Now I would like to make it quite clear that I believe we are approaching a very serious crisis on the question of roads, if, indeed, we have not already reached that point, and I believe that by some means the finance has got to be found.

I also referred to the fact that the sum of £50,000 allocated in the Estimates from the general revenue was a very small contribution indeed towards the cost of the following items. First of all the fact that no payment for vehicle tax is paid by Government vehicles, secondly, that the maintenance of roads which are maintained almost entirely for the use of the Administration—I refer, for instance, to the roads in the Northern Frontier District. Also it has to be remembered that the roads are also used by other members of the community, cyclists, pedestrians and so forth, who make no direct contribution to the revenue of the Road Authority.

My hon. friend, the Member for the Coast, has, of course, pointed out quite correctly that the increase in revenue on account of petrol tax, excise duty and so on, which accrued to the Road Authority this year is offset very largely by the additional wear and tear on the roads, as I pointed out in the previous debate I referred to.

I also in the course of that debate referred to the increasing use of the roads by very heavy vehicles. I had in mind heavy vehicle lorries with trailers in particular. And I suggested that the time had come when the road and rail communications ought to be rationalized, and that at the same time a committee should be set up, not only to consider that problem but also to try to reconcile the claims of the railways and of the roads for what capital is available for development. As hon. Members are aware, the railway has a very large and expensive programme of development work and it may be that it would be possible, that if roads were in existence, for them to sup-

plement their services by the use of road transport and thus reduce the demand for capital equipment.

I think they might learn something from past history in that particular regard.

During the late twenties and thirties, road transport started to build up on a large scale in the United Kingdom and the immediate reaction of the railway companies was to try and kill that competition by rate cutting and various other arrangements with traders. Well that did not work because generally speaking the traders realized that if the road hauliers were put out of business they would be the losers in the long run and they gave some considerable support to road transport. Well, that having failed, the railway companies decided to compete themselves and they started running their own road transport services. By that time of course the ordinary road hauliers were already well established and they did not have very much success, until finally, of course, the whole thing was nationalized.

Well, I do suggest that this particular aspect should be examined and that is why I should like to see a committee set up of the nature I have visualized to go into the whole issue and to try to reconcile the claims for capital both on the part of the railways and of the roads.

Now, Sir, personally I am very firmly of the belief that very grave economic harm is going to result to this country if the problem of adequate finance for the roads is not overcome by some means.

Just one particular aspect of the problem is provided, I think, by the decision made by the oil companies. I think I am right in saying this—that they intend to distribute their products by tanker—by road tankers—rather than by rail, and I believe that policy is in progress of being implemented. Now, the plain fact is that the roads are not built—or the great majority of the roads are not built—to take that traffic, and either that traffic has got to be stopped, which is going to present very great difficulties—and presumably would eventually lead to an increase in the price of petrol—or else we have got to make the roads suitable to carry the traffic, and I believe there is only one proper course to take if we are going to

[Group Captain Briggs] develop this country, and if we are going to show vision and foresight, and that is to develop the roads and allow trade to follow the flag, as I have said in this Council before.

Now, I think again—my hon. friend, the Director of Agriculture, speaking in this Legislative Council on 22nd May, said this in referring to the absence from the Swynnerton Plan of any provision for roads: he mentioned that an agriculturist required to prepare a plan for Government to spend money on agricultural development should not be inclined to set aside a considerable sum of money for the development of roads. He added: "What he would hope would be that by the development of agriculture, and the increased production which would come from that, the necessity of roads and communications would become apparent, and the means to pay for them would also be made available". The fact is that the Government has so far not made available to the Road Authority the money to pay for those roads, and it seems to me that, unless we can get that, the scheme is liable to be seriously jeopardized.

Now, Sir, one last matter I would like to mention, and that is, I have been authorized to put forward the view of the Road Authority, and it does seem to me that what I say now largely supports what I have already said, and what the hon. Member for the Coast has already said. The Road Authority wishes to make a strong claim for greater financial aid for roads, pointing out that, if the Colony's road system is to keep abreast of the increasing volume and weight of traffic which general development brings in its trend, it is imperative that a considerable increase in both revenue and capital to the Road Fund be granted. The increase in volume and in the weight of vehicles on the roads has resulted in traffic outstripping what the Road Authority can do to improve and maintain them with its present funds. Gravel surfaces undoubtedly no longer suffice for present-day traffic on most of the trunk roads and, indeed, many of the secondary roads. Bituminization is the only solution. The Road Authority estimates that they require a minimum of £7,500,000 during the planning period July, 1957, to June, 1960, and

£12,500,000 during the period 1960 to 1965. That is an average of £2,500,000 per annum.

Now, as I have already said, my hon. friend the Minister for Finance, did not deal with these points I previously raised in the course of the policy debate, although my hon. friend the Minister for Commerce did refer to some form of conference which was taking place in connexion with finance—he was referring to the committee that I suggested be set up—but I, personally, do not think that a conference of that sort is sufficient. I think there ought to be a standing committee of some kind to study these matters, and to reconcile the claims of the Railways and the roads, and I do not know quite what form of conference he referred to, and I would be very glad for any information he can give as to whether it has already sat, whether the Road Authority will be represented on it and any other information of interest, I hope my hon. friend, the Minister for Finance, will find it possible, during the course of this debate, to reply to the main points which I have now raised in this debate.

With those comments, I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, from the point of hon. Members on this side of Council this is an enjoyable debate—because we can criticise hon. Members on the opposite side for those sins of omission in regard to their responsibility on the Road Authority. Now, as Minister for Agriculture, I would like to say that if the agriculture development plan goes forward as we envisage it, much of the road system of this country will not carry the resultant produce, and I am in agreement with the hon. Member for Mount Kenya and the hon. Member for the Coast in that regard.

Now, Sir, in assessing the resources which are available to Government in this matter I would like to draw the attention of hon. Members opposite to two very heavy commitments in regard to communications which have fallen heavily upon us during the period 1953 to 1957. The first is the £1,800,000 which we have had to supply from our capital

[The Minister for Agriculture, Animal Husbandry and Water Resources] resources for the new Nairobi Airport, and the second is the £5,000,000 which we have had to supply on the policy of my Ministry for the provision of water to Mombasa. Now, both those, Sir, are intimately connected with communications.

In regard to Mombasa, all the roads in the world will not move produce out of Mombasa if we do not meet its water shortage, and those items have taken from us sums of money which might have been available, if translated into other forms of communication, and I therefore think the possibility in the future planning period of reasonable allocations of money for communications development—especially roads—is not as pessimistic as the hon. Member might think from the particular planning period through which we have passed when we have had some heavy calls on aspects of communication not connected with roads.

Going on from that, I would like to say this. I am not really completely satisfied that the Road Authority is spending its money entirely from the angle so strongly advocated by the hon. Member for the Coast—the angle of production. Indeed, I should like to ask the hon. Member for Mount Kenya and the hon. Member for the Coast whether they would examine more carefully the programmes for the Road Authority, particularly with an emphasis on movement of the produce towards onward transit areas, such as railways. Now, why I say I am doubtful whether the Road Authority always spends its money wisely—and it is largely an autonomous body in that regard—is this, Sir. I would call the hon. Members' attention to the £400,000, or thereabouts, in the Road Authority Estimates for the bituminisation of a long section of road around Mackinnon Road. I would really like to ask whether the volume of traffic, measured in terms of production, and wealth production, does warrant expenditure of something like nearly £500,000 on that particular section of the road, and whether we would not have done better to have used that money in the highly productive areas for the specific points advocated by the hon. Member

for Mount Kenya—the onward transmission of produce to railheads.

Again, Sir, I would like to draw the hon. Members' attention—and they are largely responsible for it—to the realignment at Lanet, where local opinion is of the view that very considerable sums of money were spent which were not necessary. Now, Sir, hon. Members on this side do often have to have criticisms of this nature in regard to their Estimates, and I am sure the hon. Members do not mind my raising these matters from this side of the Council, not only as a Minister responsible for the movement of produce, but also as a Member for a constituency whose people move over the roads and, lastly, an ordinary member of the public.

The third factor to which I would like to draw the hon. Members' attention—I still believe we could examine this country's standards of roads with a view to affecting production per mile cost, and why I say that, Mr. Speaker, is this: that the tiny island of Ceylon has a productive area which, in fact, is very little bigger than that of the productive area of Kenya, but its production, in terms of ours, is something like seven times as great, and nevertheless the roads are not nearly so ambitious as ours. Although they are bituminized, they are not nearly so ambitious in their standards and specifications, and I would urge the hon. Members who are on the Road Authority to exercise that tremendous capacity for criticism which is often exercised towards hon. Members on this side, within their own Authority to see whether the standards and specifications, the grades and the cuttings, laid down by the Road Authority are really, in their opinion, necessary in a country which is still so juvenile as our own.

Mr. COOKE: Mr. Speaker, I rise—though it may be thought that I have no right to reply—on a point of explanation with regard to Mombasa-Mackinnon Road. It has a very great value as a tourist road, and might bring in money—thousands of pounds. That is a point of explanation.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): You are making a second speech.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Is the Member rising on a point of order? If it is a point of order, of course I will give way.

I only want to say this. Is the hon. Member wanting to interrupt?

MR. COOKE: Sir, with all due respect, the hon. gentleman challenged me to explain why the money was spent on the Mombasa road. He said large sums of money had been spent, and I replied, and surely I am in order?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Allow me to speak, I think the hon. Members must realize that when they have spoken once in a debate, they may only get up again in the same debate to explain what they have actually said—and the position does arise in which they may want to explain—but they cannot get up to produce further arguments which they forgot to produce at the time they were speaking. That is a practice which I have to try to stop.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, may I say this? I was well aware that both hon. Members had, of course, by the speed at which they launched their views on the Road Authority, prevented themselves from being able to reply to my remarks. I had realized that, but that is no unusual position for hon. Members on this side of Council if we get lured into the debate too early, and I would only like to say this, Mr. Speaker. I did not say to the hon. Member for the Coast that the necessity for spending this money on Mackinnon Road was wrong, but I did urge him to examine very carefully the financial precepts which he was advocating—that money should be spent for productive development, and I do wonder whether the £500,000 spent on that particular section of the road is as well spent as it might have been had it been placed in more productive areas.

One further point I would like to make, Sir, in regard to this and, in urging the members of the Road Authority to

examine the matters which have been raised, I am convinced that a large element of cost of living in this country can be attributed to the cost of transport from the farmer to the town, and I therefore do believe that the hon. Member for Mount Kenya is absolutely correct in his urge for better roads, and I believe I am speaking for Government when I say in the new planning period, when we have not got these burdens upon us, naturally we will bear his views in mind.

Now, in conclusion, Sir, I would just say this. I do not wish anything I have said to be taken as personal criticism of the two hon. Members. I was criticizing the Road Authority, for whose action they must accept some element of responsibility, but I would like to record to the Council that when I have had communication with the hon. Member for Mount Kenya with a view to improving the roads in my own area, I have met with the greatest sympathy. I have not had, Sir, any sympathy from the hon. Member for the Coast, but only because I have had no occasion to communicate with him.

MRS. SHAW: Mr. Speaker, Sir, in rising to support this Motion I wish to comment on several matters mentioned by the hon. Minister for Works in his speech in introducing his portfolio. Before I do so, I should like to make some general remarks.

First of all, Mr. Speaker, with your permission, I should like to quote from a speech made in London by the Vice-Chairman of the International Road Federation:—

The most striking economic fact about road development in the last 20 years is that it has failed to measure up to the needs of an expanding world economy.

It has failed in almost every country in the world to a greater or lesser degree and the full economic and social implications of this failure are striking. In the more developed countries it has resulted in waste—on a staggering scale—of national and industrial resources, and unnecessary discomfort to human beings. Everywhere it is retarding economic expansion, nullifying hard-won increases in productivity

[Mrs. Shaw] and delaying improvement in the standard of living, which is the ultimate aim of all industrial and economic progress.

Now, I am perfectly certain that all hon. Members—certainly on this side of Council, and I should think on the other side as well—agree with this fundamental truth, but I am in some doubt, Mr. Speaker, as to whether Government really subscribes to this view, for Kenya, so it seems to me, appears to be one country where civilization goes ahead of communications, and does not follow in its wake. I say this with some justification as, when we first went to our district, we had to make our roads to get there, and to get out again, incidentally, and also pay for them—at least the capital cost. We then had to maintain them for many years, acting as contractors to the Public Works Department, and we are still to-day, in this advanced day and generation, 60 miles from a railroad.

Now, to turn to the Public Works Department, the Minister spoke of shortage of technical staff. I know this is true—only too true—for I believe that during the past few months we lost some seven of our road engineers, and two—if not three—of our high-ranking officers of that Department. I submit, Sir, that this is a very disturbing fact, and I contend that the conclusion which jumps to the layman's mind is that all cannot be well with that Department. Therefore, I welcome the Minister's statement about the Manzoni Report, but I wonder exactly what he means by later on. How much later? He said we should have it in our hands later on. Well, Members on this side are extremely interested in the finding of that report, and I believe that some of the criticisms levelled by the Minister for Agriculture at my hon. colleagues on the Road Authority might not have been necessary had that report been in their hands, as they are waiting for the benefit of Sir Vincent Manzoni's advice.

I must be parochial, I am afraid, and I beg Council's indulgence because I have to comment on some of the remarks made about the Kakamega-Kisumu road. First of all, the cheapness of the contractor—or rather the contract—which was chosen. This is a case of where is

economy not economy? For the contractors are a firm called Com. I was very pleased when I heard that this firm had been given the contract, for I thought it might be another Mowlem's, but I was equally dismayed when I discovered that this company was none other than Gascoigne's under a new name. I have had the misfortune to mention this firm of Gascoigne's in this Council before, because, Mr. Speaker, Sir, it was Gascoigne's that unfortunately the contract went for the Kericho airstrip, which was such a disastrous waste of public money, and which they left—I think I am correct in saying this—before they had completed their contractual obligations, putting it down to bad weather instead of lack of compaction.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mrs. Shaw, although hon. Members are privileged speaking in this House, I think it is just as well to avoid too many specific illustrations referring to the names of firms and individuals.

MRS. SHAW: I apologise, Mr. Speaker, but the Minister did mention the firm by name. He also mentioned the fact that they went into liquidation shortly afterwards. I just—

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, I did not mention any names. I was most particular not to mention names.

MRS. SHAW: Well, I am sorry, but you mentioned the fact that a firm went into liquidation, and I was merely pointing out the facts so as to show—I think the Council will now understand why I was dismayed and had a lack of confidence in that firm.

I realize that the Kakamega hill is a very difficult proposition. It is difficult from an engineering angle, and it is also difficult to allow the flow of traffic that has to be maintained to go up what the Government is pleased to call a diversion,—or the Public Works Department is pleased to call a diversion. I believe I am correct in saying that it is the contractor's obligation to keep that diversion up to a reasonable standard while work is proceeding, and I contend—and I am afraid the people living in that area also feel very strongly—that this has not been done, and I do submit that, had the hon. Minister for

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Works to travel the road every day, he would not be so complacent about the condition of the said diversion.

As far as the construction is concerned of the road, I am not an engineer nor a technician in any branch of road work. I only look at it from the point of view of the ordinary layman—and possibly common sense. Now, that is a road which is used largely by native buses—African buses—heavily laden. It is very steep. I believe it is correct to say that an enormous amount of money would have been needed to re-align that road—money which obviously we have not got. That is perfectly true, but I do contend, Sir, the present alignment and the present construction will result in an extremely dangerous road. The banks are extremely steep. They are undercut by a drain which, to my way of thinking, can only act as a runnel for water, which will undercut the side of the road, and I can see a high rate of accident on that road when it is completed. Incidentally, I believe this is also the opinion of certainly one, if not more, members of the Public Works Department: men who are in a position to know—in a much better position to know—than I am.

Now, as to time, I have been told that four hundred boys are being employed in that 3.6 miles of road construction by this firm. I spent an hour there, and saw eight boys leaning against tar barrels, and I believe I am correct in saying that the Divisional Engineer in Nyanza spent a whole morning there, and did not see a single boy, so perhaps I was there on a day when they were working!

This brings me to another point, and that is the complete disappearance of the small road gangs, and this is where I am not sure exactly what the Minister for Agriculture meant when he spoke of cheaper construction, but I would submit, Sir, that possibly our policy in this matter is wrong—that we are trying to run before we can walk—and to go over to complete mechanization on all our roads is a mistake. Now—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, may I correct the hon. Member? I

never referred to cheaper construction whatsoever. I asked whether certain specifications and grades were not too ambitious for the cost per mile, the actual construction of roads would be the same.

MRS. SHAW: Did you mean width?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I never mentioned width.

MRS. SHAW: What I mean, Mr. Speaker, Sir, is that I do think that to have these enormously wide roads everywhere, which are only up to murrum standard, and are kept entirely on a mechanized basis, is possibly more than we can afford to-day. That policy, I believe, came from South Africa. Now, South Africa is a very wealthy country, and no doubt they can afford to do the essential fumber of gradings a year. I would submit, Mr. Speaker, what happens to our roads on this system, very often, is that, after one of the quarterly gradings, we have a very heavy storm—say, of three inches—in our part of the world—three or four inches. Then some buses or heavy Shell lorries or beer—Tusker lorries—go through, and that road, Sir, is completely ruined, and the second grading has to be done to make it passable, which means there is no money left in the Estimates for a further grading for another six months. I question, Mr. Speaker, whether we really can afford, therefore, that type of mechanization of all our roads, and whether we would be better to leave that policy for our main trunk roads only, and go back for our secondary roads, to the smaller road gangs, which would live on the road the whole time. Now, it is that complete disappearance of the road gang—I say this with some justification as far as my own Province is concerned because—I will not weary hon. Members with my journeys, but I did travel around the whole of the Central and South Nyanza the other day, on all the first-class and secondary roads, and I did not see a single road gang in operation anywhere, so it does look as if they must have disappeared completely, and the policy has changed.

If you go into Uganda, just over the border from where I was, you will find every five miles a small road gang. Now,

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if a drain is blocked or a bridge breaks down, it is repaired immediately by that road gang before the damage becomes so serious that you are not able to repair it under the Maintenance Vote any more, but it has to become a constructional matter.

Of course there has been—and one must admit this—an enormous increase in African buses. In one hour twenty passed me on a road between Kisii and Kisumu, and that is an enormous volume, but I do not believe that the Public Works Department really are coping with this problem. Of course, in my Province we do cope with the problem, because we simply close our roads, and our roads are permanently closed. Well—no—I am actually wrong there—for some months ago they were opened, but after, I believe, one month they were in such a terrible state that they had promptly to be closed again, and so now I am glad to say road closure operates again in Nyanza, but, Sir, that this road closure is still necessary is a very unfavourable commentary on the state of our roads and their ability to stand up to the present-day traffic, and—as I said before, Mr. Speaker—in this Council—I do not know how you can expect to open up a country with closed roads.

Mr. Speaker, I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, having heard the debate so far, I have been given the impression that the Minister for Works is liable to become the Chairman of the Road Authority, as all we have discussed so far has been the subject of roads.

Could I ask you, Sir, for a ruling as to whether we can discuss under this Vote the question of the Nairobi Airport? I should like to raise matters on that, Sir, but I would like your ruling.

THE SPEAKER (Sir F. Cavendish-Bentinck): Well, the Head we are discussing embraces all the activities of the Ministry of Works, and I understand the Minister for Works is carrying out, as an agent, the work on the Nairobi Airport, although, strictly speaking, it comes under the Minister for Commerce and Industry. But, as the Minister for Works is doing the construction part of it, you

may discuss construction aspects of the Nairobi Airport.

SIR CHARLES MARKHAM: I am very grateful to you, Mr. Speaker, for your ruling. I am also grateful for the fact that we can discuss this with both the Minister for Commerce and Industry and the Minister for Works being present.

I think it was very worrying to read in the paper a short time ago—in the *East African Standard*—that there were considerable delays in the target date for the completion of the new Nairobi Airport. That came in a statement by the Minister for Works, and the explanation was a technical one, somewhat naturally, and therefore, of course, you can always get criticized from this side of Council by fools, other fools and experts, but what does worry me is this delay which is being caused for the reasons perhaps given by the Minister, and I would like, when he replies for the Minister either for Commerce and Industry, or for Works, to give us some news as to progress at this airport. There has been criticism publicly that the planning side is behind. There is criticism that at the actual airport itself the runways are laid out, but there is no idea yet for the buildings, or the necessary township which will go up as a result of that airport.

There is also the question—I suppose this affects the Minister for Commerce and Industry—as to what the cost will be of these buildings which I presume will be constructed by the Public Works Department.

Now, I am wondering, Mr. Speaker, whether we can afford to spend a great deal of money on elaborate buildings in view of the shortage of money for other communications, i.e., roads, and I would like the Government to consider a "go slow" policy, if there can be such a possibility, on buildings at Nairobi Airport and to follow the practice like we had at London Airport, formerly called Heath Row, which was in operation for something like 12 years and still the B.O.A.C. passengers are using temporary buildings. It may not be very satisfactory as far as the tourist industry goes, but I believe it is important that we should economise on that side whilst money is so short that it cannot be spared for roads. The question

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of runways of course is purely a technical matter and we cannot save on that. But I am very frightened that a new City of Nairobi will be developed down on the Athi River road at an enormous cost without the proper planning facilities and also without the services such as roads to get there.

Now, Mr. Speaker, whilst on the subject of buildings, I would like to raise this point. The Public Works Department have been criticized in the past for being the most expensive building contractor in the country. This may be an unfair criticism, but what is interesting are some of the comparisons between buildings, such as labour lines built by the Public Works Department, and those buildings built by local authorities for a similar purpose. Now, in his speech in introducing the Vote for Local Government, the Minister for Local Government did mention that the Nairobi County Council built these labour lines at Sh. 11/50 a foot—a square foot. I do not believe that the Public Works Department ever get anywhere near that figure; it is something double that. Whether that is the overheads from Nairobi, or whether that is perhaps just their method of accounting, I do not know, but it is a worrying fact, especially when you see schools being built, for example, like the one at Machakos. The primary school there which was built by the Public Works Department I believe has cost in the neighbourhood of £8,000 or £9,000, if not more, and really it should have cost something like half that amount. The same applies to that building built at Muthaiga the other day, what school which has been the subject of such criticism, it was also built by the Public Works Department. I saw a newspaper article the other day in the *Sunday Post* which showed that the labour lines at Muthaiga Country Club were a great deal better and cheaper than the primary school at Muthaiga and one was in permanent buildings and one was in temporary. Now, something must be wrong if those are genuine costs and perhaps the Minister, in his reply, might tell us how they get to those costs.

Finally, Mr. Speaker, I enjoyed hearing the Minister for Agriculture cross over, imaginarily, to this side of the Council and make an election speech on

the subject of roads. I must admit I thought the Government did have collective responsibility, and, of course, if the Minister for Works had thought that the Lanet realignment was mad, he could have taken it to his other fellow Ministers and perhaps the Minister for Agriculture would have been able to have his say then. The Minister for Works is still responsible and has collective responsibility with all the other Ministers.

I thought the attack on the two Unofficial Members of the Road Authority on this side of the Council, was perhaps unfortunate in view of the fact that they had both already spoken and so it was impossible for them to reply in detail, and also I fail to see what it achieved at all. The Road Authority is dependent on their funds from the Minister for Finance and, in turn, are voted by this particular Council and, therefore, the administration of those funds must rest, until we get the Manzoni Report perhaps, on—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): In the absence of my colleague, the hon. Minister for Agriculture, I must say that what my hon friend attacked was the way in which the funds were spent.

SIR CHARLES MARKHAM: I thank the Minister for Finance for the explanation. It does alter it quite a bit. I am sorry.

But I do support the Minister for Agriculture in his criticism perhaps of specifications of some of these major trunk roads. A particular example I would like to raise this afternoon, which is not a parochial one except that it does happen to go down to Ukambani, is the main Mombasa road just being tar-macked, the new bit from Athi River onwards. They are going as far as the Machakos turn-off. Now, that is a first class road and I believe it has cost something like £20,000 a mile, but I cannot see the justification for putting a road down a road 28 ft. or 25 ft. wide when the normal Nakuru road is, I believe, something like 20 ft. That extra 5 ft. I would have said was a complete and utter waste of public money. But until we do perhaps get this split, or whatever reorganization is suggested in the Manzoni Report, we have to rely on the technical experts who are in the Road

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Authority who do an extremely good job, but who are trying to save money by spending it now. Now, I can see their difficulty in that, as I said in a speech on the policy debate, the trouble of course is that as soon as the road is built bigger and better lorries are likely to break up that road and I would hope perhaps the Minister for Commerce and Industry might be able to give us a statement from Government on this question of the licencing of these heavy lorries. It does not matter what road we build in this country, even at £50,000 a mile, until such time as these lorries are kept to a certain weight, where the police actually check that they are carrying the correct weight and not about two tons over, where they do not go along the road like a crab and tear up the whole of the verge, it is a waste of money spending anything on roads to-day. I have seen the County Council of Nairobi spend something like £10,000 on betterment prior to bituminizing the road. What has happened has been that one of these mammoth vehicles, with a trailer, carrying far too heavy a tonnage, has ploughed along that road and broken the entire seal so that that money is thrown down the drain. Yet, it does seem to me obvious that the people who should license these lorries for the roads, should, I would have thought, have been the Public Works Department or the Road Authority and not a completely outside body who are not really concerned with the roads but only with the principle of a licence. Perhaps the Transport Licensing Board could have a joint committee with the local authority concerned in order to avoid a recurrence of this trouble.

In conclusion, Mr. Speaker, I would like to support what Members on this side of Council have said in pleading for additional funds for roads. I know the country has gone through, and is still going through, a financial crisis, but, as I said before, money spent now I think will be cheaper in the long run. It may not be the right time to say it, and I was glad the Member for the Coast did, but just before an election it is not awfully wise to advocate additional taxation—that is if you want to get returned again—but I believe almost all of us would face an extra 10 cents a

gallon on petrol if that increase did result on that money going to the roads for a bitumen programme and not into the general revenue of the Colony to be spent perhaps on a welfare scheme in Fort Hall. I see the Minister for Finance is shaking his head at that. I wonder whether I am not right in this. Most people spend at least £100 a year as a minimum on maintaining their car through the present main drain system of Kenya. I feel certain they would willingly spend 10 cents a gallon to avoid that £100 a year, and the only way to try it is to prove it. Perhaps if the Minister for Finance would like to remove some other taxation—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The hon. Member said I was shaking my head. I was merely shaking my head because what I had said in my Budget speech was that the first purpose of any increase in revenue or additions to taxation, must be the reduction of the burden on the British taxpayer. I thought I had given an ample warning in that particular sentence.

SIR CHARLES MARKHAM: I thank the Minister for that. I do not think he has answered my argument at all, but I am sorry, I misunderstood him when he was shaking his head.

Seriously, Mr. Speaker, I do suggest though that it is cheaper to spend money on a gallon of petrol than it is in a garage in Nairobi or up-country. We cannot go on maintaining these roads in country districts to a murrum standard because murrum is becoming impossible and the more you put it on the more it is blown away, or washed away, us other speakers have said.

Mr. Speaker, I beg to support.

MR. CROSSKILL: Mr. Speaker, I agreed thoroughly with the Minister when he said that the main focus of attention on this side of the Council as regards his portfolio is on roads, and I must confess that that is the only point with regard to roads in which I found myself in agreement with the Minister. I felt, Sir, that his remarks were plitudinous, unconstructive and even, at times, defeatist. I believe, Sir, that Kenya, at the present time, has no sound road policy whatsoever. I believe we are spending money which is very

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difficult to obtain most unwisely, and I think we are not learning lessons which could quite easily be learnt from our near neighbours.

Now, Sir, I have said that we have no sound road policy. I believe, Sir, we are falling dangerously between two stools. We are neither following a bold policy of development using loan capital, nor are we cutting our coat according to the cloth which we have, which is very limited at the present time.

Now, Sir, those are serious charges. If I can substantiate those charges, I must ask my hon. friends, the members of the Road Authority, to associate themselves also with my criticism. The Minister, Sir, said that money was tight. Well that has been said many times recently in this Council, but the Minister surely knows, Sir, that the tighter one is, the greater must be the degree of control which one exercises and also the more careful the planning.

Now, Sir, recently in this Council on 16th May, in reply to a question put to the Minister by me, I was informed that the road being built up to Mau Summit is costing approximately £15,000 a mile for bituminization only. It will be recalled, Sir, that the first reply was in the neighbourhood of £12,000, but the hon. Minister amplified that the next day by saying that that did not include overheads which increased the cost to approximately £15,000 per mile. Now, Sir, I think we can assume that the total cost of that road must be in the region of £20,000 to £25,000 a mile. Now, that, Sir, is a staggering amount of money. It is approximately the cost of a mile of railway at the present time. To my mind, Sir, it is a figure which this country can neither afford nor does it require. That road, Sir, has already deteriorated. Reasons were given by the Minister and it will be interesting to see whether the steps now being taken to rectify that are effective, but, personally, I believe that a great deal of money there has been mis-spent through negligence.

Now, Sir, I have said that we are not learning the lessons which are available to us from neighbouring territories adjacent to our own. I believe, Sir, we have not learnt a lesson from Tanganyika. We are, at present discussing arterial

roads which, owing to the density of traffic, must be of high specification and, Sir, from the Kenya border at Namanga right through to Taveta, we have a road which I consider is of high specification, adequate to take most of the traffic which we should allow on it, and that road, Sir, cost £15,000 per mile; not only the bituminization, but the alignment and the earth work, ditches and everything.

Now, Sir, wherein lies the difference in policy between Kenya and Tanganyika? Primarily, Sir, I contend that it is that the Tanganyika Government has found that they get more satisfactory work, more economic work, done by contractors than they do by the Public Works Department. That, Sir, is the policy of the Tanganyika Government now, that they have roads done on contract and the supervision is done by supervisory technical headquarters staff of the Public Works Department.

We have been told to-day, Sir, by the Minister that we have been unsuccessful in getting good contractors. But, Sir, I think that we possibly have not sought for them sufficiently; we have not given them sufficient inducement and attractions to come to this country. If sound contractors can be found in Tanganyika, I have no doubt whatsoever that they can be found also here in Kenya.

The Director of Public Works in Tanganyika, Sir, has said, with regard to these roads which were built under contract, at £15,000 per mile, that they are more than the country can afford or was in fact justified. That, Sir, is the considered opinion of the Tanganyika Government and it will be recalled that that is in comparison with the £20,000 to £25,000 mile road which is being constructed in Kenya at the present time and when our financial state is more parlous, by far, than that in the country on our southern border. They have, Sir, evolved their methods of road making which are perhaps not applicable to our main arterial roads, but I believe should be applied to the minor roads in this country but which we have not seen fit to adopt as yet in Kenya. There, Sir, they have what they call "staged" construction. They first build up an earth road of stabilized soil which will carry up to 100 vehicles a day; the second stage is to murrum the surface. That,

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they consider, will carry up to 200 vehicles a day. Now, the cost of that road so far, Sir, is £4,000 per mile—done on contract. Now, Sir, when the traffic density increases further than that, they put on two surface coats of bitumen. That, Sir, costs £1,100 a mile bringing the total cost so far of a bituminized road to £5,100 per mile. There is a further stage which can be carried out, Sir, when the density of traffic justifies it, and that is when the reinforced armoured coat of further stone and bitumen is applied. That, Sir, I think is a sound logical way of road construction which we should adopt and adapt to our requirements in Kenya. It will be seen that we then have a bitumen road even when we include the cost of the reinforced armour stone and bitumen coat on top which is not going to cost more than about £7,000 per mile. That, Sir, bring it into line with reasonably high specification roads which are being made by local Government authorities at the present time. I instance the Nakuru County Council who are making very sound bitumen roads for £8,000 a mile which leads one to think that the Public Works Department is perhaps a luxury which Kenya can no longer afford—at least as regards the making of roads.

Now, Sir, it may be argued that the minor roads, the lower specification bitumen roads, to which I have referred, would not be suitable to our conditions in Kenya, but, Sir, have we been to see them? Has the Minister been to see the roads which have been made in Tanganyika? Has the Road Authority been to examine the roads which have been made from Namanga through to Taveta, or the lesser ones costing just over £5,000 a mile from the Ruvu River to Morogoro and from Morogoro to Iringa? Sir, those are not unsuccessful roads. They have been tested by time and proved quite adequate and, to substantiate that, Sir, they are now continuing on that same specification with roads from Biharamulo to Mwanza. I do suggest seriously, Sir, that if the gentlemen to whom I have referred on the Road Authority and the Minister, have not seen those roads, then I do urge them to go and test the Tanganyika methods as soon as possible.

Now, Sir, on the 17th of May, when the Minister amplified his reply to me with regard to the Mau Summit road, he said—if I may quote from HANSARD—with regard to the extra 26 per cent which has to be added to the almost £12,000 in respect of overheads which comes to about £3,000, he said, "I would however like the Council to appreciate, Sir, that whether we do the work by private contractors or by the Department, this item of overheads of 26 per cent would still be there and, therefore, it would not make any difference to the comparative figures between the work done by the Department and the work done by private contractors". Now, Sir, that is a most astonishing statement. It is one which fills me with apprehension as to whether that was really seriously meant as a responsible statement, but, whether or not a road is carried out by the Public Works Department or by contractors, willy nilly £3,000 per mile goes towards the Public Works Department's overhead expenditure. Now that, Sir, I cannot accept. What I have suggested, and what is the practice in Tanganyika, is that they have a small technical staff at headquarters who will examine the contractors' work and see that it is sound and up to proper specification. Now that, Sir, I submit, cannot cost anything like £3,000 per mile—more possibly Sh. 3,000.

Now, Sir, it may be the recommendation of Sir Herbert Manzoni that the Roads Branch of the Public Works Department will be excised and under separate organization from the rest of the Public Works Department, and I sincerely hope that we shall know the findings, the recommendations, of Sir Herbert at the earliest possible opportunity. But I still do not see, Sir, that the retention of the Roads Construction Branch, even though it be separate, is at present serving a useful and valuable role in this Colony.

Now, Sir, in determining a policy, we must examine and determine what are the basic factors of any policy. At the present time, Sir, we have got to decide whether we are going in for a bold policy of road development for which we shall require large sums of capital. If we can do so, so much the better, but, if not, then, Sir, we must lay down

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that we cannot afford high specification expensive roads at present of the type which are being built. Secondly, another basic factor, Sir, we must realize that we have a railway and that it should be used rationally and for the purpose for which it was designed and that the roads should not be abused. Thirdly, Sir, we must recognize that bituminized roads of some specification are not a luxury in this country but a necessity, an absolute necessity on account of our climatic conditions, the erosion which takes place due to desiccation by the sun, and the heavy rain. Those three basic factors, Sir, I think should be the foundations on which we should formulate our road policy.

Now, Sir, first of all I would just like to consider the railway. As I said earlier this afternoon, the cost of the railway at the present time, including stations, bridges, is about £25,000 a mile. In the good old days when the railway was started it was down to about £3,000 a mile. Now we are building roads at almost the cost to-day of the railway including stations and bridges which is a fantastic state of affairs.

At the present time, I believe we are not utilizing the railway to the full as we should and we are abusing our roads. Why, Sir, are heavy ten-ton loads of beer sent up to Uganda on the roads? Time and time again I have seen them upset, spilt all over the road, stuck in the mud and doing untold damage. Why, Sir, is that allowed? Buses, unfortunately, we must have, but I do believe we must conserve the roads which we are building. I am told, Sir, that the reason why this heavy traffic has been diverted from the railway to the roads, is on account of pilferage on the railways. Well, Sir, that seems to be a most inadequate reason. It is rather like a swimmer who gives up swimming because he finds the water gets into his mouth. The answer there is to close it! Similarly, Sir, I feel one should not abandon the use of the railways because of pilfering. In fact, pilferage now has been reduced on the railway to reasonably small proportions and, furthermore, the freight charge on beer and other commodities has been, I was assured yesterday, reduced so there is no reason why these heavy freights should go on our roads.

Now, Sir, how are we going to effect that? Buses, unfortunately, must travel on these roads. Roads, which I am advocating, should be of a lower specification, bituminized roads costing about £7,000 or £8,000 a mile. How are we going to avoid it? Well, Sir, it is not just the buses which do the damage, it is the speed at which those buses travel, but that can be governed, and I say, Sir, it should be governed automatically and those governors should be inspected periodically.

With regard to the other freight, that, Sir, should go by rail. Now, if we must have heavy traffic on the roads, there is another way in which the cost of licences perhaps might be increased in that geometrical progression disapproved by the Minister for Commerce and Industry yesterday, as applied to connexion charges for telephone. If they could charge £415 for going 20 miles, or something in that geometric progression, that would, at least, discourage the use of roads in that wrong manner. Therefore, Sir, I do urge that we must consider a policy. We must have a policy, a sound policy based on the sound basis which I have put to this Council this afternoon, and I do urge that the road policy should be co-ordinated with the transportation policy of the Colony and that we should not only consider our roads in making this basic policy, but that we should consider rail at the same time.

Mr. Speaker, I beg to support.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I will not detain hon. Members for long, but I would like to reply to the points, as they affect me, raised by the hon. Member for Ukamba. As I think he appreciates that the construction of the Nairobi Airport, the target dates, the construction methods adopted and the carrying out of those methods are matters for my hon. friend, the Minister for Works, and he will reply on those points later in the debate.

I come into the picture on the specifications, for instance, for the terminal buildings to which my hon. friend referred in some detail. Now, the actual terminal buildings will be built to an austerity standard. The part of the buildings that cost the money, and the part

[The Minister for Commerce and Industry]

that is essential from an operational point of view, is the actual control tower, the electronic equipment and other types of equipment necessary for controlling commercial flying on a large scale. There, Mr. Speaker, there can be no economy. Economy in that direction would endanger life and, Sir, we are, at the present time, having the whole matter costed out according to the best technical advice available. As soon as that has been done, orders will be placed and the actual construction of the control tower will be a matter for expert contractors.

I think that I have answered my hon. friend's points on that particular aspect of it. The terminal buildings, that is the passenger handling facilities, all that kind of thing, will be to an austerity standard, but I do want to emphasize to a standard that we hope will not disgrace us in the eyes of the world passing through the airport. On the actual control and operation side, Sir, I again must repeat we cannot economize and it would be foolish to do so.

Now, Sir, a further point was made by the hon. Member about the Transport Licensing Board and I thought he made one or two very sensible suggestions, if I may say so. The hon. Member for Mau also referred to the Transport Licensing Board. I am surprised he is not in his place, as he was so eloquent on that subject, but, as I said, he made constructive suggestions. I am sorry he is not here for me to congratulate him on that point. Needless to say, the policy of the Transport Licensing Board, within the law which it has to administer, is to ensure a proper relationship, and a proper use of the railway facilities in conjunction with the facilities offered by the roads.

Now, Sir, that implies a measure of restriction in regard to commercial road transport in relation to the facilities provided by the railway, and hon. Members, at various times, have criticized that restriction. It is necessary because otherwise the full capital investment involved in the railways, would not be fully utilized and in a poor country such as this, we cannot have first-class facilities in both directions. Now, of course, any

policy of partial restriction is difficult to apply and individual cases invariably arouse indignation where there is apparent hardship. Nevertheless, the policy of the Transport Licensing Board is, where practicable, to direct heavy traffic to those facilities that are available and which are most suitable to carry that type of traffic. Where the railway is available, then, Sir, as a general rule, the railway is the most suitable. However, and here I think it is necessary to say this, that there must be an element of choice left to the person who wishes to transport the goods. You know it is not always wise to say, "This regulation, that regulation, this control, that control is necessary to achieve one specific objective", when those controls could have an effect throughout the whole of the economy. I would ask the hon. Member for Mau to consider the implications of some of the controls that he asks for. They were almost dioecletian in their conception. They would have interfered with the liberty of the subject in a way that I am sure the hon. Member for Mau, and other Members, would protest when the shoe pinched in individual cases.

Having said that, however, I agree with the principle advanced by both the hon. Member for Ukamba and the hon. Member for Mau, that the railway where available is the best means of transporting heavy goods and heavy materials and that the maximum capacity of the roads for bearing heavy vehicles should be borne in mind by the Transport Licensing Board, as, indeed, it is already in the fiscal policy of the country in so far as it affects the licensing of road vehicles.

I think, Mr. Speaker, I have dealt with the points that hon. Members have raised that affect my portfolio under these Heads.

I beg to support.

MR. HARRIS: Mr. Speaker, Sir, I would not have intervened in this debate had not the hon. Member for Nyanza inferred that it was possible in this country for a firm to go into liquidation and continue to trade under a different name. The debates, Sir, of this Council are read extensively, not only locally, but overseas, and I would not like it to be thought that the laws of the country are such that it enables a firm to go bankrupt, or into liquidation, and not pay its

[Mr. Harris] liabilities and then change its name later. I feel, Sir, that the hon. Member must perhaps have been misled by the fact that certain individuals concerned in the first firm mentioned may be associated with the second firm, but I do not believe it could be, Sir, the same company structure as the original.

MRS. SHAW: Mr. Speaker, Sir, I apologize for my misstatement. I was indeed misled as the personnel of the second firm appeared to be the same as the first.

MR. ARAP MOI: Mr. Speaker, Sir, I rise to congratulate the Minister for Works for the speech he made. His speech, Sir, attracted me very much as far as the African areas are concerned. I would suggest to the Minister, Sir, that the present contribution in relation to the African district councils, is very much appreciated, and I would further suggest to him that he appoints a senior road engineer to advise on technical matters relating to roads in African areas so that the money allocated to these local authorities is well spent and the public will be satisfied that the money given to African district councils is not wasted.

At present, Sir, the Public Works Department's senior road engineer is not always available. When the African district councils seek advice from the Public Works Department on road matters, the Public Works Department takes time because the senior road engineer is not available at the time when the African district councils require him. My suggestion, Sir, of proposing such a man, is that whenever he is wanted in any part of the African land units, he should at once go and advise on this matter.

Another matter, Sir, which I should like to know about from the Minister, is that how long did the Italian prisoners take to make the road from Nairobi to Nakuru, which is 100 miles, and how long the present road which is starting from Molo through Mau Summit to Eldoret has taken? I do feel, Sir, that if the road from Nairobi to Nakuru had taken a shorter time, why is the road from Molo through Mau Summit to Eldoret taken a long time? The argument would lie to the fact that the Italian

prisoners were not getting a higher pay, but still the African labourers get less than what the Italians used to get. Senior road advisers are very few and I would suggest to the Minister, as the hon. Member for Mau suggested, that two private contractors should be invited to make these roads and make a sort of competition. That would perhaps contribute to the speeding up of the road-making.

Mr. Speaker, I have no further suggestions to make to the Minister. I am only too grateful for what he has done in the African areas and I hope such a flow of money to the African areas will be made available at all times to help the policy of closer administration.

Mr. Speaker, I beg to support.

MR. MACKENZIE: Mr. Speaker, Sir, I think that anybody coming into this Council and listening to some of the speeches we have heard from the other side, might have imagined that ever since the war, in fact, almost ever since this Colony came into existence, the roads have been getting worse, and the state of the communications have been gradually decaying. Instead—and I am glad to see that hon. Members agree that that is an exaggeration; in fact, Sir, during the last five years, during the last ten years, there has been a steady improvement in the roads of this Colony. During the present planning period, in spite of all the difficulties we have had in getting money, roads have got the largest single allocation from the planning committee. That, Sir, shows the importance that my hon. friends on the front bench on this side of the Council attach to this matter. They have made more money available for roads than for any other single purpose during the current three-and-a-half-year planning period. This has made it possible to effect very great improvements in many parts of the Colony, and those improvements are still going on. It is naturally hoped that if we can have more money available in the next period, that the improvement will continue at an accelerated rate.

There is, Sir, further the fact that the standard of work on roads in this Colony is as high as one finds in most parts of this continent despite the fact

[Mr. Mackenzie]

that in many ways the material, I understand, is rather intractable and that, in itself, does not make things very easy. But, as regards the standards of the roads, we have, recently, had a very good illustration of the improvement in that the Coronation Safari had to introduce a speed test at Nakuru to help them to sort people out because the standard of the roads was so good that the Safari would not have been such a test otherwise.

But to turn to the financing of the roads, I agree that the finding of money for roads is a very important and a very difficult matter. Finding money for anything is a very difficult matter. But there is one thing, Sir, that I think should be remembered as regards roads and that is they are the most privileged service in the Colony from the point of view of finance. They are the only service which is entitled by law and as of right to certain revenues which come to them no matter what the general position is for other services. In those circumstances, Sir, I think that it is in that context that the decision to reduce the subvention direct from revenue from £150,000 to £50,000 should be considered. The Road Authority has an assured and growing revenue from certain specified items of taxation. The rest of the services of the Colony have to take their share of what is left, and those services, for which many hon. Members often make extremely eloquent pleas, are all important services; there are the other economic services, there are the services for the maintenance of law and order, and all the basic administrative services; there are the social services, services for education for which we are always having such eloquent pleas, and all these services have to be financed and improved. They too must have some money and, therefore, it was necessary to find a little more for them and it was done at the expense of a service which had a growing income.

* There is further, Sir, the suggestion that has been made that any loose money which may be found lying around should go to the Road Authority. Well, Sir, my hon. friend, the Minister for Finance has dealt with suggestions of that kind on several occasions in this Council and

it is hardly necessary for me to repeat them. The fact is that any loose money that happens to be lying around, must go back to the pocket of the United Kingdom taxpayer, who is making such a great contribution towards keeping us solvent at this time.

In this connexion, Sir, a further point was made by my hon. friend, the Member for the Coast, that in the United Kingdom the inadequacy of the roads cost something like £250,000,000 a year. Well, Sir, the United Kingdom as compared with us, is a rich country, but they have not been able to improve the roads to the standards that all the enthusiasts would wish them to be. Everybody would like to see them improved. If they could find the money to save themselves £250,000,000 a year, I have no doubt that they would. Unfortunately for them they cannot and in our little way we are rather in the same position. We improve things as we can, a little at a time, and the record over the past ten years shows that we have succeeded to quite a considerable measure.

There is one further point, Sir, that I should like to mention and that is the suggestion by my hon. friend, the Member for Mount Kenya, that £50,000 is a very small sum for the Government to pay for the privilege of using the Colony's roads. Well, Sir, I think that quite a strong argument can be maintained for the fact that no very great service would be done by taking money out of one of the taxpayer's pockets in order to put it back into the other in this way. It would merely entail further administrative costs, further accounting costs and all that kind of thing. But quite apart from that, Sir, the Government is making a considerably greater contribution towards the revenue of the Road Authority than this £50,000 which is to be provided next year. I understand that except in one or two large centres it is quite normal for petrol used in Government vehicles to be subject to the petrol tax, and that in itself must mean quite a considerable extra contribution.

But in addition to that, Sir, the Government has made available during the last five years very considerable sums to the Road Authority. Those sums of money, Sir, had to be raised by way

[Mr. Mackenzie]

of loan, and interest is being paid on them at the rate I believe of rather more than £200,000 a year. Well, Sir, that £200,000 a year is coming from the pocket of the general taxpayer and it is a very real additional subvention from general revenue to roads in this Colony, and I think that in any discussions of the finances it should be borne in mind.

With that, Sir, I support the Motion.

MR. LETCHER: Mr. Speaker, Sir, I should like to know of the Minister why more use cannot be made of detainee labour. It does seem to me, Sir, that these people have done a very good job where they have been employed on the main road at Makutano. There are signs, Sir, of inefficiency, in my opinion, in the maintaining of our main trunk roads. The Member for the Coast spoke of wastage of roads. I am concerned, Sir, with wastage of public funds. It is no good talking of more and more money if we merely hand it to people who are going to spend it inefficiently, Sir. I would like to know of the Minister, Sir, how the costs of maintenance of our district council roads compare with those of the Road Authority. With those remarks, Sir, I support the Motion.

MR. TYSON: Mr. Speaker, Sir, arising out of the Minister's opening remarks, he emphasized, not for the first time, that one of the principal difficulties in connexion with the Public Works Department, was the lack of technical staff.

What I would like to know from him is what efforts are being made by his Department to recruit and to train—principally to train anyway—technical staff locally, because I think most of us are agreed that the chances of obtaining technical staff from overseas are steadily diminishing.

Over this question of roads, a good deal of emphasis has been placed on the question of finance. But I am a little bit doubtful as to whether that is really the root of the problem. Considerable sums of money have been spent on many of these main roads, but owing to the lack of any sort of proper control over the use of the roads, much of that money has been wasted. A very good example of it is the road from here to Athi River, on

which considerable sums of money were spent. Licences have been granted for lorries to carry sand from the Athi River sandpits to Nairobi and quite frequently, if you use that road at all, you can see three-ton lorries loaded with five tons of sand, hitting it up at about 40, 45 or 50 miles an hour. Now, however much money you spend on the construction of a main road, I maintain that it is a waste of money unless there is some control by the police over the pace at which these lorries travel over those roads.

The hon. Member for Mount Kenya has drawn attention to the use of these main roads by these heavy vehicles, carrying, amongst other things, petrol. The Transport Licensing Board, which was established some years ago under an Ordinance passed by this Council, has been very mindful of this competition on the roads against the Railways in connexion with, amongst other things, the transport of petrol and oil. But those licences were granted at a time when the Railway Administration had not got the tank wagons to carry the petrol and the only way the up-country areas could be supplied was by granting licences to these road vehicles. That situation has passed and gradually I think the Transport Licensing Board will withdraw or refuse to renew a large number of those licences which were granted. But I do think we must all keep in mind the whole rate structure so far as the Railway Administration is concerned in connexion with this road competition. The rate structure, as I understand it, has been built up rather on the assumption that we wanted to keep the rates for the export of our primary products at as low a level as possible, and consequently higher-priced articles such as petrol, spirits, cotton piecegoods and so on, were rated at a very much higher level.

Now, if that restriction is to be removed, if unlimited competition is going to be allowed on the roads against the Railways then we must realize that it may mean a reorganization of the whole of the rate structure, particularly so far as the export rates on primary products are concerned.

The same argument, I think, applies to the other heavy road traffic to which the hon. Member for Mount Kenya has referred. But the Transport Licensing

[Mr. Tyson]

Board are very mindful of this competition. I think the hon. Member for Ukamba rather indicated that no attention was paid to the views of the local authorities. That is not quite the case because at all the meetings of the Transport Licensing Board, and they are held in various parts of the country, representatives of the local authorities, local engineers or the local road authorities, are invited to attend the meeting in order to express their views.

I support the Motion, Sir.

DR. HASSAN: Mr. Speaker, Sir, I rise to support this Motion. It looks as if the Members on this side of the Council only know about one activity of the Public Works Department—the roads. Everyone appears to be speaking on the roads, although the Department is having about 15 or 20 different branches in the Department with different activities.

I must congratulate the Minister for giving a wonderful speech and giving us a very good picture of the work which the Public Works Department has been doing throughout the last year.

The roads in Kenya, it may be surprising for the Members to know, have made considerable progress. There was a time when there were practically no roads in Kenya and still we were running our motor-cars and making roads with those cars. I remember the road from Nairobi to Athi, which some people feel is not a good road to-day. This road was impassable in the beginning and I used a car with four chains on and five boys pushing me to Athi River whenever I wanted to do, and it has surely improved considerably since then.

I remember there was a time when I was forced to go in a car to Embu and Meru. I had to take my car over the Machakos Hills to Kiu Station. I wish hon. Members had seen those roads. When negotiating hills you had to keep the boys running behind you with a stone to help you to take a corner which you could not do unless you back the car once or twice. That was the type of roads we had in Kenya! The progress of the roads which we have made to-day is certainly wonderful progress.

Every unit of this country wants roads—farmers want roads, townspeople want

roads and there are the people who want highways to Uganda and Mombasa. Others want roads to Kisumu, and the country's finances are not nearly enough to give roads to everyone; it is self-evident.

The only way the Department could satisfy everybody is to have a loan of £5,000,000 to £10,000,000. If any country will give us a loan and the Government feels that people are not going to run away from Kenya in the next 10 years, they should raise a loan for them, because I know that the loan will be paid by the people of this country. It will be possible to make at least trunk roads in Kenya and very slowly, later on, if finances and surpluses are available, we could make other arterial roads. I believe that is how Uganda and Tanganyika have done it. Probably they are saving more money out of revenue of the country which unfortunately we cannot do. So the only thing we can do is to raise loans.

In the olden days I remember the Public Works Department had small road gangs in different places on the roads. Although we had no bituminization on the roads, although we had no stone surface put on to the roads, yet the help and assistance by those road gangs was always very welcome to the road users.

For some years, I believe, the roads appear to be in the hands of the Road Authority, and I feel that much more money is being spent for the roads ever since the Road Authority took over the roads. More complaints appear to be the order of the day from the time that the Road Authority took it over.

I do not know—I am not anxious to know—the cost of the whole depot, but it appears to me as if the personal emoluments of the Public Works Department and the Road Authority are costing almost 30 per cent of the capital allotted to them.

The Public Works Department, Personal Emoluments, amount to almost £1,000,000 out of a £3,000,000 Vote. Probably the same ratio applies to the Road Authority.

We have got the greatest number of specialists and experts to run these services for the Department. It appears that we have very highly-qualified gentlemen and we give them very high salaries, and

[Dr. Hassan]

no finances to complete the work. If we are to spend £1,000,000 out of £3,000,000 on overheads, and if we want roads also, we ought to get them enough money to provide us with roads. If the country cannot provide it we ought to get money from somewhere else.

There is no doubt that the gracious lady for Nyanza said that the civilization is going far ahead of the road development. It is quite true, it is the history of Kenya. It has happened from the very inception of Kenya. When I came here it was the same thing and it is the same thing to-day.

The Minister for Agriculture said that we have spent £5,000,000 on the water supply of the Coast. I do not know, but I do not think it is any charity to the Coast; it is an international obligation of the Government to provide water for the growing development of the port and maintain water supplies to steamers calling in the port. I believe the greatest harm has been done to the Coast by some of the unnecessary talks that the Coast is not worth spending money on its development. We have not been able to develop the Coast because the up-country gentlemen tell us that they want more money for development, and the Coast does not need it. That is the reason, Sir, that we have nothing much on the Coast in the way of development to boast about. How on earth can you develop a country without roads, without bridges, without facilities to get access to the mainland? These are some of the most important needs which are necessary for developing a country. The visitors land in Mombasa port and naturally, it is up to the Government of the country to see that that part of the Kenya unit is fully developed, to impress the visitors when they come there. There is no doubt that half a million pounds was spent on the main highway to Mackinnon Road, but if it had not been for the Military Camp at Mackinnon Road, we should still be dreaming about such a road. It is rather a pity that the Italians gave out very quickly. Had they lasted for another year, probably we would have had very good roads in the Coast Province.

I believe had it not been for the very capable and intelligent Provincial Com-

missioner at the Coast we would have had no access worth speaking of to Lamu, and that, too, with the help of the detainees which the Member for Uasin Gishu says we should make use of.

I am very glad to hear that the Minister is giving us a promise of a bridge at Nyali. Well, the experts have been at it for the last two years. I hope one day they will give us their final decision that something can be done. There was a time when the people of Mombasa insisted that the Government should buy up the Nyali Bridge and the Government turned it down and said that the bridge had already done its service for 25 or 30 years, and was not a sound structure, to buy. And from that time onward we tried to find out from the experts in which part of the point we could put up a new bridge and, surprisingly, the Nyanli Bridge has now been considered fit for use and repaired for the cement factory at Bamburi.

There is a private company asking for a concession to build a bridge at Mtwapa. I think I must congratulate the Public Works Department in helping and assisting us in having motor launches serving a ferry crossing at Kilifi.

Of course, we had a naval expert who came from England to give us an opinion on the Likoni ferry. But I think the Minister will agree with me that there was some mistake in a report received by us previously. However, I hope the final report of naval engineers will help us and assist us to help those who are living in the Likoni area, and develop that part of the country properly.

The hon. Member for Ukamba said we should not spend large funds on the building at Embakasi aerodrome. I do not believe the Government have wasted any money at Port Reitz aerodrome. I met a visitor who was in transit from Tanganyika and he said, "I have never seen such poor facilities at aerodromes in any part of the world that I have passed through. I have some foreign currency and I cannot even change it. There is no immigration officer to help me and permit me to enter Kenya. The telephone is out of action". So I do not think that the Government have wasted any money on the airport at Mombasa.

[Dr. Hassan]

But I feel that the aerodrome and the buildings are there for the benefit of those who travel by air, and in my opinion it is essential that no economy should be exercised in providing decent buildings and other facilities for the transit passengers.

With these few points, Sir, I beg to stop.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think perhaps this might be a suitable opportunity to take a break in order, in the words of the Leader of the House, to study the British way of life at Epsom. There will be a break of fifteen minutes.

Council suspended business at fifteen minutes past Five o'clock and resumed at forty-five minutes past Five o'clock.

LT.-COL. GHERSIE: Mr. Speaker, Sir, there is only one point I wish to raise, and that is I should like the Minister to inform us what liaison exists, if any, between the Public Works Department and any particular Government department when buildings are being constructed. I have in mind as an example, Sir, a certain building which was mentioned by the hon. Member for Ukamba, namely the Muthaiga School, which was built recently. Now, Sir, in the first instance the siting was really frightful. I do not know who was responsible for that, but here is a school constructed very near a main road where there is a considerable amount of heavy traffic, and the least it would do is distract the children in that school from the study at their particular lessons. Again, Sir, the actual construction left a great deal to be desired. In fact, in many ways I think that building is rather a disgrace, because since its original construction it has had to be altered in many respects. A verandah placed alongside the building, and a lean-to is also to be erected—all these things appear to have been forgotten in the first instance, and the way it was constructed, of course, had the heavy rains come on before the veranda was erected, I imagine that half the earth and rain would have landed up in the classrooms.

Another point which was so disturbing to me, Sir, when I saw this building, was the actual materials used in the con-

struction. Quite a large amount of the timber had warped before it was placed in the building and I understand, Sir, that the actual artisans who did the construction under the supervision of a European were young learners from, I think it is the Kabete Technical School. Well, Sir, that may be all very well and it is just as well they should learn construction but, Sir, if they are allowed to construct that type of building, and it is passed, they will feel that if it is good enough for Government it must be good enough for their subsequent employers when they leave their school where they are receiving their training.

There are only two other points, Sir, which have arisen out of what previous speakers have said. The hon. Mr. Mackenzie, the Secretary to the Treasury, he was making a comparison with the amount of money which was advanced to the Road Authority and he stated that the majority of this was derived from loan funds, and that naturally, being loan funds, there is an element of interest which this country has got to bear, and that the Road Authority, of course, were not being charged with the relative rate of interest. Well that may be so, Sir, and one appreciates it, but the fact remains that surely if the Public Works Department were actually constructing the roads, the same as they may be constructing a building, there would be no element of interest charged to that particular project and therefore I suggest it should not arise whether the funds are used by one particular body such as the Road Authority or whether it is the Public Works Department. Would you like me to give way?

MR. MACKENZIE: On a point of explanation, Sir, what I was saying was that the interest was an additional sum which was spent on this particular service of roads, irrespective of whether the work was actually done by the Road Authority or by the Public Works Department or by anybody else.

LT.-COL. GHERSIE: I thank the hon. Member for his explanation, Sir, but it really confirms, I think, Sir, what I have said, namely that there could be no justification for charging interest to the Road Authority any more than the Public Works Department, if they were constructing any particular road.

[Lt.-Col. Ghesrie]

One other point, Sir, I could not quite understand the hon. Dr. Hassan, the Member for East Electoral Area; at one stage he almost criticized Members on this side of Council for confining their arguments to roads and suggested that while the Public Works Department were responsible for many other projects, all Members on this side had concentrated on the roads. Well, on the one hand, of course, that might be regarded as a compliment if they think that everything else is in order. But he then went on to stress that we must have good roads, more particularly, of course, at the Coast—being a little parochial—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Like you.

LT.-COL. GHERSIE: And he referred, Sir, to a road to Athi River, many years ago and the difficulty he had in travelling over that particular road, as much as to say that we should not be complaining, I suppose, Sir, to-day: On the other hand one must remember that that was probably 36 years ago and we must embark on progress. Surely we cannot be content with the conditions of roads in those days. If one wishes to make a comparison, although I agree comparisons may be odious, Sir, I can remember very well when the road from Londiani to Eldoret, particularly at Timboroa, was so bad that the oxen were actually drowned in the road. Well, Sir, it may cause a certain amount of mirth, but I can assure you that is the actual truth. In fact, I also remember on an occasion I travelled to Eldoret on the Royal Mail, which was an ox-cart, and it took us 36 hours to do 64 miles from Londiani to Eldoret, and having reached our first outspan, which in my opinion was not our correct outspan, I found that the person who had actually taken possession of my ox-cart before I arrived at Londiani had outspanned there, and I was merely concerned as to why and he turned to me and said, as I had imagined this was not the correct place: "As a matter of fact, I have stopped because my son has fallen out of the ox-cart and has been run over", we were very perturbed about the condition of this child who was aged two or three, but he said "Don't worry": the mud was so deep that he was driven

into the mud and except for a mouthful of mud, he was perfectly all right. That young lad, I think, Sir, is serving in the Kenya Police to-day. I was merely making a comparison, but it is no good talking about what roads were like 36 years ago. What we want to-day is to move with the times, and I suggest that the arguments put forward by my colleagues on this side were, in fact, to encourage the Public Works Department and the Minister for Finance to embark on progress.

I beg to support.

MR. AWORI: Mr. Speaker, Sir, I did not intend to intervene in this debate. For one reason, I think that most Members on both sides of Council have contributed a lot which will take my friend, the Minister for Works, almost an hour if he is to cover all the points that they have raised.

At the same time, I had intimated to my friend, the Minister for Agriculture, that to save the time of the Council I shall remain mute during the rest of the Votes to come. However, since he did indulge in this debate, which has nothing to do with him, so I should also indulge in it.

AN HON. MEMBER: Why?

MR. AWORI: Because it does affect me—I travel on the roads more often.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I travel by road, too.

MR. AWORI: Well, Sir, I did appreciate what my hon. friend, the Minister for Works, said in his speech, which was very factual, and he did give us the whole background of his Ministry. But the crux of the matter, or what I gather from his whole speech, were two main points: one, lack of finance, and the second, lack of manpower.

Well, all those points have been covered by my friends on this side and a number have been replied to by other Members on the other side of Council, in particular, my friend, the Secretary to the Treasury. Well, Sir, that is of course true, and that is normally the excuse that we shall always get from the Government. As the Secretary to the

[Mr. Awori]
Treasury did mention, when replying to what my friend, the Member for the Coast, did say about £250,000,000, and he did indicate that up to now in Britain we do not have first-class roads as would be required

In remarking on a point which my friend, the Minister for Works, said about the question of having enough engineers in this country, I would like to ask, Sir, whether he knows how many students we have abroad from Kenya, whether they are in South Africa or in Britain or in India, who are studying engineering—the number and when he thinks that they will be able to come back and be employed in the Public Works Department, which, he implied, is short of manpower.

The second point, Sir, which I should like to raise before the Minister, is a point which was raised by the community in Nyanza—people of all races—and I think my friend, who is absent, the gracious lady for Nyanza, would be able to bear me out, and the Nyanza Chamber of Commerce have been asked about the question of having the Rongai/Kisumu road macadamized instead of having that macadamized from Rongai to Eldoret. The Nyanza Chamber of Commerce had a good case in this matter. Nyanza is one of the most productive areas and anybody who uses the road to Kisumu from Nakuru will know that the volume of traffic to Kisumu is almost four times that on the one to Eldoret. The farmers on Eldoret route have got a first-class railway and they could be able to do with that, instead of depriving the people of Nyanza of a macadamized road. So I thought that it was most unfair for the people of Nyanza to be deprived of this facility. I did mention this last year, and I was not satisfied with the reply from the Government, whether in the near future or at some future time, it will be possible to have this road macadamized. I will not develop my argument about the productivity of Nyanza—that is very well known. So I will leave that to the Minister himself to think over.

The other point which was raised by my friend, the gracious lady from Nyanza, and I would like to emphasize

on that; unfortunately she was all the time remarking on the road from Kisumu to Kakamega. Now that will be able to give hon. Members in this Council and outside a wrong picture of the matter in this way; that the Public Works Department, through a private contractor, are having this road bituminized from Kisumu to Kakamega. That is far from the truth. The truth is that it is only a small piece of area, that is between Kisumu and Kiboswa, which is on a very very steep place, and I agree with all she said about that place; it is very rocky and it was most unfortunate that the first contractor could not do the work. I cannot blame him; anybody could easily have made a mistake in the calculation, because the road is not very easy to make. Up to now I use that road every week when going home. Very little has been done, although a lot of work is being done on it. My friend, the Minister for Works, when replying to my question some time ago, did say the road would be ready by September. I think to-day he did say that the contractors were three months behind schedule, which I think is quite true. From my own estimate I thought the road would not be ready till early January.

AN HON. MEMBER: Which year?

MR. AWORI: Next year. This is a pity because we thought that the road would be ready much earlier than that. I would not like the Council to have the idea that we are having this road bituminized from Kisumu to Kakamega, and I should like my friend, the Minister, when replying to emphasize on that so that we are not told that the people of Nyanza are benefiting, whereas it is only a small piece of area which is being macadamized.

I should like, Sir, the Public Works Department to visit Uganda and see what is going on as far as road-making is concerned. I particularly am not interested in the question of bituminizing the road. I know that you spend more money on tyres on these macadamized roads than you do on good murrum roads. Yes, that is my own experience. Therefore, in Uganda, although quite a number of roads have been macadamized, they still believe in having murrum put on the roads. But in this country

[Mr. Awori]

what is going on is a lot of money is being spent by the Public Works Department, but what is used is nothing but soil, particularly the Lumbwa stretch, and as soon as it rains and huge lorries cross over these roads they get stuck and people with small cars cannot get across. The Public Works Department should see that they concentrate more on getting the murrum than on doing anything else like macadamizing, because whatever we say about bitumenizing, it will take us a long time before we can have all our roads bitumenized.

In Uganda every three or four miles there is a small Public Works Department camp and they have a headman with a road gang who is in charge and what the road engineers do is to visit him from time to time and see that he does his work properly. But in Kenya you can go 20 or 30 miles without seeing a single camp at all, and so even if the road is out of order the Public Works Department cannot be aware that the road is out of order.

Another point, Sir, which I should like to bring to the notice of Government, particularly the Minister, is the question of road signals on the roads. Most of our roads do not have these traffic signals and particularly a person who does not use that particular road, he can never know where there is a bridge ahead. I know quite a number of roads have got these signals, but not all of them and I should like to see that not only the main roads but even the feeder roads get these road signals provided. Another small point on that same issue—the question of mileposts. I would also refer him to Uganda—almost on every road, even in the African local government roads, you will find mileposts put everywhere, because you will find somebody who does not use that road, his speedometer might have broken and he runs short of petrol. He does not know the nearest petrol station; he does not know how far it is, but if there is a signpost showing he has so many miles to go to Kajado he could be in a better position. Presently I know on the Kisumu to Fort Ternan road they have already put these signals and I do not know how far they are going because you find

on both sides showing 46 miles to Kisumu, and the other side shows 46 miles to Kisumu, so it does not give the motorist any idea how far he is or which way it is. Just as much as you would see 75 miles to Nakuru, the other side shows 75 miles to Nakuru too. It is most absurd.

On one point I should like to support my friend, the Member for the Coast, is the question of this 20 cents which was reduced by my friend, the Minister for Finance, on petrol. I think that he should not have done that at all.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, did I hear the hon. gentleman accuse me of having reduced the tax on petrol by 25 cents?

MR. AWORI: I am sorry, Mr. Speaker, I must have got my friend, the Minister, wrongly.

Mr. Speaker, I support the Motion.

MR. SLADE: Mr. Speaker, in the sweet odour of lavender that now pervades this Council, or it may be bitter to some—I wanted to strike a note of originality and say something about roads. Sir, the hon. and gracious lady for Nyanza suggested that this country differed from others in that civilization had got ahead of communications, whereas with other countries it was the other way about. Now that, of course, is historically quite inaccurate. In fact, I suppose we are almost unique in this country in having built a railway from the coast to Lake Victoria across 600 miles or so of country which was completely undeveloped. I acknowledge, Sir, we did not go quite so fast in regard to roads. I am afraid my memory does not go quite so far back as to compete with that of some of my hon. friends, who remember some very remarkable events on the roads. No doubt if I had been here long enough I should remember Union-Castle boats sailing up the Mombasa road.

But, Sir, the fact is, I think we must all recognize that apart from special conditions like suppression of slave trade or strategic needs, communications proceed along with development in a sort of leapfrog process. You cannot

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have communications outstripping development; you cannot have development outstripping communications; they each depend on the other, and it is a sort of leapfrog process. As you go ahead with one, then you are enabled to go ahead a little further with the other. When we get that clear, I think we shall be a little more realistic, neither saying that you have got to wait for development before you can have roads nor that you have got to have roads before you can have development.

Sir the big question is, I realize, how fast can you afford to go. I do believe the real measure of that is how much money can you afford to raise and from whom should it be raised. The answer, I think, to both lies in the principle of raising the money from those who want the service and intend to use the service. Now, Sir, we have gone some way towards accepting that principle with regard to roads. As the hon. Secretary to the Treasury pointed out, there is some measure of hypothecated revenue there; but I cannot agree with him, Sir, that that is peculiar to roads, as he suggested. Indeed, Sir, I think we adopt that principle in many other fields already. After all, those who use the postal services, do so at their own expense by buying stamps; those who send telegrams pay for them; those who have telephones installed in their farms and use them pay for them; those who send children to school pay for them—not the whole cost but they pay school fees; hospitals, the same. It is, Sir, a principle already accepted; and I do submit it to be one logical principle, because that gives us a measure. If we decide that we shall raise, for development of our roads, as much money as we think the people who use the roads can afford to pay, by way of special tax on petrol, by way of licences, and so on, we shall go at the right speed, and we shall be making the right people pay. As we get more development there will be more people to pay taxes and give us more money and very likely there will be richer people able to pay more; and as we develop our roads we shall get more development and there will be more people to pay these taxes, and that should be the measure of our rate of development. But of course that does

depend on applying the principle a hundred per cent, and I do not accept, Mr. Speaker, that the principle is being applied a hundred per cent so far as the contribution by Government for use of roads are concerned. The hon. Secretary to the Treasury did point out to us that there are certain hidden emoluments coming to road development, for instance, from interest on loans, but if that is so, Mr. Speaker, I think that is wrong. It is fogging the picture. What we should aim at is that all revenue derived from direct use of roads, including tax on petrol, should go straight to the Road Authority, and the Road Authority should then be expected to service whatever money it needs, and Government should make a proper contribution in proportion to the extent that Government uses the roads. Now the hon. Secretary to the Treasury said: "That is rather nonsensical; you are taking money out of one pocket and putting it into another". It is not so, of course. You are keeping a clear picture in front of you, just as much as one tries to do that in making contribution from Government in lieu of rates. I would ask Government to adhere more closely to that principle, and I think we shall see more clearly where we are.

Mr. Speaker, only one or two more points, I agree with those who criticise the apparent lack of imagination in specifications of our roads; but I think it ought to be clear to this Council, Sir, that we do not know yet who is really responsible for this matter of specifications. We do not know that it is correct, as has rather been suggested in this Council, to blame the Road Authority entirely in this matter, or how far one should blame the Public Works Department. If we had the Manzoni Report we might know the answer here. I would remind hon. Members, Sir, that the Road Authority has been pressing for that report for some three years. It is a matter of great urgency to have that report published, so that we can see how the matter can be rationalized, and how we can get a more imaginative approach to the question of specifications for roads.

Again, Sir, my final point, in the matter of rationalization. I support wholeheartedly in the hon. Member for Mount Kenya in what he had to say

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about an inquiry as to the allocation of transport as between railway and roads. That has been a need for a great many years. Sir, I think we have gone from hand to mouth all these years. We have not balanced the thing at all. It could be rationalized by a committee of adequate standing going into it.

I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I had, Sir, expected to intervene in this debate. Even, Sir, before the debate started I had a distinct feeling that it would be necessary to say something about the financial position in so far as the roads are concerned.

Sir, to deal with one point which has been raised by the hon. Member for Aberdare, on the question of the principle of allocation of fees for services, as regards hospitals, schools and things of that kind and roads and rates. I should like to deal first of all with the contribution in lieu of rates.

Now, Sir, the hon. Member, I think must be aware that the reason for a contribution in lieu of rates, which has been stated many times from the Government side of this Council, indeed by myself when I was Member for Health and Local Government, not only in connexion with rates but in connexion with private street works, was that this is a "distinctive" function of Government. The Government does not pay its contribution in lieu of rates as a Government; it pays it as a landowner. Thus the taxpayer, in respect of property in a municipal or local Government area, is a landowner and he benefits as directly from the rate expenditure of the local government authority as does any other landowner. Thus the roads that are paid for out of local rates, they indeed benefit and increase the value of the landowner's property, in this case the taxpayer's property. And it is on that basis and on that basis alone, that the Government accepts the "contribution in lieu of rates" and pays, on exactly the same basis as the private landowner, in such things as private streets works—matters which have been laid down in principle, I propose to stay now, Sir, I think the hon. Member wishes to say something as well.

MR. SLADE: I thank the Minister. I hope the Minister does understand that I am referring to Government not as a landowner, surely but as a car owner.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir, but in this case I would suggest that the Government pays the contribution in lieu of rates purely in the position of the taxpayer as a landowner, and not as a taxpayer or as a Government, and that is a big difference—

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It is now time for interruption of business. Council will adjourn until 9.30 a.m. to-morrow, Thursday, the 7th of June.

Council rose at nineteen minutes past Six o'clock.

Thursday, 7th June, 1956

(Morning)

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

MOTION

ADDITIONAL DAYS FOR SUPPLY

MR. HARRIS: Mr. Speaker, I beg to move:—

That in accordance with Standing Orders additional time as necessary, but not exceeding five days, be allotted to the business of the Annual Estimates for the period 1st July, 1956, to 30th June, 1957.

Mr. Speaker, Sir, this Motion I think is self-explanatory but I would just ask your permission to explain that it is in fact precautionary; it may not be necessary for us to use additional time; we may want some of the five days or even all of them, but it does not follow, Sir, that we shall need five days.

I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE LX—WORKS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of Debate adjourned on 6th June, 1956)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, when the Council adjourned last night I was attempting to deal with this point raised by my friend, the hon. Member for Aberdare, on the Government contribution in lieu of rates and trying to illustrate the difference between the Government contribution in lieu of rates and the ordinary Government contributions. I tried to point out, Sir, that the principle has been established in this Council over a long period of time that the contribution in lieu of rates, the same as the Gov-

ernment contribution to private streets work, is given as a recognition of the fact that the Government is a landowner—the taxpayer is a landowner—and he benefits from the expenditure of local rates in exactly the same manner as any other landowner benefits. That is to say, Sir, that the property which the taxpayer; that is the land, the Crown land, the property which the taxpayer owns in the town, benefits from the general rate of expenditure to which he, in his turn, as a taxpayer, contributes and it is right that he, as a taxpayer and a landowner therefore, should meet exactly the same rate burden and the same burden with regard to such things as private streets works as any other landowner. But that is a very big difference to, for instance, the grant made by the Government to such services as public health. That is a completely different measure. That is the taxpayer, through the instrument of Government, recognizing his part responsibility for certain services which the local authority carries out but which have both a national as well as a local benefit. There is, therefore, Sir, a very big difference in this question of the contribution in lieu of rates to which the hon. gentleman referred.

There has been a great deal of talk, Sir, too, about the principle of fees for service and the need for roads and the use of roads and who should pay for the use of roads. Sir, let me give an illustration, a personal illustration. I am a ratepayer in Nairobi. Now, Sir, as a ratepayer in Nairobi, through my local rates, I have contributed considerably to the road construction in Nairobi. Indeed the majority of the roads in Nairobi are, and have been, paid for by the Nairobi ratepayers with only a partial contribution to certain trunk roads and their maintenance from the central Government or from the Road Authority. And one of the reasons why places like Nairobi and Mombasa have these standards of roads internally, is because the ratepayers themselves have indeed met a very large proportion of the bill for those roads, and that must be remembered when we talk about the cost of taxation and the burden of usage on the whole road system. There are also a very great number of townships who pay rates towards the construction of roads who do not have cars at all.

MR. COOKE: Do not the towns benefit from the good roads.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The answer is that the towns pay for them and what we are suggesting, therefore, is that there are other people who could also perhaps contribute a little more towards the roads in their own local areas.

I see my hon. friend, the Member for the Coast, shakes his head, so that I know that on this particular point we are in agreement!

Now, Sir, we have this particular question of the principle of direct benefit which my hon. friend, the Member for Aberdare, raised in what I thought was an extremely thoughtful speech indeed and a contributory speech of great benefit, where he said that the question of fees was comparable to the hypothecation of revenue. That, of course, Sir, is a principle and an argument which I could never accept. The fee, I suggest, is something which should be paid in direct proportion to the amount that the person paying the fee uses the service. All the other levels are taxations which do not depend upon the direct usage in proportion to the service. (Interjection by MR. COOKE of, "Petrol tax.") Yes, petrol tax does not depend upon direct usage in proportion. (Interjection by MR. COOKE of, "It may do.") No, No, Sir; I will give this particular instance again; I will come back to Nairobi. I, in Nairobi, Sir, am paying in addition for the construction of my roads and, therefore, my petrol tax is not in direct proportion to my usage of roads over the whole surface of the country. (Interjection by MR. COOKE of, "Good roads indirectly benefit the towns".) Well, if we are going to talk about it being indirect, Sir, then let us realize that the fee argument falls down straightaway. That is the point.

However, Sir, the main theme of my hon. friend, the Member for Aberdare's argument, was that we should raise the money from the people who want and intend to use the roads. Now, Sir, I would ask my hon. friend to think very seriously before he carries that to its logical conclusion because if my hon. friend's argument was carried to its logical conclusion, I think that the cost to the Road Authority and the country

would prove to be a terrific burden indeed.

Time and again the Government is questioned in this Council about the cost of living. Now, one of the great elements in the cost of living in this country, in the cost of production and everything else, is freight, and the impact of a tax upon petrol, for instance. Now, viewing the tax that I had to put on last year of 25 cents from the point of view of general revenue, the impact is immediately seen right throughout the whole production and economy of the country. I think, as my hon. friend said, and I will quote his very words, "You cannot have communications outstripping development. You cannot have development outstripping communications. They each depend upon the other in a sort of leap-frog process", therefore, Sir, you cannot have roads beyond the capacity of the country, economically to pay in the process of development. My hon. friend's words are, I think, words that should be studied extremely carefully by all these hon. Members who fall into the trap, when we mention roads, of special pleading and forget, as my hon. friend, the Member for Aberdare, underlined, that this is a matter of balance.

Now, Sir, let us suppose, and unless I raise any false hopes in the hearts of hon. Members opposite, I say "let us suppose", let us suppose that we were able to meet this £2,500,000 a year which the Road Authority has asked for during the next planning period. What would be the immediate impact upon the public debt of the country? The immediate impact upon the public debt of the country would be something, taking it year by year—the first year of about £250,000 including interest in sinking funds. By the end of the three-year period, it would have meant that the public debt of the country, the impact on the annual budget, would have risen by £600,000 to £750,000, and I ask hon. Members to consider what they would have to do to raise £600,000 from the road users of the Colony because that is the suggestion that is being made. (Interjection by MR. COOKE of, "It is not".) With all due respect, the hon. Member says it is not, but the hon. Member should study the speech of the hon. Member for Aberdare and he will see that he is indeed saying

[The Minister for Finance and Development] that the Government vehicles should pay licences and petrol tax, and that against that, there should be placed the whole of the interest burden of the public debt which is incurred in the provision of capital to the Road Authority.

My hon. friend, the Member for Aberdare, nods his head, which shows that the hon. Member for Aberdare agrees that I am interpreting his suggestion correctly.

MR. COOKE: Will the hon. Minister give way? The argument is that good roads will bring in money in the way of tourism and—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, can my hon. friend explain the argument used by the hon. Member for Aberdare—when the hon. Member for Aberdare has just agreed that I have interpreted his argument correctly?

MR. COOKE: But we do not necessarily agree with the argument of the hon. Member.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I am referring to the hon. Member for Aberdare, Sir; I will come to the hon. Member for the Coast in due course.

Now, Sir, let us imagine that we accept this unacceptable principle from the point of view of the Legislature—that the taxpayer and representatives of the taxpayer and the Parliament of the taxpayer should be subjected to a subordinate authority, let us accept that unacceptable theory and say that the Government, the taxpayer, did therefore pay a licence for all the petrol he uses, for all the vehicles he uses. That would be swamped, I assure hon. Members, on the figures in front of us, already, if we are indeed to place the cost of the raising of the capital against the Road Authority. And I suggest my hon. friend, the Member for Aberdare, in this particular case, has rather forgotten the capital impact. My hon. friend said that, as did one or two hon. Members, that my hon. friend, the Secretary to the Treasury, was wrong when he quoted the interest which the capital used for roads was costing the taxpayer. That I cannot agree with, Sir. The whole of the argument on the other side was based upon the fact that the

taxpayer, through the central Government, was not contributing sufficient to roads, and it became necessary to show what indeed we were contributing. We are contributing this fairly hefty sum and I suggest that if we were to move that liability across to the Road Authority, the Road Authority would find it penal and indeed, when you look at its recurrent revenue of £1,260,000 this year and begin to think what would happen if we had indeed to place that liability against road development, it would lead to an immediate pulling in and contraction of our road development programme.

LT.-COL. GHERSIE: Would the hon. Minister give way for a moment? I think probably those remarks are directed to me, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir. The hon. Member seems to feel that the cap is pressing pretty tight, but I can assure him I was not referring to him.

LT.-COL. GHERSIE: I am quite prepared to wear it.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I know you are, I have referred, Sir, too, to the position with regard to the general economic effect. But I think we must say straightaway that we would be wrong in our attitude to road development if we did place the interest and the sinking fund on public debt, as a direct charge to the Road Authority. I say that, Sir, because again referring to my hon. friend, the Member for Aberdare, he said we must have this thing balanced and that is right, Sir; we must have it balanced as a programme. The hon. and gracious Member for Nyanza quoted some words of a speech spoken by the Vice-President of the International Road Federation, in which he said right throughout the world economy people had failed to make sufficient contribution to roads. Well, Sir, he said, "Was I surprised to hear that", or I think words to that effect. I am not at all surprised, Sir, to hear it. I am no more surprised to hear the Chairman of the International Road Federation say that we are not spending enough money on roads, than I am to hear my hon. Nominated friend, Mr. Cowie, say we are not spending enough money on national parks. This is a matter of special pleading, but when all special pleading,

[The Minister for Finance and Development]

is finished, there is in every country one body of men who must bear the burden of balancing the priorities and deciding which in the general programme is most in line with general progress and most in line, too, with the words of my hon. friend, the Member for Aberdare—you cannot have the one outstripping the other—and that body is the Government of the country. That is why, in this particular case, though you have a protected and hypothecated revenue, you have a position in which however drastic the situation in which the country found itself, this country—this Legislature—cannot, except by the alteration of an Ordinance, reduce by one penny the annual current hypothecated revenue of the Road Authority. Even though you want money for agriculture, even though you want money for schools, even though you want money for hospitals, for administration, for security buildings—as far as the recurrent side is concerned you remove that from your capacity to control.

Now it may well be argued, and argued quite reasonably, that what you do is to ensure a minimum on road development, but you do that for no other branch of your economy at all. My hon. friend, the Member for the Coast, spoke about a divine discontent; Sir, I can assure him that the spirit of divine discontent runs through everybody on the Government side—very much so. We, unfortunately, have as a matter of collective responsibility as Ministers, sitting down in a Council of Ministers, to say that there is only so much money available and we have to go through the painful process of taking out projects which we believe are absolutely vital to the immediate development of the country, but we have no other choice. Were we right, for instance, Sir, in saying that in this last capital programme we should spend this £5,000,000 on the Mombasa water supply? Were we right in saying that we should spend nearly £2,000,000 on Embakasi, rather than give that extra money to roads? I think opinions on that will probably differ, but I would say that both those projects are likely to bring more immediate economic impact and impulse to the development of this

country, than if we had spent that money on roads at that particular time, and I do not believe any Member of this Council, who is not eaten up with the special pleading of the moment, would argue against that particular fact.

Now, Sir, my hon. friend, the Member for Ukamba, spoke about collective responsibility and then about two minutes later he used the words “but they collect their funds”—referring to the Road Authority, I think—from the Minister for Finance. Sir, the Minister for Finance does no more for the Government than place in front of the Council of Ministers and the Development Committee, the money that is likely to be available within the maximum burden which he thinks the taxpayers of the country should be called upon to bear at any particular time. The one thing that he has to be very careful about, is to see that we do not rush so far ahead with the development programme, that we face an increase in taxation of too great a measure before the benefit of that development appears in the economy of the country, but it is the Government as a whole that decides how this money shall be spent.

Now, Sir, let us have a look at the actual picture, because we talk about communications and I agree so wholeheartedly with a couple of hon. Members who referred to the need to co-ordinate such things as road and rail capital and that sort of thing. But the East African Railways and Harbours is, after all, an East African entity. We have yielded to its autonomy and its capital expenditure, planned and incurred, during 1954/57 has been over £41,000,000, but without that expenditure, phasing at Mombasa would still be more rigid than it is and we should still be in that position where ships would not want to come to Mombasa and the trade of the country suffers, quite apart from the fact that, as has been emphasized by one or two of my colleagues, there is this need for this railway economic flow to be maintained. The hon. Members have spoken about Posts and Telecommunications, Sir; they are communications too, and they do come within this subject. We have spent £9,000,000 on those. We have spent, on the Road Authority, £3,126,000 in this period. The Nairobi airport has cost us

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£1,800,000. The water supply for Mombasa has cost us £5,000,000, and the City Council of Nairobi, for water alone, has had to raise on the London market the sum of £3,250,000—for water alone.

Now, Sir, we have been spending and developing at a very great rate over the past 3½ years; I wonder if hon. Members realise how great that rate has been and I must come back to the fact, Sir, which I quoted in my reply to the Budget: “there can, in the difficult financial position, be very little chance, I imagine, of us getting more than that, that is the amount already given to us, in the next planning period, unless the availability of capital from those sources from which we usually borrow increases to some very great extent”. Now, Sir, anybody who studies the London market from which we must borrow money, knows well enough that the whole trend is to the tightening of capital and that it is extremely unlikely that we shall be able to raise, during the period 1957 to 1960, money at the same rate as that which we have achieved very successfully during the period 1954 to 1957. It is extremely unlikely, and let us suppose, Sir, then that the maximum we can find without increasing taxation to a penal extent on a pay-as-you-go basis—that the maximum we can find for the country is some £7,000,000 a year. Would hon. Members, at that stage, be prepared to support a programme which gave over 40 per cent to 42 per cent to the Road Authority alone—irrespective of what happened to schools, to hospitals, to agricultural development and to agricultural development loans?

MR. COOKE: Don't cry!

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I am not crying, Sir; I am trying—what the hon. Member for the Coast does not seem to appreciate—to place some of the facts before the Council, rather than the airy-fairy phrases of “divine discontent” which can be so easily bandied about.

Now, Sir, that is the position and against that background the Government must balance the situation. The Government is well aware of the importance of roads. Indeed, it could not be left in ignorance for very long when it

listens to the hon. Members opposite. But it has to bear in mind that they will be just as vehement in a short time about other matters as well.

It will place as much money as it is possible to place at the disposal of the Road Authority. But that will have to be balanced against the amount of money which can be made available, and when the hon. Members talk airily about £3,000,000 a year, up to a loan of £5,000,000 or £10,000,000, I trust they will remember that loans have to be repaid—and that the burden of each £1,000,000 on the taxpayers of the country, both in interest and in sinking funds, is somewhere between £60,000 and £75,000.

Now, Sir, there is one other point which I think was referred to by several hon. Members, including the Member for Mount Kenya. That is this question of the consideration of road and rail programmes as a whole. I should like to tell the hon. Member that we have held now three conferences between all the East African governments, the railway authorities, the Posts and Telecommunications and the Nairobi City Council.

MR. COOKE: And the Road Authority?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, because they are not a direct borrowing authority. Those are the main authorities, therefore, which have to go to the London market, and there is little doubt about that as a result of those conversations we are faced with a very difficult situation, inasmuch as we are informed that the amount of money that we are liable to get by direct borrowing is far less than the minimum requirement of those Governments and those borrowing authorities. We shall be having another conference before very long on these matters, but the situation, whilst I would say it is not without hope—because we hope to find some of those “other sources”—the situation nevertheless is one which must give cause for considerable thought. But these conversations and conferences do go on. I would beg the hon. Member to understand that in so far as there is only one big source from which most of us must draw, it is recognized as important that we should co-ordinate our demands upon that source.

[The Minister for Finance and Development]

I think, Sir, that I have covered most of the points that have been raised, with the exception of my hon. friend, the Member for the Coast, who I think referred to the 25 cents tax last year and said that if there was any loose money lying around it should go to the Road Authority, Sir, I must repeat once again, as I did in the reply to the main debate, "if there is any surplus money, that the first purpose of any money available for disposal must be the reduction of the burden on the British taxpayer and the Government in Great Britain at a time when their own Chancellor of the Exchequer, Mr. McMillan, has called for a cut of £100,000,000".

Now, Sir, finally, my hon. friend, the Member for the Coast, exhorted the public to be patient. I was delighted to hear him give that advice and I suggest that in the full knowledge that the Government is balancing its programme of development, taking account of all the pressures, of all the needs, that the hon. Members of this Council, too, as the public of the country, have to learn to be patient until such time as more money is available and until such time as the country is producing more wealth to enable it to carry the loan burden which capital will bring in its train.

MR. CHANAN SINGH: Mr. Speaker, Sir, anyone who has listened to this debate will get the impression that roads are the only subject that interests Kenyans. Road management is sought to be made a second government in this country. Well, Sir, here we forget that roads are only one of the factors in development. Some of the earlier speakers even suggested that there was a sort of conflict between the interests of the railway and the interests of roads. Well, Sir, if we are thinking of road users and transporters on the one hand, and railway management on the other, then we must admit that sometimes there is a conflict; but if we are thinking of the country as a whole then I am convinced that there can be no conflict in the long run. The main cause of misunderstanding on this point arises from the fact that the railways are a national asset. They are responsible for the development of the country and we make the railways make sacrifices of revenue from time to time

so the country might develop. We have imposed on the railway management a law which does not apply to road hauliers. The railways are under certain disabilities. In fact railways all over the world are saying that if they were freed from the legal shackles which bind them now, they would be able to compete with any road hauliers; but the question arises whether it would be advisable to remove those restrictions on railways.

The overall costs of any railway in the world are lower than the costs of road transport anywhere in the world, but, Sir, we expect the railways to carry developmental materials as well as luxury goods. Now, Sir, if we want to pay low rates on the developmental materials, then we must make luxury goods pay higher rates—something more than the cost of carriage. If that were not done, Sir, then the only result will be that the materials that we require for the development of the Colony—agricultural implements, industrial machinery and the exports that we want to send to overseas markets—will just cease to be carried. Sir, there is nothing special about rate structure in this Colony; the rate structure of railways all over the world is the same and the reason for that structure is the same. That is, the country expects the railways to carry the cheap goods—goods which cannot really bear the whole cost of transport—and for that reason the railways are compelled to charge more than the cost of transport for other goods. But the road hauliers are not bound by any such restrictions. They are not common carriers; they can pick and choose, and for that reason they choose the cream of the traffic. They choose that traffic which pays them more than their own costs. Sir, round about 1945 when I was connected with the Railways—I know the figures of that period only—we found that the average costs of railway transport were round about 10 cents per ton-mile. No road haulier could carry anything at less than 50 cents per ton-mile; sometimes it rose higher than 50 cents. But the road haulier was not compelled to carry maize; he was not compelled to carry cotton seed; he was not compelled to carry agricultural machinery; so that he could choose to carry only cotton piecegoods or whisky or rubber goods, for example, on which

[Mr. Chanam Singh]—
the rates were high on the railway. These are the things that we must bear in mind, Sir. Railways are a national concern. They are necessary to the development of the country. If we had no railways here, Sir, there would not only be no economic development, there would be no civilization in this country. It is wrong entirely to think that there is any long-term conflict between the interests of the railways and the interests of the roads.

Now, Sir, certain Members have also suggested that perhaps we have given no thought to the co-ordination of the various forms of transport, or that if a new committee was set up we could find new principles which are not known—we could find some new factors which are not known to the transport world. Sir, I have my own doubts on that matter. We have had at least three important commissions and committees that have given thought to this matter. We had a commissioner in the person of Mr. Roger Gibb; he came here in the early thirties. His original terms of reference concerned only railway rates, but later on the question of road competition had arisen and he was asked, as an additional term of reference, to look into this road-rail problem also. Two years later we had a local committee appointed by the Governor to report on the desirability of co-ordinating and regulating all forms of transport. It was as a result of the recommendations of that committee that we had the transport licensing system. Later still, in 1937, we had the Brigadier-General, Sir Osborne Mance, who came here for the same purpose. He investigated and made a report on the co-ordination of transport in Kenya, Uganda and Tanganyika Territory.

Well, Sir, these reports here and various other reports in other countries have laid down the principles that can possibly govern the relationship of roads and rails. If you think that a new committee can give us any further help—can lay down any new principles—then with respect, Sir, I think you are mistaken.

As a comparison with costs of constructing roads, cost of railway construction has been mentioned. Sir, One speaker stated the original cost of railway construction was round about £3,000. That, Sir, was obviously wrong,

because the original was a little over £5,000,000 and the length of the line constructed was 250 miles; that gives the figure of £20,000 per mile. It is true that during the depression certain branch lines were constructed with second-hand materials on £3,000 a mile, but even in those days, even during the depression, the real cost of constructing a railway was round about £5,000 per mile.

So far as the question of paying the cost of road construction is concerned, I feel that the only source—the only equitable source—of money will ultimately be taxation. We can raise loans if we can find money here or in overseas markets, but ultimately the cost has to be paid out of taxation, and here I must say that I mean by taxation, the taxation of incomes, the general taxation as we have it in this Colony and in other parts of the world.

I do not support the suggestion that we should have a special petrol tax. Well, Sir, various arguments against such a tax have been given by the hon. Minister for Finance. The suggestion that a petrol tax might be likened to a fee is unworkable. Sir, you will have to erect toll gates on all roads if you were to apportion the payment to the cost. Otherwise, the only result will be that town people, who are in a great majority, will have to bear the costs of the roads which are used largely by resident of rural areas.

Well, Sir, I am not suggesting that we should not build roads in rural areas; such roads are necessary for development; but what I suggest is that it is no use multiplying taxes. Let us try to find the money that we need from the ordinary revenue of the Colony and from loans. It is wrong to have a large number of special taxes—special taxes which are bound to be inequitable—any tax of the type proposed will certainly be inequitable as between town dwellers and country dwellers.

The hon. Member mentioned the existence of staff shortage. Well, Sir, here I know as a fact that several Asians, who have engineering qualifications, who have degrees in engineering, have applied to the Public Works Department, but although before the Lidbury Report came, the excuse made was that senior

[Mr. Chanan Singh] posts were not available for Asians, now a different excuse has been put forward. These young men are told that their qualifications do not entitle them to exemption from Sections A and B of the A.M.Inst.C.E. examination, therefore they cannot be taken in the Public Works Department. Well, Sir, I think that is a very weak excuse. The qualifications that entitle one to exemption from Sections A and B are naturally the degrees of British universities. It is possible that if representations are made to the Institute of Civil Engineers, they will consider the case of Asian degrees also, but that is something which is bound to take time and something which individual candidates cannot be expected to do. That might mean waiting perhaps two years. Well, Sir, the Public Works Department employs a large staff and not all of them have recognized degrees of British universities, nor are all of them M.I.C.E.'s. I think, Sir, that there is need to treat these applications from Asian young men more dispassionately.

The second matter to which I wish to refer is the question of apprentices. I understand, Sir, that so far as non-European apprentices are concerned, they are trained for very junior jobs only. I think, Sir, that there should be various grades of apprentices who will supply the personnel of various kinds. There can be various grades of open competitive examinations for apprentices, so that all applicants can be treated fairly. In any case, Sir, my suggestion is that there should be no bar against non-Europeans entering apprenticeship schemes which are meant to provide senior personnel for the Department.

Sir, I support the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): If no other hon. Member wishes to speak, I will ask the Mover to reply.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, a few of the points which were made by hon. Members opposite and which related particularly to the financial implications, have been dealt with by the hon. Minister for Finance and the hon. Secretary to the Treasury. I will, therefore, Sir, con-

line myself to those points which are of a technical nature and which actually affect the running of the Public Works Department.

Sir, the hon. Member for Central Area, Mr. Chanan Singh, mentioned the position of young men who apply for posts in the Public Works Department, and he has stated that their applications have not always received a great deal of sympathy or understanding. Generally, Sir, whilst engaging qualified staff, or staff with some degree, a great deal of attention has to be paid to the type of training such qualified people have received. But, Sir, I would like to assure him that in view of his remarks I will bring this matter to the notice of the Director of Public Works and see that those young people, even though they do not possess the necessary qualifications, will be given an opportunity to fulfil the technical needs of the Department.

Sir, the hon. Member also raised the question of apprentices, but these apprentices, Sir, have to undergo a certain course which has been laid down by the Colonial Office and generally it is not possible with the limited type of qualifications the local candidates have to allow them to take a degree which will ultimately enable them to take up the senior posts in this Department. In spite of this, Sir, I assure the hon. Member that I will give this matter my personal attention and if there is anything that could be done to encourage local people to take up posts, which will ultimately remedy our requirements of technical staff, it shall certainly be done.

Sir, the hon. Member for the Aberdares, who I am sorry to see is not here, made a remark, regarding the lack of imagination on the part of the road engineers and the Road Department as regards the specifications with which we are building the roads. Sir, the only thing I would like to say is this. That the technical department of the Public Works and the Roads Branch are people of qualified and recognized experience and from time to time they have had the benefit of expert advice from overseas and in no case, Sir, has it been found that the methods which are employed and the system with which we are working is any less behind, or

[The Minister for Works] any less backward, than those obtaining in other countries.

The one thing, Sir, we generally are apt to forget when we are making comparisons of the road system in this country with either Uganda or Tanganyika is the fact that of necessity the basic soils and the basic materials which are available in all these three countries are materially different from each other. I would like to say this, Sir, for the information of the hon. Member for Aberdare and other hon. Members, who raised this question. That the materials which are obtainable in Uganda are superior to that of Kenya. In Tanganyika also, Sir, the basic materials with which either the roads are to be built, or on which roads are to be constructed, are of a superior nature and, therefore, a great deal of extra expense is incurred in Kenya as compared to Uganda or Tanganyika.

Sir, the hon. Representative Member for African interests, Mr. Awori, raised certain points. The first point, Sir, he asked was whether there were any Kenya students who were getting a training overseas under the Public Works Department so that they could come and join the department later on in their technical staff. As far as the official students are concerned, Sir, there are none, but I know for a fact, Sir, that from the various private schools students are taking engineering courses, not only in the United Kingdom, but in other parts of Europe and in India and Pakistan, and I understand, Sir, that some of these are likely to come back to see if they can find suitable employment in this country. I would like to assure the hon. Member, Sir,—

MR. AWORI: Mr. Speaker, on a point of explanation, I did say whether there were students abroad taking engineering and likely to be employed by the P.W.D.

THE MINISTER FOR WORKS (Mr. Nathoo): I thank the hon. Member for that explanation and I think the latter part of my remarks answers this question. That there are quite a few students who are taking this training and as soon as they come back, I am sure we shall see that suitable employment is offered to them in the Department.

Another point, Sir, he asked was regarding the question of the Rongai/Kisumu and the Rongai/Eldoret roads. Sir, when this question was being discussed, not only in this country, Sir, but the Government of Uganda had to be consulted and I think, Sir, the decision which was taken at that time was based on all the data which was at the disposal of the Government regarding the traffic density and other matters. After consideration, Sir, the decision was taken that the road from Rongai to Eldoret was going to be the main road to Uganda.

The hon. Member, Sir, also asked whether there was any possibility of having the Rongai/Kisumu road bituminized in the near future. Sir, not only is there no possibility of having the Rongai/Kisumu road bituminized during the next few years, but as far as I can see, Sir, unless some extraordinary thing happens regarding our finances or we may receive a windfall or whether the loan position gets better, there is very little likelihood, at the moment, of the bituminization of the road even between Rongai and Eldoret.

Sir, the hon. Member also suggested that a visit should be paid by the technical people of this Department to Uganda to see what is being done there. The hon. Member, Sir, will be glad to hear that an official invitation has been received from the Uganda Government for the technical staff of the Public Works Department, along with the Minister, to visit Uganda early next month. I will take, Sir, an opportunity of going into the question and seeing for myself whether quite a lot of the statements which have been made by hon. Members opposite have any substance in them at all.

The other point that the hon. Member raised was the question of small gangs working on roads for maintenance. Sir, in Uganda, in the early days, the system of, not forced labour, Sir, but labour on the part of some of the residents in lieu of tax was obtaining and quite a lot of work was done on that basis. But, Sir, one thing we lose sight of is the fact in this country, and this is, that most of Uganda soil is either murrum or very near to murrum base with the result that it is much easier and

[The Minister for Works] much less expensive to keep up the roads to the ordinary standard than it is in this country.

Sir, the hon. Member for Nairobi North asked whether there was any liaison between the technical staff in the Public Works Department and other departments who were constructing buildings.

I would like to assure him, Sir, that there has always been a great deal of liaison between the Public Works Department and the other departments who are proposing to construct buildings with regard either to the education, the medical, and other technical departments. But, Sir—

LT-COL. GHERSIE: In that case, Sir, would the Minister tell us who is responsible for this nonsense at Muthaiga at the moment? Which department?

THE MINISTER FOR WORKS (Mr. Nathoo): I am coming to that point, Mr. Speaker. With regard, Sir, to the Muthaiga school. The position was that due to the enormous commitment which was on the Education Department, it was found that the building of the orthodox style with materials of a traditional nature could not be afforded and it was decided that with the help of the Kabete Technical School, a school of temporary materials which would be fairly strong for a number of years would be constructed. Now, Sir, one of the factors in that particular site was the fact that the ground was such that if the school was not sited in the way it was, a great deal of extra expense would have had to be incurred in the way of putting up stronger foundations. With that factor in view, Sir, the school was constructed.

I am sorry, Sir, that the hon. Members opposite find that the school compares very unfavourably—according to their opinion—with the, I think it was stated, African quarters of the Muthaiga Country Club. I do not know, Sir, what the African quarters are like at the Muthaiga Country Club, it generally has the reputation of being the most aristocratic club in this country, or what they did cost the constructors. But I can assure hon. Members that in comparison the extra cost which would have to be incurred, either by re-siting the place of the school, which would meet perhaps

the requirements of the hon. Member for Nairobi North, would have been prohibitive, and could not have been afforded. (Interjection by LT-COL. GHERSIE of, "What about—?")

Sir, the hon. Member, Dr. Hassan, raised some points. The point about the road gangs has already been answered. When I said that by experience it has been found that it is much better to carry on the maintenance work by the method in which the Department has done, rather than by road gangs.

The hon. Member, Sir, made a statement regarding the new bridge at Nyali, and said that he hoped that this bridge would come into existence very soon. I would like, Sir, to dispel any illusions he might have on the subject by stating that at the moment the only commitment the Government has made is with regard to the survey which is going to be undertaken to see whether there is a possibility of such a scheme being economical and whether there is money enough to be found for such a scheme, if it is.

Sir, there are various parties who are interested in the scheme, the Railways, Mombasa Municipality, the central Government and some private enterprises, and it is only after the results and the data of the working party in exploring the possibility of the scheme can the Government give consideration to it, and then if the finances of the country warrant it, and the situation of the scheme is justified, then action will be taken on it.

The hon. Member, Sir, raised the question of Likoni Ferry and the only thing I can say is this, Sir, that when the report was received, it was found that certain further data was required regarding its naval possibilities and the introduction of this new type of watercraft. For that reason, Sir, a naval architect was brought out and we are now awaiting the report. As soon as it is received I can assure the hon. Member that the Government will give immediate attention to the matter.

The other point, Sir, the hon. Member raised the question of the Mombasa Aerodrome. Sir, as far as I know, the aerodrome building at Mombasa is of the type which is commensurate with (a) our finances and, (b) with the local aircraft which use that aerodrome. As

[The Minister for Works] regards the deficiencies which he has pointed out about the amenities, I have made a note of them, Sir, and the attention of the authorities will be drawn to the facts and action taken to see that whatever amenities are there are properly kept so that the public can take full advantage of them.

The hon. Nominated Member, Mr. Tyson, Sir, raised the question that as it is quite certain that we shall not be able to obtain the necessary technical staff from overseas, what action is being taken by the Government to see that some local training is given to students here. Sir, I have already mentioned the scheme for trainees at the training school—at Kampala Engineering School, and the hon. Member is aware that the establishment of Royal Technical College here, we are hoping, Sir, that within the foreseeable future that a great number of students will be coming out from these institutions which will enable us to remedy the lack of staff which we have at the moment in the departments.

The hon. Member, for Trans Nzoia, Sir, raised the question of the detainee labour. Sir, by experience it has been found that with the camps which have to be built for this labour, the supervision which has to be employed in looking after these detainees when they are working, the scheme does not work out as economically as it would appear at first sight. For instance, Sir, whilst a certain amount of use of this labour has been made both at Embakasi Airport and Makotano Camp, it has been found that the ultimate cost is very much the same as if we had done it by ordinary labour.

He also asked a question about the district roads. Sir, the maintenance of the district roads is on exactly the same basis as the other roads, taking into consideration the traffic density. A main road having a traffic density of 170 vehicles a day for instance, has exactly the same rate per mile for maintenance allowed, as a district road carrying the traffic. Sir, as I have already stated there is on our part the policy that the greater amount of work should be delegated for road maintenance to the district councils and the other local authorities and I trust when this is done

on a greater scale it will meet the point of the hon. Member for Trans Nzoia.

The hon. Representative African Member, Sir, Mr. arap Moi, raised the question of the Italian prisoners and asked what was the comparison between the road which the Italian prisoners built during the war from Nakuru to Nairobi, and the other roads which we are building now. Sir, I would like to assure him of the fact that during the war when these Italian prisoners were stationed in Kenya, the rate of pay which had to be paid to them for the voluntary work was much less than what is required to be paid to ordinary labour these days. Another thing, Sir, is that he seems to lose sight of the fact that these Italian prisoners who were here belonged to some of the engineering regiments from Italy and as is well known, Sir, their skill at road building is second to none in the world, and that we were able to get this skilled labour at a very much lower price, perhaps than we should ever have been able to afford at all. It was only their presence in this country, Sir, I consider which enabled us to build this road to the standard which we have been able to do.

I am grateful, Sir, to the hon. Member for the bouquet he has thrown—there have been so few bouquets while I have been dealing with my Vote from the other side—therefore, Sir, I value this particular point more than I otherwise would have done. I would like to assure him, Sir, that the policy of the Road Authority on which there are representatives of all sections of the community the unofficial section, particularly, from all parts of the country, that it is their policy that as finances permit, a great deal of assistance should be given to the local authorities so that the communications can be kept at a very good standard.

He mentioned, Sir, the point regarding the technical assistance which is available from the Department, Sir, it has not always been possible to afford this assistance to the local authorities whenever they have demanded it, but in view of the recent policy which has been adopted three senior engineers have been engaged by the various district councils and it is the policy of Government, Sir, and it is the policy of Government, Sir, to make a greater number available to

[The Minister for Works] the local authorities so that their work can be carried out efficiently and with speed.

Now, Sir, the hon. Member for Mau had some very scathing criticism to make regarding the attitude I, as Minister for Works, was showing with regard to road policy and other matters in this country. Sir, I would like to state this, that if it is considered and it is defeatist to place before this Council the real hard facts, then I am afraid, Sir, I must accept that charge. Perhaps, Sir, the hon. Member would like me to camouflage the difficulties of finance, the difficulties of finding technical staff, and other problems in a manner which would lull him to sleep regarding some false sense of security in this country, then I think that I myself if I have the privilege the next time of standing in this Council in this Portfolio, or my successor, perhaps would do that and perhaps it would satisfy the hon. Member better.

Sir, he has accused us of having no road policy. I hope the hon. Member does not forget that the road policy of the Government is framed by the Road Authority, which consists mostly of the Unofficial side of the Council, Sir, and that all their decisions are taken with all the possible advice and assistance that is both with regard to the technical and financial implications. And, Sir, I am sorry to see that in spite of the fact that Road Authority, with all its difficulties, all its problems, and whatever problems they have had to face, during the last few years, and I feel myself, Sir, that they have done a magnificent piece of work, that the hon. Member is so readily prepared to criticise them in words which I do think, Sir, do no credit to any responsible Member of, this Council.

The hon. Member, Sir, also stated that the figure I gave to him regarding the overhead charges of nearly £3,000 which are for ancillary services whenever the work of the Department is being done, he says, Sir, that he is astonished. But, Sir, I would like to point out to him that the Public Works Department has been built up to the present standard by the Vote of the Legislative Council from year to year, in deciding what should be

our minimum staff to carry out all the work which falls under the department. Sir, the cost of that department works out at 26 per cent of the total overheads which are required to carry out the roadwork, the water work and the building work. Sir, the only thing I can say is that we shall have to find some suitable method of less supervision or some cheaper employment of technical staff which I would like to warn the hon. Member is not at all possible in these days of such great demand of the technical skill which is required by people all over the world.

The other point, Sir, he made was regarding the roads in Tanganyika and the policy which has been adopted by the Government. Sir, I should like to inform him that from the first-hand information I have, the experience of the Tanganyika Government has had of building contractors in constructing some of the major roads has been far from satisfactory and a great number of problems have arisen there due to the failure of some of these roads.

The other point, Sir, is that the roads which are being built by the Tanganyika Government, between Ruvi River and Morogoro and between Dar es Salaam and Morogoro, have been of a standard which already have shown that the specification was not up to the required standard. All these points, Sir, are being studied and I would like to assure the hon. Member that in this country recently we tried out half a mile of road of such very low specification and with just a carpet of tarmac and we found that it would not stand up for more than two years. But, Sir, that does not mean that we are not going to watch what is happening in the adjoining territories and the experiments that are being made with regard to the lowering of standards and specifications. I, Sir, would like to assure him that the technical department of the Road Authority is keeping all these points firmly in their mind and keeping a close watch and asking for all the information which they can get from these Governments so that we can usefully employ the standards in our own roads.

Sir, the hon. Member for Ukamba raised some points which particularly referred to the new Nairobi Airport at

[The Minister for Works] Embakasi. Sir, the runway of the Embakasi Airport has been going on according to schedule in spite of the difficulties that they have had with regard to labour. As the hon. Member is aware, a great deal of work on this runway has been done by detainee labour, but recently, due to the requirements of rehabilitation and security measures, there was a likelihood of some delay taking place in completing the work according to schedule. But I am glad to say, Sir, that, as far as the runway is concerned, the work will be completed according to the original plan and that the runway will be ready sometime in mid-1957. But, Sir, one of the chief delays which has occurred with this scheme, which I think, Sir, is one of the most important schemes of this country, is in regard to the terminal buildings. Now, Sir, as hon. Members will appreciate, these terminal buildings are to be used, not only by one or two companies, but by several companies, by the Civil Aviation Department and other authorities who are closely connected in designing the buildings to a standard which will be convenient and sufficient for our requirements for the next few years. With this object in view, Sir, the Public Works Department, in consultation with my friend, the hon. Minister for Commerce and Industry, sent out their architect to Zurich, London, Rome and the other places where new airports have been built and all the data which has been obtained has been usefully employed and, I am glad to say, Sir, that the design is now nearing completion and will be going out to tender sometime in September.

Now, Sir, while these plans were being drawn and on the boards, a great deal of changes have had to be made due to new inventions in the air world, Sir, and also due to the requirements of the various companies which are going to use this airport. It must be appreciated, Sir, that these companies are going to provide some of the revenue by rents and other charges which they will give to the Government for the use of this airport, and it is, therefore, necessary that sufficient provision should be made for their requirements.

The hon. Member, Sir, also made a point that we should go slow on the

building because the money was so short and we should not spend as much as £400,000 on the terminal buildings. Now, Sir, I would like to say this, that the original estimate the Government had of spending on this airport, was in the vicinity of £250,000, and the authorities, not only in this country, Sir, but in the other parts of the world, who were likely to bring the bigger lines to this country, told us that the plans which we had would not be commensurate with first-class aerodromes anywhere in the world and that the minimum requirements which were necessary to get this aerodrome classed as an international airport is that which has been designed now. I can assure the hon. Member, Sir, that due regard has been taken of economy and austerity and that there is nothing in these buildings which savours of luxury in any way, but, if we are to have this airport, and it is likely to be one of the most important airports in Africa, it is necessary that the buildings and amenities being provided must be sufficient (a), to attract the visitors to come to this country and, (b), convenient for the bigger airliners to operate safely and economically.

The hon. Member also made some comparison regarding the cost of the school which has been built at Machakos and stated, Sir, that the cost of £9,000 was exorbitant in comparison to the cost which might have been incurred had the work been done by some private contractors. I am sorry, Sir, that the hon. Member is not fully aware of the facts. I wonder, Sir, whether he knows that when first this school was planned, the provision made was almost of the order of what the hon. Member says, but, when the engineers were digging the foundations, it was found, Sir, that the soil in that part was such that much stronger foundations were needed—stronger foundations which have resulted in this extra expense being incurred. Sir, I, when I was on the opposite benches, was one of the chief critics of the Public Works Department with regard to their extravagance and to their cost of building. On first sight, when I was there, Sir, it appeared to me that the work which could be done by private contractors and by private enterprise, was much less costly than what could be done by the Government agency of the Public Works

[The Minister for Works]

Department. So, on first sight, this generally appears to be so, but, when actually you go into the mechanics of the thing, Sir, it is found that it is necessary, even when we employ private architects and contractors, that a great deal of supervision has to be carried out if the work by this private enterprise is to be done to a satisfactory standard. Sir, from past experience, and from things that have been happening in other parts of the country, we are convinced, Sir, that it is necessary to have a control over private enterprise whenever they are doing work for the Government and of a standard which will ensure that Government's money is spent economically and to the best advantage.

And, Sir, I would like to assure the hon. Member that, as far as the building work in the Department is concerned, over 50 per cent of work is being done by contract labour, and that it is the policy of this Department that, wherever it is possible, work will be given out to private architects and to contractors and that the Department will only be concerned with briefing these technical people as to what Government requires.

The hon. Member, Sir, the hon. and gracious lady for Nyanza, made some remarks with regard to certain matters in general and other parochial matters. One of the chief statements she made was with regard to the road between Kisumu and Kakamega. She stated, Sir, that the alignment which has been designed by the Government advisers, is not of a sufficiently high standard to prevent any danger to the traffic or danger to any life. I would like to assure the hon. Member, Sir, that when the technical advisers of the Government were planning this alignment on this road, they knew that the alignment which was proposed was neither the best nor the safest which we should like to have, but, Sir, if that standard is to be achieved, almost double the amount of money which has been granted for this scheme is required, and the Government felt, Sir, that with the limited finances at its disposal, it must do the best it can to bring this road to a satisfactory standard and the only thing that will have to be done is to ensure, to see, that the traffic using it realizes the dangers of the road and takes precautions. The other alternative,

Sir, is to build a first-class road, with first-class alignment and other facilities, but, I am afraid, Sir, that the income we have does not allow us to have this very high standard of either efficiency or safety.

The hon. lady, Sir, also referred to the standard on which the deviation had been kept at. Now, Sir, in any contract, there is an element provided for a deviation road whilst the road is being constructed and this forms a substantial part of the contract. With the limited finances available at our disposal, Sir, we felt that we could not make any bigger provision for this deviation road and, either we had to do without the main road being built, or suffer a little extra inconvenience whilst the road was being constructed. The hon. and gracious lady, Sir, accused me, particularly, of a great deal of complacency in this matter. I am so sorry to hear the remarks, Sir, for the simple reason that I was aware of the fact that this road and its deviation was causing a great deal of discomfort, but when I heard the hon. Member say the position was much more serious than I imagined, I took the opportunity, Sir, within 24 hours of her having told me about this matter, to pay a visit to that road and look for myself as to what the position was. I have already reported the matter, Sir, that I did not find that the road was in any greater dangerous condition and its deviation than the original road was, and that everything possible is being done. The contractors are quite prepared to maintain the deviation at a higher standard; but then extra money has to be found and I am afraid, Sir, that with the finances at our disposal this is not possible. I am sorry, Sir, that the hon. and gracious lady feels that I have not shown sufficient activity in this matter because I do not have to use the road, but I would like to assure the hon. Member, Sir, that, not only in this case, but in all cases where it concerns the safety and the convenience of the public, I am at all times ready to do what I can to see that things are done properly.

There was, Sir, another statement which she made with regard to the Divisional Engineer of the Public Works Department in Kisumu. I am sorry, Sir, that the hon. and gracious lady thought fit to repeat in this Council, Sir, a conversation without appreciating all the

[The Minister for Works]

facts which were given to her by the Divisional Engineer in Nyanza. What happened, Sir, was the fact that at the time the Divisional Engineer went on an inspection tour of this road, all the labour of the contractor were engaged on digging murrum some few miles away from the place and, therefore, there was not a single person who was doing any work on this road. Now, Sir, I would like to beg the hon. Member to remember that it is putting these Government servants in a very invidious position when certain information, given to hon. Members with regard to any inquiries they may make is abused, and the only thing we can do is to ensure that any information the hon. Members want, they must ask the Ministry for so that proper information can be given. We thought we were being courteous in allowing our engineers to give information to Members, but, if this is the use that this information is to be made of, I regret, Sir, we will have to seriously think whether it is in the best interests of the country, and of the Government, to see that officers are not being quoted, or rather misquoted, on matters of this sort.

Another statement, Sir, the hon. lady made was with regard to the Kericho airstrip and she said that the contractors had done a very bad job of work. Sir, I have been authorized to state that the money provided for this scheme was almost 50 per cent of what was really required to do the work at a satisfactory standard, and that the contractors, with whatever money they were paid, had done an extremely good piece of work and that if there was any deficiency it was due to lack of finance and was no fault of the contractors.

The other statement, Sir, the hon. and gracious lady made was regarding the number of qualified engineers who had left the Department during the last few months and that this perhaps shows, Sir, that there is a great deal of discontent and dissatisfaction on the part of the technical staff of the Public Works Department. Sir, I would like to refute that statement and would like to say that during the last few months, nearly a year, Sir, I should say, three or four senior staff have left, but they have left either for promotion or for better prospects

elsewhere away from the Government. Now, Sir, perhaps hon. Members will ask us as to why we are not in a position to see that our senior and experienced staff are kept on against competition from other directions. Sir, the only answer is again that we come round to the same question of finance in Government departments. Sir, I would like hon. Members to appreciate that it is a case that the Government's technical departments are based in relation to other technical departments of the Government, not only in this country, but of the adjoining territories and other colonies, and that once, due to shortage, if the Government launched an effort to recruit staff irrespective of the cost, I am afraid, Sir, the position would arise which would land us in a great deal of difficulty and would result us in one thing, that is we would lose this staff and find our position much worse than when we launched on such an effort. And, Sir, I would like to assure the hon. Members that, where possible, efforts are always made to see that technical staff of the Government is retained by us provided it is within our power to do so and provided it does not disrupt the machinery of the Government too much.

The hon. Member, Sir, for Mount Kenya, dealt with some financial matters which I think have been replied to by my friend, the Minister for Finance, but there was one specific question which he, Sir, and the other hon. Members asked in connexion with the Manzoni Report. Now, Sir, I have already stated when I moved the Vote, Sir, that the report has been received by Government and is receiving its consideration, but, Sir, reports of such a nature have such wide implications, and have to be considered by Government as to the implications such a report would involve, and it is in the best interests of the country and the Government, Sir, to ensure that the report is properly considered by the Government in the first instance, then some sort of conclusions are made and the report is presented to the Council with the suggestions or the decision of the Government on such a report. But, I would like to assure the hon. Member, Sir, that we shall see that no undue delay takes place and that, within the very near future, this report and the Government's white paper on it is presented to the Council.

[The Minister for Works]

I am sorry, Sir, if I am not in a position to give any more definite date of the publication of this report, but I am sure hon. Members, in view of the remarks I have made, will appreciate the position.

The hon. Member, Sir, for the Coast, made some very pungent remarks regarding the road between Kwa Jomvu and Muckinnon Road and the method of planning on the part of Government as regards the bituminization of the roads. Now, Sir, the hon. Member, being the knowledgeable person he is, cannot be unaware of the fact that one of the reasons why, in the original instance, bituminization of the coast road between Mombasa and Mackinnon Road was designed, was due to the military requirements which were likely to arise. The Government, Sir, much against its will, and much against the fact that they could ill-afford to spare this money for such a road, agreed to go in with the military authorities to see what could be done to provide a first-class road. Unfortunately, Sir, whilst the work had just begun, due to the decision of the War Office, the camp at Mackinnon Road was closed and the result was, Sir, that because we had spent a great deal of money on that road, we were forced to keep it in such reasonable repair as would enable us not to lose the money completely on that road until such time as we were able to bituminize the road properly.

Sir, in spite of the fact that there have been such heavy demands on the purse of the Government for schemes which are perhaps more urgent and of greater value to the country, than the Mombasa road between Mombasa and Mackinnon Road, Government has thought fit to make provision to see that as much consolidation work and bituminization work should be done on that road so that the money should not be lost and, with that idea in view, Sir, as the hon. Member for the Coast is well aware, the Road Authority took that decision.

In this respect also, Sir, sometimes we have been accused of the fact that the Government uses inferior contractors in comparison to more reputable firms who would be able to do work perhaps more efficiently and more quickly. But, Sir, when you consider that there is a difference of between 30

per cent and 40 per cent between the tender of a contractor who tenders low and the highest contractor, Government has to take into consideration these factors and, although it may mean delay of a few months in this matter, it cannot be insensible to the fact that it is Government's duty to see that every possible economy is exercised when letting out these contracts.

Sir, as far as my notes go, I have dealt with most of the points which have been raised by hon. Members opposite which affect this Vote, Sir. In conclusion, Sir, I would like to assure hon. Members that, as Minister for Works, I am most anxious, and I am anxious at all times, to see that the department is run efficiently and, at the same time, the criticisms and the suggestions made by hon. Members opposite, either directly to me, or indirectly to other sources, will receive the greatest possible attention and that it shall be our endeavour to see that Government work is carried out with economy and satisfaction to all.

Sir, I beg to move.

Question proposed.

The question was put and carried.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think this might be a suitable moment to have the customary fifteen minutes break and business will, therefore, be interrupted for fifteen minutes.

Council suspended business at ten minutes past Eleven o'clock and resumed at twenty-five minutes past Eleven o'clock.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £3,067,061 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957 for Vote LX—Ministry of Works.

Amendment proposed.

Sub-head A, Personal Emoluments Head (1)—Administrative and General

MR. COOKE: Mr. Chairman, Personal Emoluments, No. 1 Minister for Works—I beg to move a reduction in his salary of £100. I do that, Sir, to draw attention to certain omissions and commissions in his speech, which I, and I think other people, regard very seriously.

Now, first of all, the hon. Member said, or seemed to say—I may have misunderstood him—that he was going to give an opportunity for young unqualified Asians to hold executive posts in the Public Works Department. Well, that seems to me, Sir, a very serious dilution of the Public Works Department by unqualified people, that is if they have not got the qualifications, and I think it was a very serious thing, and I am sure contrary to Government's policy, that he should hold out even the hope that such a thing would happen. Now however critical we are of the Public Works Department, we are still very proud of what they have done in this country and especially of their integrity and efficiency, and I would certainly very much deprecate anything that might dilute that department. He then went on to say—I do not want to accuse my hon. friend of electioneering speeches—but then he referred to young African students studying in India and he gave what was very like a promise—and it is very dangerous to give even what is like a promise to Africans—that he would see, when they return from India, that opportunities would be given—if the hon. gentleman wants me to give way I will certainly do so with pleasure—he would give opportunities to these young men to get posts in the Public Works Department.

Now, as far as some of us on this side of the Council are concerned, we would fight to the last ditch any attempt to promote people except on merit and ability—whether he is a European, Asian or African. Promotion to these posts must be by merit and ability and we would fight to the last ditch on that particular point. So I do think the hon. gentleman was wrong when he gave the impression that he was going to encourage Asians and Africans who are unqualified to enter into the Public Works Department.

Then he referred to the speech of my hon. friend, the Minister for Agriculture, when he rebuked the Road Authority for having consented—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Mr. Chairman, is my hon. friend in order in using this device for what is indeed a continuation of the policy debate in referring now, Sir, not only to my hon. friend, the Minister for Works, but in referring to the Minister for Agriculture and statements that he made in the main debate, and I would suggest that that is a matter for your ruling.

MR. COOKE: May I just reply? If the hon. gentleman had been patient, he would have seen that I am going to blame the Minister for Works for not intervening because it is his responsibility to see that bituminization of that road is gone on with. The Road Authority can only recommend—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Mr. Chairman, Sir, there were two points of order that I asked; one, Sir, was whether he was in order to use this device to, indeed, continue the policy debate which, Sir, we are now about to embark upon.

THE CHAIRMAN (Mr. Conroy): The position is this. The Motion which Mr. Cooke is now making should be that he moves the reduction of Sub-head A—Personal Emoluments, of Head (1) Administrative and General, by the sum of £100. The ground on which he seeks to do so is the reduction of the Minister for Works' salary by that amount. Any matter which is relevant within that reduction, is admissible in this debate because the rule of relevancy in Committee of Supply is applied with comparative strictness. I, therefore, think that any matter which goes to the Minister of Works' salary is relevant, but, any matters which go merely to introduce matters which might have been raised on the policy debate, are out of order.

MR. COOKE: Thank you, Sir. I could have, if I wished, taken exception to my hon. friend's remark about device, but I am so used to rudery from the hon. gentleman that I do not take any exception to it. If the hon. Minister had dealt

[Mr. Cooke]

with this matter, I should not have brought it up—device or no device.

Now, the hon. gentleman himself, the Minister, of course is responsible and the Road Authority is responsible to him, and, without his imprimatur—if I may use the word—the Road Authority could not go on with this bitumenization which is a matter which had been decided on long since the military had any control of that road, or the expenditure on that road. Now, therefore, my hon. friend, the Minister—I am castigating him now for not having got up and said that that was his responsibility and that really the hon. Minister for Agriculture was talking through his hat yesterday when he accused the Road Authority of this expenditure. I may say, Sir, without being irrelevant, that the traffic density for the first seven or eight miles of this bitumenization is probably as heavy as anything in Kenya—that is from Kwa Jomvu to beyond Mazeras—and there is probably no part in Kenya, except the very environment of Nairobi, that has a traffic density of anything like it.

Now, Sir, the third was—it is not really so comparatively important and I may have misunderstand what the newspaper said (I believe it is commonly done)—that the newspaper seemed to say yesterday that Princess Margaret is going to land on the aerodrome at Port Reitz. I may be wrong, but, if that is so, I am surprised that the hon. gentleman skirted so thinly over the necessity of improving that aerodrome, because the runway now at Port Reitz aerodrom is, I understand, in a very bad condition and would not appear suited to take heavy aeroplanes, and if I am right in my reading of the matter that Princess Margaret is flying direct—may be entirely wrong, I may have been misinformed—from England to Mombasa, then I think the hon. gentleman should give great study to this safety factor on that aerodrome which he did not do when he replied.

Sir, I beg to move a reduction of a £100.

THE CHAIRMAN (Mr. Conroy): Mr. Cooke, you have to move a reduction in the Sub-head, this is, (1) Administrative and General, A.—Personal Emoluments.

MR. COOKE: Well, Sir, I move a reduction in the Sub-head, Personal Emoluments, of £100.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Chairman, in the first place, I should like to say that when I stated the fact, arising out of the remarks of the hon. Member for Central Area, Mr. Chanan Singh, when he said that people who had been qualified and when they applied for their jobs did not get the jobs because the happened to be Asians—I think that was the implication, Sir, made—and I replied to him, Sir, that when people are duly qualified and if they are not given the jobs—I did not say it in so many words, but that was my intention, Sir—they did not get the jobs just because they happened to be Asians, and I would make sure that if they were duly qualified they would get the job. I would like to assure the hon. Member, Sir, that neither during this speech, or at any time while I have been in charge of this portfolio, there is any intention on my part to do anything which would lower the professional standards of the Public Works staff. If, Sir, any engineers, or any qualified staff is employed, they will be employed because they are duly qualified for it, and not just because they happened to be Asians and because I am an Asian. I should like that to be quite clearly understood by hon. Members opposite and I think, Sir, there is not a single instance in the things that I have had pleasure in conducting in the Department, Sir, when efforts on my part, either directly or indirectly, have been conducive to that factor—that there is any intention of Indianization or Asianization of the Department. I would like to make that quite clear, Sir.

As regards the entry of Africans who come duly qualified, I did not say, Sir, that they would come qualified from India. I said they come qualified either from the United Kingdom, from Europe, from India, from Pakistan, or from wherever they are. If their degree is such which is recognized by the recognized institutes in the United Kingdom, then they certainly will be given an opportunity to take up the post if they are qualified for it.

Sir, I would like it placed on record that it shall be, not only the endeavour of the Director of Public Works and his

[The Minister for Works]

but also the Minister for Works to ensure that no lowering of standards will be permitted in the technical staff of the Government.

The second point, Sir, that the hon. Member made was the bitumenization of the roads. Now, Sir, I think the hon. Member was labouring under some misapprehension when he made that statement. The actual responsibility of the work carried out and the programme laid down regarding the betterment and the bitumenization of the roads, falls under the purview of the Roads Authority which is a statutory board. But, Sir, the hon. Member wants me from time to time to override the decisions of the Road Authority and let them do certain things or not do certain things and, Sir, I should like to hear his view on this matter so that, in future, whenever I feel like overriding the Road Authority's decision, I shall do so.

Sir, the Road Authority is a statutory board, representing all sections of the community from all parts of the country and, when they make some decisions, I take it, Sir, that they have taken into consideration all aspects of the case and I have never taken, Sir, the trouble even of going into their very detailed methods to see whether their opinions and decisions are those with which I agree. I take it for granted, Sir, that being responsible men, they are fully aware of their responsibilities and of their obligations and that they will only do that work which is in the best interests of the country, taking into account all priorities which are to be considered. And, Sir, if the hon. gentleman now wants to turn round and say that whenever in the past the Road Authority has taken any decision and I disagree with it, Sir, I should like to hear his view, and the views of hon. Members opposite, to give me that—not the authority, Sir, because I have the authority under the law to override their decisions—but I should like to have their opinions on that matter—if they should like me to interfere in the day to day working of the Road Authority and override their decisions.

The next point made was with regard to the aerodrome at Mombasa. Now, Sir, I did not say anything about either the state of the runways or anything like

that for this reason, Sir, under the international obligations, only those aircraft can land at certain aerodromes which are designed to take them.

As regards the visit of Her Royal Highness Princess Margaret to this country—of which I only read in this morning's paper, as the other hon. gentleman did, that there was a likelihood of her coming down at Mombasa aerodrome—Sir, he ought to give us, as responsible Members of the Government, enough credit to see that if that position arose, it would be our endeavour to make doubly sure that the aerodrome was quite safe to receive this distinguished visitor to this country. But, Sir, what I referred to in my speech was the fact that if a better standard of buildings and other amenities are required at the airport, they can only be provided within the finances of the country and having due regard to other priorities which would have to be considered, Sir. But, I would like to assure the hon. Member, that the maintenance and repair of the aerodrome falls within the purview of the Public Works Department, and, due to its very nature, it is essential that we can never take any risks with regard to its maintenance or with regard to the conditions of the aerodrome itself. I can assure the hon. Member, that there will be no doubt in that regard that there will be any negligence on our part, particularly in view of the distinguished visit which is likely to happen, Sir.

Sir, I beg to oppose.

LT.-COL. GHERSIE: Mr. Chairman, Sir, arising out of the first part of the reply from the Minister, I think what the hon. Member for the Coast is really worried about, is that when the question was put to the Minister by the hon. Member, Mr. Chanan Singh, he made a plea that Part A and Part B of the A.M.I.C.E. degree should be waived. Now, we all realize, Sir, that that is a very severe and serious examination—in fact, I have a son who is a qualified engineer and has taken his degree—it takes three years in any case to pass Part A and Part B in a university—there is a period of a minimum of four years' practical training before one can even sit for the final degree and I think the worry, Sir, is that the request made by the hon. Mr. Chanan Singh should not

[Lt.-Col. Gherisie] to be adhered to, namely, that either Part A or Part B should be waived in the case of an unqualified person.

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, I would like to say that just when Mr. Chanan Singh spoke, just before I came to reply to the question, Sir, if I gave an impression when I did not refute the statement of the hon. Mr. Chanan Singh, regarding the waiving of the parts, it was not because I agreed that these Parts A and B should be waived. There was no intention on my part at any time to give any indication that it was my intention to lower or do away with Parts A and B to lower the engineering requirements for these posts, Sir. So, I can again assure the hon. Members that appointments of the Public Works Department will be done solely on merit and that due regard will be paid to high efficiency which is required for these posts.

MR. COOKE: Mr. Chairman, I did not of course suggest that the hon. gentleman should overrule the policy of the Road Authority, but what I did say was that he was equally responsible and that, therefore, when the hon. Member, the Minister for Agriculture, made the attacks which he did, he, the hon. Minister, should have got up and it was his duty to have pointed that out and to have defended the Road Authority.

I will say the gentleman has been very reasonable as regards the Road Authority and I would not urge for one moment of trying in any way, at any time, to overrule the Road Authority, but I think he should have taken an equal responsibility when that charge was made by the Minister for Agriculture.

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, I am very sorry, but I cannot possibly agree that when the hon. Minister for Agriculture was making that statement, he was saying anything which was neither true nor something which I should have refuted, Sir. The hon. Minister for Agriculture, Sir, is a sufficiently responsible Member of the Council to realize that it is Government's collective responsibility of what ever decisions are taken. The only thing, Sir, he was referring to, was that in the

initial stages the responsibility of seeing whether a certain thing was done or not done, lay with the Road Authority and as such, Sir, he pointed out the fact to dispel any illusion which may exist in the country, that if anything happens, it is solely due to the omission of the Commissioner, as the hon. Member says, on the part of the Government.

SIR CHARLES MARKHAM: Mr. Chairman, I would like to ask the Minister to give me an assurance—

THE CHAIRMAN (Mr. Conroy): Sir Charles Markham, we are now dealing with Mr. Cooke's Motion.

SIR CHARLES MARKHAM: Mr. Chairman, I want the Minister to give me an assurance on the question of the sub-standard buildings which he has authorized like the Muthaiga School, that they will not occur again, otherwise I must support this amendment. The explanation he gave in reply, in his speech, was very unsatisfactory about the Muthaiga School. I thought his reply was considerably, you might call it, wishy-washy, as are the materials of the school and I think unless I do get that assurance, I must support the amendment.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Chairman, I would like to say that any decision taken by the Public Works Department with regard to materials used is only done after due consultation with other authorities, Sir, and with the full backing of the Government's decisions. At times, Sir, it may appear that a lowering of standards in materials is not justified, it may appear to hon. Members opposite. But, Sir, the Government has to consider that when they have limited resources at their disposal, and after having conducted a good deal of experiments as regarding the suitability of the materials, both regarding to quality, quantity and the duration, if Government comes to any decision, Sir, it has to implement the decision by authorizing such construction. The only assurance that I can give to the hon. Member is this, Sir: That so far as the Public Works Department is concerned, as technical advisers of the Government, it will only permit work which it is reasonably satisfied is in the best interests of the Colony and the country.

LT.-COL. GHERSIE: Mr. Chairman, on this particular subject, would the Minister agree or disagree that there was proper planning for that particular school? If so, why is it necessary that all these additional extensions, such as a verandah, a lean-to, sufficient lavatory accommodation, had to be dealt with subsequently?

Secondly, Sir, on the question of materials, I do not know if the Minister has really seen the materials—I have. Was the timber not an old job lot that was possibly up at the Kabete Training School and was used for the purpose of these trainees and somebody thought fit to put it into that school?

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, as regards the question of the materials which have been used in the Muthaiga School. I would like to draw to the attention of the hon. Member, that the same materials were used on a block of rooms which were constructed at the Kilimani School, and that was some time ago, and we took the trouble, Sir, of going to look at that construction a few months after it was built. There was nothing wrong with that, Sir, and, basing our decisions, Sir, on that, the authorization was given regarding using the materials at the Muthaiga School.

Regarding the siting, Sir, I have given a reason that one of the reasons why the school was sited in that particular position, nearer the road, was on account of the conditions of the ground where if we had gone a little bit further back, and in another position, a much greater depth of foundations would have been required. Sir, sometimes the technical people of the Government do make mistakes, we all make mistakes, and in view of the queries that have been raised by hon. Members opposite, and in the country, I agree, Sir, perhaps much greater regard might have been paid to the designing of the school. But, Sir, I cannot possibly agree that there was any gross negligence or any gross error on the part of the Government in having that school designed in the manner that it was done.

MR. HARRIS: Mr. Chairman, as the Minister has just admitted that a mistake was made, I take it that he is giving the undertaking that it will not recur.

THE MINISTER FOR WORKS (Mr. Nathoo): Well, Sir, the implication I

have given, or the impression I have given, in this particular instance, an error was made because the general opinion is against the school. Well, I do not think, Sir, I am not ashamed to say at all in this House—I mean in view of what has been said by the general public, that there has been a mistake made in that particular direction. I can only assure the hon. Member, Sir, not only in this instance, but in all instances, that a greater deal of supervision and control will be kept in designing the schools so that the criticism which has been levelled in this particular instance will not occur again.

LT.-COL. GHERSIE: Mr. Chairman, Sir, there is one point that I want to emphasize, not necessarily the type of construction that one is so critical about, that is bad enough, but I am dealing with the type of material actually used in the construction, which is very bad.

THE MINISTER FOR WORKS (Mr. Nathoo): Well, Sir, I can again repeat what I said before. That the materials which have been used, have been used after due experiment and they have been used in other places and found to be satisfactory. If they are not as aesthetic, or as nice looking as hon. Members would like to have, well, Sir, I am very sorry we cannot do anything better. But I can assure the gentleman that due regard was paid as to its durability and its suitability before the decision was taken.

MR. COOKE: Mr. Chairman, in view of the explanation of the hon. gentleman, and of the augmentation of the Government ranks on the other side of the Council, I withdraw my Motion.

THE CHAIRMAN (Mr. Conroy): Is it the wish of the Committee that the Motion which is in the possession of the Committee be withdrawn?

The question was put and the Motion, was, by leave, withdrawn.

MR. HARRIS: Mr. Chairman, Sir, at reference No. 3, in this Vote, there is a Parliamentary Secretary at £1,350 a year. Now, Sir, the present incumbent of this post, I believe, used to be in the Office of the Chief Secretary, and this Council was then informed that it was necessary for this particular gentleman to spend most of his time at the Coast. (I wish I could get the same sort of

[Mr. Harris]

orders.) The Member for the Coast, Sir, is always telling us that the Coast seems to be rather neglected in respect of works. Well, Sir, it is the only part of the Colony, as far as I know, that has its own Parliamentary Secretary, and I wonder, Sir, whether the Minister—so that we can understand the structure of the Ministry of Works—whether he would give us details of a typical day in the life of a Parliamentary Secretary in the Ministry of Works. In other words, what does he do?

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, it is difficult to know the typical day of the life of the Ministry for Works, because one day he may have a problem of water, and the next day a problem of roads, which are so different that the day to day work will be quite different. The thing is this, Sir, that the Parliamentary Secretary was attached to the Ministry of Works for two reasons, Sir, (a), it was found that his presence in the Ministry of Works at the Coast would be of more advantage to the country than his presence at the Coast attached to the Chief Secretary's Department here.

Now, Sir, his job is to see that the work which is being carried out by the Department is such as to preclude any suspicion of any false economy, or false extravagance, and that when the public are anxious to know something about what is happening in the Ministry of Works. In the same manner, that I can deal with these things in Nairobi, he is supposed to be dealing with things in Mombasa. It is his job also, Sir, from time to time, to go round on safari to see that the roads and the work which is being carried out by the Ministry are done to the best advantage of the country.

There is, as I say, this position that the evolution of the Ministry is not still, Sir, on the ideal lines that it should be, because it is a completely new Ministry which has been created, and as time goes on, I mean by experience, sufficient attention will be paid to the fact that the Ministry is streamlined, and then what the final shape of the thing will be nobody can say. But, in the meantime, Sir, I can assure hon. Members that the Parliamentary Secretary is in

attendance at the Office of the Public Works Department in Mombasa.

MR. COOKE: Mr. Chairman, in view of the remarks of the hon. Member for Nairobi South, some of us are hoping that there would be more than one Parliamentary Secretary at the Coast, indeed, a Minister one day when the Coast obtains local self-government.

MR. HARRIS: Mr. Chairman, I quite understand that if this gentleman's job is going on safari around roads that are maintained by the Public Works Department, and drinking the water from Mzima Springs that is brought into Mombasa by the Public Works Department, he earns every penny of this £1,350.

THE MINISTER FOR WORKS (Mr. Nathoo): I am glad, Sir, the hon. gentleman realises the difficulties of the Department and of the Parliamentary Secretary.

2. Accounts Branch—A—Personal Emoluments agreed to.

3. Building Branch—A—Personal Emoluments agreed to.

4. Materials Branch—A—Personal Emoluments agreed to.

5. Mechanical Branch—A—Personal Emoluments agreed to.

6. Stores Branch—A—Personal Emoluments

LT.-COL. GHERSIE: Mr. Chairman, Sir, Stores Branch. Is the Minister satisfied with the establishment shown in the Estimates, and the calibre of the personnel? I might just add to that. Is he satisfied with the grade provided in regard to these posts, and that efficient control and safeguarding the stores can now be assured?

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, the only answer, unless the hon. Member has got something behind his mind when he is asking the question is this, Sir. That on the face of it and from the experience I have of this Department, I am quite satisfied, Sir, that the Department is running as efficiently as it could and the officer in charge, who is in charge of the stores, is on a suitable grade, appropriate to the work and responsibility.

LT.-COL. GHERSIE: Mr. Chairman, Sir, I am not referring to the officer in

[LT.-Col. Ghersie] charge of the stores, I am referring to the various grades of personnel in the stores department. All I want to know is if the Minister is satisfied that these grades are such that the stores should now be efficiently controlled? It is not just the storekeeper, Sir, in charge, in a store department, you have also to deal with storekeepers and ledger clerks.

THE MINISTER FOR WORKS (Mr. Nathoo): Sir, I am satisfied that the grades in the Department are such as work could be efficiently carried out. Another factor, Sir, has to be borne in mind that with the establishment of the Central Stores, a certain amount of responsibility that formerly fell within the purview of the stores of the Public Works Department now will be taken away and the Central Stores will be dealing with that. In view of that, Sir, and from whatever I have been able to see, I am quite satisfied that the grades in the Department are of a satisfactory nature.

6. Stores Branch—A—Personal Emoluments agreed to.

7. Electrical Branch—A—Personal Emoluments agreed to.

8. Maintenance of Aerodromes—A—Personal Emoluments agreed to.

9. Langata Quarry—Nothing—agreed to.

10. Training Schemes—A—Personal Emoluments agreed to.

11 Other Charges

SIR CHARLES MARKHAM: Mr. Chairman, on Other Charges, Item No. 1, Travelling Expenses, I see there is an increase of about £8,000 on last year's actual expenditure. Is that because the duties of the Parliamentary Secretary—the Minister is shaking his head, but I think that is what 31 reads, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): He said, "last year", does he mean he is referring to the figure of £31,000, then the term "last year", Sir, should, with all due respect, be with regard to £32,600.

SIR CHARLES MARKHAM: I am sorry. Actually I am referring to 1954/55. I wonder what the point of this increase is, Mr. Chairman?

The second question I would like to ask is No. 13. Another item, £600 for

replacement of calculating and adding machines. Is it necessary, every year, to have that replacement?

Once you have bought your machinery it has quite a long life.

MR. MACKENZIE: Mr. Chairman, Sir, the position with regard to Item No. 1—Charges, is that a good deal of expenditure on travelling during 1954/55 was met from Emergency Funds and that the subsequent provision was insufficient and last year the bulk of the provision was placed under the ordinary Vote and; therefore there had to be an increase.

A further point about this is that it has been realized for some time before the current year's Estimates were submitted that the provision in the ordinary Vote for the travelling of this Department was inadequate and that it would be necessary, if they were going to do their work properly which involves a great deal of travelling, that a larger provision should be made.

SIR CHARLES MARKHAM: I have been calculating, Sir!

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I think that the hon. Member is thinking that the capital value of the calculating and adding machines used in the Department is £600. This £600 is only a proportion of the capital value and represents the need to replace year by year, exactly the same as in any business. Well, Sir, if the hon. Member will look at the size of the Vote and will look at the amount of work which has to be done, he will see that, I think, quite rightly, the Government believes in mechanization.

The result is that there is a considerable use of calculating and adding machines in this department of Government, and indeed it is my hope that the Organization and Methods Branch of the Government when it is going thoroughly will step up a great deal of mechanization, because I believe that we could save a lot of the cost in the long run if we mechanized to a greater extent.

MR. COOKE: What about a mechanized Financial Secretary?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): That, Sir, if the hon. Member for the Coast had his wish, would be the only function of the Financial Secretary!

[The Minister for Finance and Development]

12. Roads Branch—

- A—Personal Emoluments.
B—Other Charges.

SIR CHARLES MARKHAM: I am afraid, Mr. Chairman I have to query the question of travelling expenses and to ask whether this item represents the expenses for Public Works Department vehicles or the mileage allowances given to officers using their own cars? This might be given later on, but do you think perhaps the Minister could give details of how the breakdown of this figure is arrived at?

12. Roads Branch—B—Other Charges agreed to.

13. Hydraulic Branch—Administrative and General—

- A—Personal Emoluments agreed to.
B—Other Charges agreed to.

14. Water Supply Section—A—Personal Emoluments agreed to.

15. Hydrology Section—A—Personal Emoluments agreed to.

16. Ground Water Section—A—Personal Emoluments agreed to.

17. Drainage Section—A—Personal Emoluments agreed to.

18. Water Law Section—A—Personal Emoluments agreed to.

19. Public Works Recurrent—

- A—Buildings agreed to.
B—Water Supplies agreed to.
C—Rents agreed to.
D—Renewals agreed to.
E—Other agreed to.

20. Contributions to Road Authority agreed to.

Z. Appropriations-in-Aid agreed to.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Committee do report back to Council its consideration and approval of the Resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir F. Cavendish-Bentinck) in the Chair]

REPORT.

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved the resolution that a sum not exceeding £3,067,061 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957. Vote LX—Ministry of Works.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE II—JUDICIAL

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair and that the Council do resolve itself into the Committee of Supply in order to consider Vote II—Judicial.

Sir, in order to appreciate the ambit of this Vote, which has not been the subject of general debate for many years, it is necessary to understand something of the organization of the Judicial Department.

The Judicial Department consists of the Supreme Court, Magistrates' Courts presided over by Resident Magistrates, including Senior Resident Magistrates, and by Special Magistrates, and the various administrative and ancillary services necessary to sustain these courts. The Department is within the administrative authority of the Chief Justice who has the dual function of administrative Head of the Department in addition to his position as Head of the Judiciary. The administrative and ancillary services are under the control of the Registrar, who is, of course, responsible to the Chief Justice therefor.

[The Minister for Legal Affairs]

In addition to these courts, there are various other magistrates' courts, presided over by other magistrates, administrative officers and *ex officio* magistrates. These courts are not administered by the Chief Justice, although of course they are subject to the appellate and supervisory jurisdiction of the Supreme Court.

There are in addition, of course, African courts which are administered by the Administration and not by the Chief Justice; their special jurisdiction, their procedures, appellate processes, etc., are separately regulated by and under the African Courts Ordinance.

The Supreme Court has, in both civil and criminal matters, an original jurisdiction and also an appellate and supervisory jurisdiction over the decisions of subordinate courts. Its original jurisdiction is exercised by a single Judge sitting alone in civil cases and with a jury or assessors in criminal cases. Its appellate jurisdiction on appeals from subordinate courts is commonly exercised by a bench of two Judges.

In normal circumstances, Sir, there are at least two Supreme Court Criminal Courts and four Supreme Court Civil Courts sitting daily in Nairobi, though there have been as many as six Criminal Courts sitting in Nairobi simultaneously.

In addition, courts are held by Resident Judges at Mombasa, Kisumu and Nakuru and by Judges on Circuit at other trial centres.

The administrative services serving the Supreme Court are divided into a criminal and civil section, each under a Deputy Registrar. There is also a Deputy Registrar stationed at Mombasa and there are District Registrars—secondary function performed by Resident Magistrates—in certain other main centres.

Magistrates' Courts, which of course deal with a much greater numerical volume of work than the Supreme Court—there being many more of them—are served by a similar administrative organization, and in Nairobi the respective civil and criminal sections, which hitherto or until recently were under the

charge of a chief clerk, are now being put, and the criminal section has already been put, under the charge of an Executive Officer. It will be seen in the Estimates under Personal Emoluments that there is provision for two Executive Officers. There is one already, as I say, in charge of the Criminal Section of the Magistrates' Court registry service in Nairobi and there is another one in the process of recruitment to take over the Civil Section. Those officers are, in fact, European officers.

There are ten Magistrates' Courts sitting daily in Nairobi, five criminal, two civil, a traffic court, a juvenile court and a municipal court. In the other parts of the Colony there are Resident Magistrates posted at Mombasa, Nyeri, Nan-yuki, Nakuru, Kericho, Kisumu, Kilifi and Kakamega, and there are full-time First Class Special Magistrates stationed at Naivasha and Kiambu, and a part-time First Class Special Magistrate stationed at Kitale.

With effect from the beginning of the new financial year, however, there is to be a Resident Magistrate stationed at Kitale.

Appeals lie from Magistrates' Courts to the Supreme Court as I have indicated and in certain circumstances second appeals lie thereafter to the Court of Appeal for Eastern Africa, and the Supreme Court, in addition to its appellate processes, has a revisionary jurisdiction and—subject to certain lower limits—a confirmatory jurisdiction, a duty to consider the decisions of Magistrates' Courts in confirmation.

Appeals lie, of course, from the Supreme Court in the exercise of its original jurisdiction to the Court of Appeal for Eastern Africa. In regard to those appeals, it is one of the functions, and one which takes up a great deal of time and labour, of the Supreme Court Registry to prepare case records—typing and checking the records of all Kenya appeals—for the Court of Appeal.

It will be noted, I think, from that outline survey that the structure of the Judicial Department is indeed a very considerable one and the various administrative and ancillary services which it requires for its operation are similarly considerable. It has two

[The Minister for Legal Affairs] Accountants with ancillary staff, to provide accounting services for the Department, and there is to be an Establishments Officer, replacing the post of Office Superintendent, and that officer will deal, in addition to establishment matters, with various administrative and organizational matters, registration of correspondence, the filing system, telephone and postal services, stores, etc.

It is also the intention of the Chief Justice in due course, when he can obtain a suitable officer, to seek sanction of this Council for the appointment of an Archives and Exhibits Officer to undertake the care of that very important aspect of the Judicial Department's functions.

Now, Sir, as regards the numbers of cases, which I think may be of interest to the Council, the number of criminal cases filed in the Supreme Court for the years 1952-1955 excluding Emergency cases but including Magistrates' appeals, are (and these are criminal figures): 1952, 2,800; 1953, 5,817; 1954, 3,767; 1955, 2,097. These figures represent cases, the number of persons involved would be more than double these figures.

Emergency Assize cases in the Supreme Court since the introduction of the Emergency Assize procedure in June, 1953, total, up to the middle of May this year, 1,182, involving 2,552 persons. In addition, there has been a relatively small number of Emergency cases which have been tried under the alternative procedure under the Emergency (Criminal Trials) Regulations.

Civil cases filed in the Supreme Court during this period have been: 1952, 3,188; 1953, 5,983; 1954, 2,751; 1955, 3,014.

The very great increase, particularly in the year 1953, in the work of the Supreme Court due to the Emergency, necessitated a number of measures to relieve the burden on the Supreme Court and to avoid inordinate delays in disposing of cases. Two supernumerary judges were appointed in 1953 and a third in 1954. Of these one—Sir Hugh Holmes—died last year and there are two still serving, although these posts will disappear, being temporary and supernumerary in the relatively near future.

In addition, Resident Magistrates were given enhanced jurisdiction in criminal matters and in civil matters. Some of them too, three in 1953, and a fourth in 1954, were appointed to act as Judges.

Also, when the pressure of work was as, its height in the 1953/54 period various senior members of the Bar accepted appointments as acting Judges for limited periods and gave invaluable assistance to the Judiciary in that capacity at considerable personal and professional inconvenience, and, I fear, at some financial sacrifice.

The volume of Emergency criminal cases and the need to ensure that they were disposed of as expeditiously as possible necessitated their being given priority over other cases and from a relatively early stage in the Emergency, the position has been that a person is normally brought to trial within 14 days of the filing of the information, save only where there are exceptional circumstances such as the inability of the accused person owing to illness or injury to stand his trial. In some cases they have been brought to trial in considerably shorter periods. I can remember one or two cases which were before the courts on trial within 24 hours of arrest.

In Magistrates' Courts the increase in work, of course, has been formidable. Apart from the other more obvious factors, the increase in their civil and criminal jurisdiction, to which I have already referred, inevitably caused a very large accretion to the volume of cases passing through those courts. The numbers of criminal cases filed in Magistrates' Courts during the four-year period 1952-55 were as follow: 1952, 48,025; 1953, 56,216; 1954, 50,938; 1955, 63,259. Those are indeed awesome figures when one remembers that they are in terms of cases and that in terms of persons involved, again those figures would be likely to be considerably more than doubled.

In addition, civil cases in Magistrates' Courts during those years were numerically as follow: 1952, 11,730; 1953, 21,816; 1954, 17,170; 1955, 16,405.

Now, it must be realised, Mr. Speaker, that the increase in the work of the courts has not been solely due to the Emergency. The increase due to the Emergency is a passing increase and will

[The Minister for Legal Affairs] level off, and has already shown signs—has levelled off, and will progressively diminish. But at the same time there is a very considerable ordinary increase which is natural and inevitable in a developing country in which population, trade and industry and all other forms of economic and social activity are constantly expanding.

Any thought, therefore, that the extent or cost of the Judiciary can or should revert to its pre-Emergency level is illusory; there must be inevitably an increase in expenditure to maintain the more expensive judicial services that are necessary, and will continue to be necessary and to expand, to serve the community as the community also expands.

Nevertheless, the extra expenditure due to the Emergency is being steadily reduced. The additional staff which has been necessary, starting from 1953, to meet the extra demands of the Emergency numbered 86 a year ago, and has been gradually reduced in the intervening period and at the end of this month will number 49 and of course the process of reduction until we eventually eliminate any form of Emergency supplementary staff will continue.

Emergency expenditure, that is the expenditure due to the Emergency over and above the ordinary expenditure of the Department, has been running at a level of approximately £25,000-£30,000 a half year. That, too, is being run down—has been run down—in a continuous process, so that the estimate of Emergency expenditure for the second half of this year is £10,000. Ordinary expenditure has increased from approximately £67,000 for the first half of 1953 to £93,000 for the first half of 1956. It will be appreciated, of course, that that increase reflects, in addition to other factors, the impact of the Lidbury scale of emoluments.

Concurrently, however, with this increase of expenditure, the revenue of the Department has increased sympathetically. In 1953 the revenue was £180,000—in round figures—as against an expenditure of £134,000. In 1954 the revenue was £202,000 as against an expenditure of £152,000, and in 1955 the revenue was £294,000 as against an expenditure of £190,000. Now the revenue

of the Department includes fees and fines and forfeitures and of the 1955 revenue figure of £294,000 some £60,000 represented fees, the balance being arrived at by fines and forfeitures. In the coming year the income from fees is estimated at £72,000.

Since the present Chief Justice assumed office about two years ago he has been engaged in progressive reorganization of the Department, resulting in very considerably increased efficiency. Arrears of Emergency Assize cases, which at the beginning of 1954, the year in which he took office, stood at between 70 and 80 cases, were wiped off by October of that year and no further arrears have been allowed to accumulate since then. Pending civil cases have been reduced from 2,038 in October, 1954, to 1,182 in December, 1955. Progressively as the calls on the Supreme Court for the conduct of Emergency criminal trials diminish, so the state of the civil list will improve.

Among the various administrative measures which have been introduced by the Chief Justice have been some which were badly needed—the creation of a central registry for inward and outward registrations, a complete overhaul and reorganization of the filing system and the institution of a proper system of minuting on files and cross-referencing of files; the appointment of a qualified librarian and the establishment of a library committee, the institution of a new system of allocation of criminal work among the various Magistrates sitting in Nairobi, in order to ensure some equilibrium of distribution and to eliminate delays; the preparation of new jury and assessor lists, and the introduction of arrangements for the maintenance of those lists up to date; the inauguration of a new system of fixing the civil list, the list of civil cases, which has very considerably, with the other steps taken, very considerably contributed to the reduction of time that litigants have to wait for the disposal of their cases.

There is in addition the reorganization of the civil and criminal section of the Registry for Magistrates Courts, which I have already mentioned, and another matter is the overhaul of the procedure for the collection of fines on

[The Minister for Legal Affairs] This plea of guilty in traffic cases. In this latter connexion, Mr. Speaker, I should mention that considerable difficulties are experienced in the collection of fines from people who avail themselves of the facility of pleading guilty by post, where this is permitted by law. These difficulties are mainly caused by reason of the fact that some of these people appear to be particularly unscrupulous; they plead guilty by post and they put on their letter a false address, or a misleading address, they find out by some means or other when the registered cover is presented to them—if they put the right address on—it probably has O.H.M.S. on it—they find it emanates from the Court, they realize, therefore, that it is asking them for the payment of a fine, and so they refuse to accept it. In short, there is practically no limit to the guile and deception and dishonesty which some people are prepared to resort to in order to avoid payment of their fines, notwithstanding the fact that they avail themselves of this particular facility and thereby avoid the necessity for personal attendance.

In the result it is found that more money is being spent on the collection of these fines than the fines themselves amount to. If that situation continues—one of my colleagues suggests that we stop fining them, but I hardly think that this is the real solution to the problem. The situation cannot be allowed to continue, Sir, that is quite certain, and if it does not improve, I think it is right that the Council and the public should be warned that it may be necessary to withdraw the facility of pleading guilty by post, in which case the honest, as so often happens, will have to suffer for the evasion of the dishonest.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): According to our arrangements, business will be suspended from now until 2.30 p.m.

Council suspended business at thirty minutes past Twelve o'clock and resumed at thirty minutes past Two o'clock.

Thursday, 7th June, 1956
(Afternoon)

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, I gave, this morning, Sir, an outline of the organization of the Judiciary and an indication of the levels at which revenue and expenditure under this Vote are running.

I should now, Sir, like to give credit where credit is due—a pastime which I would commend to some of the people, who, from the outside looking into this Colony, seem to see all sorts of sinister bogys.

I should like to pay a tribute first, Sir, to the Chief Justice for the great improvements in the organization and efficiency of the Judicial Department which he has achieved, in addition to all his judicial duties, and is continuing to achieve and in which he is very ably and devotedly assisted by the Registrar. And, Sir, to the Kenya Judiciary and the Court of Appeal for Eastern Africa; I would like to pay credit for having surmounted the many difficulties which have confronted them in the Emergency and for having borne the very great strain, additional strain, which the Emergency has placed on the whole judicial structure of this Colony. Despite these difficulties, Sir, despite the immense volume of work and the very heavy burden which has been placed on the Judiciary, each case has continued to receive the same meticulous care and attention at all its stages and the same careful and impartial consideration and judicial disposal under all the basic safeguards of the law, as it would receive in normal times. I should like to make it clear, as I fear is not always appreciated, that in every capital case an accused person, every person accused of a capital offence, has the services of a counsel to defend him. If he does not wish, or is not able to afford to engage counsel at his own expense, counsel is assigned to his defence at the expense of the Government. I should like to mention, in this connexion, the Bar, of which, as Attorney General, I am privileged to be the Head. The Bar has performed the greatest services, not only to the Courts by assisting them in the disposal of cases, but to accused persons whom they have defended for comparatively small fees and in circumstances in

[The Minister for Legal Affairs] which, very likely, their professional duties were often far from pleasant for them. They have also, Sir, at the height of the Emergency when the very great number of Courts sitting simultaneously made it quite beyond the capacity of the Legal Department to provide prosecuting counsel in every case, the Bar came to our assistance and, in a very large number of cases, prosecuted on Crown briefs.

Sir, the judicial processes, in the Emergency, have been greatly expedited. They have been expedited to the maximum degree practicable without abandoning any of the fundamental safeguards against injustice which the law prescribes and has developed over the centuries. The fact remains, Sir, and this is the vital fact, that the quality of the justice dispensed has been no whit impaired. There are those, Sir, who have seen fit to question the due administration of justice in this country; for the most part they are not in or of this country, and the premises on which they found their criticisms are very largely presumptive or acquired, at second-hand, or more usually at umpteenth-hand, from persons not disinterested in discrediting us and not above distorting the facts to their own ends. No-man-made or man-administered system is perfect or infallible and we do not rest complacent or delude ourselves that we have achieved the ultimate in progress, development or improvement. But, Sir, any suggestion that justice is not administered fairly, impartially and responsibly by the Courts of this country is a falsehood which anyone who knows the true facts will not hesitate to contradict. We shall always have criminals and we may not be able to detect them all, or to bring them all to justice, no country has ever succeeded in that ideal, and no country ever will. But we wage a constant and relentless war on the criminal for the protection of society and the welfare of society and in this undertaking, Sir, the Courts and the Bar play their full part in the great tradition which is our proud heritage.

I beg to move.

MR. CONROY seconded.

Question proposed.

MR. AWORI: Mr. Speaker, Sir, this is subject that one might be able to say, "Why should Mr. Awori be able to speak on it?" I am a layman on this subject, and I think as an amateur I should be able to ask some questions of what my hon. friend, the Minister for Legal Affairs, has expounded.

This morning, when the Minister for Legal Affairs gave us a whole history of the Judicial Department, I was very much interested, Sir, but I have only one point which I want to raise on behalf of my friend, Mr. Mathu, who is unfortunately sick, which he would have raised before the Council. Fortunately, I happen to have some other matters which I want to raise; and there provide this opportunity of speaking in this debate.

I think that the Minister has given us a very good history of the Judicial Department. I do not remember, but I think it is the first time that we have had a full debate on this Vote on Judiciary.

Before my friend, the Minister for African Affairs, sat down, he said what I had put down in my notes, which is quite true—that the Judicial Department is impartial and we also understand that, and we are grateful that the Judicial Department is impartial—we appreciate what they do—they are honest and they are quite impartial, and we hope that now and in the future they will continue to be impartial, particularly during the time of the Emergency, since 1952 in October, they have had a lot of work to do as far as numerous Emergency cases are kept. The private lawyers who have had to sacrifice their professions to come and defend the witnesses who are being accused, or to prosecute, at very low fees. For that matter, Sir, I shall be able to speak later.

The most important matter that I want to raise, Sir, which my friend, Mr. Mathu, who is away, would have liked to raise is the question of the jury system. Unfortunately, my friend, the Minister for Legal Affairs, did not say, during the course of his speech, in East Africa, unfortunately in Uganda or Tanganyika; there is no jury system except in Kenya. Now, this is only as far as the Europeans are concerned. The jury system does not affect the Africans or the Asians. My friend, Mr. Mathu,

[Mr. Awori] who is absent, did raise this matter. I think he raised the question which up to now has not been answered. We would like to see that the jury system does not affect the Europeans only but all races, Europeans, Asians and Africans. The Europeans have got this as their birthright and, therefore, they are afforded these facilities. But, Sir, if I can be able to remember my native history; I know that whenever a person was accused of murder, or any capital offence, he was never judge by one person, there used to be a panel of elders and the verdict of those elders was taken into consideration, so the jury system is not new to the African, it was existing long before we had Western civilization in Africa. That much I know from my forefathers and I think it would be wrong if we continue to have a jury system of Europeans only and not for Africans and Asians. Whenever there is any capital offence, in the case of Africans and Asians—(Interjection by an Hon. Member: "What about the Arabs?")—and the Arabs—I am sorry, Mr. Speaker, because I always take the Arabs as the Asians. We have assessors, but then the judge normally, in the question of a jury, takes into consideration what the jury have said as to the verdict. But, the judge does not necessarily take into consideration what the assessors have said. He is not entitled to that, even according to the present law, so I think, Sir, that Government should take into consideration, and I would appeal to my friend, the Minister for Legal Affairs, to look into this matter, that we have the jury system working in all European and African and Asian and Arabs, on cases.

Furthermore, Sir, I feel that it is high time that we have a jury which is multi-racial. Since we have accepted in this Government that we shall have a multi-racial Government, I do not see any reason at all why we should not have a multi-racial jury. Even in this respect, I would like to emphasize, Mr. Speaker, that we must have the people of the highest calibre from all the races. They must be people who are honest. They must be people who are capital. The people who are impartial and I think that out of a population of more than 6,000,000 we cannot be able to have a

proper jury selected through the judiciary which would be able to serve us a good purpose.

In this case, Mr. Speaker, I have got the support of one of our most eminent Judges, Sir Barclay Nihill, the former President of the East African Court of Appeal, who is now retired. I do not want to repeat what he did say, during a certain conference, but he did support the question of having a multi-racial jury system introduced into Kenya. What Tanganyika and Uganda might think, I am not interested in. But, I feel—I speak on behalf of Kenya—and I think, Sir, that it is high time that we have a multi-racial jury system introduced into Kenya.

The other point, Sir, which I would like to bring to the notice of my friend, the Minister for Legal Affairs, is the question of African courts, the tribunals. Sometime ago, when we were in the Memorial Hall where we used to have our Legislative Council meetings, I raised this matter as well as in this Council. I would like that the African laws and customs are written down so that the president who presides over the African courts should be able to be guided properly in this matter when they are trying any cases which deal with the Africans.

I would like to know, Sir, whether anything has been done up to date. At the same time, Sir, I did ask, some time ago, and it could be checked in the HANSARD, that an inquiry should be set up to look into the working of the African courts throughout the Colony. I am not satisfied in the way that they are being run. I think there is a great deal of corruption going on and that is not to the credit of the country and the people concerned. At the same time, Sir, I feel that the presidents who preside over these courts should be able to have a refresher course at the Jeanes School, Kabete. My friend, the Minister for Community and Development is not here, if they could be able to have such a course, so that he could be able to look into the question of African laws and customs are concerned, I think it would be able to help us.

Now, Sir, I come to a point which, I think, my friend, the Attorney General or the Minister for Legal Affairs, did

[Mr. Awori] raise. That the powers of the magistrates or the subordinate courts. I would like to get an assurance, in normal times they have the power to give a sentence of three years. Now, during the Emergency, it is seven years. I would like to get, Sir, an assurance that after the Emergency is declared to be over, that it will revert to the normal three-year period.

Another point, Sir, which I would like to know from my friend, the Minister, is the question of the African District officers, so far I know that there is only one who has been appointed as a district officer cadet, but there are any number of them who are not up to the same standard. I would like to know how many have been appointed as first class magistrates and second class magistrates and third class magistrates, and what steps the Government is taking in getting these people, either qualified in law, so that they can be able to tackle the question of hearing various cases and seeing that justice is properly done.

I come, Sir, to a very important point of which I am not going to speak on behalf of my colleagues, or on behalf of the African public, but on behalf of myself, is the question of the death penalty. I have not got any mandate from my colleagues, on this side of the Council, or from the African public at all. But I would like to get a statement from the Minister as to whether Kenya is going to follow in the footsteps of Britain as far as the death penalty is concerned? Already in the House of Commons, and I think Members on both sides of the Council have already read what has been going on for some time, they would like to withdraw that penalty so that the murderers are not hanged. I personally feel that a murderer should be hanged, unless it is proved by doctors that he is insane, or for some other psychological or psychiatric reasons. I think that our country has not come up to standard when we can be able to get freedom of hanging murderers, and this is an assurance that I would like to get from the Minister because I think that if automatically when Great Britain gets rid of hanging murderers then we follow in their footsteps, I think we shall be making a great mistake.

We have not come up to the standard in which we can be able to follow that. I am speaking in my personal capacity. I have not consulted my colleagues on this issue, but I think that it is not the opportune time when we can be able to waive the question of hanging people who murder others. I know in Scandinavian countries, and in other countries in Europe, they have got rid of the question of hanging murderers. But, I think we will have to continue until such time as we will be able to have people well civilized.

I do appreciate, Mr. Speaker, the point which was mentioned by my friend, the Minister, the question of having a Judge at Kisumu. I would like to point to my friend, the Minister, whether he would consider having a Judge, when one is available, at Kakamega. Since the question of dividing North Nyanza into two districts, we have got Elgon Nyanza and we have got North Nyanza and the distance is great. Now, if the people from Bungoma have to go up to Kisumu for cases, I think the expenses do not warrant that. It is high time that a full-time Judge was appointed at Kakamega, who would be able to look into cases which come from Elgon Nyanza and from North Nyanza.

Mr. Speaker, there was an allegation and, I think, some Members on both sides of the Council have already heard from the Press, and through the radio, through the Press, by Miss Fletcher about young girls, 11 or 10, being sentenced to life imprisonment. I never knew that that sort of thing ever occurred in Kenya. Well, I would like my friend, the Minister, to refute that statement, I was very much surprised, Sir. Now, if this sort of thing appears in Britain and the people are being misled, well, they will take a different picture of what the Administration, in this country, is doing. I will like my friend, the Minister, to let us know the whole truth, whether it is true that girls between 11 and 10 are given life imprisonment and any review comes after four years when the Governor can be able to see whether this sort of thing appears or not, because this sort of thing appears in the Press. It is not only in Kenya or in the United Kingdom, it goes all over the world. Then Kenya gets a bad

[Mr. Awori] name. Now, we do not want Kenya to have a bad name, so it is the onus of Government to see that such statements are properly refuted.

Mr. Speaker, I have got one or two other points to make before I sit down which I will like my friend, the Minister, to state.

Now, the question of the African tribunals. There is a rumour going about that the African tribunal courts will no longer function under the African district councils, but they will be under the Central Government, and the money that accrues from fines will go to the Central Government. I would like a statement to that effect that that is not true. Or, if it is true, then let us know, Sir, so that the Africans who benefit from the African district council should not feel that the fines—the money accruing from the fines, will not benefit them.

Finally, Sir, before I sit down, is the question of the relationship between the African courts and the Central Government courts. How long are we going to have these two separate courts operating? I do feel that at some future time—in the near time—we should only have operated by one type of court, but we should not have this question of having African tribunals and the other magistrate's courts.

If the law could be written, we would be able to have the African law and customs written down and it could be implemented into the normal law so that we do not have different laws operating. There are a number of Africans and I know, Sir, that any African who does not want to be tried by the tribunal courts, he has got the right to apply and be tried by the magistrate's court, but since we have only got laymen in the African tribunal courts, I do not think it is fair when we are progressing that these courts should function. I, personally, think that it is high time that Government should look into the picture, have it properly surveyed, and eventually implement the African native law and custom. The laws of the Africans implemented into the normal law, so that we only have one law operating in Kenya, instead of having Africans being tried in the tribunal courts by laymen,

who do not have any books available to look into. I think it is not very satisfactory. However, Sir, I have no mandate from my African public, by raising that issue, but I think it is a point which Government should look into.

Mr. Speaker, I beg to support.

LT-COL. GHERSIE: Mr. Speaker, Sir, I listened with considerable interest to the Minister's speech on the Judicial Head, Vote II of the Estimates, and, of course, we are most gratified to hear of the improvement that is being introduced in the Administrative machine. In fact, to a certain extent, I feel that he has perhaps taken the wind out of my sails a little, or the ball from under my feet, but I do feel, Sir, that it might also be a case of possibly being wiser after the event. There is some doubt in my mind, Sir, as to whether sufficient safeguards exist in the administrative machine in the Judicial Department. Now, that is a matter, Sir, that I shall deal with in more detail later on.

I would, first, like to hear from the Minister his reactions to the suggestion of the appointment of a Judge who is an expert on Income Tax and Company Law. Now, Sir, I am not suggesting for one moment that such a Judge would be fully occupied presiding over a court hearing nothing by Income Tax or Company Law cases. But, I do believe, Sir, that it would be in the best interests of both Government and the taxpayer if a Judge who was specialized in those subjects was available. Now, Sir, I would hasten to say, at this particular moment, that in this suggestion there is no intention of casting any reflection on the existing personnel of the judiciary. Sir, we are very pleased to hear of the improvement in the calling and hearing of cases, and, as hon. Members will remember, I think it was only a year or two ago when cases were as much as two years in arrears. I have it on very good authority, quite apart from what the Minister has said, that this position has been brought very much up to date, in fact, the delay to-day is something more in the nature of two months, which we must consider quite reasonable under the circumstances. But, Sir, my chief concern to-day is whether or not the Minister is really satisfied with the supervision of the administrative machine in the Law Courts in general.

[Lt.-Col. Gherisie] More particularly, Sir, when we realize, and it was the Minister himself who mentioned this morning, that the structure was very considerable. When we look at this Head, Sir, we realize that the expenditure of this particular Department is now £265,000, and on perusal of the Appropriations-in-Aid, we find that court fees and other miscellaneous credits amount to over £100,000. In fact, to be exact it is £101,396. But we were also informed this morning, Sir, that quite apart from the ordinary court fees, fines and forfeitures amount to a considerable sum, I think the figure he mentioned, Sir, was £294,000.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): £294,000. Mr. Speaker, is the overall figure of which £60,000—that was the 1955 figure of which £60,000 odd was court fees and the balance fines and forfeitures.

LT-COL. GHERSIE: I thank the hon. Minister for the explanation, Sir, but it also emphasizes the point that there is a very considerable figure of revenue which requires adequate supervision as far as the collection of that revenue is concerned, and it is most gratifying, Sir, to hear that, in fact, the actual revenue of that Department is probably now in excess of the actual expenditure which, I am afraid, does not apply to most Government Departments.

Now, Sir, during the course of the recent debate on the Gill Report, the Minister for Finance made the following remark, "My hon. friend, the Member for Mau, asks for a fiscal survey. Heavens, Sir, have we not had enough of these fiscal surveys and committees in this country which cost so much". Sir, I do not think it was probably intended, but I thought that was a rather uncharitable remark, because in a small Colony such as this, it is rather surprising, I think, Sir, the number of people who are sufficiently public spirited are prepared to sit on committees at the request of Government and do, in my opinion, a very valuable job of work. Now, this might sound irrelevant, but it is not, Sir, I can remember one particular committee, Sir, which certainly did not cost the Colony very much, and should have saved the Colony money, if its recommendations had been accepted, and I can recall to mind one

particular recommendation which did, in fact, save the Colony a considerable sum of money, and I refer, Sir, to the Efficiency and Economy Committee on which I had the privilege of serving. Sir, it is rather embarrassing for me at this particular stage to mention this, but I would like to quote from a speech—a very brief extract, Sir—made by Mr. Troughton, who was the then Member for Finance when introducing the 1948 Estimates. This is relevant, Sir, as I am sure you will understand later on. Having referred to Col. Collisson and myself, Sir, he said, "These two public spirited gentlemen . . ." this is where is embarrassing . . . by their valuable and tireless efforts have rendered and are rendering Government a great service in investigating in detail the work in Government departments and making suggestions for improvement and greater efficiency". Now, this is the point I am leading up to, Sir. "All their recommendations have received careful attention in consultation with the departments concerned, and I should like to say this, that their work has been carried out with a desire to be helpful rather than a desire to conduct an inquisition, and their relations with everyone have been far happier than I, for one, had expected to be the case."

The point, Sir, is the recommendations have "received careful attention in consultation with other departments". Now, Sir, later on in the course of that debate, my friend, the hon. Member for the Coast, the same hon. Member, Sir, who is with us to-day said, "There is no doubt that in practically every department in this country there are chaos and inefficiency. Where the fault lies it is not for me to say, but there is an Efficiency Committee sitting at the moment, and some of their reports, if seen by members of this Council or members of the general public, would be found to be pretty startling. I think that this is where we must have a complete overhaul, in expenditure, and we must be ruthless. Get rid of anyone, no matter how senior he is, if he is not pulling his weight and if for some reason or other he is inefficient". Now, Sir, for fear of some hon. Member on the opposite side of Council challenging me, or reminding me that it is the Judicial Vote and not the Efficiency and

[Lt.-Col. Gherrie]

Economy Committee that we are discussing, I think you will appreciate in a few moments, how I am developing my argument.

Mr. Troughton, in winding up the debate—(Interjection by THE MINISTER for AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): You are taking a lot of time!)

Yes, I may be, but you see, Sir, but for certain hon. Members it takes some time for these things to sink in.

"I should make it clear that it is, to use a phrase the hon. Member for the Coast is fond of using, a monstrous exaggeration to say that these reports indicate chaos and inefficiency throughout Government departments. Of course they reveal inefficiency, and there is inefficiency in Government departments just as there must be in any organization that is run by human beings, who are fallible creatures. I will say this: that the committee and their recommendations have done much to help us to eliminate such inefficiency as there is."

Again, Sir, that is the important point that the committee and the recommendations have done much to help to eliminate. Now, that in conjunction, Sir, with his earlier remarks that the recommendations were discussed and the Government departments were consulted is what I suggest I might have to refute.

The Minister has pointed out that a great deal of improvement has taken place in the organization of this Department, and I will join with him in paying a tribute to our present Chief Justice who is, no doubt, responsible for this. But, Sir, I, with your permission, would like to read just one or two notes which might form, or did form, the basis of a portion, and I say advisedly a portion, of the recommendations made by the Committee on that particular occasion.

Now, Sir, although there has been an improvement, my feeling is, at the moment, that there may not have been sufficient improvement in a sufficient short space of time. My object is to prevent a repetition of that position and I would like an assurance, later on, from the Minister that he is satisfied that the

position, which I shall give you some indication of, certainly does not exist today. Sir, here is one remark. My general impression is that the whole of the Court work up to the time that the case reaches the Judge or Magistrates is almost entirely in the hands of the Asian staff, mainly clerks of Grade I. Well, Sir, a Grade I clerk, certainly at about that time, was in receipt of about £300 a year, under the somewhat vague supervision of one holding a Special Grade post.

Now, Sir, these clerks assess and collect fees, they prepare summonses of all kinds, arrange hearing dates, call jurors, prepare warrants of arrest or of committal to or release from prison, receive fines, account for bail money, arrange for typing of proceedings, act as interpreters in Court, and function as a guide, philosopher and friend to the public of all races, and the note here, Sir, says, "and to put it bluntly, they appear to run the show."

Now, that was the impression at the time we were examining this particular department.

Now, Sir, I would refer specifically to the Registrar of the Court. I would suggest, Sir, that the Registrar is the most important cog in the wheel of the Judicial Department, and I think it would be correct to say that during the last year or two, at least three Registrars have resigned their appointments, and one can only conclude, of course, that the terms of service are not sufficiently attractive, not attractive enough for the person to make it his permanent career. I do believe that the lack of continuity acts as a great deterrent as far as the efficient working of the machine in the Law Courts is concerned.

Now, Sir, again I would like to give you a case of point. "For all their work the Registrar, Supreme Court, and their work", of course, refers to the Asian staff, is normally responsible but it would be physically impossible, for that official to give more than the merest glance at what action is taken over his signature. Indeed a remark attributed to the recently retired Registrar that he signed his name 300 times a day might well be no exaggeration. As things stand at present the Registrar has to rely wholly on his Asian staff.

[Lt.-Col. Gherrie]

Now, Sir, naturally evidence was taken and one gentleman attending the committee referred to the chaotic conditions of the law courts due largely to being staffed with inefficient Asian staff, and in interviews I had with European and Asian lawyers the opinion was strongly expressed that far too much power lay in the hands of clerks. Sir, after a considerable time watching the work of practically every branch in the Judicial Department in Nairobi, I was convinced that a European office superintendent was necessary.

This is the point I am coming to, Sir, because apparently some note was taken of that recommendation and up to last year—when I say last year I mean the current year—an office superintendent was provided for in these Estimates, but, Sir, I see in the 1956/57 Estimates, that this post has been deleted. It was felt, Sir, that it required a European office superintendent of some standing to control the organization in the law courts and in all the services common to the Judicial Department.

Now, Sir, I am coming to a very important point and it is something that I think had Government taken notice of at the time of the recommendations of that committee, we might have avoided a very unfortunate incident which is recent history and of which I will make no further comment as I am sure you are all aware of what I am referring to. Now, Sir, this is the comment in that connexion and this is going back, Sir, to 1947 and I suggest, Sir, it is a long time to elapse before Government attempts to remedy the position. Sir, this is in connexion with the Supreme Court and it deals also with the panelling of juries. In addition to his work of preparing case files for the Court, summoning witnesses etc., the Asian clerk in charge of this section has the important duty of arranging for juries and this appears to be entirely in his hands up to the moment when the names of the jurors actually called upon to serve are drawn from a box in open Court by the Registrar.

I found it extremely difficult to ascertain exactly what the procedure is to ensure that fair distribution is made from among those qualified to serve but

the clerk seems to muddle through somehow.

Owing to the war, no Jurors and Assessors List was prepared between July, 1938, and July, 1947, and until this latter list has been promulgated, objections heard; etc., the old list used by the clerk, which is an untidy mass of deletion, scribbles and amendments, must still be used. This results in a large number of summonses being issued to people who, by reason of death, age or departure from the Colony, are no longer available for attendance.

Now, Sir, on a jury case coming forward, the Registrar asks the Resident Magistrate to arrange for 50 summonses. Now, Sir, many of these, for reasons already mentioned, are non-existent and I saw one case, Sir, where 50 were issued and only 18 were available on which the summonses could be served and from which they could obtain their five jurors.

Now, Sir, no Registrar—and I was glad to hear the Minister this morning say a Registrar does exist—but no Register of Attendance is kept so that it depends entirely on the clerk's somewhat primitive methods to see that a particular jurymen is not called again before a reasonable or statutory time has elapsed.

As I say, Sir, I am not at the moment, criticizing the present administrative machine or the people responsible for the Judicial Vote because I realize from what the Minister said this morning that there has been, or must be, a great improvement and I accept what he said. But, what I am suggesting is, Sir, that too great a time has elapsed before the recommendations were implemented and I would suggest that perhaps it may have something to do with the recommendations of that committee, that these recommendations have now been implemented. Now, Sir, this is the sort of thing that I get so frightfully worried about in the ordinary administrative machine. On the office side, Sir, I found this clerk who was in the habit of typing six-lined letters to another clerk in an adjoining room asking for a file. This was the clerk's method of interpreting an office instruction that the correspondence section should be asked in writing to produce a file. The instruction is a

[Lt.-Col. Gherse] perfectly reasonable one but the method of compliance is quite ridiculous. I merely quote this, Sir, to show the absolute necessity for an office superintendent to supervise these individuals and explain even what an office instruction is.

Another case, Sir, we will take the Probate and Administration side—an application for probate for instance. The insertion charge for this is Sh. 8/50. It is collected by the probate clerk and taken to the cashier who gives the usual receipt in triplicate and then he enters it in his Petty Cash Book. Then, Sir, later this cash is withdrawn and taken to the Government Printer's Department half a mile away where a further receipt in triplicate is given and then is included in the account to the Treasury. The result is, Sir, there have been six receipt forms and three cash book entries for the miserable sum of Sh. 8/50.

Anyhow, Sir, to summarize that, Sir, what I am trying to impress on the hon. Minister is the necessity for proper office supervision and the necessity for the post which is now really needed, namely a European Office Superintendent.

Now, Sir, my complaint mainly here, Sir, is of course that Government have so often agreed to appoint committees—whether they do it under pressure from the public or representation I do not know—but it appears to me, Sir, that they appoint these committees sometimes as a method of appeasement and I think, having appointed a committee, they feel that that will satisfy the public and now we can forget about it; the file is put up on some shelf where it just accumulates dust. I do think, Sir, that had the recommendations of that particular committee—and I am referring now to the Report on the Judicial Department—been taken notice of, this unfortunate incident that I referred to earlier might never have taken place. In fact I feel certain that it would not have done.

Now, Sir, on examination of the accounts, we now find—and I am very glad to see it, Sir—provision for two accounting officers. Whether or not, Sir, those posts have been filled, I am unaware—accountants—I beg your pardon. We also find, Sir, that an accounts officer, Grade I, has been deleted from

the Estimates. It may be, of course, Sir, that this particular officer has now been promoted and is one of the accountants; of that I am unaware, but no doubt the Ministers will inform us of the position. But, if that is not the case, and those two accounting posts have not been filled, we are reduced to the position where we have an accounts assistant receiving the princely salary of £714 who is responsible, presumably, for the expenditure of £265,000 in the Judicial Department, and the control of the collection of revenue which amounts to, in court fees, £72,000 and various other miscellaneous amounts totalling £101,000 and then the additional sum amounting to £294,000 in fines and forfeits referred to by the Minister this morning.

Incidentally, Sir, if we examine these Estimates, we also find, as has been confirmed by the Minister this morning, that the Judicial Department has the additional responsibility—certainly from the accounting point of view—of controlling the accounts side of the Court of Appeal for Eastern Africa. Therefore, from the finance and organization point of view, their duties are considerably increased.

Anyhow, Sir, to conclude, and having regard to the disclosures I made and the references to the need for an office superintendent—accounting staff—I would like the Minister to inform us whether he is satisfied to-day, really satisfied, with the internal organization, the general supervision and the accounts section common to all services in the Judicial Department.

Sir, I beg to support.

MR. COOKE: Mr. Speaker, we have just heard an indictment which the hon. gentleman for Nairobi North has made against the guilty men on the other side of the Council, or their predecessors, who, by not taking note of the recommendation of the Efficiency Committee, were, to a large extent—or, at any rate, to some extent—responsible for the rigging of a jury which took place recently. If, as my hon. friend had shown, they had taken note of this Efficiency Committee's recommendation—which some of us had read at the time and had drawn attention to—then it is more than conceivable that that disgraceful affair would not have taken place. As Mr.

[Mr. Cooke] Churchill said, "The value of recriminations about the past, leads to effective action in the future", and that, I am sure, is the reason that my hon. friend has brought up this matter to-day.

I would like to say that I quite disagree with my hon. friend, Mr. Awori, about the recommendations for a mixed jury. I would say that if he, and the Asians, are keen on it, then let them try it out first themselves; let them have a mixed jury of Asians and Africans and then let us see how it works. If it works very well, then perhaps the Europeans—perhaps the Europeans might be prepared to accept mixed juries in the future. At any rate, if they are great believers in the mixed jury, then let them show if it is a success and it would be then a great incentive to Government later on, if it was an outstanding success, to establish mixed juries, but, until we see it is a success, I think most Europeans, in spite of what Sir Barclay Nihill said, would be opposed to it.

There is just one point my hon. friend, the Minister for Legal Affairs, made and that was that we must expect an increase of crime in the future—I think he said that—because there would be an increase in population as compared with the past. Would my hon. friend tell me what he said?

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): I did not say precisely that, Mr. Speaker. I did say that we would always have the criminal with us and I did say that with the expansion of society and the development of the country, the judicial processes would have to expand in proportion.

MR. COOKE: Well, I think in a way that is a slight—I will not say a defeatist attitude—because for this reason; my hon. friend has not been for a great many years in this country, but I think he should realize that the incidence of crime before the war, and up to ten years ago, and up to five years ago, were abnormal—crime in this country. In fact, to such an extent that we had two debates in this Council on crime and we actually established a Law and Order Committee, so I would ask my hon. friend not to conclude that, if he did conclude, that there would have to be

an increase in the judiciary and the magistracy to deal with what might be increased crime because the crime in the past was abnormal. I think in that respect, it would not be a bad idea to re-establish the Law and Order Committee which one of his predecessors did establish and which would keep a watchful eye on crime and report to my hon. friend. I think it is a pity that it ceased to exist two or three years ago at the beginning of the *Mau Mau* rebellion, because it might have been with us to-day, and, at any rate, I would ask him to re-establish that committee.

I support the Motion.

MR. GIKONYO: Mr. Speaker, I have got one or two points that I want to raise in the course of this debate. The first is the matter that my hon. friend, Mr. Awori, referred to—that is the question of African Courts. For many years now, the Africans in general are not quite satisfied with the working of the African Courts. Many of them say that there are a lot of bribes and corruption and I feel that the time has come when the whole question should be gone into to find out exactly whether these accusations have any grounds at all. If there is a case, then I think the Government should take action. There was, I understand, some time ago a suggestion that the Government was going to train fellows—the Africans from Makerere—to become the African judges in these Courts. I thought that that was a very good idea. It may be true that that may take some time, but I do feel, Sir, that it is the logical development in these Courts, so that we replace these untrained elders with trained men; because I feel that there may be a case for these complaints, and I feel, Sir, that the Government should consider inquiring into the whole system of the workings of the African Courts. I know that they have done quite a lot of work in the past, but I think, with the rapid development in African areas—I think the time has come to inquire fully into the workings of these Courts, and I suggest that the Government should accelerate the speed whereby they should replace the untrained elders by trained men.

I just want to quote a very simple case of a friend of mine who once told me that there was called a *baraza* by a

[Mr. Gikonyo] chief, I think—by this chief in one of the locations in Nairobi, but this happened during lunch time. The chief or headman was sent round in the locations during lunch time to announce that at four o'clock there was to be held a *baraza*. Now, that particular friend of mine was not at home at that time. He was in Nairobi. Now therefore at four o'clock he failed to attend the meeting. The following morning he was summoned to the African Court in Nairobi and, in spite of his explanation that he did not go home the previous day, and that he had no information at all that there was going to be a *baraza*, he was fined £5. Now, when he went back to his European employer, I think his employer wrote to the district commissioner and explained the whole circumstances of the case, his money was refunded. I know there are other cases of a similar kind. It is possible that injustice may be done in many cases, and I feel, Sir, that the Government should not ignore these complaints. They should go into the matter and try to replace these untrained men by trained men.

Now, the other point while I am on this subject is the question of the Court of Review. I would like the Minister, in replying, to let me know exactly what are the functions of the Court of Review—how it functions—and who are the members.

Now, the other point, Sir, which I want to raise, and which is not a new matter, is the question of the separation of judicial functions from the administrative functions. I have always felt that it is wrong to combine the functions—judicial functions—with administrative functions. I may be told, because of shortage of manpower, this cannot be done, but I hope the Government will tell us that it is their policy progressively to separate the functions of—the judicial functions from the administrative functions, because I do feel that injustice can be very easily done when you combine these two functions into one and the same person.

The last point that I want to raise is the question of the jury system. I support what my friend, Mr. Awori, said that the time has come in this country when we have a jury system for Africans and Asians as well as Europeans. It does

exist at the present for Europeans only. If my friend, the hon. Member for the Coast, feels that it should not be mixed juries let us have separate juries—have separate juries for Africans, for Asians and for Europeans, and at a later date, if it is felt that a mixed jury is necessary, then we can do so, but at the moment I am not worried if we have a separate jury. I do not think that we have advanced enough to agree that we should all work together. We are trying to do so, but whether we succeed or not depends on what we say and what we do.

AN HON. MEMBER: Question?

MR. GIKONYO: Now, the Minister for Legal Affairs did say that in all cases of capital offences the services of counsels are provided for those people who cannot afford to pay the fees. I wonder whether, when he replies, he will tell me what fees the Government pay these counsels who go to assist and defend these fellows who commit capital offences, because I feel if their fees are so low then, of course, the counsels may not be very much interested to defend the person properly. I am not charging them, but I do feel that if they are not properly paid, it is possible that somebody may not be just as interested in the accused as if the fee was provided by the accused person.

—In conclusion, Sir, I would like to pay tribute to the work of the Judiciary. I know theirs is not an easy lot, particularly during this difficult time. I happened to work in the Judicial Department, and I do know how fair and impartial the judges and magistrates can be, and I would like to pay my tribute to those who are connected with the Judiciary in this country.

Mr. Speaker, I beg to support.

MR. SLADE: Mr. Speaker, I am sorry I was not here to hear the Minister for Legal Affairs move this Motion—and some of the other speakers—but I understand that the hon. African Representative Member, Mr. Awori, has raised this subject of mixed juries. It is very important that we should make our position clear.

Sir, there are many fields in which we want to arrive at a position, as quickly as we can, where we forget we are of different race. I think that is the ambition of all of us. There are some fields

[Mr. Slade] where we can do it quite soon. There are others were we most certainly cannot do it for a long time and where, by pretending to forget we are of different races, we will only make trouble, and this question of juries is one of those fields where we have got to be very patient.

Mr. Speaker, it is a well-known saying that a man is entitled to be tried by his peers, and I am quite sure that that saying is not founded merely on snobishness, or on any claim that, because a man has a certain station in life, he should not be tried by people of a lower station. I am sure the underlying principle is that it is a man's own peers who are the best judges of probabilities in that man's actions. I would like to put it another way. The basis of the jury system is that a trial judge is relieved of a large measure of responsibility—in fact, the whole responsibility—of the judging of facts. That burden is put upon men of everyday life—laymen—men who have experience of the ordinary doings of ordinary people. Now, in the course of performing their duty of judging facts, they also have to judge intention. They have to peer into the mind of a man who is in the dock. It is said that the mind of man is untriable. Yet in every criminal case—in almost every criminal case—you have to try his mind. You have to arrive at his intention—whether there is any guilty intent. Why did he do what the facts show that he did? Because that is the essence of crime.

Now, the best judges of that—and that is the foundation of the jury system—the best judges of that are men who have lived the same sort of life as the man in the dock; and that is why I say, Sir, that where we have different races, with such different ways of living, as we have in this country at the present time, it is quite out of the question that a man of one race should be tried by a jury of another race, I think we have to accept that, Sir.

Sir, another point altogether—I would like to support the hon. Member for Nairobi North in his proposal that a special judge should be appointed for income tax and commercial matters. I think that is a need we have seen for some years past. As he says, Sir, cer-

tainly the suggestion is no discredit to the men who have served us so well on the Bench in the past. It is a matter of need for specialization; and as we grow up, of course, the need gets greater, and the work of a judge in respect of commercial matters and income tax is very specialized. He does need to be handling that sort of work the whole time. I would go further than that and say that he is as a great disadvantage unless he has had some years of being a practising lawyer at the Bar, and in an office where he has seen first-hand the way the commercial wheels really go round: unless he has dealt with contracts—helping people to make contracts—the reason why they want those contracts; dealt with commercial correspondence; unless he has dealt with a man's accounts and the income tax problems that arise. It is really only after experience like that that he is fully equipped to judge problems of income tax and commerce; and I would urge strongly, Sir, that the Minister casts around for some practitioner of high standing who might be prepared to take appointment on the Bench for this particular kind of work. I know they are rather hard to find. It might be that slightly higher remuneration is involved. I hope the remuneration of a judge is now adequate. It certainly was not a little time back. But if a practitioner could be found for that appointment, Sir, I believe he would be the right man.

There is only one final point I would like to make, Sir. I heard cries of protest when the hon. Member who spoke last suggested that lawyers who take dock briefs are less interested because they are only paid a nominal fee. All the same I would like to say on behalf of the profession that that, to my knowledge, is utterly untrue. There are no doubt occasional cases—to the discredit of the profession—where a lawyer is not fully interested in a dock brief, but it is the very rare exception which proves the rule.

MR. LETCHER: Mr. Speaker, Sir, I would like to add my praise to the Ministry for the impartial manner in which our courts handle our cases.

The Minister spoke of certain members of our society who evade the payment of fines imposed as a result of postal admittance of guilt. As one of

[Mr. Letcher]

those who—somehow or other, Sir—can always be traced and always be made to pay, I feel the remedy lies with the courts. I see no reason why the court should not double the fine where it is proved that the guilty party has deliberately attempted to "fox" the authorities, and though this is not the whole cure, it should go a long way towards acting as a deterrent.

Quite recently, Sir, in my absence, my lorry driver was fined—and I was fined as well, although I happened to be in Nairobi. (Cries of "Shame.") Now, I was given, if I remember rightly, a certain time in which to pay. Well, I maintain, Sir, that the authorities—certainly in our part of the country—do see that amounts are paid, and I see no reason why this should not be the factor throughout the country. I beg to support, Sir.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Madan): Mr. Speaker, Sir, I want to intervene in this debate very briefly, and I do so because of certain remarks made by the hon. African Representative Member, Mr. Gikonyo. In this respect, I declare my interest. I am still an advocate, and also happen to have the privilege of being the President of the Law Society of Kenya.

In addition to what the hon. Member for Aberdare has already said in answer to the African gentleman, I should like to say, Sir, that the suggestion that advocates who undertake dock briefs on behalf of poor, impecunious accused persons in capital cases either are not interested in defending the cases, or do not defend those cases properly—such remarks are nothing but a travesty of the truth. I know it from my personal knowledge, Sir, and those who have come into contact with the profession also know it, and would bear it out without question that the Bar has a fine record of selfless service in this matter. They have undertaken the defence and prosecution of such cases at considerable sacrifice to themselves, and in this category one can include some of the leading members of the Bar, who would have earned many times over the money which is paid to them which they often even refuse to accept. I know from my personal knowledge, Sir, that if the African

community has anything to offer to the members of the Bar, it should be only a sense of gratitude, and nothing else, and not unfair, unjust criticism like the one we heard from the African Representative Member this afternoon.

While the Bar is at all times prepared to assist impecunious persons, they would be justified in considering their position after the remarks of the African Representative Member, but I know that their faith in the tradition of the fine work of the Bar is so strong that they would not abandon or give up any of the principles which they value so highly, and which they try to maintain—one of them being the defence of people who are unable to afford a lawyer, and whose brief is sent out in terms of what they call a "dock" brief. I should like to suggest, Sir, to the hon. African Representative Member that he has made a charge against the members of the Bar in this Colony which is grievously unjust, and I would suggest to him that he might consider withdrawing it.

MR. GIKONYO: Mr. Speaker, in a point of explanation, I was not ever levelling a charge at the Bar in this country, but my point was I wanted to get an answer from the Minister as to the amount of fees that they are paid, because there is a feeling amongst the Africans that, unless somebody can pay for himself, Government is paying less than what perhaps the lawyer would have asked, he does not get the proper defence. That is all—not that I was charging them. I am not interested in that, but there is a feeling that a lawyer who comes to defend an accused person without he himself paying, is paid so little that therefore he is not interested in defending him.

MR. CHANAN SINGH: Mr. Speaker, Sir, I wish to start with the point just made with regard to capital offences. Sir, although it has been stated that counsel are engaged at Government expense only if the accused cannot afford to pay for the services of a lawyer, my own experience is, Sir, that it is as a matter of course that counsel is assigned to accused persons in capital cases, although in some cases the accused themselves refuse to accept such services; but that is not the fault of the Government.

Well, Sir, the only criticism that can be made of this system is that such briefs

[Mr. Chanan Singh]

are generally offered to junior lawyers—lawyers who, in the course of their normal practice, would not have to defend persons in capital cases; but, so far as the work and the competency of the lawyers themselves is concerned, I can say with honesty that every lawyer does his best. Naturally, lawyers have to appear before Courts from day to day, and they care at least for their name. They would not want—no lawyer would want—to give any judge the impression that he is not worth his salt, whatever his fee—the judge naturally does not know what it is. The lawyer has to work and work as hard as he can, if for nothing else at least for his name. A lawyer who would not work honestly on a dock brief naturally would get a bad reputation among his own fellows, and no lawyer wants to do that also.

Sir, about the charges paid. Some years ago the charge paid to the lawyer was very, very nominal, but now I must say that the fee given to counsel in such cases is reasonable—as reasonable as can be expected in cases like that. Previously, Sir, many times murder cases took a week, or even ten days. The only reward to a lawyer was Sh. 150 and, in some cases, when a judge was very pleased with the conduct of the case, he ordered £10 to be paid; but even in those days the lawyers did not flinch from their duty, and there was no difficulty, in fact there has never been any difficulty, in getting lawyers to defend poor prisoners. The only reservation that has been made by the profession is this, Sir: that lawyers of certain standing—I think the period now is ten years—I am not sure—are exempt from this service, although, even now, in cases of exceptional difficulty, senior lawyers are engaged. We have seen during the Emergency that important cases were handed over to very senior lawyers who had the conduct of the case, and had a team of junior lawyers to assist them. I am convinced, Sir, that the Government is doing all that can be done in this particular matter.

Well, Sir, the other matter—and that is the question of mixed juries—is also an important one. It is quite apparent that the European community is not prepared at this moment to accept a system of mixed juries, and that is something that cannot be imposed

against their will, because they have a long history by which their sentiments are supported. Well, Sir, in view of that, may I ask that consideration be given to the institution of separate juries for separate racial groups. That will be the beginning, and when the time comes we can have mixed juries. I am most concerned with offences of a political nature. No one really minds about individual offences—the crime of murder, for example, against a private individual—because there, I think, the judge can be relied on to do justice, but cases of a political nature are in a different class. The present practice is bound to give everyone wrong impressions. If the accused is a European he can choose to be tried by a judge before a jury, whereas if he is a non-European he is tried by a magistrate. I think, Sir, that there is no justification for this differentiation, at least not in political offences. There should be either no juries for any racial group, or juries for all racial groups.

The hon. Member for Nairobi North has made reference to the appointment of what he called a "European" Office Superintendent. He complained that the post of Office Superintendent had been deleted. He constantly referred to a "European" Office Superintendent. Well, Sir, there is a post in the Estimates which has been deleted, but the word "European" does not appear there. It is a C-43 post, and can be held—or could be held when it existed—either by a European or by a non-European. I think, Sir, it is entirely wrong to assume that a post which carries a reasonably high salary will necessarily be occupied by a European. In any case, Sir, there is also a footnote which says that the increase of one post of Establishment Officer is offset by the deletion of the post of Office Superintendent. Apparently that is what is desired by the Judicial Department. All that has happened is that the designation of a particular officer has been changed. He was called the Office Superintendent before, and now he is called the Establishment Officer. And if the Department feels that another Office Superintendent is needed, I am sure it will make out a proper case to the Ministry of Finance, but so far as we can see these are the Estimates submitted by the Department, and they show what the Department itself considers adequate and reasonable.

[Mr. Chanan Singh]

And, again, Sir, I wish to say that the Department has a number of senior officers who happen to be non-Europeans. I hope that if an additional post is provided there will be an opportunity for non-Europeans to compete for it. In fact, Sir, until a year or two ago, the post of what was virtually an office superintendent was occupied by an Asian. I am sure there is no substance in the suggestion that the lapses from the path of rectitude recently simply would not have happened had there been a European Office Superintendent (an HON MEMBER: "Question!"), Sir, the question can easily be answered. There are European Office Superintendents in various other departments and we know that there lapses have occurred. A European Office Superintendent will not necessarily stop illegal practices, and not only that. There are instances of Europeans themselves being guilty of offences like that. I am not suggesting that a non-European would not do that, but what I am definitely suggesting is this: that it is entirely wrong to assume that a certain offence takes place only because a certain person who occupies the post is a non-European. That is entirely wrong. There is no basis for it. Many responsible posts are occupied by non-Europeans, and nobody who has experience of non-Europeans, Sir, will say that non-Europeans are necessarily more dishonest than Europeans. If an additional post is needed, by all means provide for it. I am not against it. After all, the Department is the best judge of its own requirements, and the Treasury will not refuse any reasonable request for additional provision, but what I do suggest is that there is no question of race here.

Sir, I support the Motion.

MR. CONROY: Mr. Speaker, contrary to my intention, I have been induced to take part in this debate by a statement made by the hon. Member for the Coast. He referred to the jury-rigging case and, as I am probably the Member of this Council who knows more about the facts than any other Member, because I appeared in the Supreme Court and in the Court of Appeal. I thought it might be convenient if I were to tell the Council the true facts of what occurred in rela-

tion to the complaint made by the hon. Member for Nairobi North.

Mr. Speaker, Sir, as I understand it, the recommendations of the committee referred to by the hon. Member for Nairobi North were that, in the past, the method of choosing jurors up to the moment that the five were chosen in court, were left entirely in the hands of very subordinate staff. These were clerks—Asian clerks—and the matter was without supervision by anyone else, and the committee therefore made recommendations that this matter should be supervised by senior officers—by European officers.

Well, Mr. Speaker, it was precisely because that advice was followed that we had the prosecution and conviction. You see, what happened in that case was that the original panel of jurors—that is, the original 200 numbers chosen—were chosen by a European. They were chosen by a magistrate acting in his administrative capacity, and one of the persons who was subsequently accused then altered the list—or substituted a list of his own for the one chosen by the European magistrate, and it was because the European magistrate had been in charge of the administrative duty of choosing these numbers long before any question of choosing a jury in court had arisen—it was because the advice of the committee had been taken—that the crime was detected and there followed prosecution and conviction and substantial punishment.

I do not therefore want the hon. Member to think that the advice of the committee was not taken. It is because the advice of the committee was taken that the crime was discovered and punished.

Now, Mr. Speaker, Sir, there is one other matter I should like to refer to, and that is the question of the Accounts Officer, and the two Accountants. Mr. Speaker, Sir, the system which prevailed in respects of accounts officers of various grades, up to the present Estimates which we are considering, was that there was a central pool of Treasury officers who worked in various Ministries. Now, that system has been superseded in the existing Estimates by a new system under which the officers who deal with the accounts, whatever their names are, are on the establishment of each Ministry,

[Mr. Conroy]

and are under the jurisdiction and supervision of the accounting officer. The accounting officer in each Ministry is responsible for the work done by the officers who actually are in charge of these accounts in his Ministry, and therefore we find that previously we had one accounts officer in the Judicial Estimates who was an officer from the Treasury, who worked in the Judiciary.

With the establishment within the Judiciary of an officer to deal with the Judicial accounts, and with the responsibility for such additional duties as internal audit and increase of work, and with the Ministry being responsible for its own relief in accounting staff during leave or sickness and at other times, and not being any longer able to call on a central pool in the Treasury, it became necessary to have two posts, and we now have two posts of accountants in place of the posts of Accounts Officer, Grade I. Mr. Speaker, the post was regraded in view of the entirely different set-up which prevailed with the mechanics of accounting being subject to the Accounting Officer, and not being performed by Treasury staff.

Mr. Speaker, I beg to support.

LT. COL. GHERSIE: Mr. Speaker, I wish to make one point, but I did not want to interrupt the hon. Member while he was speaking. The point I tried to establish was that I thought possibly that officer had been upgraded, but also have the appointments been made and filled?

MR. CONROY: The answer, I am told, is "Yes".

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Speaker, Sir, I would merely like to cover certain points raised by the hon. African Representative Members. The hon. Mr. Gikonyo, I think, asked for information as to the present constitution of the African Court of Review. This, Sir, is laid down under the African Courts Ordinance and it is laid down that the President should be one who has held high legal office. The present President is Mr. Clive Salter. The rest of the Court of Review, Sir, is composed of the Chief Native Commissioner, myself, the African Courts Officer and

an African, Mr. Shaydrak Mairo, who is probably well known to the hon. Members opposite.

The hon. Mr. Gikonyo also, Sir, said that he understood it had been the policy to recruit Makerere students to be trained as African magistrates to replace the African courts. With this there has been a misunderstanding on his part. I do not think this was ever the intention. The intention was, Sir, and has been carried out, to recruit men of this category of education, Sir, as registrars in the African courts and that having been recruited into this post, they should receive special training so that they could handle and control in proper order the machinery of these courts and to assist and advise the elders in handling the various regulations and the various instructions under which these courts operate. This, Sir, I think has been a very successful experiment and they have contributed a great deal in organizing the keeping of proper records, records of evidence, records of judgment, keeping them in the proper form out of which the law of precedent operates in these cases to build up almost a form of codified law (in African custom for which they were stressing the need.

I would also say, Sir, that in each district there are law panels composed of leading elders and educated Africans whose sole duty it is to study and report on African custom and African law with which the courts are concerned. These law panels have been also of great value, Sir, and the work they have done is again operating towards a form of codified law. I think the hon. Member will also agree that the rapidly changing times are bringing a considerable change to African law and customs and the situation is, indeed, in many ways extremely fluid and difficult to keep track of with the changes in custom brought about by changing conditions.

The hon. Members also were inclined to suggest that there was a lack of confidence in African courts due to bribery and corruption. Well, Sir, I cannot accept this statement because I do not believe it to be true. There are powers of appeal, powers of revision; the African courts are closely controlled and guided and the powers of revision exercised by a large number of administrative officers

[The Minister for African Affairs] particularly trained in this work. I would also say, Sir, that continual courses of instruction have been held, both for the African Courts staff and for the elders themselves, district courses of training organized by the African Courts' officer and there are courses held at Jeanes School, Sir, also, and I do think that the efficiency of these Courts, and the way they operate, has been improving year by year and is vastly improved to the situation which I remember, say ten years ago. The situation does change, and it may be that, in the future, we shall get to a system of African magistrates with legal degrees; this, in all probability, I would predict, is likely to be the future, but not at the moment, Sir.

I also think that when one talks about bribery and corruption, one should perhaps remember the background of these courts; the background of African life in which presents of beer, honey, of a goat and so on were part of the background of their life. Things are changing, but this is a background one has to remember—a background of giving presents, Sir. I do not think it is widespread, although undoubtedly it probably does occur, but, as I say, if it does, in any way, influence on occasion, the judgment of the more backward courts, there are these provisions for appeal and for revision. This question is closely watched, Sir, and I can assure the hon. Member that I do not believe that bribery and corruption is, in the least, widespread among these courts and I also think that they do perform a very notable function and one which is generally appreciated by the Africans.

MR. AWORI: I should like to know from the Minister how many of these Makerere graduates are being appointed to these posts in the African courts?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): It would be rather difficult, Sir, for me to give him detailed information off the cuff on this, but I can certainly obtain it for him. However, every African court, I think I am right in saying now, has a fairly well-qualified registrar but I could not quite say how many actually went through Makerere.

DR. HASSAN: Sir, I rise to support this Motion. I had no intention to inter-

vene in this debate because it really concerns the Legal Department and I thought people having some legal knowledge were the right people to speak on this Motion.

MR. SLADE: Quite right!

DR. HASSAN: But one or two of my friends used very provocative remarks and more or less sort of unfortunate remarks during their speeches, and particularly brought into the debate the racial question of Asians and Europeans. It is very important that such remarks should never have been resorted to. There are bad Europeans; there are bad Asians and there are some charged for offences and taken to the courts and dealt with. In the particular case referred to, I think there was a company of bad Europeans and bad Asians who joined actually together and made a sort of multi-racial team to commit that offence. I do not think there was any need to mention that particular instance.

With regard to the jury system, which the Member made reference to, Sir, this is one of the measures which has been brought to the notice of this Council on more than one occasion and I hope the Government will give serious consideration to it one day.

The non-European community feels that the Europeans are enjoying privileges; at least those who commit offences are enjoying the privilege of having a jury of their own community. How far it helps those criminals, we cannot say, but, as the system is almost a foolproof system, supervised by very capable judges, I do not see that there is any reason as to why our community should not be extended the same privileges. If it is considered that the jury system cannot be introduced because it is not possible for members of one community to know the points of view of the other community, I assure this Council that, so far as the criminal is concerned, I do not think it needs a very great knowledge of an expert to know the point of view of a criminal. When he commits a crime, it can be very easily found out whether he happens to be a European, an African, an Asian or an Arab. The judges are supervising the jurors, and I think now that we have got the multi-racial Government who

[Dr. Hassan] know each other's point of view in this Council, I do not see any reason why there should be any doubt or suspicion about having multi-racial bodies in other lines.

My friend, the Member for Nairobi North, said that an Asian Clerk, First Grade, drawing £300, had been given charge of such a large amounts of revenue and the responsibility of dealing with some important matters in the Judicial Department—probably he will be pleased to hear that the First Grade £300 clerk will now be drawing about £900 to £1,000. I do not think this one of the tests which should be used for judging the capability and efficiency of a person. I had acquaintance with a considerable number of senior clerks in the Judicial Department and they did their work so well in the courts, that there was nothing but praises from the Judges and the Magistrates about the excellent work they did there. On the other hand, we have had Registrars who had to leave the courts because they could not pull their weight, but I would not say that the Registrars and office superintendents are not efficient people, but there may be some good ones and some bad ones—

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Dr. Hassan have you got much more to say?

DR. HASSAN: With these words, Mr. Speaker, I support the Motion.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): Business will be suspended for fifteen minutes.

Council suspended business at twenty minutes past Four o'clock and resumed at fifty-five minutes past Four o'clock.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Griffith-Jones): Mr. Speaker, Sir, one of the most satisfactory features of this debate and one which, I think, is an answer to many of those who choose to criticize the administration of justice in this country, is the unanimity in this Council, and particularly on the other side of the Council representing the people of this country, the unanimity with which they have paid their tribute and expressed their confidence in the Courts of this country.

Sir, dealing with the matters raised by hon. Members—first, the hon. Representative Member, Mr. Awori, raised the question of the jury system and the recent remarks of the late President of the Court of Appeal, Sir Barclay Nihill, who advocated the introduction of the system of multi-racial juries. Well, Sir, Sir Barclay Nihill, when he expressed those views, was expressing purely personal views. They are views which to my knowledge are not shared by all the judges. They are not shared by all the lawyers in this country and they are by no means the views at the present time of this Government. The question of criminal procedure, the disposal of criminal cases in regard to the various races of this country, is a problem which will exercise our minds and our ingenuity in due course. Earlier in the Emergency, when this same question was raised, the Government replied that it would be given consideration at a more convenient time. Well, Sir, that time has not yet arrived but that does not mean that it will be deferred indefinitely. Although the intense period of the Emergency has diminished and there has been a considerable and progressive improvement in the Emergency situation, there are still many vital and urgent problems—very grave problems—which we must apply ourselves to before we can tackle other problems which, however important they may be, are still not of the same compelling urgency to compete with what I would call our various projects of post-Emergency planning.

We have many problems, land consolidation, post-Emergency security, the problem of detainees and Mau Mau convicts, and many others, and the truth is, Mr. Speaker, that we cannot with the best will in the world tackle everything at once.

What the ultimate answer will be in regard to criminal procedure, and particularly in regard to criminal procedure for the trial of Asian, Arab and African cases, I will not presume to prognosticate, but there are very considerable difficulties to be resolved in regard to any solution and it does not follow, with all due respect to Sir Barclay Nihill, that, because he is of the opinion that multi-racial juries are the answer, that solution will after the very careful and close

[The Minister for Legal Affairs] examination that the problem must be given, that that solution will necessarily commend itself to the Government or to this Council.

The hon. Member also asked for an assurance that the jurisdiction of magistrates—Resident Magistrates, I think he had in mind—increased from three years to seven years during the Emergency, will revert. He will see the pattern of post-Emergency jurisdiction already incorporated by a recent amendment in the Criminal Procedure Code. The section introduced, I cannot remember off-hand it is somewhere round about five or six, provided in effect that Senior Resident Magistrates, for whom as you will see there are four posts in the Estimates, they will retain the jurisdiction to punish with up to seven years' imprisonment. That is entirely appropriate because, of course, they are men of considerable experience and several of the Senior Resident Magistrates have acted for long periods as judges. That increased jurisdiction can be conferred *ad personam* on other Senior Resident Magistrates—senior in the sense of experience and length of service, though not necessarily holding the post designated by that title—but only in selected cases *ad personam*.

He also asked how many assistant district officers have been appointed as first, second or third class magistrates. I cannot give him precise figures from recollection, and if he chooses to put down a question, I will of course reply to it. But my recollection is that apart from the African district officers (cadet) to whom he referred, who is of course an *ex officio* third class magistrate, there have been a number of other appointments to third class powers. Speaking from recollection, no assistant district officer at present exercises first or second class powers.

He asked if these officers were being qualified in law. Well, in the sense of a professional qualification, Government of course does not provide facilities for administrative officers of any rank to take that professional qualification. But these officers will in the ordinary course of administrative routine be required to take the Government law examination, take it locally under Government auspices. Some of them, I believe, have already

taken it, but I speak subject to correction.

He expressed his personal views that the abolition of the death penalty would be undesirable in Kenya and he asked whether this Government proposed to follow the example of the House of Commons where on the free vote recently it seems likely that legislation will be passed and brought into force abolishing the death penalty. Sir, there is no possible true analogy between conditions in the United Kingdom and this country in this context. Moreover, in England itself this very issue is a controversial one which has divided the country, and I think I am right in saying that many of the Members of the House of Commons who, no doubt in conscience, felt compelled to vote for abolition, admitted that they were not in fact representing the majority opinion of the country. They regarded themselves as representatives but not delegates, and they did not feel that they were bound in a matter of this nature to vote according to the majority opinion of their constituents. And it would seem that if there is majority in public opinion in the United Kingdom for or against the abolition of the death penalty that majority probably falls on the side of being against abolition.

In any event this Government has no plans at present for the abolition of the death penalty in Kenya.

He asked if arrangements could be made to post a resident Judge at Kakamega. I am afraid this is not likely to be possible, there are other centres in the Colony where the volume of work would sustain a resident Judge more than the volume of work at Kakamega, even acknowledging his idea that such a Judge would serve both North Nyanza and Elgon Nyanza. I would point out to him, however, that sessions are held, not only in Kisumu, but also at Eldoret and Kitale, and that, I do not know myself offhand what the distances are, but Bungoma, for instance, might very well be closer to Eldoret than to Kisumu, or Kitale possibly.

However, the cases from Kakamega, Bungoma, etc., will go to whichever trial centre is most convenient.

He referred to a statement of a Miss Fletcher that girls of 10 or 11 have been

[The Minister for Legal Affairs] sentenced to life imprisonment. That is a misstatement, Mr. Speaker. It is, in fact, one of several misstatements which the lady in question has chosen to make in public in the United Kingdom. I have given the lie to it.

My hon. friend, the Minister for African Affairs, has dealt with the various points, I think, about African Courts, which the hon. Member raised, and I would, of course, reiterate what I said this morning, and that is that the African Courts do not, of course, at the moment come within the purview of the Judicial Department; they are administered by the Administration.

Now, coming to my hon. friend, the Member for Nairobi North, whose speech I appreciated as being, I think, sympathetic and, in so far as it was critical, I think constructively critical. He asked, and he was supported in this by my hon. and learned friend, the Member for Aberdare, that a Judge be appointed who is an expert in income tax and company law, and the Member for Aberdare suggested that that expert and specialist knowledge should preferably have been acquired in the course of active private practice. Sir, there are of course, many difficulties in the way of appointing or for that matter finding, lawyers, practising lawyers, to accept appointments as Judges direct to the Bench from outside the Service. Not very long ago one Judge in the United Kingdom who had been appointed and whose practice had lain very largely in this particular field of revenue and commercial law, felt the pinch so much after he had made the sacrifice to go on the Bench, that he would dearly have liked to return to the Bar; of course he did not do so.

That is the difficulty, to find the real experts who are prepared to accept appointment, because, of course, in this branch of the law, the real expert, the really successful practitioner, is a very highly-paid, high-income man, and if you go for less than the expert, you are going for less than the best. Of course, the emoluments of a Judge in the Colonial Service afford no attraction on any straight comparison with the lucrative rewards of the really successful revenue and commercial lawyer. However, Sir, the Chief Justice does recog-

nize that this is a specialized branch of the law and that it is to the advantage of the Judiciary and of the various Judges that, being a specialist branch, it should preferably be dealt with by a Judge or Judges who either have experience in that branch of the law or have made a special study of it. And he has, therefore, made arrangements whereby one of the Judges, who has had some experience before his appointment to the Bench, though I think not very extensive, some experience in this branch of the law, and who is interested in this branch of the law, and will make a special study of this branch of the law and particularly of the judicial application of this branch of the law, and he will take all cases arising and affecting issues of revenue or commercial matters.

That is a practical arrangement which I think will bear considerable fruit. I entirely endorse what both hon. Members who spoke on this subject said, namely that it is in no sense a reflection on any of the Judges, either past or present, but it is, as the hon. Member for Aberdare said, an indication that in this modern world the general practitioner is rapidly having to make way for the specialist in every branch of activity, as in the United Kingdom, Judges sit in the Chancery Division of the High Court, or in the Queen's Bench Division of the High Court, or in the Probate, Divorce and Admiralty Division. And rarely, except in exceptional circumstances, does a Judge sit in a Division other than that in which he normally sits and which he normally administers that branch of the law in which he practised before his elevation to the Bench. So it is, as I say, no reflection on any Judge or Judges that there should be some arrangements for this specialist judicial application of this extremely complex and difficult branch of the law.

The hon. Member for Nairobi North referred to the Report of the Efficiency and Economy Committee. He made various points from it and I would like to deal with them as he raised them. First he referred to the Registrar and the importance of that post, views which I wholly share. I would say this, I did include the Registrar in the tribute which I paid to the Judicial Department this morning, but perhaps I might be permitted to mention the present Registrar

[The Minister for Legal Affairs] who has done, in the opinion of the Chief Justice, and if I may presume to say so, of myself, a splendid job of work. He has worked extremely hard and extremely competently. He, unfortunately, is not going to remain in the job, but—it is no good the hon. Member doing that; he could let me tell him why. It is for no reason such as the hon. Member suggested this morning. In this case it is not that the emoluments are not sufficiently attractive; it is for purely personal reasons; he has certain personal interests in the United Kingdom that he personally wants to attend to.

I would also remind the hon. Member that the emoluments of the post of Registrar are now super-scale, having recently been raised from the time scale.

Now, he referred to the comments of the Efficiency and Economy Committee to the effect that the Registrar has to rely wholly on his Asian staff, and recommending that an office superintendent be appointed. Well, Sir, since those days, and they are some time ago, there has been an office superintendent appointed and there are as hon. Members will see from the Estimates, three posts of Deputy Registrar, so that the supervisory echelon in the administrative organization of the department has been very greatly reinforced since the hon. Member and his associates on that committee rendered what, if I may be permitted to say so, was an extremely valuable and helpful report.

The abolition in these Estimates of the post of office superintendent in the Judicial Department does not in any degree imply that less supervision is to be applied. He referred to the necessity for the supervising officer to be of sufficient standing and that is precisely why the post is, in fact, being up-graded. It is not being abolished, except in name only. It is being up-graded and the appropriate post—appropriate grade of post—for these particular functions is the post of establishments officer, which is included in these Estimates; that officer will, as the office superintendent has hitherto, deal, as I said this morning, not only with establishment matters, but with the general supervision and organization of the subordinate services in the registry, the registration of correspondence and stores, postal and tele-

phone services, filing, etc. I do agree with him that it is extremely necessary that the officer supervising and controlling at that level should be a person of sufficient status and standing; that that is why his post is being up-graded.

He did refer to the jury rigging case which my hon. and learned friend, the Solicitor General has already dealt with, and I do ask him, whereas he is entitled to make whatever debating points he wishes from that unhappy incident, I do ask him to remember that the culprits were caught, which does put a slightly different complexion on the matter.

The question of the two accountants and the accounts officer has also been dealt with by my hon. and learned friend the Solicitor General, and the hon. Member for Nairobi North finally closed on the rhetorical question, "Is the supervision and the accounting organization adequate to ensure the proper working of the Department?" Well, Sir, the Department is as he knows, under the charge of the Chief Justice who, as I say, has carried out a great deal of reorganization in the last two years, and is continuing the process. The establishment, as it is represented in these Estimates, is what the Chief Justice considers is the appropriate establishment at this stage of the development and reorganization of the Department. I did mention this morning that he will wish, when it is possible, when he can find the appropriate person, to appoint an archives and exhibits officer. Subject to that qualification, I personally, as the Minister not responsible for the Department but responsible for answering for the Department in this Council and presenting its Estimates to this Council, I accept and have complete confidence in the Chief Justice's assessments of his establishment needs. I will say this, though, Sir, that if there should ever be in the mind of the Chief Justice any misgiving that the staff, particularly the supervisory and accounting staff, are not adequate to ensure both the integrity and the efficient operation of the Department, then, Sir, I will make it quite clear to him that I believe any proposals for the necessary increase in staff or the upgrading of staff will receive, as I am sure it will, sympathetic consideration by this Council.

[The Minister for Legal Affairs]

Of course, in regard to the organization of the Judicial Department, particularly in the context of the report of the committee to which my hon. friend has referred, conditions are, as he will appreciate, very different to-day from what they were in 1947, and of course the establishment of the Department is very much greater, has been very considerably expanded since those days. As he says, it therefore requires greater supervision and I can only repeat my assurance to him that the Chief Justice, in whom I have complete faith, is very much alive to the necessity for supervision and for ensuring maximum efficiency and control of the Department and will spare no effort—he is not a man who has ever spared himself in his life and he is not likely to start now—he will not spare any effort in this particular administrative undertaking for which he is responsible.

My hon. friend the Member for the Coast, who unfortunately is not here, made two points which were not mentioned, I think, by other Members. In the first he said—I rather think he said—that crime is always abnormal in this country. In other words, it was normal for crime to be abnormal, and therefore that it did not necessary follow that we should have to increase the Judiciary because, after all, crime might not increase, because it was already abnormal. I will bear that in mind.

He also invited me to re-establish the Law and Order Committee. Well, Sir, the Law and Order Committee was a very appropriate body in its day. But a good deal of water has passed under the bridge since the Law and Order Committee functioned and we have not only a Council of Ministers, including unofficial representation, but also a War Council, also including unofficial representation. Taking to heed some of the remarks which have been made in this Council regarding the appointment of committees and the necessity to avoid appointing committees for the sake of appointing committees, I cannot give the hon. Member for the Coast an assurance that the Law and Order Committee will be reappointed because, as I say, its functions, which it used to perform and which it would perform if it were reappointed, are already being fully and

adequately performed under rather more efficient arrangements.

The hon. African Representative Member, Mr. Gikonyo, suggested that the policy should be progressively to separate administrative from judicial functions. As an ideal I do not think anyone would contest that. But we are at a stage of development when it would be quite impracticable to dispense entirely with administrative magistrates. They perform a very useful function and in some cases their experience and knowledge of the people and the areas with which they are dealing is extremely valuable and, I think, to the benefit and advantage of the persons who come before their courts. Ultimately, in the long term, it may very well be that this country may be able to afford professional, qualified magistrates throughout the country; that will be a very considerable financial burden on the country, because it may mean the replacement not only of the administrative magisterial courts, but also of African Courts in respect of all matters other than pure native law and custom. At any rate it is not a project which can be foreseen in the near future.

Now, the hon. Member also asked what the fees were for dock briefs for the defence of persons on capital charges and they are as follows: in Nairobi, Sh. 150 per sitting day, and outside Nairobi—when the advocate has to travel outside Nairobi—Sh. 200 per sitting day, plus Sh. 20 extra for each accused in excess of one. Those fees, of course, include all the preparatory work in getting a case up, in interviewing witnesses, in preparing arguments on the law, etc.

I think I slightly misunderstood the suggestions of my hon. friend, the Member for Trans Nziia in dealing with the question of fine evasion when he asked, "Why not double the fine?" It is not very easy to do that arbitrarily and, of course, if one imposes twice the fine, or three times the fine, one still has to find the person to pay it, but that whole problem of collecting fines on pleas of guilty is receiving attention and, as I said this morning, some solution must be found to it, because, at the moment, we are, to put it colloquially, "being taken for a ride" by a number of people.

[The Minister for Legal Affairs]

The hon. Member for Central Area dealt at some length with the suggestion, as did my hon. friends, the Member for Aberdare and the Parliamentary Secretary to the Minister for Commerce and Industry, with the suggestion that advocates are influenced in the attention which they pay to a case by the magnitude or smallness of their fee. That sort of consideration, as I am sure my hon. friend, the African Member, now realizes having had the weight of the law in this Council thrown at him, that sort of consideration is anathema to the responsible professional man who takes pride in his professional traditions.

I think various other points have been dealt with, either by my hon. friend, the Minister for African Affairs or the Solicitor General. The last speech was that of my hon. friend, the Member for the East Area. I did not notice any palpable contribution, but I rejoiced in its ending.

Mr. Speaker, Sir, I beg to move.

The question was put and carried.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

VOTE II—JUDICIAL

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £163,703 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1957, for Vote II—Judicial.

Question proposed.

1 Kenya Judiciary. Heads A and B agreed to.

2 Services common to all department in the Law Courts Building. Heads A and B agreed to.

3 Court of Appeal for Eastern Africa. Head A agreed to.

Appropriations-in-aid agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Committee do report to

Council its consideration of and adoption of the Resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not exceeding £163,703 be granted to the Governor to defray the charges which will come in course of payment for the year ending the 30th June, 1957, for Vote II—Judicial.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY**VOTE XXVII—PRISONS****MOTION**

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair. This is to enable the Council to consider Vote XXVII—Prisons.

It amounts for the forthcoming year to a total of £2,726,664 of which the Appropriation-in-aid is £1,706,945, but of this Appropriation-in-aid, nearly a quarter of a million pounds is provided by prisons activities in the prisons industries and by hiring the labour of convicts.

The gross total of these Estimates, which combine this year ordinary and Emergency expenditure, show a reduction over the similar gross total—that is combining ordinary and Emergency expenditure—for the previous year of

[The Minister for Internal Security and Defence]

approximately £1,350,000. However, as hon. Members will have seen from the note which accompanies the Estimates, this reduction is, to some extent, dependent on there being a reduction, in fact, in the number of Emergency detainees. Should the estimated fall in those numbers not reach the expectations upon which these Estimates are based, it will be necessary to return to this Council for further provision later in the year.

Now, Sir, prisons are not of themselves, policy, but are the by-product of other policies. The prisons must admit to their establishments any persons for whom Courts of Justice have issued the appropriate warrants, or any persons upon whom detention orders have been made. The prisons have, themselves, no powers of release. They can release only when the appropriate courts or detaining authorities have, themselves, given authorization for the subjects of their orders to be set at liberty.

It is for this reason that, in my opinion, the ambit of the discussion on this Vote should be a limited one. The great problems which the detainees pose, those of reformation and resettlement, are not the concern of prisons. They are dealt with by other agencies.

The prisons have solved the actual problem which is their concern, and that is the problem of custody. All that is outside the stone walls or the wire is not a matter for prisons.

Sir, the total detainee population was on 30th April, 41,772 and the total prisons population of convicts, remand prisoners and persons in detention, other than Emergency detention, that is persons kept in those detention camps which are authorized under an Ordinance of the Laws of Kenya, was 26,394, giving a grand total of 68,166 captives. When I spoke on this same subject at about this time last year, the then total was 83,000, so there has been, in a year, a very substantial reduction, but there is still a long way to go, in the forthcoming financial year, before we can reduce the figure to that of 51,000 captives upon which these Estimates are based.

Releases from Emergency detention, since the beginning of the Emergency,

had amounted, on 30th April this year to just over 27,000 people. The gross release rate was running at an average of 1,900 a month for the first four months of this year but the net release rate was, over that same period, running at an average of 1,100, the balance being accounted for by new detentions.

The policy of the Government in regard to detainees is to do all that is proper and practicable to increase the release rate, having due regard to the rehabilitation of the individual to the considerations of security and to the local acceptability of the individual. I should say here, however, that, in fact, the number of detainees who have rejoined the gangs is infinitesimal. My own recollection, I think, is of two people only; the number maybe as great as six, but I do not think it is more, and, of course, the opportunity for rejoining gangs is a diminishing one.

There are 174 separate prison establishments. This is a reduction from last year's total which was 178. The smallness of the reduction is deceptive as, with the opening of additional administrative stations in various parts of the country, it has been necessary to have at them detention camps under the Ordinance, that is, those camps in which minor offenders against the hut tax Ordinance and things of that kind are generally put after sentence.

The Emergency detention camps have been reduced by, in particular, the closing of Langata and of Mackinnon Road—two of our very largest camps. Their capacity was 9,000 and 7,500 respectively. Moreover, the population of Mambani is currently 3,500 below capacity.

The number of prison officers in the Department is at present 371, and there are 11,812 non-commissioned officers and warders. This compares with a peak figure during the Emergency of 545 officers and 14,394 non-commissioned officers and warders. That was in early 1955.

The strain on the Prisons Department which the vast increases in camps, staff and captives imposed upon it during the peak period of the Emergency, is beginning to diminish as the figures of captives and staff which I have already quoted show. It has begun to be possible

[The Minister for Internal Security and Defence] to consolidate by necessarily and in particular giving greater attention to warden training. This training is for the main part, in fact all of it now, conducted at the Warders' Depot at Kamiti Prison. In 1953 and 1954 it was necessary to post warders to duty after, in many cases, only three or four weeks' training. That period has now been increased to four months and of course training continues at the places to which the warders are posted. 3,457 warders, including 175 wardenesses, passed through this depot in 1955.

I have said that the strain on the Prisons Department has begun to diminish; it is nevertheless still very great, and when one recollects that the proportion of staff to captives is approximately constant, it is interesting to compare the total pre-Emergency staff figure for 1952, which was 42 Europeans, 28 Asians and 1,406 Africans, giving a total of 1,476 Prisons staff, with the current total of 12,183, which I have already mentioned. The expansion of the Prisons Department, Sir, is greater by far than that of police or of any other department which has been affected by the Emergency.

That the policy of consolidation has produced improvement in what is, of course, the most important aspect of all Prisons affairs, that is security, is, I think shown by the decrease in the escape rate over the past year. In 1954 the escape rate was 1.97 of all captives. It was reduced in 1955 to .98. I should add in regard to these figures that they take no account of recaptures and they include escapes from detention camps under the Ordinance where the degree of security is, of course, as Members are aware, a very slight one. Working gangs are often looked after by a local *neopara* without any *askaris*.

Now, hon. Members will observe from the Appropriation-in-aid that Prisons Industries are estimated to produce, during the forthcoming financial year, goods to the value of £150,000. These industries include leather work, cobbling—making boots and shoes, making of belts and other articles of leather equipment, metalwork—and here in

particular there were produced steel armoury doors for police posts and police stations and for other prisons establishments, steel arms chests and, amongst other metal things, 18,000 cattle bells which were required in the Emergency areas. Carpentry is another aspect of Prisons Industries and this, during the past year, produced £11,000 worth of goods. We are just starting on a new industry, upholstery, which oddly enough appears to hold good prospects, particularly for the future employment of convicts who become trained in it. However, the main standby of the Prisons Industries remains, as previously, tailoring. The tailors' shops produced articles to the value of over £125,000 and of course articles in very considerable numbers. For example, there were made nearly 60,000 pairs of uniform shorts and over 60,000 pairs of convict shorts. There were made 37,600 marduff shirts, over 19,000 uniform tunics and over 4,000 greatcoats, to take only a few sample items.

Another most important aspect of prisons matters is building, which was sadly neglected for some years before the Emergency. During 1955 prisons were completed, or were sufficiently near completion for occupation, at Machakos, Marsabit, Nyeri, Kisii, Kapsabet and Kisumu. Shimo la Tewa was occupied and was within a very few per cent of completion. The big prison at Kamiti Downs, which is eventually to replace the present Nairobi Prison, had one cell block completed, a second which will be completed by the end of this month and a third which will be finished by the end of August. Each of these blocks can take 640 convicts. Building work, similarly, continued at a number of other smaller places.

Apart from the Prisons Industries which I have mentioned, convicts—prisoners—were extensively employed in the prison building which I have described. They were also employed in quarrying at Kamiti for stone for the prison blocks there and at Langata for the Public Works Department and in quarrying elsewhere. However, the main labour project was, of course, that of continuing to make the runways at Embakasi airport, and on those runways there were employed, for every working day of the year, over 3,000 convicts.

[The Minister for Internal Security and Defence]

Other prisons, particularly Kitale, are, for the main part, agricultural, and Kitale, which I visited recently, really struck me as being very much a model farm.

Detainees from the Emergency works camps were employed on a variety of schemes depending on the nature of the places where the camps were situated. These schemes included considerable agricultural development, considerable irrigation works on the Perkerra and the Tana, bush-clearing, quarrying, road-making, the making of air strips and the building, maintenance and improvement of their camps.

An aspect of the internal organization of prisons which continued to be very satisfactory throughout the year, but of which not a great deal of mention is ever made, was the radiotelephone communication which there is between all prisons establishments. Sixty sub-stations were operated; they passed more than 48,000 messages, including a number for other departments in their areas, and they maintained, in order to help the meteorological service of the High Commission, a regular service of radiotelephone meteorological reports from those prisons at which meteorological instruments are kept.

I would like Members to refer to page 125 of the Estimates, where they will see the sum of £600 set down for what may seem a rather odd purpose; that is, the aptitude testing unit. Now this unit owes its inception to the zeal and interest of the present Commissioner of Prisons. He has, himself, had some training in psychology—I believe he took a degree in it at Cambridge—and when he heard that in South Africa aptitude-testing was in use in the mines there, he made arrangements in connexion with the South African people to start a unit here. The object of this is to ascertain the actual capability of people for the kinds of tasks for which they are required. It is of particular importance in corrective training, where it shows that there is probably no use at all in setting some particular man to work in the tailor's shop because he is so doubly left-handed that no good can come of it.

Now, in order for a unit of this kind to work successfully in this country, it is necessary for it to ascertain a norm or a datum line, and in order to do this the unit was not in the very first place employed on convicts; it was employed on other tasks elsewhere in the country. One was, for instance, in a particular location of Teita district which was more than normally infected with malaria and where the unit proved that the effects of malaria on the population were particularly marked in all those people who were over 35 years of age—the comparison between their mental ability and that of younger people there being startlingly disproportionate. The unit is at the moment being used by the East African Tobacco Company, and the possibilities which this kind of unit may have are, I think, so considerable that it probably should not solely be confined to prisons, and discussions are in train with the Commissioner of Labour about extending it a good deal more widely. I might perhaps add that some native caution has prevented me from myself submitting to testing, but it is, of course, at the disposal of Members opposite or, indeed, their constituents.

Now, it became clear during the year, when we halted and took stock, there was a considerable variation in the sentences imposed on Mau Mau convicts. In some cases, particularly in the earlier stages of the Emergency and just before the Emergency, very long sentences were given for taking one oath. In many cases—and let me hasten to say, perfectly properly—people were convicted on their own pleas of guilty, but thereby there was little record in the case file of the actual detail of the activities in which they had been engaged. And, as I have said, there was particularly a variation in the sentences given for oath-taking. Some oath-takers were imprisoned, some were bound over, some placed on probation, some fined and some sent to detention camps. Now to a great extent, and believe me I am in no way whatever criticizing the courts in this matters—to a great extent these variations reflected the seriousness of the offences as they appeared to the courts, but in the result, among the great number of Mau Mau convicts, there are some anomalies. And it is, of course, the fact that a Mau Mau detainee can look forward to release

[The Minister for Internal Security and Defence]

through the processes of rehabilitation, whereas convicts can, on the other hand, only obtain release by remission of their sentences under the usual and strict rules of the Prisons Ordinance. It was therefore decided, with the full agreement of the Chief Justice and of the Minister for Legal Affairs, to set up a committee, of which the terms of reference were: to examine all past and future sentences of imprisonment for *Mau Mau* offences and, in the light of such review, to recommend in each case that either the law should take its course—that is, the convict should continue to serve his sentence—or the Governor should be invited to consider the use of his prerogative powers to remit the residue of the prison sentence and to transfer the convict to a detention order for the purpose of rehabilitation and with a view to release thereafter. The chairman of this committee is a gentleman whom many of us remember as a distinguished Provincial Commissioner here, Mr. La. Fontaine. The committee started work recently and up to the 17th May had recommended 332 remissions of sentence and transfers to work camps where rehabilitation and expedited release can take place.

We further felt during the year increasing concern at the persistence of *Mau Mau* in prisons, that is, as opposed to detention camps. Now in prisons the necessary routine to enforce discipline and to ensure that sentences of hard labour in fact amount to hard labour, leaves less scope for the work of rehabilitation officers than is the case in detention camps, and it is, of course, also the fact that a great number of the people in prison are of the very worst character. It is also a fact that the nature of prison buildings, where they are proper, regular, established stone wall prisons, leaves far less possibility for segregation than there is in the temporary wired camp with its temporary "A" frame buildings. Now because this worried us, we invited Mr. Heaton, whom very many Members of this Council remember as a distinguished Commissioner of Prisons here and a man who has maintained his professional connections at home by sitting for the Colonial Office on various boards and commissions to do with prisons and who has visited and advised in other colonies

since he retired—notably, I think, in Bermuda—we invited Mr. Heaton to come out here and conduct also an investigation with the following terms of reference, amongst others: to visit detention camps and prisons and to see if any measures can be taken to achieve greater segregation of inmates with a view to reducing the risk of contamination of the less bad by the worse, and to recommend about the achieving of better control and discipline over the inmates and the reduction of any *Mau Mau* activity within camps or prisons and to produce better rehabilitation results. I should hasten to say that the invitation to Mr. Heaton is no kind of reflection whatever on the present Commissioner of Prisons. I hope it is not any reflection on me either. But we both, the Commissioner and I, have been very closely concerned with prisons indeed for a very long time and we both agreed that it might be no bad thing for someone to come and take a slightly newer look at some of the problems with which we were greatly concerned.

Mr. Heaton's report is nearly ready. It was delayed by our lending him to Uganda for a Court of Inquiry there—where it seems quite clear he performed very valuable service. I do not want to anticipate what he is going to say in his report; although I have a pretty shrewd idea, and that shrewd idea does include that there may be a requirement for extra staff to impose more closely supervised segregation, and it is in the expectation of recommendations of that kind that I have not closed some detention camps which would otherwise have been closed on the mere population capacity needs of the Emergency, because I think that these may be required for a segregation policy, which I think is what Mr. Heaton will recommend.

I would like to refer, Sir, to an admirable body which I commend to all Members—the Discharged Prisoners Aid Association. This was founded in 1952 and it is on the United Kingdom model. It is a purely voluntary body, on which a number of public-spirited citizens give admirable service. Additional branches of the Association were opened during the year at Kericho, Kisii, Kakamega, Kitale and Eldoret, and local committees met there monthly to interview prisoners and to make arrangements for their employment and care after completion

[The Minister for Internal Security and Defence]

of their sentences. Total membership of the Association reached 400 and I hope that one side result of my speaking here to-day may be to increase that membership to this very valuable society. The City Council of Nairobi allocated a plot of land for the erection of a hostel to house 25 ex-African convicts, and in Mombasa the Municipality there placed a house at the disposal of the Association. The Association did not and does not deal with prisoners convicted of *Mau Mau* offences and indeed would anyway, to a great extent, have been inhibited from doing so by the Emergency Regulations which affect those people when they are released. Nevertheless it gave aid during the year to over 400 discharged prisoners.

For many years the Prisons Service has rightly and with my full sympathy felt the lack of any medal equivalent to the Long Service and Good Conduct Medal which can be given to police *askaris*. It is very difficult indeed for a prisons *askari* to get any kind of award. There are, too, as we know, the Colonial Police Medal for Meritorious Service and other medals properly available to the police, but until recently there has been nothing whatever for the Prisons Service. So I hope hon. Members will share my pleasure in the institution this year of a Colonial Prisons Service Medal, which Her Majesty has approved, for award to all staff in the Colonial Prisons Service below the rank of Assistant Superintendent who qualify for it by 18 years or over of good conduct—good behaviour in the Prisons Service.

I may perhaps, Sir, be permitted to say that when I was preparing some notes, and abstracting figures, for this speech, the improvement in the course of the Emergency was brought home to me very vividly when I referred to last year's debate on the subject. I found that I was then constrained to make mention of the raid, which had occurred a few months before I spoke, on Lukenia Prison, and I was quite frankly surprised to find mention of this in the speech I made then. The event seems now almost as remote and improbable as the siege of Troy.

Mr. HARRIS: Without the horse!

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): In conclusion, Sir, may I say how very high the standards of the Prisons Department are. The newer prisons and many camps are really model institutions and highly efficient. Mr. Heaton, about whom I have spoken, and who is very expert, considers the Commissioner of Prisons and his officers have performed a remarkable task with great success. I think we may all endorse that.

Mr. Speaker, Sir, I beg to move.

SIR CHARLES MARKHAM: Mr. Speaker, I would like to congratulate the Minister for his very clear exposition of what is going on with the Prisons Department. I was very glad as well that he gave the up-to-date figures of those people who are in detention camps. Perhaps when he replies he could give us a little detail as to how far the pipeline has gone; in other words, how many are in Manyani, how many are in the works camps? For I specially want those figures, Mr. Speaker, in view of the allegations made yesterday in the House of Commons by certain Members about the numbers detained in Kenya without trial and suffering great hardship, et cetera. I think it is only right that the truth should be known outside Kenya. I think, as well, if the Minister could arrange it, it might be of value if some "Visiting Firemen" we might call them, be taken round and shown some of these works camps and also Manyani, because the impression has got abroad that the conditions are dreadful, although we know perfectly well that is not so.

In his speech the Minister did mention the difficulty of *Mau Mau* existing within prisons. I would like to ask him whether he is satisfied that the convicted *Mau Mau* criminal does not get a chance of corrupting other prisoners, perhaps of different tribes. There is always a danger that the remnants of *Mau Mau* might well exist in prison and in years to come, when they do get out, they might well form the hard core of the old comrades association. Prison has always been said to be the finest teaching ground for young criminals and therefore I do hope that somehow we can keep them separated from the ordinary offender.

[Sir Charles Markham]

Whilst on the subject of prisons and first offenders, I would like to ask the Minister as well whether he is satisfied that the first offender or the minor criminal is not being corrupted, by these overcrowded conditions, with some of the "old lags". I have recently read one or two books on prisons in England and almost every one complains of the fact that the silly person who has committed a trivial offence, perhaps serves three months, is often corrupted when he gets into prison, by one of these desprate criminals.

Now, Mr. Speaker, I was glad that the Minister paid tribute to the Commissioner of Prisons. He has had a very difficult task, especially with this expansion caused through the Emergency. Not very long ago I asked him whether he would take me around and show me what is going on at Nairobi Prison, and he duly arranged a trip which took most of the morning. I must admit I was very amazed at the work being done in that prison in the Prison Industries side. The quality of the work, the interest shown by the instructors—both European and African—the whole atmosphere was one which could not fail to impress a layman as to the value to the convict. However, one thing was obvious during that trip, that the sooner the Nairobi Prison is abandoned and the move to Kamiti takes place, the better for all concerned. I have never seen such a dreadful old building as that Nairobi Prison, and I am very surprised in many ways that the City Council's Health Inspector has not moved in and closed it down. I hope the Minister, when replying, can give a firm date for when that move will take place. I think it is important, especially in view of the remarks I made earlier about the overcrowded conditions which must result in some of the minor offenders being corrupted.

Now, Mr. Speaker, I would like to turn now to a few items concerning prisoners themselves, not necessarily in Nairobi. I should like the Minister to tell us what the ration scale is per prisoner. I do not mean the detainee, but the ordinary convicted person, because the impression is still abroad that you eat better in prison than you do out.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The Council will stand adjourned until 9.30 a.m. to-morrow, Friday the 8th of June.

Council rose at fifteen minutes past Six o'clock.

Friday, 8th June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

MOTION

AGREEMENT WITH CANADA FOR AVOIDANCE OF DOUBLE TAXATION

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move—

That this Council approves the arrangements proposed in Sessional Paper No. 101 of 1956 for the extension to Kenya of the Agreement between the Government of the United Kingdom and the Government of Canada for the avoidance of double taxation.

Mr. Speaker, Sir, this is a continuance of the policy the Government has been endeavouring to carry out of making double taxation agreements with countries to whom such agreements are likely to be of mutual advantage. We have had agreements of this kind before the Council, Sir, and I think hon. Members will remember that an undertaking was given that before the Government entered into any agreement with any other territory, or any other country, we would follow the same procedure as on previous occasions. That is to say we publish the agreement, lay a copy on the Table of the Council so that, if necessary, a debate thereof may be secured.

We had promised the hon. Member for Nairobi North that we would, indeed, endeavour to carry out agreements of this kind between Kenya and the Dominions in general and this is one of the steps we have been able to take. There is, I think, very little to say about the agreement in detail, Sir. It might interest the Council to know that in 1954 we had, indeed, an inquiry from a company interested so they said, in forming a company in Kenya with the initial share capital of a quarter of a million pounds, but, one of the conditions of that investment, was that there should exist a double taxation agreement between Canada and this country. Unfortunately, although the negotiations

were in train, we were not able to complete that agreement and so the investment did not materialize but we do hope, of course, that with the completion of the agreement, the country concerned will be interested again. As is obvious with all double taxation agreements, there will be a slight loss of revenue to the country, but it is a negligible loss.

There is, Sir, I think only one other point I would like to refer to, Sir. The first sentence of the United Kingdom-Canada agreement refers to prevention of fiscal evasion and that is, I think, perhaps, Sir, why a comment appeared in one paper to say that the agreement was designed to prevent tax evasion.

Now, Sir, I would like to reassure this Council that the information we gave and the promise we gave as a Government when we were debating the United Kingdom-Kenya double taxation agreement that there would be no exchange of information for the purpose of checking evasion, will be maintained. The purpose of this agreement is an obvious one. From our point of view it is an endeavour to equalize the taxation and encourage investments and transactions. I do not think, Sir, that there is anything further to say on this Motion, but to express our appreciation of the fact that it has been possible to achieve another step forward in this direction.

Sir, I beg to move.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack) seconded.

Question proposed:

LT.-COL. GHERSIE: Mr. Speaker, I merely rise to support the Motion and thank the Minister for Finance for his efforts in this connexion. I feel it is a step in the right direction, Sir, and it is sincerely hoped that of course the same relief in regard to double taxation will be extended as far as other countries in the Commonwealth are concerned.

The amount of revenue we may lose, as the Minister pointed out, is negligible really and I think it will have the effect later in attracting money and the revenue might, thereby, be increased as a result.

Sir, I beg to support.

The question was put and carried.

COMMITTEE OF SUPPLY
VOTE XXVII—PRISONS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

(Continuation of debate adjourned on 7th June, 1956)

SIR CHARLES MARKHAM: Mr. Speaker, when Council adjourned last night, I was just about to go on to the subject of rations for prisoners and I ended my remarks by saying the impression was certainly abroad that you eat better in prison than you do out. I still maintain that there is a danger that, when a man gets convicted of an offence which might result in imprisonment say for a period of three or six months, he should not use that period of time in order to regain his strength by eating extremely good meals three times a day. In the olden days, of course, the cry against the Prisons Department was always, "Hoteli ya Kingi George". I do not know whether perhaps the Minister can tell us what that is called now in these changing times. It is, of course, an unfair cry as they are made to work and perhaps "hotel" is not the right word. But, nevertheless, there is still no stigma at all attached to having languished at Her Majesty's expense for a period of years. In fact, amongst some of the Africans, it is quite an honour to have had free board and lodging during that period without any responsibility and, of course, they always say the way to avoid taxation is to go to jail where you are not in a position to pay it.

I think there is a danger that this atmosphere of "no stigma" can be taken to absurd lengths by many of the Africans who are accustomed to going to jail regularly—you might say the old lag who serves his two years, comes out for about six months and then gets in again for another three years or so. I would like to suggest to the Minister that only those prisoners who are actually doing manual work, and who have been imprisoned for a period of time more than three months, should receive the additional rations necessary for such work. I do not believe the man who is doing sewing or tailoring, etc., needs the same amount of food as a man working in a quarry.

Also I would like to see as well, the prisoner suffer some hardship in order that he can realize it is not a particularly luxurious existence he is going to lead.

Now, the Minister yesterday, Mr. Speaker, mentioned the Prisoners' Aid Society. Like him, I am rather worried about the lack of support that this society has received from the public. On the other hand, I think the criticism is justified to the extent only that the public do not know what the function of this society really is. We have been told, on many occasions, both in England and out here, that when a man leaves prison, every help must be given to him in order that he can rehabilitate himself in civilian life. That is all very well in theory, but in practise, of course, it is not nearly so easy. I have been told it may not be true, but I have been told that once a prisoner has learnt a trade during his time at Her Majesty's expense, when he comes out he finds great difficulty in obtaining employment because once his employer knows that he has been in prison, immediately he starts the racket of trying to get him for a lower wage than what the normal market price would be. And, of course, if that prisoner cannot obtain work, then he will resort back to crime because there is no other alternative.

There are, of course, also the dangers, and I know these exist, of documentation of prisoners who have been released. It has been said to me by an old friend of mine who has spent a great many years in various prisons of the Colony, who unfortunately, has a liking for Nubian gin and cannot resist the distillation thereof, and at regular intervals he is caught by the police and at regular intervals he goes to gaol, that when he comes out, there is more trouble getting his documents so he can start off again than there is getting back into gaol. Now I think it is wrong that a prisoner, once he has been released, should have to have the trouble of being picked up by the police again, for example, for not having *kodé* receipts; well, he was not in a position to pay *kodé*; and therefore they say: "Where is your receipt?" and then he has to admit that he has been in gaol. Some of them do not mind admitting it at all; my old friend does not; but some of them are a little more sensitive. So I

[Sir Charles Markham] do hope the Minister can perhaps devise a system which will short-circuit the question of the documentation, especially in the days where every African is required to carry such a multitude of paper in order to identify himself, in order that that prisoner should not have the stigma of being refused work because he has not got the proper documents.

Now, in his speech yesterday, Mr. Speaker, the Minister made some veiled suggestions about this aptitude tester and suggested, perhaps, that this side of Council might well try it out. I am not certain that the other side of Council should not have it as well. It might be most interesting to see what jobs the Ministers would get, having gone through this test. We might find the Minister for Defence, of course, as a road foreman, or we might find the Minister for Finance, of course, in charge of the Public Works Department. It would be interesting to see and, Sir, if the Minister recommends this side of Council carries out this test, I suggest the other side does as well and we will compare notes.

Now, Mr. Speaker, I have got two brief points to make before sitting down. One is a criticism—the first criticism I have made, I think, in this speech—which is a serious one. That concerns the quality of the prisons—drivers of their transport. Having seen many examples, and one again coming to this Council this morning, in a Jeep, I sometimes feel that the drivers would be much better inside locked doors and let some of the criminals out to drive their vehicles, because their standard is so low that I hate to think what the cost must be to the Government of maintaining the vehicles. There is an old expression in Kenya, of course, that there are only two speeds for the African driver—flat out or stop, and I am not certain that the Prisons Department do not set a very bad example by maintaining flat out the whole time. I hope that the Minister might look into that problem. I do not know whether it is a question of the pay the drivers are getting, or whether it is lack of instruction, but down in Machakos particularly there have been many complaints, that the most dangerous vehicles on the roads all have an "O.H.M.S." on them, and generally "H.M. Prisons" on the side of the vehicle.

We were glad to hear, I think, on this side of Council, that the Minister had been able to arrange—not arrange, that is the wrong word perhaps—had been able to announce that Her Majesty had been pleased to agree to a medal for the Prisons Department. I think that is a very good step and certainly will be a boost to the morale of those people who have served so long and so loyally. At the same time, in view of the fact that they are now going to be awarded a medal, I would suggest that perhaps they might have a better uniform on which to wear that medal. I think at the moment, the police and the King's African Rifles are extremely smart in their walking-out dress, but I consider the prisons are certainly a disgrace in so far as there is no number one dress like there is for the police, to my knowledge anyhow. There may be but I have not seen it around Nairobi. I saw a person last night from the prison—an African warder—who looked rather like—perhaps this is an unfair criticism—who looked rather like a refugee from those films you saw of *Beau Geste*, with his peaked cap sticking out, a long, baggy coat, with a rifle slung over his shoulders; he looked as though he were going off to fight a distant war in the Northern Province. I do not think it is right that the prisons should not have a uniform of which they can be proud, especially when they are wearing it outside working hours. Perhaps the Minister might tell us whether there are any plans to give such a uniform to the Prisons Department. I think as well it is unfortunate that the officers are wearing this kind of green hat which looks like the Dental Corps; in fact, I think it is the colour of the Dental Corps in the army. I think it is an unfortunate colour and it seems to be most odd, when you see various officers and you cannot identify what they are. I do hope, again, that a more sensible uniform can be devised for the officers.

In my speech yesterday, Mr. Speaker, I did perhaps create a slight false impression when I criticized Nairobi Prison and the sanitary conditions there. I would like to make it clear that I was not criticizing the policy of Government in allowing those conditions to exist, but only emphasizing the need—the urgent need—for the move to Kamiti.

[Sir Charles Markham]

Finally, Mr. Speaker, I would again like to pay my tribute to the Commissioner, his officers and his men, for the considerable progress they have made in the last two years. I think particularly that the whole atmosphere now is so different from what it was when the force was expanding, and of course the credit for that must go, in many ways, to the Commissioner himself. I think perhaps we are lucky in having the present Commissioner and I hope particularly that his various plans for the improvements which he knows will come to fruition.

Mr. Speaker, I beg to support.

DR. ANDERSON: Mr. Speaker, Sir, I should just like to answer the point which was raised by the hon. Member for Ukamba on the question of prison diet. Now it must be quite obvious, I think, then when people are kept in custody they have to be properly fed, and it would obviously be highly reprehensible if prisoners who were kept in custody were to lose weight on the diet they were given. Now the ration scales have been worked out with very great care and they have been revised from time to time and in point of fact they were revised only about a month ago, and the object of arranging this diet scale was to avoid extravagance on the one hand and on the other hand to arrange a diet which would keep the prisoners in a suitable condition of health. The diet has recently been simplified and it consists of two parts: a basic diet for people who are not working and a full diet for prisoners who are working. Now just to demonstrate how extremely careful you have got to be in trying to avoid cutting down the diet too much, I should mention that there have been cases of deficiency disease, particularly pellagra, in our prisons and this has caused us a good deal of trouble and adjustment of diet. It does demonstrate the fact that if you try to cut down the diet too much in order to economize, you are liable to run into trouble. I personally, having given this matter a good deal of consideration, am satisfied that we have achieved a diet now which does, in fact, keep the prisoners in good health and does avoid any waste.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (MR. COULTS): Mr. Speaker, Sir, may I take also this opportunity to answer the point raised by the hon. Member for Ukamba over the question of discharged prisoners which, in fact, is a Labour matter concerning their documentation and their re-employment. The position is this, Sir, there is a Labour Officer on the Discharged Prisoners Committee and he is responsible for seeing that these discharged prisoners are sent across to the Labour Officer in charge of the Labour Exchange, which looks after the re-employment of both Asians and Africans. If, therefore, my hon. friend's friend, when he re-emerges next time to unearth his various implements for the purpose of making Nubian gin, applies to the Labour Officer on the Discharged Prisoners Committee, he will then see that he goes across to the officer in charge of the Labour Exchange, who will then arrange that his documents and everything else are put in order. He will also try and get him re-employed. Naturally, he must tell any employer that he has got a prison record and he, normally speaking, is the only person who is told. Also, Sir, I would like to say that we do not know of any instances where the employer has tried to get the labour at a cheaper rate because that particular person has been in gaol. There may, of course, be cases of such a nature but I can assure hon. Members that the officer in charge of the Labour Exchange would resist anything of that nature.

Sir, I beg to support.

MR. SLADE: Mr. Speaker, Sir, I suppose that in this Emergency, the strain that has been put on the Prisons Department has been greater than the strain put on any other department of the whole Civil Service. The expansion demanded of it has been quite fantastic, and it is very gratifying to hear that a man of Mr. Heaton's experience and standing thinks so highly of the way that the Commissioner and his staff have tackled that appalling problem. I join others in agreeing entirely with Mr. Heaton's opinion.

It is natural, Sir, that during this period, when it was simply a matter of battling with numbers, plans for improvement of the prisons establishments have had to be in abeyance. The whole energy has had to be focused on what the Minister rightly calls security, but I

[Mr. Slade]

believe now, Sir, we are moving back in more normal conditions—in fact, it is clear that we are from the figures the Minister gave us concerning the expected reduction of prison population—and now is the time to think very hard about measures for improvement of prisons conditions, that have had to wait over the last three or four years.

The two measures which concern me most, I think, and I am sure they concern the Minister, too, are segregation—to which also the hon. Member for Ukamba referred—and rehabilitation. Now segregation is vitally important, for the reasons my hon. friend gave just now, or rather yesterday afternoon, and it is quite clear from the fact that the Minister invited Mr. Heaton to come here with those particular terms of reference, that is to advise on methods for better segregation, that the importance of this issue is fully understood. I would like to say, Sir, that far from the invitation of Mr. Heaton being a matter of discredit to the Minister or to the Commissioner, I think it is very much to their credit that they have seen fit to ask a man of that experience to come and advise them. It shows that they have no false pride; it shows that they really want to get the right answer. It has always seemed to me, Sir, that people who are prepared to ask a second opinion are people of self-respect and people who care for their job. I think the Minister has done very well in that matter, and look forward to the results of Mr. Heaton's report.

The other aspect of reform and rehabilitation—the Minister, in speaking, gave rather a wrong impression, which I know he did not mean; he rather suggested—and if he reads his speech he will see that he did suggest—that the job of the prisons service is really custody, and that rehabilitation is really somebody else's job. Now, as I say, I know he did not mean that. It is quite apparent that he did not mean it, because one can see the efforts that are being made to train people in prison and to achieve one of the main objects of prison sentences, which is to turn the man out of prison a better man than when he went in. But all the same, I would like to hear a little more now from the Minister as to what specific plans he has for improving our measures for the rehabilitation and

reform of prisoners, and the extent to which that is allowed to be handled by the prisons, and the extent to which it is subject to interference by other departments. Because I believe, Mr. Speaker, it is essentially a function of the prisons service. It is an integral part of the work of prisons staff, as the Minister said, in the course of looking after prisoners that you have got to try to train them and also get some return from their work. As we see from the Appropriations-in-aid, there is a very considerable return coming now from the work of prisoners and I have no doubt that that could be enhanced.

The institution of the Aptitude Unit again shows that we are working towards a higher development, in that aspect of prison life. There is one thing that strikes me about the Aptitude Unit, and that is that the cost is £600. It must be an extraordinarily small Unit, and I am wondering if it can even exist with one wholly full-time employed person. Perhaps the Minister can explain that to me.

Still on this subject of reform and rehabilitation, there is one aspect on which I should like some information from the Minister, and that is the proposition which has been under consideration, Sir, for a good many years now—the long-term corrective training of the habitual offender. Now we have discussed that in this Council before; I do not want to go over it again; but the habitual offender is one of our biggest worries and I, in common with others, think that the only answer to him is to put him away for a long time, and to spend that time in progressive training of the man, so that by the time he leaves he is really fully trained for a proper place in society and at the same time, during his long period of incarceration, he has contributed quite a considerable amount to the cost of his incarceration.

Lastly, Sir, with regard to rehabilitation and reform, I should like to join with the Minister and my hon. friend here in urging greater public interest in the Discharged Prisoners Aid Association, because all of this effort to train prisoners is wasted if they cannot be placed, immediately they leave the prison, in a place where they are able to use their training. If that cannot be achieved, then all the effort of the years in prison are thrown away.

[Mr. Slade]

Lastly, Mr. Speaker, I was somewhat intrigued by the Minister's frequent reference to captives. It was interesting to hear him describe convicts and prisoners in that way. It raised a sort of romantic atmosphere of sweet sorrow. It almost makes one think of the waters of Babylon, where the Psalmist said they sat down and wept. One can imagine the inmates of Kamiti Prison "hanging up their harps upon the trees that are therein". But the fact remains that they are really just prisoners and convicts at that; and perhaps it is better to remember that by using the more usual terms.

I beg to support.

MR. TYSON: Mr. Speaker, Sir, I would like to pay tribute to the Prisons Department, particularly to the work which is being done in the one prison I know a little about, here in Nairobi, in the training of prisoners. That, to my mind, is a very useful job and of great benefit to the community at large, but I would like the Minister to give us some more information as to what is being done in regard to similar training for the detainees. We know from the figures which have been published that there are a large number—some 40,000 or 50,000 of these people under detention—but it would, I think, serve a very useful purpose if some scheme could be designed, if it does not already exist, for embarking on a similar type of training for those detainees, because unless something along those lines is done, it does seem to me that when those people are released, they will be released with a feeling of bitterness which may give us a good deal of trouble in the future, whereas if they are started on some course of training, they have the makings of being brought back as useful citizens into the life of the community.

I support the Motion.

DR. HASSAN: I rise to support the Motion, Sir, and I would like to associate myself with the previous speakers, to pay tribute to the Prison Authorities, who were under the greatest strain during the last three years and dealt with the increased prison population in a remarkable way. There is no doubt that the Commissioner of Prisons had to make use of the new people picked up here and there who never knew anything

about the prison job, and I know there was a time when he was called upon to spend more of his time for administration and looking after the Prison officers, than the detainees themselves. But still, the work he carried out to the satisfaction of the department in a manner that it was considered to be most creditable to everyone who saw that. It was done under most difficult conditions.

There is no doubt, as a previous speaker has said, that prisoners when they go to prison should not be given a luxurious diet. Of course, the Director of Medical Services has already replied to that. But they need to be properly fed to go through a day's work. The Minister has already informed us of the income from the prisoners' work in the gaol, amounting to almost £½ million. That shows that it pays the authorities to feed them well and get a good bit of work out of them, which pays towards their upkeep and expenses.

With these few words, Sir, I support the Motion.

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Ohanga): Mr. Speaker, I should like to give a brief reply to one or two points raised by the hon. Members on the other side. The first is regarding the rehabilitation work in prisons. Now, rehabilitation is the responsibility of the Community Development Department; but most of our effort is at the moment concentrated, as you know, in those prisons which cater for *Mau Mau* convicts. Because detainees, in our opinion, come before convicts, it has been by policy decided to concentrate first on the detainees that have a greater chance of coming out to ordinary life before those who are actually convicted and imprisoned. But we are now trying to set up a scheme jointly with the Prisons Department, by which, when we get more officers, it is our intention to cover not only detention camps but also prisons like Nairobi and other places. When this plan comes out we shall be able to put into every prison a number of rehabilitation officers as we can afford to give them, to carry out the necessary rehabilitation work before they are released. Of course, when they are released, they become detainees again by reason of the fact that they

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are involved in *Mau Mau* oaths and so on. Then we shall have a greater chance to deal with them in the detention camps during that time before they are completely freed through the pipeline.

The hon. Nominated Member, Mr. Tyson, wanted to know if anything is in hand for the training for detainees. Well, I suppose he wanted to know if there is a plan for training them after they are released from detention camps. Now in that connexion, Sir, I would not know. That would not be my responsibility, but it is the responsibility of Community Development to see that while detainees are in detention camps, arrangements are made for them, which include certain classes of training including rudiments of craft and so on, which would go a long way in fitting them for further training such as may be available for them after release from detention. I should like to mention in this connexion, the work which we are carrying out for the young detainees, that is, under the age of eighteen, at Wamumu. Now, Wamumu, Sir, is an example of an Emergency Approved School, and we have plans here for up to 2,000 young detainees who are receiving rehabilitation in very much the same way as the boys who go to ordinary peace-time Approved Schools. They are trained in the rudiments of carpentry, brickmaking, unsmith and cobbler, and all these are done within the time that they are in detention. When their time comes for release, they will then be equipped to a certain degree to cope with any other training scheme which may be made available to them through the ordinary channels under the Minister for Education.

With these remarks, Sir, I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, I will call on the Mover to reply.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I am extremely grateful to hon. Members opposite for the courteous and helpful things that they have said about the Prisons Department. I am sure their words will be a great encourage-

ment to the Commissioner and his staff in their continually hard task.

The hon. Member for Ukamba asked me some specific questions. One of them was: Could I give him the relative numbers of the detainees in works camps and in reception centres such as Manyani. Well, the figures on 28th May, rounded off, were that in Manyani then were 12,286. In rehabilitation camps and works camps there were just twice that number—24,000. In addition there were some others to the number of slightly under 4,000, who are in works camps but not camps which are or can be considered yet part of the pipeline to freedom. I mean the remote camps like Lodwar and Manda, where the people are really bad and are not in a pipeline in their own native areas or districts. So I think the relevant two figures are really those of 12,000 in the reception centre, in round figures, and 24,000 in works camps. The small balance, which is roughly of between 4,000 and 5,000, is accounted for in these other ways.

The hon. Member also suggested that we should, if I noted him rightly, give more facilities to visitors to see works camps and other prisons institutions, so they could discover for themselves that there was not, as indeed there is not, anything to hide in these places.

We do, of course, permit and encourage reputable visitors, some Members of Parliament are among them to see these camps and form their own conclusions, where their conclusions are not already formed long before they ever visit this country. We also arrange regularly, for a conducted tour to be undertaken by Press representatives, and Members of this Council, I think, have, on some occasions, been taken on tours around parts of the Central Province which have included visits to works camps there.

The hon. Member also spoke of his very justified fears that the convicted *Mau Mau* prisoners might corrupt the others. Now, I agree with what he said about that, and it was, in fact, one of the reasons for our asking Mr. Heaton to come out here, and I gave him terms of reference when I spoke originally on this Motion. One of the reasons was to get his wise advice about the need and

[The Minister for Internal Security and Defence]

best means of coping with this, and also on, as I expect he will recommend, increasing segregation.

The hon. Member then went to refer to the minor or young criminals who might themselves become corrupted by contact with the older and more experienced men in camps and jails. We do, of course, take great care to separate the various categories of criminals, and there is at Shikusa a young offender's prison to which the bulk of the young convicted criminals go. There is also at Kabianga, in Kericho district, a place for the first offenders who are employed at a veterinary livestock improvement centre there. Wamumu to which my friend, the Minister for Community Development, referred is where the juvenile *Mau Mau* detainees go, and when we have further settled down into what may perhaps be described as a peace-time routine, which is a matter to which my friend, the hon. and learned Member for Aberdare, referred to in particular, it may be that we will transform Athi River into a Borstal Institution. I can give no undertaking about that, it involves finance and various other matters, let me say it is, at this stage, a hope rather than a plan.

The hon. Member also asked me to give him a firm date for the removal of Nairobi Prison to Kamiti. In fact, Sir, I had given in my opening speech, details of progress at Kamiti. I said that one block was completed. One would be completed by the end of this month, and a third would be finished by the end of August. I said that each of these blocks could take 640 convicts. The actual removal from Nairobi Prison will coincide as nearly as is practicable with the completion of those blocks at Kamiti. But I should say that 876 convicts have already been removed ex-Nairobi Prison to Kamiti, and that a further 227 will go this week.

My hon. friend, the Director of Medical Services, dealt with ration scales. I would like to stress that in this matter we request and accept the guidance of the Medical Department. The Prison Department do not, themselves, evolve or interfere with the scales which are laid down by the experts in these matters as being the minimum necessary to maintain a proper standard of health

having regard to the areas in the Colony in which the persons receiving these rations are, and the kind of work they are doing.

I would like to add to what the Director of Medical Services said only this. The particular point which the hon. Member for Ukamba made was that people going in for a few months only would receive a less favourable, smaller ration than those who are in for a longer time. Well, in fact, that has been achieved, but in a different fashion. The diet does not relate to the length of the person's sentence, but, as I think more properly, to the nature of the work that he does. There are six scales of diet, three relating to the Coast, three relating to up-country, and each of these is divided into a basic diet, a full diet and a supplementary diet. Now, the basic diet goes to prisoners not performing any prison labour. Prisoners performing normal prison labour would be entitled to the full diet. Prisoners performing heavy labour would be entitled to the appropriate supplementary diet. So, what the hon. Member wished to happen, happens in a slightly different fashion.

I, of course, agree that one of the difficulties about punishment in this country is that in the African eyes stigma rarely attaches. I think that is really a factor which we all have to accept and which is certainly one which was accepted by that well-known prisons expert, as indeed he was, Sir Alexander Patterson; it is just a thing that exists.

My hon. friend, the Minister for Labour, replied to the criticisms of my friend from Ukamba about the difficulties of the discharged convict, and his relationship with the Discharged Prisoners' Aid Society. I will particularly draw the attention of the secretary of that society to the remarks of both Members as it may be that in the course of the help that they give, they can further iron out some of the difficulties which perhaps exist.

I was frankly surprised by the hon. Member for Ukamba's criticism of the prison transport. There is not a great deal of prison transport, in fact, the total number of vehicles on charge to prisons is only 200, but I imagine that the hon. Member in the course of visiting his constituency probably sees more

[The Minister for Internal Security and Defence]

of these vehicles than most people do, because he passes through a complex of camps where they are very greatly in use. For instance, there is the Lukenya camp where road material is being dug for the Road Authority which is transported from that camp directly across the hon. Member's route to his constituency. There is the Embakasi Prison Camp which also contains a quarry in which, quite apart from the work on the airport, other convicts are engaged in making ballast for the railway, which is transported to a railhead nearby. I imagine they cross his route, too. There is also the detention camp at Athi River. I would add that prison drivers do, in fact, undergo a course in the Warders' Training Depot at Kamiti. But, I think clearly, as I have said, the hon. Member perhaps meets more of this traffic than most people do though I would not care to suggest that he may, perhaps in some little way, contribute himself to the difficulties which he encounters.

I am grateful to the Member for Ukamba for his suggestions about prison uniforms. To deal first with the officers' uniform which he criticized. These matters of hats are perhaps largely a matter of taste, and the hat chosen by the "prison service" of East and Central Africa and the uniform which prison officers wear, was agreed at a conference of prison officers from East and Central Africa, so their taste, and the hon. Member's merely do not, in this case, coincide. I am, however, grateful to him for the suggestion about a smarter uniform, a ceremonial uniform, for prison warders. I hope my hon. friend, the Minister for Finance, was listening at that time. I should, however, in all honesty point out that prison warders are not frequently called upon to undertake any ceremonial drill or ceremonial parades, and are rarely required to appear on ceremonial occasions. That, of course, does not detract from the desirability of a smarter walking-out uniform.

My hon. and learned friend for Aberdare again said nothing with which I could disagree. It is, of course, true that all our interests and energies, over the last several years, have been directed solely to the Emergency, and that the improvement of, what one might call,

routine conditions in training and reforming convicts in prisons have suffered on that account. For instance, the transfer which I have mentioned from Nairobi Prison to Kamiti Prison is not, as it should be in normal conditions, related to the corrective training for which the Kamiti Prison has been designed. It is really related to diminishing the excess population in Nairobi and to further segregation, and I am afraid the corrective training will still have to wait for happier days. However, these things are not, by any means, forgotten about, and in the Estimates on page 121, hon. Members will see provision made for a new post of a Senior Superintendent. This officer is intended to be in charge of all prisons industries in all prisons throughout the Colony. Hitherto the charge of such industry has related solely to the Nairobi Prison, and that is one small step forward which we have been able to take even in our present difficulties.

My friend, the Minister for Community Development, I think spoke about the training which my hon. friend, Mr. Tyson, mentioned and of which I think my hon. friend, the Member for Aberdare, made mention too.

My hon. friend, the Member for Aberdare, asked about the very small sum of money which is available to the Aptitude Testing Unit. The fact is that this small sum of £600, I think it is, does not relate to the salaries of the persons engaged in the Unit, they are prison officers and their salaries are paid under Personal Emoluments. The Unit which is a mobile one, has its petrol and other necessities for mobility similarly paid for out of the transport and travelling vote. But the actual £600 is for the maintenance of equipment and for the photographic materials which apparently play some considerable part in the working of this Unit.

I am grateful to the hon. Member for his commendation of the Discharged Prisoners' Aid Society, which I hope may have a wide effect in inducing other public-spirited people to join.

With regard to his last point, where he queried my use of the word "captives". I think it is a very legitimate query, but I found it hard to find any other term which covers all the many

[The Minister for Internal Security and Defence] kinds of people who are, in fact, in captivity. There are convicts, remand prisoners, detainees detained under the Detention Camps Ordinance, detainees detained under the Emergency Regulations and probably some other odd kinds too, and I think in this country—I know—many normally associate the word "prisoner" with the word "convict". I equate it with the word "convict" myself, so in this case, I have said "captives" meaning the whole range of persons who are held by the Prisons Department.

Mr. Speaker, Sir, I beg to move.

The question was put and carried.

IN THE COMMITTEE

(D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair)

VOTE XXVII—PRISONS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,019,719 be granted to the Governor to defray the charges which will come in course of payment for the year ending 30th June, 1957, for Vote XXVII—Prisons

Question proposed.

Prisons Department. 1. Permanent Service—A—Personal Emoluments.

MR. HARRIS: Mr. Chairman, Item reference No. 3, two Assistant Commissioners, would the Minister tell us who is the member of his Ministry, or of the Treasury or of the Government Printers who is obviously qualified for accommodation in one of Her Majesty's Prisons by making two Assistant Commissioners on a scale of £1,740 by £60 to £1,860 come to £4,950?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I think, Sir the Minister for Finance and I plead jointly guilty.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I think, Sir, that it is obviously something like provision for leave pay or something of that kind, that is the real reason why this type of thing occurs. There are only two substantive posts but there is pay due to be paid to an Assistant Commissioner on leave pending retirement, so

that there can be no question in this particular case of either the members of the Treasury or of Her Majesty's Prisons in Kenya "serving in another capacity".

MR. HARRIS: And both of them defending the Government Printers!

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): With all due respect to the hon. Member, I am stating the facts of the case.

2. Prisons Emergency Manpower

A—Personal Emoluments.

B—Purchase of stores, equipment, vehicles, etc., and maintenance of plant.

C—Other charges—General.

SIR CHARLES MARKHAM: Other charges—General—Travelling Expenses. I am just asking the Minister, Sir, does travelling—the general expenses of travelling throughout the prison service come under this particular heading or is it allocated to each area like Nyanza, Rift Valley, Central Province? How is it worked? I am trying to get the amount out, it is very difficult to see from these estimates.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The travelling of the provinces, appears under Other Charges a page or two further on.

C—Other charges—General, agreed to.

D—Other charges—Nyanza Province, agreed to.

E—Other charges—Rift Valley Province, agreed to.

F—Other charges—Central Province, agreed to.

G—Other charges—Coast Province, agreed to.

H—Other charges—Northern Province, agreed to.

I—Other charges—Southern Province, agreed to.

J—Other charges—Nairobi Extra-Provincial District, agreed to.

Z—Appropriations-in-Aid, agreed to.
The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move the Committee do report to Council its consideration of and its adoption

[The Minister for Finance and Development] of the Resolution without amendment and ask leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered and approved the Resolution that a sum not exceeding £1,019,719 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXVII—Prisons.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council do agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

VOTE XXXIX—MINISTRY OF COMMERCE AND INDUSTRY

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair in order that the Council can move into the Committee of Supply to consider Vote XXXIX.

Now, Sir, with your permission I would like to refer to a debate in another place—the House of Commons—which was referred to in somewhat unpleasant terms, and quite rightly so, yesterday. But, Sir, in the course of that debate the Minister of State for Colonial Affairs referred to the spectacular industrial development in Kenya and held it up as a remarkable achievement during a period of emergency and distress. He particularly referred to that as an item on the credit side in the economic development of the Colony. At the same time, Mr. Speaker, it may interest hon. Members to consider the Economist Intelligence Unit's report on economic

development over the next decade or so, in relation to the capacity of the Railways and Harbours Administration. Now, Sir, the interest in this report in connexion with the Vote under discussion is that—traffics expected on the transport system are, in themselves, a good index to economic development. In brief, their conclusion was that as far as the three East African territories were concerned, there has been a remarkable wave of industrial development in Kenya as compared with the other territories. They further envisaged and this, I think is the most significant of their conclusions, they further envisaged that, over the next decade or so, the gap in industrial development as between Kenya and the other East African territories would increase rather than diminish.

I refer to these two entirely independent opinions as evidence of great industrial development in this country. When one considers that, so far, we have not been fortunate enough to find a prime mover in the form of coal or oil or great hydro-electric resources within our own boundaries, or any great mineral development in relation to base metals, the Economist Intelligence Unit even hints—even goes so far as to hint—that it is the sound policies of the Government that have induced some, at any rate, of this industrial development. However, I would not wish to press that point!

I think again, it may interest Members to look at the figures of capital which has gone into industry since 1952, during the period of the Emergency, private capital which has gone into this industrial development, as opposed to Government expenditure and as opposed to investment in agriculture and plantation crops. These figures do not, for instance, include the very massive investments in tea, the investments in the growing cannery industry, the investments in sisal, coffee, or any of the ancillary activities arising from agriculture. They refer solely to manufacturing processes which, while they may have some connexion with agriculture, are not closely associated with it. In the years from the beginning of 1952 to the end of 1955, well over £8,000,000 of new money has been invested in manufacturing industry. That does not include, of course, the

[The Minister for Commerce and Industry]
reinvestment of profits—which, in itself is a very large-scale enterprise.

Now, there are at the present time many projects coming into fruition, and a number under consideration. At last it looks as though there will be some large-scale assembly of agricultural machinery within the country. It looks as though there may well be some assembly, on a larger scale than at the present time, of motor vehicles. There is, as everyone can see driving round the industrial areas of Nairobi, Mombasa, Eldoret, Nakuru, Kisumu and other places, a growth of industry in the whole country. Industry is spreading and that process, I believe, is benefiting the country as a whole.

Now, hon. Members may be interested to hear how the Assistance to Industry Report, which was laid on the table of this Council, is being implemented. The Board of Industrial Development has been established and is meeting. The post of Industrial Development Officer has been created, and financial provision has been included in the 1956/57 Estimates.

An interesting recommendation of the committee was that there should be a modest and selective campaign of Press advertising drawing the attention of those who have money to invest to this Colony. We have started a series of selected advertisements in such papers as the *Financial Times*, the *Investor's Chronicle*, the *Economist*, the *New Commonwealth*, and papers of that kind, papers that have a specialized circulation amongst those who have projects to implement of money to invest.

We have had an encouraging response to the very modest advertising which I may say, so far, has cost under £200. We have had interesting inquiries from New York, from Brussels, and from Canada, not to mention other overseas countries. Some of those inquiries may lead to nothing, but of course, one naturally hopes that an inquiry will lead to a more serious investigation and, in some cases, that the investigation will lead to the establishment of a new industry.

The circulation of *Commerce and Industry in Kenya*, which has been built

up on a selective list over the past seven years, again, has had useful results. Hundreds of inquiries have come in as a result of the circulation of this booklet. It circulates in the United States, in Canada, in Australia, in the Union, the United Kingdom, in Switzerland, in Sweden, in Norway and in Denmark and other countries; it is to a selected list and if any hon. Members have any ideas as to where that circulation could be expanded, or if they have inquiries themselves, I would be most grateful to them if they would let me have the names and addresses of those making such inquiries so that they can be put on our mailing list.

A list of this kind, Sir, must be built up over the years, and the key to its success is the fact that it is selective. I think it is true to say that, of its kind, *Commerce and Industry in Kenya* is a successful publication. In fact, we had a very favourable reference to it in the *Toronto Globe*. I had sent a copy of it to the editor, and he had an editorial about it, drawing attention to its value, and asking why other countries did not produce something like it along similar lines.

Now, Sir, industrial land. This is a matter that I know many hon. Members—including myself—have been worried about. The position at Mombasa was very, very difficult. It is still difficult, but at least the Changamwe scheme is going ahead, and I think hon. Members may be interested to know that the next meeting of the Board of Commerce and Industry, towards the end of this month, is to be held in Mombasa, where we went from time to time, with the particular object of inspecting the progress at Changamwe and the very great progress that is being made in the Port.

* There are plans to develop Karatina as a small industrial centre in the Kikuyu Reserve. Again, at Yala, in North Nyanza, similar plans are afoot. There are plans to try to take light industry—small-scale industry to begin with—to the reserves near to those who will provide the labour. Of course, such schemes are dependent upon making them sufficiently attractive for private capital to go there, and a great part will have to be played by the African authorities to see that obstacles are not put in

[The Minister for Commerce and Industry]
the way of supervisory staff living under decent conditions; and also to see that the centres are properly run. I have every reason to believe that such co-operation will be forthcoming.

As regards the Industrial Development Corporation, I think that hon. Members might like me to refer very briefly to its activities. From time to time its Annual Reports and Accounts are laid on the Table of this Council. I believe it is true to say that, with very limited resources indeed, it has done good work. I, at least, am most grateful to those Members of this Council, and other leading businessmen, under the very able chairmanship of Sir Alfred Vincent, who give their time and energy to promoting development with the resources that can be made available. I think that the Corporation has good reason to be proud of some of its achievements. We have had failures, but, on the whole I think we have succeeded in promoting the development of this country within—as I say—the limits of our resources.

The Mines and Geological Department—still suffering from a shortage of staff—still six short in terms of qualified geologists, in spite of efforts to recruit them throughout the Commonwealth and in the United Kingdom. Nevertheless, I believe the Department has done a good job. We have succeeded in interesting the Anglo-American Corporation of South Africa in Mrima Hill. We have the New Consolidated Goldfields developing the Kyanite deposit at Murka. The Mines Department is doing a great deal of work investigating radio-active mineral deposits, as well as new copper and graphite occurrences. The first base metal mine was opened by His Excellency at Macalder, Nyanza, a matter of a few weeks ago. These things in themselves are comparatively small, but in sum they add considerably to the economic viability of our country. The demands on the Department's laboratories are another healthy sign of a renewal of mining activity. By that, I mean more prospectors are bringing in specimens for examination and analysis, and we are hoping to extend those services.

As regards the schemes to assist African traders, I think I reported to

the Council that the money has now just become available from the United States. It has to be met pound for pound, according to the conditions of the free gift, from local authorities. The African District Councils have shown the greatest co-operation in this matter. There have been other places where, so far, that co-operation has not been forthcoming—not through any ill-will—I want to make that quite clear—not through any ill-will on the part of the local government authorities in Nairobi, or anywhere else, but simply because they want modifications in the scheme to make it more adaptable—more suitable for urban conditions. An application has gone to the American authorities to enable certain modifications to be made. Whether we will succeed, I cannot say, but I have reason to believe that—as they have been in the past—they will be sympathetic at any rate to our representations. The pilot schemes in Nyanza are now making loans. There has been some hold-up in North Nyanza, for reasons which I think I need not go into, as there are tragic circumstances connected with the position in that part of the territory.

I would here—and it is referring to one of the smaller departments that come under my control—I would here like to pay some tribute to the efforts of the Weights and Measures Department. It is not a department that attracts a great deal of attention or praise. It is not engaged in carrying on one of the most spectacular aspects of the Government's work, nevertheless, it is doing extremely good work in tracking down and preventing that very mean form of fraud—short weight. The Weights and Measures Department can have the effect of reducing the real cost of living of from ten to five per cent by seeing that short weight is not given. I will only detain the Council by giving one example. Weights and Measures Inspectors made a detailed examination of weighing machines in a certain small centre in Kenya. Out of 750 weighing machines—I think it was—684 were found to be giving short weight. Now, Sir, I do suggest that, from the point of view therefore of the cost of living, a strong and active Weights and Measures Department is important, and I believe that the present superintendent and his

[The Minister for Commerce and Industry] staff are doing an excellent job with the resources that are available.

Now, rent control, I cannot say much on rent control because, as hon. Members know, the Board of Commerce and Industry, representative as it is, of all racial groups in this Council—of the Federation of Indian Chambers of Commerce; of the Association of Chambers of Commerce and the Chamber of Mines—and has set up a committee with defined terms of reference to look into the question of business premises in Nairobi, bearing in mind the importance of not interfering with the economic process of allowing rents to find an economic level. Now Sir, the terms of reference of that committee were agreed unanimously by the Board. The committee is taking evidence and is considering what it should do. I would not wish to comment—in fact, it would be improper for me to do it until that committee has reported. I do, however, want to lay one canard, because a good deal of loose talk has gone round about this. There have been statements in the Press that it is the intention of Government to remove at the end of this year all rent control on domestic houses—on dwellings. That is not the Government's intention, and that is not an issue before this Council.

I feel, Mr. Speaker, that in this short review I have at least referred to enough points, and reminded Members of enough points, to give them an opportunity to follow them up, or to raise anything that I have inadvertently missed out. There is, however, one more thing I do want to say, and that refers to commerce. We are at the present time in this country, in common with most countries, passing through a somewhat critical time in commerce. Now, there is the necessity—and I think everybody who considers these things—everybody who considers the dangers of inflation—recognizes that it is necessary to put the brake on. Mr. Speaker, to the credit squeeze. It can, however, be carried too far in a new and developing country. Nevertheless, in the face of an inflationary situation that has continued since 1939 a measure of credit control is both healthy and right, and I believe that the commercial difficulties that are

being faced by certain sections of the community at the present time will be triumphantly overcome. I believe that business will find itself in a healthier position than it was, say, a year or two—or three years—ago, as a result of the somewhat more stringent position in regard to money; and, finally, I believe the consumer is at last going to have an innings. I believe that the old doctrine that the customer is always right is now beginning to re-echo through the halls of commerce and, personally, I do not think that this is a very bad thing. I believe, too, that competition in service—which I think in a time of inflation tends to diminish, will come back to the very great benefit of business, and to the very great benefit of the consumer. When one considers the weight of investment; when one considers the tempo of economic activity in this country; when one considers the views of those best qualified to envisage the position, such as those experts of the Economic Research Unit; when one considers their conclusions in regard to the economic future of this country; then I cannot but be confident that business will get through its difficulties and go on from strength to strength.

Mr. Speaker, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Madan) seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Perhaps this might be a suitable time to take the usual fifteen minutes' break.

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

MR. LETCHER: Mr. Speaker, Sir, I merely rise to ask the Minister for an assurance that prospectors are given every assistance in prospecting in African reserves and that nothing is allowed to stand in their way.

I beg to support.

MR. COOKE: Mr. Speaker, the Minister spoke about echoing through the halls of commerce, but he omitted that to get to those halls of commerce, we have got to go through the gloomy

[Mr. Cooke] portals of the Secretariat and, in doing so, sometimes politics are inclined to impinge on commerce. And, for that reason, I was very glad to hear the hon. Minister speak about his policy of local industries and specially local industries in the African reserves. A few of us on this side of the Council strongly urged after the war that Karatina, for instance, should be made into an African town, but somebody on the other side—I was going to say some ass on the other side, but I suppose that would be unparliamentary—intervened and I think that led to a good deal of the political trouble that subsequently came down upon the Kikuyu people. For instance, I thought it was both economically and politically a great mistake not to have permitted the Africans themselves to have a crack at running the dried vegetable factory, but the Government insisted that it should be run, at any rate, more or less by Government and, of course, that led to a lot of bitterness and to the dismantlement of that factory which had been doing so well.

I am firmly of the belief, Sir, that if we are to progress economically in this country, we must let the African burn his fingers occasionally and, even though that factory might have been a failure under African management, it would have been a good practical lesson to them and would perhaps have taught them that they cannot always carry on without Europeans.

On the other hand, it might have been a great success and that, I, and others, would have very much welcomed, but, unfortunately, as I say, politics were allowed to impinge on commerce and the factory was dismantled and a grievance was presented, Sir, to those people.

Now, there were one or two other points with which I had to find myself in complete agreement with my hon. friend. I was very glad that he had the courage to talk about inflation because I could see his lord and master, the Minister for Finance, very close to his elbow and I just wondered what he was thinking at the time. However, I must say that I could not agree more with the view of my hon. friend, that we must, indeed I have been saying it for many years now, have regard to the infla-

tionary processes which are going on in this country at the moment.

I am very glad that my hon. friend, the Minister for Finance, has returned now, because I will be able to say that I was very glad of the courage of his lieutenant in what he said about anti-inflationary measures!

I would suggest to my friend that he should invite the Industrial Bank Mission to visit this country. The Industrial Bank Mission visited Nigeria a year or two ago—

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): The International Bank.

MR. COOKE: International Bank—sorry—yes—that a mission should come to this country and advise us on commerce and industry. One, as I say, went to Nigeria and presented a very fine report the other day and I think we need something like that in this country. The little school to which I belong in politics, are saying to-day, if I may use the expression, "to hell with politics and let us concentrate more on the industrial and commercial development of this country". We waste far too much time on wretched and futile and otiose political discussions whereas we should be concentrating all our attention on the industrial development of Kenya. I think we are lucky in having my hon. friend, the Minister, as Minister for Commerce; and I would like to congratulate him heartily on his C.M.G., and we were all very glad to see that industry and commerce have been recognized in this fashion.

Sir, I beg to support.

MR. GIKONYO: Mr. Speaker, first of all I would like to pay my tribute to the Minister for Commerce and Industry on the manner in which he gave us a review of the industrial development in the country. I was very much encouraged to hear the Government policy for the industrial development in this country, because I believe that industrial development will go far to relieve the congestion in African areas because it will give openings for employment for Africans.

The Minister touched on the question of Karatina being developed to become an African town. I think this is a very

[Lt.-Col. Gherse]

Colony but we must take great care that we do not bring in too much protection which could encourage uneconomic industry. Give an industry opportunity by all means, but there should be a trial period and, unless the people concerned can produce both quantity and quality and on an economic basis after a given period of trial, I submit, Sir, that the concessions and protection should be withdrawn.

Sir, I beg to support.

MR. TYSON: Mr. Speaker, Sir, I think we all listened with pleasure to the encouraging forecast of the future of Commerce and Industry given to us by the Minister in his short concise speech, and if any confirmation of his opinion is required, I think it is provided by the very valuable report provided by the Economist Intelligence Unit to which he has made reference.

There are one or two points that I would like to draw attention to. On page 196a, there is a reference to the creation of a post of industrial development officer and, according to the explanation, it seems to me that this officer's task is to co-ordinate the policy of the various departments of Government which are concerned with industrial development and to organize a central office to provide information required by Government on industrial matters. There is no reference to this officer being responsible for what one might call advising industry itself as to its location. This problem of the location of industry is, in my opinion, one of the most vital problems in so far as commerce and industry is concerned particularly, but, so far as the general economy of the country is concerned, it is also most serious.

We heard earlier in the week, in the course of the debate on the Labour Vote, of the difficulties which were being encountered up-country in, for example, the Nyanza area in regard to labour. The obvious explanation, in my opinion, is that, as is common throughout the world, labour is being attracted to the towns. The position here has been aggravated by the fact that large numbers of Kikuyu have been detained, taken out of the labour pool and that labour has been replaced, so far as Nairobi is con-

cerned, to a very large extent by people from Nyanza. That, in turn, has created serious difficulties, as the hon. and gracious Member for Nyanza told us, amongst the tea estates up-country.

I have urged on several occasions that the powers which the Minister has in regard to the location of industry should be exercised. I am told—we have been frequently told—that we cannot dictate to industry where it will go. I do not subscribe to that view. I believe that industry, if the circumstances are fully explained, would be quite prepared to move out of Nairobi because, apart from anything else, the concentration of still more industry in Nairobi is aggravating not only the labour position, but it is aggravating the housing position, the housing position for all communities. We all know how difficult the African housing situation is in Nairobi and we yet go on allowing further industry to come and establish itself in Nairobi which must obviously mean a demand for further African housing. I do hope, Sir, therefore, that the Minister will be able to tell us something more about the duties of this new post of Industrial Development Officer and that something might be done by that officer to persuade industry to scatter itself in other parts of the Colony. I believe it would be in the interests of all sections of the community and, particularly, in the interests of the agricultural industry who are suffering, and look as if they are going to continue to suffer, from the shortage of labour regarding which we have been threatened with proposals to import labour from the Belgian Congo.

I support the Motion.

MR. HARRIS: Mr. Speaker, Sir, I would like to put the hon. Nominated Member, Mr. Tyson's, mind at rest on the duties of this Industrial Development Officer. I was a member of the committee which made the recommendation that such an officer should be appointed and I think perhaps I can explain what we intended him to do. We found in that committee, Sir, that an industrialist deciding, or taking a decision, as to whether or not he should sink money into Kenya found himself up against about four local authorities or Government departments. In fact, Sir, it was almost becoming a case that if an industrialist wished to invest in Kenya, he had

[Mr. Harris]

to leave his correspondence with the Kenya Government to his heirs and successors in order that they might, in some future generation, reach a final conclusion. The appointment, Sir, of this officer is in order to co-ordinate all the various information that a developer will require to know. He will require to know conditions of communication, availability of land, water services, availability of labour, labour conditions, labour legislation and so on and it will be his job to see that all that is readily available to any industrialist or the Board of any overseas company wishing to make a decision. When that decision has been made tentatively, it will then be this officer's duty to smooth the way of the intending investor to get his way round the halls that we have heard so much about in the Secretariat. That really, Sir, is the purpose of this officer and I think perhaps it is misleading to talk about providing information required by Government on industrial matters. That sounds almost as though he is going to be an adviser to the Minister for Finance on the best way of extracting taxation from industry. That is not the purpose.

In the Estimates, Sir, there is also the creation of another new post and that is the airport at Embakasi. I would like to ask the Minister, Sir, when this appointment is being made, to make sure that we get a really personable man with local knowledge. He is going to be the first person that many important visitors to this Colony, will meet and it is on first impressions that they may possibly gauge their opinion of the Colony. I feel that the greatest possible care should be taken in making that appointment.

Now, one last point, Sir, and I have crossed swords with my friend, the hon. Nominated Member, Mr. Tyson, on this one before, and that is the decentralization of industry. Of course, Mr. Speaker, it is desirable that we should decentralize industry, but, unfortunately, industry will not be told where it is going. It will go to the place where all the conditions are most likely to suit its rapid growth. The hon. Member, Sir, said that "we would then be allowing further industry to come to Nairobi" as though that would be an awful thing. Well, Sir, if new industries are either coming to Nairobi or not coming to Kenya at all, then I hope to

heaven we will allow them to come and we find the answer to African housing. It cannot be negative and say that just because we have a problem on African housing we cannot have any further industry, because it is industry that has got to pay for the housing and has got to pay the wages for the people who live in the houses.

I agree entirely with the hon. Member, Sir, that if we can, if all things are equal, that we should try to decentralize, but Sir, until we have more money for initial development of services, I think it probable that we shall continue to get a concentration of industry in certain areas particularly as the existing industries, in many, many cases, are the customers, or the potential customers of the new industries which it is proposed to start. Therefore, Sir, whilst agreeing with the idea of trying to decentralize, I would ask the hon. Member not to go too far in trying to give orders to industry who may not like the orders they are given and then keep away. I beg to support.

MR. CHANAN SINGH: Mr. Speaker, Sir, the hon. Minister mentioned the setting up of a committee on rent control. By its terms of reference, that committee will concern itself with some areas in Nairobi. May I ask the Minister, Sir, if he is prepared to consider widening the terms of that committee to include places outside Nairobi?

Then, Sir, the hon. Representative Member for African Interests, Mr. Gikonyo, referred to the development of Karatina as an African town. I do not know what he really meant by that expression. (Interjection by THE MINISTER FOR COMMERCE AND INDUSTRY OF, "I did not use that expression.") No, Sir, the Minister did not use that expression, but the hon. Representative Member, Mr. Gikonyo, did. I wish to remind the hon. Representative Member that there is an important trading centre where a number of Asian traders have been established for a long time. There are a large number of African traders also. We have no objection to African traders starting their business in the areas already established, but what I cannot understand is the reference to the development of an old trading centre as an African town. There is plenty of space round about Karatina where Africans can build their houses and their shops, but I do hope

[Mr. Chanan Singh] the interests of Asian traders who are there will be protected.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Madan): Mr. Speaker, Sir, I should like to deal with two of the points made by the hon. African Representative Member, Mr. Gikonyo. The first one was in connexion with shop hours as it affects traders in African locations.

Now, Sir, I think it is true to say that no unavoidable delay has taken place in considering the representations made by the hon. Member on behalf of the traders as well as the African population in the locations. The hon. Member appreciates, I am sure, that the matter had to be referred to the Ministry of Local Government and also the City Council for their recommendations. That has been done and I am also able to tell him that a sub-committee of the Board of Commerce and Industry will be considering this particular matter next Monday, for which purpose a meeting has been fixed. It was fixed some time ago.

The second point with which I would like to deal is related to the question of assistance for African traders in North Nyanza. The Minister, when he was moving his Vote, Sir, explained the somewhat tragic circumstances which led to the delay in so far as the grant of loans to African traders in North Nyanza is concerned. I am aware, Sir, that many applications have been received from African traders in this district and these applications are now being sorted out in order to divide them and short list them to bring them up for consideration by district officers according to their divisions.

The hon. Member, I am sure, is aware, Sir, that an executive officer has been appointed in the Nyanza Province and the recommendations made by the district officers will be investigated and considered by him in order to make final selection of suitable traders for the grant of loans. Now, Sir, I think it will be agreed that the advice and assistance of the executive officer who has specialized in this kind of work will be most useful to the Joint Board in North Nyanza to decide who are suitable traders for the grant of loans. This start has been made, Sir, and I think I can also assure the hon.

Member that no undue delay will take place.

I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, very briefly, as the subject was raised by my friend, the Member for Nairobi North, on the subject of mining, I suppose I am about the only person on this side of Council who has been actively engaged in that profession for the last eight years and, I may say, not at all successfully financially. But the difficulties facing any company in Kenya in mining are so enormous that it is quite beyond the means of anybody, except these large corporations, such as mentioned by my friend—the Anglo-American or the New Consolidated Gold Fields. At the same time, I think a tribute should be paid to the Kenya Government, especially my friend, the Minister for Commerce and Industry, who did foresee a long time ago that there would be need for financial help to companies who were starting up in the mining field. He did form originally a board called the Industrial Management Corporation, which has now become the Industrial Development Corporation, and they, in turn, did give very valuable financial assistance to the company with which I was concerned. I think it is entirely thanks to that help that we have now achieved this big company coming into Kenya.

At the same time I would like to make this point. I do not quite agree with my hon. friend, the Member for Nairobi North, about the desirability of large amounts of money being spent on searching for minerals because I think the world has gone rather crazy on certain minerals such as these rare earths and radio-active minerals. Someone the other day came in to see me with a sample, they thought it was one of these very long-sounding names, which they had found right up in the middle of nowhere in the Northern Province. They understood this was very valuable. Well, it may be valuable. Mr. Speaker, but the trouble is going to be always the situation where these deposits are found. I think it is rather useless to get excited about certain deposits in Kenya unless there are facilities such as water, or roads or rail. For example you could find the biggest kyanite deposit in the world, but, if in the Northern Frontier Province, it would be quite useless.

[Sir Charles Markham]

Therefore you have got to try to base your searching for these minerals where there are facilities.

Now, the area—I am sorry to see that my hon. friend, the Nominated Member, Mr. Cowie, is not here—the areas that are interesting, as far as the geology of Kenya goes, are those areas which are directly concerned with the National Parks, which is rather unfortunate for the National Parks, Sir. The area around the Tsavo country has certainly possibilities and a lot of work is done by the Mines Department on that area. However, the trouble always, of course, is the conflict of interests between industry on one side and, I was going to say baboons, but I think that is rather rude, but the elephant on the other, and there has got to be somehow an impartial judge as to which is the most valuable to the country. It is quite useless asking big corporations to come into Kenya to prospect for minerals if they meet obstruction from another body which has jurisdiction over an area. Perhaps the Minister will have an opportunity when replying for saying what the policy of the Government is towards the exploitation of minerals found in the National Parks, because with the exploitation as such it does naturally result in a fair disturbance of the neighbourhood. It also does result, I am sorry to say, in the odd animal being poached, but if we want this mineral wealth, then, of course, we must ask ourselves the question, "Which is the most valuable to the country?"

I may say now, Sir, that I have had a lot of association with the Mines Department over the last eight years, and I found them extremely helpful on all occasions; particularly when you take in specimens of rocks asking for identification, they have always, even when they are terribly busy, found time to identify them and, if necessary, send out one of their own geologists to examine the deposit. I think a tribute is certainly deserving to that department for the hard work they have done.

I beg to support.

MR. AWORI: Mr. Speaker, I shall intervene for a few minutes because I shall have to reply to what my friend,

the Parliamentary Secretary to the Minister for Commerce and Industry, said on a point which was raised by my friend, Mr. Gikonyo. What I would have said, Mr. Gikonyo has already said and that is in particular to North Nyanza—the Joint Board which was set up. I am one of the members of that joint board and, to speak the truth, I have gone four times to attend the meetings and we had only one meeting since this board was set up. I have been getting letters of complaints from various African traders as to why they have not benefited in North Nyanza while in Central Nyanza and in the Kericho district they have benefited. I do not understand why there has been this negligence on the part of the administration. I have never charged them any fee for going or any mileage at all. I have kept quiet, but I would be entitled, Sir, to say that I have come to these meetings, while I had important meetings in Nairobi to go and attend. "We regret that unfortunately so-and-so is not available, and so the meeting is not to be held," the chairman said.

Now, Sir, as the representative of North Nyanza, I find myself in a very different picture because I am not doing what I should be doing. Unfortunately, I did not listen to the Minister's speech—I was not here—but I would have liked to know the main reasons why the joint board in North Nyanza has not functioned up to now. The District Commissioner did say that it was because there were three Members of Legislative Council—that was Mr. Riddoch, Mr. Okwirry and myself—not available, but I have always been available and records could prove this. It is now two years since we allotted the money and it has not been spent so I think the Government should look into that picture. Therefore, I support what my friend, Mr. Gikonyo, raised on this issue.

Another point, Sir, which I would like to raise is the question of the Transport Licensing Board. I happen to be a member of that Board, Sir, but I think it is understaffed and there is not enough money to run that Board. Licences are approved and it takes a long time before the people who have got the licences are told to collect their licences. I feel that the Minister should look into this subject and see that it is properly staffed so that the people who are running motor-buses

[Mr. Awori]

or lorries should be able to get their licences in time, I say that with authority and you can be able to go now to Gill House and check up that very many Africans who have been issued with licences have not been told, or they have not been able to collect their licences because the Board is understaffed. I think that the Minister should see this Board is properly staffed, because it is a very important Board which was set up in, I think, 1938 and it is being functioning all right, except that the staff is not enough.

One final point, Sir, is the question of the Kikuyu, Embu and Meru, as far as the transport is concerned. Since the beginning of the Emergency they have had their transport curtailed. Now, the Emergency is coming towards an end, and we are coming to almost normal times. I think that they should not be deprived of operating buses and lorries in the Central Province and the Rift Valley Province. Those who could be able to prove that they are loyal, they should be given these facilities. As a member of the Board, whenever they are Kikuyu, Embu and Meru Africans we are told by the Administration, "No, we must not consider their applications at all". Now, I think this is most unfair. Of course, we do not want to give licences to terrorists or to people who will be able to use those licences to the detriment of the public. But those who are loyal, I think that in co-operation with the Administration, the Minister should look into this subject so that from time to time we could be able to issue licences to those loyal people who could be able to operate lorries and buses.

I beg to support.

CAPTAIN HAMLEY: Mr. Speaker, Sir, a short point on a small matter, and that is the Shop Hours Ordinance. I was very interested to hear my hon. friend, the Parliamentary Secretary to the Minister for Commerce and Industry, say that the matter was coming up for reconsideration shortly, and I should like to make him a suggestion. I take it that the matter here is the same as it is in Mombasa where the question arose through a petition from the shop assistants saying they were worked unnecessarily long and arduous hours. It was

dealt with down there, Sir, as I expect it is here, by attempting to bring in the English practice for remedying that evil by closing the shops and, of course, it does not work. It does not work because we live in a totally different land, a land of different religions, different usage, different custom, different economic practice, and it has become, in Mombasa at any rate, a complete nonsense because the shops which are supposed to remain shut by Ordinance are always open, or the door is always on the crack. Now, Sir, I was very interested in a book on painting the other day wherein the fellow was trying to teach me how to make grey, and he said you can make grey by taking black paint and mixing it with white paint, or you can take blue paint and mix it with orange paint and so on. On the other hand you can use grey. Can I suggest here, Sir, perhaps it is a question of using grey. If the point is that the shop assistants are working to long hours, why not deal with the matter, instead of trying to shut the shops which are unshuttable, by bringing in a simple Ordinance to say that the shop assistants shall not work more than so many hours per week?

Mr. Speaker, I beg to support.

DR. HASSAN: Sir, I rise to support this Motion, and pay tribute to the Minister who gave us a very comprehensive survey of the work done in his department during the last year.

I would also like to congratulate the Minister for the very fitting honour that was conferred upon him by Her Majesty the Queen, and to convey to him that we on this side always have very great pleasure, every one of us, in congratulating Members on the other side of the benches. I hope, Sir, that the Minister will also feel the same way when some of my comrades are knighted this side.

Sir, I was very pleased to hear the Minister giving a forecast that after all the time is coming when consumers are going to have a good time. It appears to be that the forecast is based on the bank squeeze, which is showing results indirectly, which is what we have been longing for, for a long time, and I wish, Sir, this thing had happened directly by healthy competition in business.

[Dr. Hassan]

The system of issuing licences based on the previous performance of the commercial concerns in this country has had its day and it has been working very satisfactorily, I admit, but the time has come, Sir, when a large number of new business people should be given very favourable consideration in the future, so that they are not thrown at the mercy of the old sinners who are now being dealt with by banks and directors.

I am very glad to hear from the Minister that he is not thinking, very seriously, of removing the Rent Control from the residential premises by the end of this year. I hope the scheme of having a new aerodrome at Malindi is given priority and is not delayed any more and also that consideration for the improvement of the Port Reitz aerodrome should also be kept in view.

There is one thing which has been anxiously awaited, that the Minister has in his Department, quite a number of controllers in different sections, and I think they have been working for quite a few years. If you have any of them left Sir, I think they will need some holiday and it is time that they are given a holiday.

Sir, I support the Motion.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): If no other hon. Member wishes to speak, I will ask the hon. Member to reply.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, first of all, I would like to deal with the points made by the hon. African Representative, Mr. Awori, who, having made a lot of allegations about a situation which is alleged to exist in North Nyanza, has neither the courtesy to hear what I had to say, before, when I was introducing the Vote, nor has he the courtesy even to remain five minutes to listen to my reply. I do think, Mr. Speaker, that when allegations are made about the Administration in North Nyanza and certain other allegations are made, he should either substantiate his remarks, or, at any rate, have the courtesy to wait until the reply is made.

Now, Sir, if he had been here, when I was introducing this Vote, he would have heard me refer—I am surprised hon. Members find that one amusing—

to the very tragic circumstances affecting the Administration in that particular district. The district commissioner died under tragic circumstances. Circumstances that I do not believe hon. Members would wish me to go into in detail. The hon. African Representative, Mr. Awori, knows this perfectly well. He knows perfectly well why there was this delay. He makes allegations that I think, to say the least of it, are cowardly and then does not stay to hear the reply.

Now Sir, he also made further remarks about the transport licences. I thought they were futile in the extreme. He made remarks suggesting that I should bring pressure to bear on the Administration so that they would not object to the granting of licences to Kikuyu, Embu and Meru. Well, Sir, I would like to make the point that security considerations are more important than the hon. African Representative Member's opinions. Again, Sir, he is not here to hear my reply, I have never heard the African Representative Member ever refer to anything that anybody has ever done for his people in terms of thankfulness or gratitude. He usually makes allegations and then runs away rather than hear the reply. Now, Sir, I would like to turn to the remarks made by the Member for Nairobi North. Very rightly he drew attention to the fact that there were four

(Mr. Awori entered the Council Chamber.)

(Interruption by Mr. COOKE: Can you repeat that?)

Yes, with Mr. Speaker's permission, I was saying the hon. African Representative Member made cowardly allegations about the situation in North Nyanza—

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Order, order, I do not think the word "cowardly" is a parliamentary expression.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I withdraw that allegation and with your permission I will substitute ill-thought-out allegations about the situation in North Nyanza where tragic circumstances intervened. He has neither the courtesy to listen to what I had to say in my introductory speech, or the courtesy to await my reply. However, he will see it in the record.

[The Minister for Commerce and Industry]

Now, Sir, turning to the Member for Nairobi-North, quite rightly he pointed out that there were four fewer geologists in the Estimates this year. The explanation, Mr. Speaker, is this. We are, at the present time, six geologists short. We are trying our utmost in all the Commonwealth countries, and in the United Kingdom—I said this earlier but I will repeat it—to recruit them. If we can recruit those six geologists, I have the undertaking of my hon. friend, the Minister for Finance, that I will be able to bring forward at an appropriate moment to this Council, Supplementary Estimates for the four "missing" geologists.

Now, Sir, I entirely agree with what my hon. friend said, about protection for local industries. There must not be protection maintained indefinitely for inefficient industries. On the other hand, I think he will agree, in fact he is very knowledgeable about this, there are cases where protection properly applied and judiciously continued can have the most valuable effect in getting an industry started. Generally speaking, this country has some of the lowest tariff in the world. I think the hon. Member is well aware of that. We are not a country with high protective devices and we are not a country that is likely to have high protective devices.

Now, Sir, as regards the hon. Representative Nominated Member, Mr. Tyson. My hon. friend, the Member for Nairobi South, dealt with, I thought most effectively, the points about the spread of industry. I have often discussed the matter with my hon. friend, the Representative Member, and I think that in this matter there is some division of opinion between him and what I believe is the majority opinion of this Council. There is certainly some difference of opinion between the hon. Nominated Member and myself. We both agree that there should be, as far as possible, persuasion applied to industrialists to spread their activities as far as possible over the rest of the Colony and in the smaller centres as well as in Nairobi and Mombasa. We both agree on that, but the fact of the matter is that, and I must repeat it, that it is not the Government's

policy to say to an industrialist unless you will go to X or Y, in spite of the fact you wish to come to Nairobi or Mombasa, unless you go to X or Y you cannot come to Kenya at all. I endorse what my hon. friend, the Member for Nairobi South said.

Now, Sir, I think, again on the question of the Industrial Development Officer, the very short description in the Estimates is not the full description. The functions of this officer are to-day largely those described by my hon. friend, the Member for Nairobi South. I do not think I need go into further details. He will serve a most useful purpose in that he will have at his fingertips the full information on particular projects that industrialists wish to start. He will also still, I am afraid, have to act as a guide through the various Government departments, that have come into the picture when the industrialists wish to start a factory. He will be able to facilitate matters with the Lands Department, with the municipalities and so on.

Now, Sir, the Member for Nairobi South raised the question of the new airport controller. It is the intention to get the best man available without restriction. I agree with him that it will be preferable if such an officer had got local knowledge and, to use his own words, is personable. It is also essential that he should have the professional qualifications that are essential for a job of that kind. I believe my hon. friend and I are in agreement about this matter and I need not say anything more.

I was most grateful for the very kind remarks made by the hon. Member for Ukamba on mining, and I was glad to hear him pay what I believe was such a well-deserved tribute to the Commissioner for Mines and his staff. I do agree with him that the search for minerals is best—and I think this is what he means—is best concentrated on the economic areas that is on the areas where there are service facilities. Nevertheless, and I think he would agree with me in my turn, that if a really massive deposit such as the Copperbelt, or oil in Persia or something like that, then a massive strike of that kind creates its own services and there, I feel, we can leave the matter in that the Member for Nairobi North, the Member for Ukamba and

[The Minister for Commerce and Industry]

myself are in agreement on this matter. We have discussed it on many occasions and I cannot think on mining matters of any serious differences between myself and the Member for Nairobi North. I was just going to say, however, that it is an extraordinary thing that we always seem to find copper in the middle of the jungle, oil in the middle of the desert, and one day, no doubt, pure uranium somewhere in Antarctica.

Well, the hon. Member for the Central Area referred to Karatina. Karatina is not an African town, in the sense that it is exclusively a town reserved for Africans. There are Europeans living in the township area; there are Indians and Asians living in the township area; and there are Africans living in the township area. I think my hon. friend, the African Representative Member, Mr. Gikonyo, was not referring to it in an exclusive sense, I think he was referring to it as an essentially African settlement situated in an essentially African area.

The hon. Member for Central Area referred briefly to the committee set up by the Board of Commerce and Industry to go into the question of rent control. That was referred to by my hon. friend the Parliamentary Secretary. It would not be possible for me to vary the terms of reference. Those terms of reference were agreed unanimously by the Board of Commerce and Industry. I have not, though, got the power to vary those terms of reference. However, if the committee feel they wish to comment on matters which are strictly outside their terms of reference, provided they are closely related to them, I have no doubt that they will do so. I, for one, prefer to await the report of that committee.

The hon. Member for the Coast referred to the dried vegetable factory at Karatina. I agree with him that the history of this enterprise is somewhat tragic. I believe that it is possible and I hope that it will occur that there will be a development of industry based on the growing of vegetables, possibly canning, in that area, as such development proves possible.

I thank him for his remarks about my Ministry and I am grateful to him.

As regards the possibility of an International Bank Mission to which he referred, when I was in America three years ago I did see the President of the International Bank, at the request of Government here, and raised that very point with him. My hon. friend, the Minister for Finance, raised the matter again when he was over there a year later, and we both had undertakings given that when it was possible for them to take that detailed interest in the affairs of Kenya that my hon. friend referred to, they would send an investigating team. Whether it would lead to the full type of report which occurred in the case of Nigeria and I believe in the case of Holland and Indonesia, I do not know, but at any rate, we have not neglected to draw their attention to our problems, and they have promised to do their best to help us.

The hon. and gracious lady, the Member for Nyanza, referred to the necessity for better lighting and amenities at Kisumu Airport. I understand that—I have not checked this—that the electric cable comes fairly near there. I cannot at this stage, as I think she will appreciate, give an undertaking, that the matter will be dealt with in the way she wants it to be but I can say this, that I will look into the matter and see what can be done. In regard to the Kericho airfield, as the hon. and gracious lady knows, I personally have taken a very great interest in that and I can assure her that I will do everything in my power to encourage a scheduled service to be started there.

I am grateful to the hon. Nominated Member, Captain Hamley, for making the very interesting and practical point that he made about the shop hours position in Mombasa. I would however remind him that the difficulties of the shop assistants and the long hours they work are very real ones, they are not to be lightly dismissed, and it would be a matter for discussion. The matter is, of course, always incredibly difficult in regard to shops in a port such as Mombasa. I am very grateful to the hon. Member for raising these points and I will certainly look into them.

The hon. Member for the East Area raised the question of import licences for new entrants into business. Now,

[The Minister for Commerce and Industry]

Sir, outside the dollar area very few import licences are required—at all. Goods come in on open general licence—the greater proportion of the trade of Kenya is either from the sterling area or coming in on open general licence. There are the remains of an import licensing system on the dollar area also in respect of certain commodities from the countries of the Organization for European Economic Co-operation countries and in respect of Japan. There are, however, vestigial remains. Now there is provision for new entrants to receive consideration and through a sub-committee, the Board of Commerce and Industry advises on the matter. They go into this matter very carefully with co-opted members. I believe that, granting that some control is still necessary, I believe that justice is done under very difficult circumstances. It is a very difficult question and I am afraid that some import licences on hard currency areas, particularly the dollar area, will long be necessary. Whether we can, in fact, give large allocations to new entrants is dependent on the ceiling as a whole. It is very difficult and there is a vested interest in this matter—a perfectly legitimate vested interest.

In regard to the hordes of controllers that my hon. friend saw, as far as I am concerned, there are no controllers left. There is the Director of Trade and Supply and his organization, but that is not primarily an organization directed towards control in the sense that my hon. friend envisaged. I think one can say they died a natural death! But if it is possible to send some of them "on leave", well nobody would be more pleased than I.

As regards Malindi Aerodrome—the money is now available and construction should go ahead rapidly.

I think, Mr. Speaker that I have dealt with all the points raised by hon. Members opposite and my friends on this side of the Council. However, there was one point raised and that is the question of minerals in the National Parks. The position is this, prospecting goes on; when it becomes a question of developing minerals within the National Parks, it is a matter of determining the balance

between economic development in relation to tourism and the National Parks, and economic development in relation to minerals. Quite clearly, if it were of great magnitude in terms of economic development, most serious consideration would be given to the development of those minerals. If, on the other hand, the degree of disturbance was great and the value of the deposit was comparatively small, then possibly the advantage would be the other way.

Before I sit down, Mr. Speaker, I would like to thank hon. Members for the very kind things they have said about myself and particularly for the very generous tributes they have paid to the departments within my Portfolio and the officers who run those departments. It is very gratifying indeed to the civil servants of those departments to hear tributes coming from hon. Members within this Council. I know that they are appreciated and I know that it has the effect of making them feel that their work is appreciated and is, therefore, worthwhile. I am most grateful to hon. Members.

Sir, I beg to move.

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I hardly think it is worth resolving into Committee of Supply with only one minute to go, so I suggest the time has come now for the suspension of business and Council will now stand adjourned until 2.30 p.m. on Tuesday, next the 12th June.

Council rose at thirty minutes past Twelve o'clock.

Tuesday, 12th June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

PRAYERS

PAPERS LAID

Report of the Estimates Committee on the Public Works Department.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))

Department of Lands Annual Report, 1955.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts))

BILLS

FIRST READINGS

The Promissory Oaths (Amendment) Bill—(the Chief Secretary (Mr. Turnbull))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Development Loan Bill—(the Minister for Finance and Development (Mr. Vasey))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Deportation (Immigrant British Subjects) (Amendment) Bill—(the Minister for Legal Affairs (Mr. Griffith-Jones))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Oaths and Statutory Declarations (Amendment) Bill—(the Minister for Legal Affairs (Mr. Griffith-Jones))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Societies (Amendment) Bill—(the Minister for Legal Affairs (Mr. Griffith-Jones))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Trout (Amendment) Bill—(the Minister for Forest Development, Game and Fisheries (Mr. Blunt))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

COMMITTEE OF SUPPLY

Order for Committee read.
[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) left the chair]

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

MOTION

VOTE XXXIX—MINISTRY OF COMMERCE AND INDUSTRY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £210,912 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXIX—Ministry of Commerce and Industry.

Question proposed.

1 Office of the Minister, A—Personal Emoluments.

2 Transport Licensing Board, A—Personal Emoluments.

3 Rent Control Board, A—Personal Emoluments.

4 Mines and Geological Department, A—Personal Emoluments.

5 Weights and Measures Department, A—Personal Emoluments.

6 Department of Trade and Supplies, A—Personal Emoluments agreed to.

7 Other Charges. Heads A to E agreed to.

Z—Appropriations-in-aid agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of the Resolution without amendment and asks leave to sit again.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) in the Chair]

REPORT

MR. CONROY: I beg to report that a Committee of Supply has considered and approved the Resolution that a sum not

[Mr. Conroy] exceeding £210,912 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXIX—Ministry of Commerce and Industry.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council doth agree with the Committee in the said Resolution.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

MOTION

VOTE XIV—HIGH COMMISSION SERVICES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,464,540 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XIV—High Commission Services.

Question proposed.

MR. HARRIS: Mr. Chairman, I wonder whether we might take this opportunity of getting a matter of procedure right. Each year, in dealing with the Estimates, Members on this side of the Council find difficulty in finding an opportunity to debate matters of the High Commission. This year you will remember, Sir, we took the device of debating the question of £160,000 for postal services to bring up the question of telephone charges and then we found we were out of order in doing so. If, Sir, the Minister for Finance could explain what goes to make up the £45,416 under reference I, Head 1, I feel, Sir, that that probably is our opportunity in future years if we could know exactly how that £45,000 is made up.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chair-

man, I beg to reply to the hon. Member and to say that the details of the £45,000, which are for such things as the Administrator's Office, etc., would not help him at all. The fact is, Sir, this Council has delegated to the Central Legislative Assembly the matters concerning those self-contained services and has its representatives on that body which, I would suggest, should really tackle questions such as Post Office organization, etc., but, recognizing the interest, Sir, which all hon. Members have had in these matters, and their reluctance to part with their freedom to debate in this Council on those matters, we have, I think, once before, Sir, suggested that the proper time to raise these, the recognized time, would be on the "Contributions to the cost of the High Commission" Head as a whole. If, however, hon. Members wish to debate any particular service other than the self-contained services, then, Sir, the procedure should be followed that we adopted last year and the year before, that we deal with each one of these sub-heads as a separate Vote to enable a policy debate. This, indeed, I suggest would be the best plan to follow. But I would say, Sir, that we would recognize that as long as this desire to debate these matters remains in the Council, then the "Contributions to the cost of High Commission Services" under the present Vote would be the proper one on which to fix a policy debate.

LT.-COL. GHERSIE: Mr. Chairman, Item 4, Sir. We are informed that there are progressive reductions in the contributions made by Her Majesty's Government to the High Commission, but would the Minister inform us as to what the position really is as regards the policy in respect of the Desert Locust Control? Admittedly there is a reduction in our contribution this year, but it is very similar to what it was in 1954/55. I know there is a certain amount of opposition from the adjoining territories to making a similar contribution, but we, on the other hand, have always felt that this is a major project really—the question of desert locust control—and that there should be greater contributions from the territories further afield where these locusts, in fact, breed. There have been suggestions, of course, Sir, that we might have our own insurance fund, or even take the risk ourselves.

[Lt.-Col. Ghersie]

I would be glad to know what the position is, Sir, and what the policy is financially. Does it mean that, progressively, these contributions will also disappear as far as Her Majesty's Government is concerned and that we shall be left to carry this baby completely?

MR. RODDAN: Mr. Chairman, Sir, in so far as Her Majesty's Government is concerned—which the hon. Member mentioned—it seems unlikely that Her Majesty's Government will make any further contributions to an East African campaign. They have indicated their willingness to make contributions to an international campaign, where an international organization is set up, such as has been established in Ethiopia and which may be established to cover the Saudi Arabia area. For this Her Majesty's Government has indicated her willingness to contribute.

In so far as our own East African campaign is concerned, the present Estimates are based on what is considered to be the minimum amount of money required to carry out a satisfactory campaign, taking into account, as far as we can, the likelihood of locust invasion.

Tanganyika have agreed to contribute. I think it is a third of the rate of Kenya. Uganda have not accepted that and they are contributing, in respect of the year under consideration, I think it is £50,000.

The position will be reviewed each year depending on the locust situation. We cannot say that we are progressively reducing Kenya's contribution as it depends entirely on the situation when the time comes to review it on next year's Estimates. It may be that the contribution may have to be increased, but the indications are at the moment that the locust invasion is dying down and it may not, in fact, need all the money that has been voted. And I can give the hon. Member an assurance that if all the money is not required, it will not be spent.

LT.-COL. GHERSIE: I am grateful for that reply. The hon. Director of Agriculture mentioned that Her Majesty's Government would probably embark on further finance, provided it was on an international basis. Am I correct in

stating that either in Saudi Arabia, or in Aden—I am not certain which—there was opposition to the survey team operating there and they had to abandon their activities? If that is so, Sir, it would appear that Her Majesty's Government will, not necessarily contribute if there is not going to be co-operation from these other areas and we will, in fact, be left to carry this burden ourselves.

MR. RODDAN: It is, in fact, true, Sir, that we have been asked to remove ourselves from Saudi Arabia. The whole case is under review under the auspices of the Food and Agriculture Organization in the hope that a team—an organization—will be established in Saudi Arabia to fill the gap which we have left. If that team is set up on a basis which appeals, shall we say, to Her Majesty's Government, I can see no reason why they should not at least make a financial contribution to that team.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, there are just a few points I would like to make on this. In so far as the desert locust campaign is an East African matter, it surely is something which we should endeavour to carry ourselves and not call upon Her Majesty's Government, but, where the defence, our defence, against the desert locust campaign means operations in other territories, then Her Majesty's Government has, indeed, signified her willingness to assist from time to time.

The other major point, which I am sure hon. Members will realize, is that when the financial discussions take place each year about the amount of assistance that Her Majesty's Government gives us, these figures are placed before them and are taken into consideration and agreed with them at the time that the amount of assistance is fixed so that Her Majesty's Government does, indeed, assist.

LT.-COL. GHERSIE: Mr. Chairman, in case there should be any wrong impression created in the hon. Minister for Finance's mind, I am not suggesting that we should not face our own obligations in this connexion. What I am afraid of, Sir, is this, that if there is a campaign of this nature, which has got to be financed to a very large extent running into

(Lt.-Col. Gheris) possibly £1,000,000, and it is going to be spent in territories outside this territory, then I suggest, Sir, unless sufficient finances can be made available to make that campaign a success, that we would be far better to conserve our resources in this country and tackle our own proportion of the campaign with the money at our disposal.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): That is, of course, in fact, Sir, the policy of the Government.

DR. HASSAN: Mr. Chairman, Sir, may I ask a question of the Minister, Sir?

I have had several complaints from Asians that when they applied for appointments in the Veterinary Research Organization and in the Directorate of Civil Aviation and in the Income Tax Department, they always received the reply that they are not wanted there. I want to know what are the instructions of the Government to these departments: whether they are exclusively for the members of one community, or the posts are open to all who are qualified for employment.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I cannot, of course, answer for the Veterinary Research Department, as my hon. friend, the Minister for Agriculture is not present, but I can answer, I think, on behalf of the Income Tax Department and I am sure that exactly the same position will occur in so far as the Veterinary Research Organization is concerned.

Sir, the hon. Member for East Electoral Area has stated that Asians receive a reply that they are not suitable, or considered, for posts of this kind. That is a very serious statement to make, Sir, and I would like the hon. Member to produce, in writing, a reply which has been made on those lines, because I am perfectly sure that the East Africa High Commission does not operate on that basis at all. I, Sir, think the hon. Member must be prepared to justify the accusation he has made against, for instance, the Income Tax Department. I will, however, note what he has said and take it to the Income Tax Department and ask them, in their turn, to produce for me evidence that

they have not done what the hon. Member suggests that they have.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Chairman, as I reply for the Directorate of Civil Aviation, I would like to say how much the remarks of the hon. Member will be resented by the officers running that Department. I am quite sure that his allegations cannot be substantiated but I would ask him, as my hon. colleague did, that they be substantiated and I would like to make it quite clear that in a directorate, such as that of Civil Aviation, which is responsible for the lives and safety of air passengers, only merit and ability can count in appointing staff. I am quite sure the hon. Member is wrong and I wish he would have, on reflection, the courage to withdraw those allegations.

DR. HASSAN: The Minister has been very bold to say that whatever I said is wrong. I have got the people here in this town who have been given that reply—that they are not given any appointments although they possess qualifications from England—so it is no good blaming me that whatever I say is wrong. It is absolutely right and I can produce those people who applied and were not given appointments and yet they possessed better qualifications than most of the people working in those departments.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): The hon. Member, Mr. Chairman, said that these people were told that because they were Asians they would not be employed. My hon. colleague, the Minister for Finance, asked him to substantiate that. I ask him to do the same and not to make assertions.

MR. HARRIS: Might it not be, Sir, that in trying to be truly multi-racial, the income tax authorities consider that the rent they are paying for Gill House is sufficient contribution to that particular community.

MR. TYSON: Mr. Chairman, Sir, there is one point I would like to raise in connexion with this High Commission Vote. We have recently been supplied with what is called a Report of the Department of Economic Co-ordination for the Year Ending the 30th June, 1955. On

[Mr. Tyson] page 2 of that report, which deals with the establishment, there is a reference to the various members of the staff who have been transferred constantly during the course of the year. You get one person who was seconded for special duty for about a month; he was on leave for three months; he was acting as Economic Secretary to the East Africa High Commission for another three months. It does seem to me, Sir, that that type of constant transfer of staff cannot make for efficiency and I would like to ask the Minister who is going to reply to this debate whether some better arrangement cannot be made by which officers who are employed in these High Commission services, cannot remain for a longer period in the substantive post. I realize the staff difficulties in these days, but I do suggest, Sir, that when we are voting £1,500,000 from this Council to the contribution to the services of the High Commission, it is of the utmost importance that the best use should be made of that money. I cannot believe that this constant transfer of officers from one duty to another does make for that efficiency which we have a right to expect when we are contributing such a large sum of money to the High Commission services.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, in order that the debate should not get too untidy, may I first of all deal again with my hon. friend, the Member for the East Electoral Area.

The hon. Member said that he had people in this town who had been told that they could not get posts in the High Commission because they were Asians. Sir, I must repeat that this is not the policy of the Government and I am perfectly sure that it is not the policy of the East Africa High Commission. I would ask, therefore, that he would supply me with details of these people and produce the evidence that they have been rejected because they were Asian. If he will so do, then I will go into the matter with him and endeavour to show him, either that he is wrong, or that we are wrong and then, in that case, we shall make representations to the High Commission.

DR. HASSAN: I would like to ask the Minister if he can show me that there

is an Asian in the Income Tax Department. Is it not proof that they are not wanted there?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I am sorry, Sir, that is not. The Income Tax Department is the most difficult department from all aspects, and the men have to be extremely highly qualified and we could not afford to bring into our main revenue collecting department people who were not highly qualified. What the hon. Member has said, and made a definite statement about, is that these people were told that they would not be engaged because they were Asian. Now, Sir, that, I am sure, is not the case. Therefore, Sir, I am asking the hon. Member to bring the proofs to me, in which case I have assured him that I will go into the matter with him, and with the High Commission, and show either that those people are wrong in the statement that has been made, or, that we will again then look at the matter and, if this has, at any time, been said, make representations to the High Commission.

MR. CHANAN SINGH: Mr. Chairman, doubtless—it means that the Government is fighting an accusation on purely technical grounds. The complaint is that Asian applicants for employment in these departments do not get fair play.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, that was not the accusation. The accusation made by the hon. Member for the East Electoral Area was that these people had been told that they were not going to be employed in this Department because they were Asians.

MR. CHANAN SINGH: I quite understand that, Mr. Chairman, Sir, that is why I think they are contending that because the Member who raised the question cannot, or will not, produce in writing the proofs of his accusation, the Government is not at fault. In fact, Sir, this is a common complaint that Asian applicants do not get fair play, and unless there is some definite system whereby the fitness of an applicant can be judged, there is room for the impression that Asian applicants are being turned down, only because they come from Asians. Although the replies to such applications do not contain the

[Mr. Chanan Singh]

words that the applicants are not given the job because they are Asians, the fact remains that Asian applications are invariably turned down.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, we are now entering into the realm of sophistry, which will benefit the Council nothing. The allegation which has been made by the hon. Member for East Electoral Area will be inquired into, and I suggest that we should let the matter rest there.

MR. COOKE: I suggest that the two Indian-Asian Members are arguing from an arguable hypothesis. They are assuming that these people have the qualifications and on that assumption they are assuming they have been turned down though they have the knowledge and ability.

DR. HASSAN: I am afraid, Sir, that all sorts of arguments have been brought into the actual question as I put it up. I put it up, Sir, that the Asians, when they apply they are told that Asians are not wanted and the proof is that in those departments there are not Asians. What sort of proof is wanted by the Government? If the Government says that they are always not properly qualified and unfit to be taken, that is a different matter, but the proof is there because there are no Asians. Surely the qualifications are not such that no Asian qualifies for those posts and cannot possibly be accepted?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I come back to the fact that the hon. Member is repeating what he said before, Sir, and I deny it just as well, Sir. And in so far as the Kenya Government is concerned, I would point out, Sir, that in the Establishments Branch of which my hon. friend the Chief Secretary has control, and in the Treasury, we have Asians at a very high level, very competent officers indeed, so there is no question of that being the policy of the Government. But, Sir, it may be that you may well be in a sphere in which you may have a hundred Asians who are qualified and you may have a hundred other people who are even better qualified, in which case you may well have a department in which there is not one Asian. But, Sir, I cannot do more than I have already said which is that if the

hon. Member will bring me the proofs of these cases, then we will take it up, either with him and show him that he is wrong, or take it up in the High Commission and make representations.

LT.-COL. GROGAN: Tell me, is this a racial dog-fight, or is it a discussion on finance?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Chairman, could I reply to the point raised by the hon. Nominated Member, Mr. Tyson? He referred to the Head of the Economic Co-ordination Branch of the Economic Secretary's Office, and asked why the head of that branch had been seconded for three months as the Economic Secretary. The answer is that the Economic Secretary, Mr. Adams, was taking his first leave for three and a half years. I think that answers the point, in other words the transfer was due to leave movement. Why he was seconded for a month for special duties I am afraid I do not know, but I will draw the attention of the Economic Secretary to the High Commission to the remarks made by the hon. Member.

MR. HARRIS: If the Minister would like to be reminded, Sir, I think that Mr. Adams went to an international conference on economics representing this Colony in an imperial conference, and that is why he was seconded.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Thank you very much.

THE CHAIRMAN (Mr. Conroy): I think it would be convenient to the Committee if we crystallized the procedure to be followed in a Vote such as this. The Motion before the Committee is that the total sum of £1,464,540 be approved, and that is made up of two Heads. One is the contributions to the cost of High Commission services, and the other is Appropriations-in-aid. We are dealing with the first of these two Heads, and it is convenient, I think, and it accords with the previous procedure which has been followed by this Committee to go through the items numerically, and then we are not skipping backwards and forwards from one to another.

We have dealt already, I think, with Items 1, 4 and 18, and half with 24, 29 and 22.

[The Chairman]

If it is the wish of the Committee, I suggest that we start now with 2 and go through the ones which we have not yet touched upon.

2, 5, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21 agreed to.

MR. TYSON: 18—you have missed 18.

THE CHAIRMAN (Mr. Conroy): We have had 18.

20, 21, 23, 26, 27, 28, 30.

Appropriations-in-aid agreed to.

MR. TYSON: I do not understand the position. When I raised the question just now about Item 18, I was told that that already had been dealt with. That is the very point that I raised in connexion with the report of the Department of Economic Co-ordination. When was it dealt with? I thought we were going through the items.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I have already tried to deal with that point, but without warning I was unable to answer on the administrative details of a High Commission department, and I said that the other point the hon. Member had raised I would convey to the officer responsible in the High Commission, namely the Economic Secretary for his observations, which, of course, I will pass on to the hon. Member. But I am afraid that without any warning whatsoever, it is very difficult for me, or any of my colleagues on this Front Bench here to deal with the details of the transfer of one officer, from one part of a High Commission department to another, and indeed the administrative detail.

THE CHAIRMAN (Mr. Conroy): Mr. Tyson, the questions you asked on 18, I assumed completed the debate on the matters which you wished to raise under that item?

MR. TYSON: I appreciate the remarks, Sir, of the Minister for Commerce and Industry, but we are dealing with this big Vote for the services of the High Commission, and it does seem to me that—I was not only referring particularly to this one item, but the necessity of making the best possible use of staff by avoiding this transfer, is the point that I was aiming at. I am quite content,

Sir, to leave the matter in the hands of the Minister for Commerce and Industry.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Sir, I said I would draw the attention of the Economic Secretary to the other points the hon. Member mentioned, which was precisely because he raised the general question of transfer. It would hardly be for me to comment on the arrangements considered necessary by a colleague who is responsible for the department. I think I fulfil my duties to the hon. Member if I pass his views on.

THE CHAIRMAN (Mr. Conroy): I will put the question again.

The question was put and carried.

MOTION

VOTE VIII—IMMIGRATION

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £23,420 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote VIII—Immigration.

Question proposed.

A. Personal Emoluments agreed.

B. Other Charges agreed.

Z. Appropriations-in-Aid agreed.

The question was put and carried.

MOTION

VOTE XXXV—EDUCATION

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £4,007,423 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXV—Education.

Question proposed.

Education Department—1—Administrative and General.

A—Personal Emoluments agreed.

B—Other charges agreed.

2—European Education Tuition—

A—Personal Emoluments agreed.

B—Other Charges agreed.

C—Grants-in-Aid agreed.

3—European Education Boarding—

A—Personal Emoluments agreed.

B—Other Charges agreed.

4—Asian Education—

A—Personal Emoluments agreed.

B—Other Charges agreed.

C—Grants-in-Aid agreed.

5—Goan Education—

B—Other Charges agreed.

6—Arab Education—General—

A—Personal Emoluments agreed.

B—Other Charges agreed.

7—Arab Education—Sir Ali bin Salim School—

Heads A and B agreed to.

8—African Education—A—Personal Emoluments

MR. MATHU: Mr. Chairman, I should like to raise a general point, Sir. I could not just get the item in which it comes. I would like to raise this question of the African Advisory Board on Education. I notice that under Head A, Personal Emoluments, there does not seem to be anything there and in B. There are Boards but the one I am interested in, Sir, is the Board, the Advisory Council on African Education. If I can raise it under 8, perhaps the Minister could answer. I would like to get the information first because I cannot see a specific item on that.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Is the question, Sir, "Where is the provision for their personal emoluments?"—Well, actually, Sir, like all Government Statutory Boards they are paid allowances for the meetings which they attend, not a normal wage or personal emoluments.

MR. ARAP MOI: Arising out of that question, Sir, I should like to get the information from the Minister as to how many African members there are on that Board. I feel, Sir, that the majority should be Africans.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Eight, Sir.

MR. ARAP MOI: What is the number, Sir?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Mr. Chairman,

Sir, there are a large number of people on this Board. I think they number somewhere between 20 and 25, perhaps if the Member would be good enough to ask me later I will give him a reply in writing.

MR. TYSON: Mr. Chairman, I would like to ask the Minister a question in connexion with the Advisory Council on Technical Education. If that body is to be of any use, it should meet a little more often than once every 12 months. A meeting was called last week at pretty short notice, after 12 months—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, we have not got to technical education yet.

THE CHAIRMAN (Mr. Conroy): Technical education comes under 9. Mr. Tyson, we are dealing with Head 8—African Education, is the question you wish to raise under Head 8—African Education, or is it under Head 9—Trade and Technical Education? That is page 175.

MR. MATHU: Mr. Chairman, on the point that my hon. friend raised on the consultation on African Education, his—

THE CHAIRMAN (Mr. Conroy): Mr. Mathu, at the moment we are trying to deal with this question of whether technical education comes under Head 8 or Head 9. I think it would be better if we resolved one question before we went on to the second.

MR. MATHU: I beg your pardon.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Should we not deal with African Education first before the technical education—African is 8 and Technical is 9?

THE CHAIRMAN (Mr. Conroy): What I am trying to find out, Mr. Coutts, is whether the question that Mr. Tyson raised comes under 8 or 9? If it comes under 8 we have to deal with it now, if it comes under 9 we have to deal with it next. Mr. Tyson, do you wish to raise it under 8 or 9?

MR. TYSON: I do not mind, Sir, as long as I have an opportunity of raising it.

THE CHAIRMAN (Mr. Conroy): Well, perhaps we will deal with African Education first under 8 and then we will go on to 9, which appears to cover the point of technical education.

MR. MATHU: I was going to say, Mr. Chairman, Sir, that my hon. friend, Mr. Arap Moi's point was that he wished to get from the Minister the actual position of the African Council for Education. My information is that there are 29 members, both official and unofficial, of the two communities, African and European, and out of that 29 members there are 9 African members, or rather there could be 9 African members—representatives on that Board, and the others are European members. My hon. friend, you may remember, Sir, mentioned that he felt that there should be an African majority on the Advisory Council for African Education. That is the point, Sir, we would like to ask the Minister to comment on. It is a very important Board which deals with the policy for African education and I think that it is right and proper that the African point of view should be very adequately represented on that Board. In fact the African should feel that he has responsibility for his education as an adviser of the Minister for Education as a member of that Board.

That, Sir, was the gist of the hon. Member's point that we feel that we would like the Minister to comment on. Under the Education Act, Sir, the Minister has power to appoint this Board and of course it does not give the numbers at all. The Education Act states that he can set up a board and does not give the figures. It is entirely his responsibility to set within the number of people he likes.

There are two points I would like to suggest to him for his consideration. One is that the Board is too large already, it is unwieldy—29 people are unwieldy—and I suggest they should be cut down to some workable proposition so that it can then discuss its business with expedition and so on.

The second point I would like to suggest to him, Sir, is that there is a definite case here for bringing in the highest ability of the African educationists, both in his Department and outside it, and other lay Africans in the country

to form a majority on that Board, so that he will know definitely that the advice he gets from that Board, which of course he may or may not accept, it is an advisory body therefore he is not hamstrung by any views they express. The African people would feel more confident in that Board, if they had an African majority.

Those are the two points, Sir, I wanted to make and to ask the Minister whether he could give us his views on the matter.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Well, Sir, in the first place I would like to say that my hon. friend is quite right when he says that there is no number laid down, it is entirely in my discretion as to how many will be appointed to the Board.

The second thing I would like to say is that this Board will expire at the end of this year and I would like to assure my hon. friend that I will certainly give his views consideration when it comes to reappointing this Board, although I do not necessarily say that I would agree at this stage with definitely giving a promise that there will be a majority of Africans on the Board.

The reason I think why there is, shall we say, a preponderance of Europeans on the Board at the present time is because if hon. Members will examine the African Education Vote they will see that Grants-in-Aid amount to £1,497,000 out of a total of £1,946,000, and that £1,497,000 is to a large extent administered by missionaries and people who become managers of schools. A number of these Europeans who are in direct contact with Africans and, in fact, are daily dealing with African education have been selected in the past to sit on this Board. Nevertheless, I have agreed substantially with the hon. Members' submissions and I will give them every consideration at the end of the year when the new Board is appointed.

MR. MATHU: Mr. Chairman, may be there is some misunderstanding. There is one point I would like to clear up. There is no intention of the African members on this Council to make any reflection on the Europeans on that Board, missionaries and others. I do think they

[Mr. Mathu]

have done a wonderful piece of work and I should like to have the opportunity of paying my tribute for what they have done as members of that Board. I have been a member of that Board myself for many years. It is nothing to do with that at all. It is that the stage the African has reached now he feels that he should have a greater responsibility in running the Board, and, of course, there will be still those who are actually engaged in African education, the European missionaries in this particular case, represented on that Board, there can be no question about that. I would like, Sir, to clear that point up in case there may be some misunderstanding arising.

8 African Education—

- A—Personal Emoluments agreed to.
- B—Other charges agreed to.
- C—Grants-in-Aid agreed to.
- D—Loans agreed to.

9 Technical Education. A—Personal Emoluments

MR. TYSON: Mr. Chairman, I merely want to emphasize what I started to say earlier on in connexion with the Advisory Council on Technical Education. The body has not met for about 12 months and I regard this question of technical education and particularly so far as the Africans are concerned as one of the most important problems from the educational point of view that we have in front of us. To leave this Advisory Council for 12 months before calling a meeting indicates to me that the Department do not regard the body as being of much use.

Apart from that, at very short notice, a meeting was called, I think for a week ago, to consider a draft Bill which had been produced for industrial and learner apprenticeship, in connexion with the Africans: a most important problem in which many of the big commercial firms in Nairobi are very much interested. The report which had been prepared, I think, by the Education Department was dated the 5th May and was not circulated to the Members until the end of the month, obviously leaving very little time for the Members of the Advisory Council to give any consideration whatsoever to

what I regard as one of the most important problems, so far as African education is concerned. And, as I have already written in to the Director of Education, I feel that if the Department does not regard the Advisory Council as being of any more use than to have a meeting once a year, then it would be a very good thing to wind up the committee and let the Department get on with the job without any assistance from an advisory council. I think it would be a great mistake, but if we are going to make any progress over this question of technical education for the Africans, we have got to adopt a very different method to that which is being adopted by the Department as envisaged, as I say, by the attitude they adopt over this Advisory Council on Technical Education.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts): Mr. Chairman, I have noted what the hon. Member has to say. In actual fact, I think part of the reason why the Advisory Council has not met for so long was because having considered what we were going to do about the whole question of apprenticeships (if you will remember that I dealt with this whole question during the course of the policy debate on labour), it took rather a long time for the Labour Department, the Education Department and the Ministry to consider the proposals which are extremely complex, and it was during the period of that consideration that the Advisory Council appeared to have fallen into abeyance. But I can give the hon. Member an assurance that that is not so, and that in fact we are very grateful for the advice which they have given us over this particular matter, and we certainly will want their advice in the future, and I, personally, would be totally opposed to disbanding this very valuable body. All I can say is that I hope that we will be able to consult it more frequently over points which arise, and will arise. I would say that the thing which was considered at such short notice was a paper on the principles of apprenticeship, which I myself asked for to be considered as quickly as possible, for the reasons which I gave to this Council in the policy debate on labour.

9 Technical Education: A—Personal Emoluments agreed to; B—Other Charges agreed to.

10 Special Schemes:—Heads A to C agreed to.

11 Higher Education and Bursaries agreed to.

12 Common Other Charges agreed to.

13 Miscellaneous Services agreed to.

Z—Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

VOTE I—THE GOVERNOR

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £38,079 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote I—The Governor.

Question proposed.

MR. COOKE: Salary and duty allowance, was that passed last year in the Supplementary Estimates?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir.

Z—Appropriations-in-Aid agreed to.

Question put and carried.

MOTION

VOTE III—LEGISLATIVE COUNCIL

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £57,485 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote III—Legislative Council.

Heads A to Z agreed to.

Question put and carried.

MOTION

VOTE IV—EXCHEQUER AND AUDIT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £34,895 be granted to the Governor to defray the charge which will come in course of payment for the year

ending 30th June, 1957, for Vote IV—Exchequer and Audit.

Question proposed.

A—Personal Emoluments

LT.-COL. GHERSIE: Mr. Chairman, Sir, there is just one general observation I should like to make, and presumably I would have to make it under A, 1. Now, Sir, that the exchequer and audit system has been introduced, and the Controller and Auditor-General is responsible to this Government and not to the Controller in the United Kingdom, as he was in the past, I hope the Minister can give us an assurance that not only will these appointments be filled, but there will also be, as far as possible, a continuity of staff in this particular Department.

I realize, of course, Sir, that the question of promotion arises in regard to the transfer to other colonies, but I do suggest, Sir, that, even with our present audit staff, it is quite impossible to have a 100 per cent audit or check of all the whole of the Government machine, and, with continual transfers or new arrivals, it is much more difficult for a person to pick up the threads, and we should endeavour to retain the people here as far as it is possible.

This is not made as any criticism, but it is only that I hope the Minister for Finance will, as far as possible, having regard to natural promotions elsewhere, will retain the auditors as far as he possibly can.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, there is just one small point on this one. The Controller and Auditor-General is, of course, not responsible to the Government. He is responsible to the Legislative Council by Ordinance.

LT.-COL. GHERSIE: Yes, of course. I beg your pardon.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The points raised by my hon. friend are points which we are taking seriously into consideration. The position, of course, is that, at the present moment, the Auditor-General and his staff are members of the Overseas Audit Service and under the control of the Director General. The difficulty of this evolutionary process is well known to my hon. friend in his

[The Minister for Finance and Development] as Chairman of the Public Accounts Committee, but I would say that, within the compass of those difficulties, we are endeavouring to meet the points raised by my hon. friend.

A to C agreed to.

Z agreed to.

The question was put and carried.

MOTION

VOTE V—CIVIL SERVICE COMMISSION

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £15,215 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote V—Civil Service Commission.

Question proposed.

A—Personal Emoluments

MR. COOKE: Mr. Chairman, could the Minister tell us why the Chairman resigned after so short a tenure of office?

THE CHIEF SECRETARY (Mr. Turnbull): Yes, Sir. The Chairman came here at great personal inconvenience on retirement to organize the Civil Service Commission and start it off on the right footing. That task completed, he resumed his retirement.

A and B agreed to.

The question was put and carried.

MOTION

VOTE VI—CHIEF SECRETARY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £135,186 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote VI—Chief Secretary.

Question proposed.

(1) Office of the Chief Secretary and (2) Cabinet Office agreed to.

(3) Establishments Division

MR. MATHU: I have a point, Mr. Chairman, I should like to ask the Chief Secretary on the Establishments Division,

Sir, The African Civil Service Association have raised the question of having an African officer in this Division—a substantive officer—and for many years—at one time, Sir—I could almost say, I think, in this Council, or in a meeting of the African Civil Service, I thought that this matter would be looked at with great interest—with great sympathy—with a view to, if not an appointment of an African establishments officer in the head office, at any rate an assistant establishments officer in the various departments of Government, and I should like to ask the Chief Secretary whether, out of these items—particularly Item No. A, 10—whether there is any provision for that, or whether the matter is not quite finalized and it is under active consideration.

THE CHIEF SECRETARY (Mr. Turnbull): Sir, although I abhor the word "finalized", I would say that it is not even approaching finality. Appointments are not made because an officer is an African, an Asian or a European, and I have told the African Civil Servants Association the same thing. If a fellow is good enough, and has the experience and qualifications, he will be appointed.

As I mentioned at the African Civil Service meeting, there is a young fellow—a young African—working in the Establishments Division who is making quite a name for himself; and, if he proceeds on the path of duty as we hope he will, I have no doubt that in due course he will become a section officer in the Establishments Division.

LT.-COLONEL GHERSIE: Mr. Chairman, I have just a general question, Sir. We have just dealt with the Civil Service Commission, Sir, which is a new branch of the Government, and the assurance I want from the Chief Secretary is that there is no duplication of work here, because there has been an increase again in the establishments branch. I admit, Sir, there was provision for two last year, which were assistant director of establishments and one was supernumerary, but there are two further additional posts—a deputy and a senior assistant secretary of establishments—and also an increase in secretaries, and I am just wondering if the functions in any way overlap, and whether there is any duplication between the two departments.

THE CHIEF SECRETARY (Mr. Turnbull): No, Sir. The functions do not overlap. I agree that the way in which we have been compelled to set out the senior staff appointments is not as clear as it might be. Last year provision existed for two assistant directors of establishments. That was not found to be the best arrangement, and we now have one deputy director of establishments and one senior assistant secretary in the Division; so there is a saving of £200. The other items which appear to show an increase are due to the fact that accounting responsibilities have been taken over from the Treasury; you will find a corresponding decrease under the Treasury Head.

MR. COOKE: Mr. Chairman, I am very glad to hear the remarks about merit and ability. We can assume now, I suppose, that instead of having a multi-racial government it will be a non-racial government in future; but I would draw the attention of the hon. gentleman to the fact that in Tanganyika, twenty years ago, they discovered an African who was an establishments officer. I hope Kenya will hurry up and find one with merit and ability.

(3) Establishment Division agreed to.

(4) Other Charges and (5) Public Relations Office, London, agreed to.

(6) Central Government Building Shared Services

MR. HARRIS: Mr. Chairman, reference Item 4, the caretaker. Members who are interested might like to know that if they reverse that gentleman's salary they will get the number that Australia need in the last innings.

(6) Central Government Building Shared Services agreed to.

(7) Expenses of General Election agreed to.

Z agreed to.

The question was put and carried.

MOTION

VOTE IX—LEGAL AFFAIRS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £56,652 be granted to the Governor to defray the charge which will come in course of payment for the

year ending 30th June, 1957, for Vote IX—Legal Affairs: and I trust, Sir, in view of my position as Chairman of Committees, not too many questions will be directed!

Question proposed.

1. Office of the Minister for Legal Affairs and Legal Department.

2. Registrar General's Department.

3. Other Charges agreed to.

Z. Agreed to.

The question was put and carried.

MOTION

VOTE X—THE TREASURY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £124,782 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote X—The Treasury.

Question proposed.

A—Personal Emoluments

MR. TYSON: Mr. Chairman, on the question of A—Personal Emoluments—it does not really only arise over this Vote, but I intend to bring it up, Sir, under the last Vote, and that, really, is to ask whether Government ought not seriously to consider the whole range of salaries for these senior officers of Government. I do not know whether this is the proper place to bring it up, but Personal Emoluments in connexion with the Treasury, I think, forms perhaps a suitable opportunity to raise it. What I would like to ask is whether—perhaps it is a little embarrassing for the Minister for Finance himself to deal with the matter, but—it is rather a matter perhaps for the Chief Secretary—to consider whether the whole range of salaries for senior officers of Government—I refer not only to the Minister for Finance, but to Ministers generally, in the light of what is happening outside—in the light of the temptations there are to civil servants to leave Government Service and go to commercial enterprise—whether the Government does not think the time has come when some inquiry should be made as to whether a general revision of these

[Mr. Tyson]

scales of salaries for the Heads of Government Departments should not be reviewed.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Chairman, Sir, the Front Bench is convinced that the salaries of Ministers are wholly inadequate. The views of the hon. Member will be conveyed to the Government.

SIR CHARLES MARKHAM: Mr. Chairman, may I inquire whether the hon. Nominated Member is seeking a job on the Front Bench?

MR. TYSON: No, Sir.

- A.—Personal Emoluments agreed to.
 - B.—Other Charges agreed to.
 - Z.—Appropriations-in-Aid agreed to.
- The question was put and carried.

MOTION

VOTE XI—MISCELLANEOUS—B, C, AND D

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,085,080 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XI—Miscellaneous—B, C and D.

Question proposed.

- B.—Ex-gratia Payments agreed to.

C—Other

SIR CHARLES MARKHAM: Mr. Chairman, could I just ask the Minister for Finance what—under C, 1—what commissions and fees we have to pay to agents in Bombay and Karachi?

MR. MACKENZIE: There are various commissions and fees, Sir, paid in respect of business done on behalf of the Government in Bombay and Karachi. An example, for instance, is the payment of pensions to officers who have retired to India or Pakistan; the payment of salaries to officers who are on leave in those countries; and the whole range of things, such as, for instance, when air passages, or any form of passages have to be booked—sea passages have to be booked in those countries. That is the type of thing, Sir, that this money is intended to cover.

SIR CHARLES MARKHAM: Mr. Chairman, while thanking the Secretary to the Treasury for that very lucid reply, why are other details for other countries not given? I do not see any agents for England.

That covers that, does it? Or perhaps there are so many civil servants coming from Bombay and Karachi.

Item 11

MR. MATHU: Mr. Chairman, I am just seeking information in regard to Item 11—Agency Fee to Coffee Marketing Board—£2,000. Now, we pay the Coffee Marketing Board, do we, £2,000 every year—or what payments are referred to here, Sir?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir. We pay them £2,000 as an agency fee for certain works they do, Sir.

MR. MATHU: What works do they do, Sir, for that £2,000?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Agency work.

MR. MATHU: What is the agency work?

(Pause.)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): My hon. friend says nobody knows! The fact is, Sir, that in the past—at any rate—two years they have done very, very valuable work on behalf of this country. Assisting in the collection of a considerable part of our revenue.

MR. MATHU: But now the export tax has been lifted, would you still pay them £2,000.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): There are many other duties they do on our behalf—on the furtherance of the coffee business and the furtherance of such things as coffee, research.

C—Other agreed to.

D—Pay Revision

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I have a statement I should like to make to the Committee on Vote 11—D, Sir.

The Committee is aware that the provision of £750,000 under Sub-head D

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of Vote 11—Miscellaneous—Services, was made to enable the salaries of civil servants to be consolidated at a level 15 per cent above existing salaries without cost of living allowance, subject to a ceiling of £300 addition. It was impossible to adopt scales exactly 15 per cent above the existing ones in many cases, since this would have involved the acceptance of awkward broken amounts at various points in the salary structure. The matter was, therefore, made the subject of an intensive study by the Establishments Divisions from all the Territories and new scales have been devised which result, in consolidated scales which come as near as possible to the existing scales, plus 15 per cent. It is not possible to say exactly how much these minor adjustments, which are necessary from an administrative point of view, will cost, but it will not be a great deal and, as I said in my Budget Speech, it is the Government's intention that anything above £750,000 shall be met from savings.

D—Pay Revision agreed to.

The question was put and carried.

MOTION

VOTE XII—ANNUITY TO H.H. THE SULTAN OF ZANZIBAR

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £16,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XII—Annuity to His Highness the Sultan of Zanzibar.

Question proposed.

MR. COOKE: Mr. Chairman, could I suggest that the time has come to pay this distinguished gentleman something more than the £16,000 which has been received for many years past, now that money has lost a good deal of its value? And I think it should come as an offer from here—that is, this Council—rather than that it should come from Zanzibar. I hope Government will consider the matter.

THE CHIEF SECRETARY (Mr. Turnbull): The hon. Member's sentiments do him

great credit. Sir, this Treaty is between Her Majesty's Government in the United Kingdom and His Highness the Sultan, and it would be an impertinence for this Government to interfere.

MR. COOKE: Would it be impertinence to suggest, to Her Majesty's Government at home that consideration be given to the fact?

THE CHIEF SECRETARY (Mr. Turnbull): It would be an embarrassment to His Highness's Government.

The question was put and carried.

MOTION

VOTE XIII—PUBLIC DEBT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,802,804 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XIII—Public Debt.

Question proposed.

A—Funded Debt, B—Unfunded Debt, C—Loans Management Expenses, D—Redemption Instalment—Eldoret Water Supply, E—General, agreed to.

Z—Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

VOTE XV—CONTRIBUTION TO EMERGENCY FUND

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £8,000,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XV—Contribution to Emergency Fund.

Question proposed.

The question was put and carried.

MOTION

VOTE XVI—PENSIONS AND GRATUITIES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £899,992 be granted to the Governor to defray the charge which will come in course of payment for the

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year ending 30th June, 1957, for Vote XVI—Pensions and Gratuities.

Question proposed.

A—Personal Emoluments and B—Other Charges agreed to.

C—Civil Pensions

SIR CHARLES MARKHAM: Mr. Chairman, perhaps the Minister for Finance could help me on this one. I am not certain whether some of these Kenya Police Reserve pensions or gratuities, of which the Minister gave details in the Library some months before, come under C or under F. Perhaps he could tell me.

I have got another point to raise, but perhaps he would answer that one first, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I think, Sir, that, in so far as they are not paid from the Emergency Fund—which they are probably paid under at the present moment—they would more equitably come under F, not under C, which is the Civil Pensions.

SIR CHARLES MARKHAM: I thank the Minister for that. I will raise it when we come down to F, Sir, if I may.

C—Civil Pensions agreed to.

D—Widows' and Orphans' Pensions

MR. MATHU: Mr. Chairman, on a point of explanation, Sir, it is with regard to these Widows' and Orphans' Pensions, and we have the Asiatic Widows' and Orphans' Pensions Fund, £8,000. It is a matter we have raised before in conjunction with Africans, and the Government every time says, "Of course it is difficult to know whether Africans have widows or orphans", and I would like to ask the Government whether they would consider this matter. I think the Africans feel very strongly that there should be a scheme such as this to help their dependents in the event of the death of the civil servants, and I do not think that this time the Chief Secretary would tell me they do not consider which colour of the scheme the people would come under this matter, because it is entirely a racial issue, and I would like to suggest personally to the Government to give this

matter serious consideration, because it has been pending for a long time. We raised it many, many times in this Council before, and the African civil servants, I know, would like to do what they can to fall in with a scheme such as this for their widows and orphans. Could the Minister comment on that suggestion, Sir?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, I can comment on it. The point to which the hon. Member has made reference is that we have received from the African Civil Service Association a request that a widows' and orphans' pensions fund for Africans should be established. I can assure him that it is receiving our attention, and we are going into the difficulties. We cannot give him any assurance, because there are many difficulties, but I can tell him that we are considering the matter very sympathetically, because we think that—at any rate in some of the higher groups of Africans—the position now is established where such a fund should be possible.

MR. COOKE: Mr. Chairman, I do not know whether I am in order in raising the European Widows' and Orphans' Pensions Fund here or not.

THE CHAIRMAN (Mr. Conroy): It does not appear under this Vote.

MR. COOKE: Would the hon. gentleman inform me whether he has given thought to the funding of that Fund, and also in the meantime, as a very large sum of money has been paid in by contributing serving officers in this country, and as we are adding to the Fund if it were funded every year, whether he would increase the benefits to the widows and orphans accruing from that Fund, because I understand there is a very large sum of money involved and, if I may say so, if it had been funded, I would allow the benefits to widows and orphans to be quite appreciably increased.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, we have from time to time given thought to this matter of funding but, so far, the decision has been that we have been unable to fund. It may mean, indeed, a commitment of a large sum of money. I would also say, Sir, that the

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advantage is not all on one side. There is, of course, the advantage that, by Government guaranteeing, as it does that, despite the ups and downs, there is a certain range of benefit in the way of interest rate, and the fund sometimes gains as well as loses. If the hon. Member likes to discuss the matter with me, I will discuss it further.

D—Widows' and Orphans' Pensions agreed to.

E—Contributions to Funds agreed to.

F—Military Pensions

SIR CHARLES MARKHAM: Mr. Chairman, under F, 3.—Injury Pensions and Gratuities. There have been complaints by one or two African members of the police reserve, who did receive serious injury during the Emergency, who have not yet had their claims settled. Now, the Minister has given a list in the Library of those claims settled, but the question is of the liability once the Emergency is over. They have been told they will qualify for a pension or gratuity, but there have been considerable delays in the payment. Now, that may be under the Emergency Fund, or this. The point I want to make, Sir—perhaps the Minister could tell me why, once a person has been granted—whoever grants it—the Court or the individual—there should be a delay, Sir, in the payment. There is one particular case now. Three and a half years before the Emergency—three and a half years on police work—and it has not yet been finalized, and of course this man is somewhat bitter, and cannot quite understand the workings of Government.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I did not quite catch that. Did the hon. Member say the Kenya Police Reserve? Well, Sir, if the hon. Member will give me the details of the case, I will go into it.

I can say that, since the Security Forces Compensation Committee of the Council of Ministers was set up, we have dealt with every case expeditiously, and, indeed, in many cases we have immediately awarded something on an interim basis, and paid it pending the final decision as to the amount that should be awarded, either as a pension or as a gratuity or as an all-out payment.

We have had a number of cases where Africans were murdered in, for instance, the home guard, and only recently has proof come of their death, and the district commissioner or the Administration has felt unable to submit the claim until he has had that proof. That is the only case of delay that I am aware of from that side.

Now, in so far as the Kenya Police Reserve is concerned, I think I can say that, at the outside, a month has elapsed since the matter has been brought to the notice of the Security Forces Compensation Committee, and the payments have begun, so I am unable to understand how this has happened, unless it has been through some breakdown in the machine at the lower level. If the hon. Member will let me have some details of such cases, I certainly will see that they are gone into.

F—Military Pensions agreed to.

G—Miscellaneous agreed to.

Z—Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

VOTE XVII—INLAND REVENUE DEPARTMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £77,441 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XVII—Inland Revenue Department.

Question proposed.

A and B agreed to.

The question was put and carried.

MOTION

VOTE XVIII—COAST AGENCY AND PASSAGES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £351,874 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XVIII—Coast Agency and Passages.

Question proposed.

A, B, C and Z agreed to.

The question was put and carried.

MOTION

VOTE XIX—PRINTING AND STATIONERY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £145,968 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XIX Printing and Stationery.

Question proposed.

MR. COOKE: There is a misprint on page 70. It should be £145,968 in line 5.

A and B agreed to.

Z agreed to.

LT.-COL. GHERSIE: Mr. Chairman, Sir, I think this might be an appropriate moment to pay a tribute to the Government Printer who has now left us on retirement. I think he has done excellent work—service—for the Colony, and I do think that this would be the right moment to wish him a very happy retirement, and to thank him for what services he has rendered.

THE CHIEF SECRETARY (Mr. Turnbull): I should like to thank the hon. Member for what he has said about the Government Printer, and to say that we, on this side of Council, realize how deeply we are indebted to him. When I say that it is unusual to find a mistake in the mass of written work which we produce on this side, hon. Members will realize the enormous size of his task, and how brilliantly he has carried it out.

The question was put and carried.

MOTION

VOTE XX—SUPPLY AND TRANSPORT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £278,861 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XX—Supply and Transport.

Question proposed.

A to C agreed to.

The question was put and carried.

MOTION

VOTE XXII—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £235,318 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXII—Ministry of Agriculture, Animal Husbandry and Water Resources.

Question proposed.

Items (1) to (7) agreed to.

The question was put and carried.

MOTION

VOTE XXIV—VETERINARY SERVICES

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £426,049 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXIV—Veterinary Services.

Question proposed.

(1) to (6) agreed to.

Z agreed to.

The question was put and carried.

MOTION

VOTE XXV—MINISTRY OF INTERNAL SECURITY AND DEFENCE

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £92,566 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXV—Ministry of Internal Security and Defence.

*Question proposed.**A—Personal Emoluments*

SIR CHARLES MARKHAM: Mr. Chairman, Item 25—Nairobi Allowance. May I ask what that is?

AN HON. MEMBER: The Minister is in hospital this afternoon.

THE CHIEF SECRETARY (Mr. Turnbull): Certain police officers are paid a small allowance for the extra expenses which arise from having to work in Nairobi.

A agreed to.

B agreed to.

C—Miscellaneous Services

SIR CHARLES MARKHAM: Mr. Chairman, Item 1, Sir, Expenses of Film Censorship Board. I saw an account in the paper, Sir, yesterday, of what this Board does. Could I perhaps—I do not know whether I could ask this question, but could we be told what salaries are paid to the Board, or the chairman of the Board or the Board of Directors?

MR. MACKENZIE: Yes, Sir. The chairman of the Board is paid a salary of, I think, £700 a year, and the deputy chairman gets £450 a year. I think, Sir, that is the make-up of this item, but I will check it and let the hon. Member know if that is, in fact, so, but I am quite sure it is of that order.

SIR CHARLES MARKHAM: In view of the report in the paper yesterday saying something like fourteen films a week, the fact that they see fourteen films a week, and also are dealing with both Asian and vernacular films, what happens to the other members of the Board? Do they get paid nothing for the agony of seeing all these films?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I think, Sir, they may do that from a sense of public service and duty.

C agreed to.

D—Kenya-Ethiopia Boundary Commission agreed to.

Z agreed to.

THE CHIEF SECRETARY (Mr. Turnbull): Before we leave this, may I correct a wrong impression I gave to the Member for Ukambani? The £30 is an allowance to make up the salary of one of the Assistant Secretaries to the normal minimum for officers stationed in Nairobi of this rank. I apologize for misinforming him.

The question was put and carried.

THE CHAIRMAN (Mr. Conroy): I think this might be a convenient time to take the normal quarter of an hour break.

The Committee suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Chairman, I would like to correct a misstatement which concerns Vote XXV—Nairobi Allowance. It is neither an allowance to indigent policemen nor is it an allowance to impoverished Assistant Secretaries. It is an allowance on a sliding scale paid to subordinate African staff.

MOTION

VOTE XXVI—MILITARY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,347,255 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXVI—Military.

*Question proposed.**Head A—Gross Total Military*

SIR CHARLES MARKHAM: Mr. Chairman, Sir, is there a misprint in my copy, Sir? I seem to be short of a £1,000,000 somewhere on the Estimates for part 6. I end up my total, Sir, as £78,205.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): There is no misprint, Sir. The 1 is so very, very faint. It is in my copy at any rate.

Head A agreed to.

Z. Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

VOTE XXXIII—MINISTRY OF EDUCATION, LABOUR AND LANDS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £20,126 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXIII—Ministry of Education, Labour and Lands.

Question proposed.

Heads A and B agreed to.

The question was put and carried.

MOTION

VOTE XXXVI—LANDS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £101,898 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXVI—Lands.

Question proposed.

Heads A and B agreed to.

Z. Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

VOTE XXXVII—SURVEYS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £153,425 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XXXVII—Surveys.

Question proposed.

Head A—Personal Emoluments.

MR. LETCHER: There is still delay in obtaining survey title deeds. Could the Minister explain why this should be so?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coultis): Title deeds for farms?

MR. LETCHER: Yes.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coultis): Well, Sir, there is a question still outstanding in the name of the Member for Mount Kenya in which the same question has been asked and I propose to answer it very fully then. I would ask the hon. Member for Trans Nzoia if he would agree to wait until I answer that question then in the Council.

MR. LETCHER: Certainly.

Head A agreed to.

Head B agreed to.

Z. Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

VOTE XLI—MOMBASA WATER SUPPLY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £10 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for Vote XLI—Mombasa Water Supply.

Question proposed.

Heads A and B agreed to.

Z. Appropriations-in-Aid agreed to.

The question was put and carried.

MOTION

DEVELOPMENT ESTIMATES—SECTION I

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £7,086,825 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for the Development Estimates—Section I.

Question proposed.

The question was put and carried.

MOTION

DEVELOPMENT ESTIMATES—SECTION II

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,402,710 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1957, for the Development Estimates—Section II. This, Sir, is the Swynnerton Plan.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Committee do report to the Council its consideration of and approval of the Resolutions without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: I beg to report that the Committee of Supply has considered and approved the following Resolutions:—

THAT a sum not exceeding £1,464,540 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XIV—Contributions to the Cost of High Commission Services.

THAT a sum not exceeding £23,420 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote VIII—Immigration.

THAT a sum not exceeding £4,007,423 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXXV—Education.

THAT a sum not exceeding £38,079 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote I—The Governor.

THAT a sum not exceeding £57,485 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote III—Legislative Council.

THAT a sum not exceeding £34,895 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote IV—Exchequer and Audit.

THAT a sum not exceeding £135,186 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote VI—Chief Secretary.

THAT a sum not exceeding £56,652 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote IX—Legal Affairs.

THAT a sum not exceeding £124,782 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote X—The Treasury.

THAT a sum not exceeding £1,085,080 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XI—Miscellaneous B, C and D.

THAT a sum not exceeding £16,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XII—Annuity to H.H. the Sultan of Zanzibar.

THAT a sum not exceeding £1,802,804 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XIII—Public Debt.

THAT a sum not exceeding £8,000,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XV—Contribution to Emergency Fund.

THAT a sum not exceeding £899,992 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XVI—Pensions and Gratuities.

THAT a sum not exceeding £77,441 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XVII—Inland Revenue Department.

THAT a sum not exceeding £351,874 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XVIII—Coast Agency and Passages.

THAT a sum not exceeding £145,968 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XIX—Printing and Stationery.

THAT a sum not exceeding £278,861 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XX—Supply and Transport.

THAT a sum not exceeding £235,318 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June,

[Mr. Conroy] 1957, for Vote XXII—Ministry of Agriculture, Animal Husbandry and Water Resources.

THAT a sum not exceeding £426,049 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXIV—Veterinary Services.

THAT a sum not exceeding £92,566 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXV—Ministry of Internal Security and Defence.

THAT a sum not exceeding £1,347,255 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXVI—Military.

THAT a sum not exceeding £20,126 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXXIII—Ministry of Education, Labour and Lands.

THAT a sum not exceeding £101,898 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXXVI—Lands.

THAT a sum not exceeding £153,425 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XXXVII—Surveys.

THAT a sum not exceeding £10 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Vote XLI—Mombasa Water Supply.

THAT a sum not exceeding £7,086,825 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Development Estimates, Section I.

THAT a sum not exceeding £1,402,710 be granted to the Governor to defray the charge which will come in course of payment for the year ending the 30th June, 1957, for Development Estimates, Section II.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, 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 WAYS AND MEANS

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

MOTION

TAX RESERVE CERTIFICATES— EXEMPTION FROM TAX

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move:—

THAT this Council approves, in accordance with the provision of paragraph (a) of sub-section (2) of section 11 of the East African Income Tax (Management) Act, 1952, that the interest payable on Tax Reserve Certificates issued under the provisions of the Tax Reserve Certificates Ordinance, 1955, shall, after the 1st day of May, 1956, in so far as such interest is income accruing in, derived from or received in Kenya, of persons resident in Kenya, be exempted from tax.

This, Sir, carries into effect the proposal made in the financial statement when I said: "I now propose, subject to the approval of the Legislative Council, to make the interest of 3 per cent on these Certificates free of income tax in respect of Certificates issued on or after the 1st of May, 1956 to Kenya residents".

On the 15th of May, Sir, when the hon. Member for Nairobi North was speaking, I interjected to say that the Certificates which have already been issued will equally receive that benefit, but all of them will receive it from the date stated. The Resolution carries that into effect also.

[The Minister for Finance and Development]

I would like to say, Sir, that, in so far as the future is concerned, it is of course quite likely that the rate of interest on these Tax Reserve Certificates will be adjusted from time to time in accordance with the current rate of interest. But it will, of course, be understood that in future changes in the rates of interest will relate to new issues of certificates made after the date on which any change of interest is announced. I am glad, Sir, to be able to tell the Committee that the response to the Tax Reserve Certificates since the 1st of May, when they were made income tax free, has been extremely satisfactory and a help in our financial position.

I beg to move.

Question proposed.

MR. CROSSKILL: There is one question with regard to this which I would like to put to the Minister, Sir, I understand some £700,000 worth of Tax Reserve Certificates have already been sold. I think that, Sir, would tend to create an artificially high revenue at the present time and possibly, in the future, a progressive decrease of the revenue estimated. Would it not be more satisfactory if these amounts, instead of going into general revenue, were placed into a suspense account?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, Sir, that cannot be done with Exchequer and Audit system. They are received in and they are revenue in the Exchequer and Audit system. Under the old system of accounts, that would have been probably a possible way but it did lead to a misinterpretation of the position. Now, Sir, we have had already some—I am speaking from memory—£200,000 odd worth of these Reserve Certificates which have already been cashed against revenue and we do, therefore, expect a decrease, but, at the same time, a taking up of additional Tax Reserve Certificates according to the tax liability. I would agree that in the first year in the onset of this scheme, the intake would be higher, but I have little doubt that, in the future, it will even itself out as, indeed, seems to be already the trend.

The question was put and carried.

MOTION

AMATEUR SPORTING ASSOCIATIONS— EXEMPTIONS FROM TAX

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move:—

THAT this Council approves, in accordance with the provisions of paragraph (a) sub-section (2) of section 11 of the East African Income Tax (Management) Act, 1952, that the income (other than any income derived from investment) of any association, which is, in the opinion of the Commissioner of Income Tax, an amateur sporting association, shall be exempt from tax, and that this exemption shall apply to the income of any such association accruing in, derived from or received in Kenya during, or after, the year of income, 1956.

This, Sir, is to carry into effect the proposal made in the Budget Speech on the 26th of April that, as a result of representations I have received from various amateur sporting associations—and, I may say, from hon. Members opposite interested on their behalf—that they should be exempt from income tax under certain circumstances in order that they should have more funds to encourage the development of sport generally in the country. In the Budget Speech, I said: "By sporting associations, I mean of course the central organizing bodies such as the Amateur Athletic Association which organizes sport throughout the Colony. In those cases I propose to arrange for the incomes of individual amateur sporting associations to be exempt from income tax. This refers, of course, to the current earnings of such associations and would not cover income derived from investments. It goes without saying and without question that the term amateur sporting association will be strictly interpreted". It is, however, a pleasure, Sir, to be able to give relief of even this small kind to such worthy bodies as those referred to in the Motion.

Question proposed.

MR. HARRIS: Mr. Chairman, in supporting this Motion, I would like to thank the Minister for Finance for carrying into effect something which I

[Mr. Harris] think I proposed as long ago as 1953. I hope, in future, Sir, he carries these things into effect quicker, but it might have been 1954, I am not sure. However, Sir, I would like to thank him.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I have only one thing to say in answer to the hon. Member for Nairobi South, and that is that I, myself, proposed it when on the other side of the Council as long ago as 1948.

MR. SLADE: Mr. Chairman, Sir, I would like to ask the Minister whether the term "amateur sporting association" would include a sports club, even though its activities may not be exclusively sports. I have to declare interest, Sir, as I am a member of the North Kinangop Club in formation.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): No, I am afraid it has to refer to the "central organizing bodies".

The question was put and carried.

MOTION

EXPORT DUTY ORDINANCE, 1951— CONTINUATION IN FORCE

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move:

THAT this Council approves the Export Ordinance, 1951, being continued in force until 30th June, 1957.

Now, Sir, this is a peculiar way, I admit, of granting relief but the Motion has to allow the Export Duty Ordinance to remain in force for another year. At the present moment, Sir, cotton, coffee and, strangely enough, sisal fibre are included in the Export Duty Ordinance. The sisal is due to an omission on our part, Sir, when we agreed last year that sisal should be deleted from the Export Duty Ordinance; once the Abolition of Duty Order was signed by the Council of Ministers and published in the *Gazette*, it was necessary for the Order to be laid on the Table of the Legislative Council not later than the next sitting of the Council after the date on which the Order came into operation. By an oversight, Sir, that was omitted so that, in theory, sisal has been subject

to Export Duty for this year. I say only in theory, however, Sir, because with the price as it was, there was no question of any tax being paid. Had there been any question of any tax being paid, I am sure that the sisal industry would have brought the omission to my notice pretty quickly.

Now, Sir, we turn to cotton and coffee and it is proposed that in the terms of section 4 (1) of the Ordinance the Governor-in-Council shall abolish the duty on the commodities mentioned, that is cotton, coffee and sisal fibre and that we shall lay the Order on the Table of the Legislative Council as soon as possible after the date on which it comes into operation which is, of course, the 1st July. It means, however, Sir, that there are two matters still subject of course to Export Duty and these are wattle and hides and skins. I do not propose, Sir, to go over the arguments which we have had in the main financial debate on those matters. I can only say that I will keep a watch upon them.

I beg to move.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and approval of the Resolutions on the Order Paper without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

*MR. CONROY: Mr. Speaker, I beg to report that a Committee of Ways and Means has considered the Resolutions in the terms set out in the Order Paper and approved the same without amendment.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Council do agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

MOTION

SUPPLEMENTARY ESTIMATES NO. 3 OF 1955/56 (COLONY) IN PARTS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £609,929 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure, No. 3 of 1955/56, Part 1.

Sir, the Committee will remember that when I introduced Supplementary Estimate No. 2 of 1955/56 I said that it was the Government's policy to reduce the number of Supplementary Estimates to a minimum since we believed that the proper time for making financial provision for the Government's services was that of the Annual Estimates. We would, therefore, in future normally only have two Supplementary Estimates a year, one of which to be taken in either October/November or February which would make provision for any new services which were quite unavoidable and which could not wait until the next Annual Estimates and the other which would merely seek to provide additional money for existing services where the original grant had proved insufficient. There is no doubt that in the financial year just ended, this policy has substantially reduced the burden on the taxpayers' purse by way of Supplementary Estimates. In order, however, for the new system to work satisfactorily, I mentioned in February that it would probably be necessary for Council to agree that where the Treasury was satisfied that a new post was necessary or that some other new service had to be provided, they should be authorized to agree to the creation of the post of the service in anticipation of Legislative Council's agreement, provided that in doing so no excess of the Vote would be caused for it is the level of money which is voted that really matters. There are often occasions on which action of

this kind is needed, but where the new posts can be financed from savings without an additional money being required. The need for this type of adjustment will be particularly necessary during the period between the dissolution of this Council and the time when its successor meets. Unless, therefore, the Council feels that there are very strong objections, I propose to take action on these lines if, and when, it should become necessary before the next Supplementary Estimate is taken. In doing so, it will, of course, be understood that this action will be reported to the Legislative Council by means of provision—taken or otherwise—in the first Supplementary Estimate to be taken after the post has been created or the service brought into being; and it will also be understood that in the event of the Council then refusing to vote any additional provision which may be required, the department concerned would have to reduce its other services in such a way as to avoid having an excess of expenditure in the year. I can also, of course, give the Council an assurance, Sir, that this will not be used lightly, but I think it will prove to be a necessary position for the Government to be able to maintain, at any rate during the forthcoming months, Sir. I beg to move.

Question proposed.

MR. SLADE: Mr. Chairman, under 1—A—this is a token Vote for a staff adviser which is a new appointment. I take it it is an example of what the Minister has just referred to. It still seems to me, Mr. Chairman, that the use of supplementary Estimates for this sort of provision is very objectionable. It may occasionally be inevitable, but it must be avoided whenever possible; because even if you only have to make token provision, or even if you can provide for the current year from savings, still you are creating a post which is then a permanent commitment of expenditure for the future. I do maintain, and the Minister himself agreed in principle, that this sort of thing is a matter for the annual Estimates. Now in this particular case, if only a token Vote was needed to carry this appointment up to the end of the year in question, it is difficult to understand why it was necessary to put this item in the supplementary Estimates at all. It was,

[Mr. Slade]

I imagine provided for in the Estimates for the forthcoming year, so why have a token Vote for the remaining fortnight of the current year?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I agree with the hon. Member that in principle we should keep these posts as far as possible to the annual Estimates. There are, of course, occasions on which exceptions must be made, and I have tried to outline the new procedure, because more and more I hope that the committee will concentrate on the sum to be voted, rather than the expenditure in detail. But I would say, Sir, that in this particular case the post is desired to be filled and it was voted that it should be in as a token in order to adhere to present procedure.

MR. SLADE: It is not provided in the estimates for the coming year?

MR. MACKENZIE: No, Sir. The point about this token Vote is that the decision to employ a staff adviser was taken after the Estimates for the coming year had been approved and after, at least, they had been compiled and sent to the printer. It was felt that this is a post which is very necessary if the Government is to keep a proper check on Government staff and that Government would not be justified in waiting for another whole year before creating it. As it was not at that stage possible to incorporate it in the coming year's Estimates, the token was put into this Estimate which, of course, is for the current year and naturally only a token was required because the officer will not, in fact, be appointed until next year. Next year the post will be found under the Establishment Division, it is not in the Estimates, but if any more money is needed during the year, and it is quite probable that it will not be because there are always savings—or at least there always tend to be some savings—on the Personal Emolument Votes, but if additional money were needed, the Government would, of course, come back to the Council later in the year. But, this I agree, is an exception to the rule, which we would like to see—it is the type of exception which is probably inevitable, if we are not to hold up very

necessary and desirable developments for as long as a year.

However, I can assure the hon. Member for Aberdare, as my hon. friend has said, we certainly do not like having to use this procedure and it will be used as little as possible.

MR. CROSSKILL: Mr. Chairman, does this post overlap with the functions of the Organization and Methods Team? I cannot quite see why he performs a function which the Organization and Methods Team cannot do, except that it says "This officer will make continuous visits to the Department" and make himself rather a nuisance?

MR. MACKENZIE: Mr. Chairman, Sir, the difference between the use of this officer and the Organization and Methods Team is that the Organization and Methods people are—their job is—to make sure that the organizations of departments are satisfactorily performing the duties that they have to perform and that the methods used are the best ones and, if they are not the best ones, to propose better methods in place of the ones which are unsatisfactory. An officer of this type, on the other hand, his job is to go round from department to department to see what the actual people working in the departments are doing, that is bearing in mind the existing organization. It is not really his job to suggest changes in organization as such, although naturally, if he saw anything that was really seriously wrong, he would bring it to the notice of his superior officers and an organization and methods exercise would be undertaken. But this man's job is to see that people are actually working efficiently, that individuals are working efficiently and to make quite sure that the Government is getting value for its money and that there are not, shall we say, 50 people working in a place where it is only necessary to have 40. That is within an existing organization.

The organization and methods people, on the other hand, are much more concerned with the structure of the thing in an impersonal way.

MR. CROSSKILL: Mr. Chairman, I am lullied into accepting the principle, but I do feel that normally it is the job of the Number Two in the Department to see that the organization is working properly. I still believe it to be necessary.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I am sorry to disagree with my hon. friend, Sir, but I would say that this is a very wise provision indeed. After all true economy is arrived at through an efficient use of staff and through seeing that the numbers are not unnecessarily large. I think I am right in saying that the organization and methods people themselves suggested that this particular post should be established because it has proved so successful in other places. Apart from making himself a nuisance I think he should be a help to the Ministries to fulfil their proper function of (a) efficiency, and (b) economic administration.

LT.-COL. GHERSIE: Mr. Chairman, I do not want to anticipate something I might say later on in respect of the Public Accounts Committee, but it is also the function of this officer to see that adequate staff exists in a particular department. In order that there should not be inefficiency through lack of upgrading as the case may be or lack of the right type or calibre of person doing a particular job?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir. It is his task to see that ministries and departments are run with—as far as the personnel side is concerned—with efficiency and economy. If he saw that shortage of staff was inefficient, he would consult the Ministry and together they would come to the Treasury and say that so much extra staff had been found necessary to administer this properly, efficiently and on an economic basis. But we should hope that not too many cases of that kind would occur.

2—3

MRS. SHAW: Mr. Chairman, were not investigations made into the company before Government made this loan, and, if so, can they give any reason for its failure?

THE CHIEF SECRETARY (Mr. Turnbull): The company was not in existence until Government assisted in its formation. The Industrial Management Corporation acted as the Government's agents and appointed two directors to the board. The only film the company made was this very amateurish and unsuccessful one. It then went into liquidation. I am

afraid that I have forgotten the hon. and gracious Member's second point.

MRS. SHAW: As to the reason for its failure.

THE CHIEF SECRETARY (Mr. Turnbull): The reasons for its failure were inexperience and incompetence; they had, too, a certain amount of bad luck. I notice that in the original debate in 1954 the hon. Member for the Coast suggested that these two men might have been Patagonians, but of course that was not so. On of them might have been a Pantastreluian in that he seemed to have 214 ways of spending his money, not counting drinking.

LT.-COL. GHERSIE: Just one point I would like to ask, Sir, the Capricorn Film Productions is a limited company and as we have been informed by the Chief Secretary that it went into liquidation. I quite appreciate, Sir, that the £14,151 required to pay off the bank overdraft and charges, would be a legitimate charge and no doubt was secured before the company went into liquidation. But what, Sir, is the additional sum, because surely as a limited liability company its liability is limited? But I see there is an additional sum to the £14,000 odd, that Government feels is a fair charge against public funds. But being a limited company one would have thought its liability was limited, and limited presumably to the security covering the assets. Why was this additional sum incurred?

THE CHIEF SECRETARY (Mr. Turnbull): There are two additional charges, Sir. The bank overdraft amounted to £13,200 and the additional charges amounted to a total of £960, the total being £14,151. That sum of £960 can be further broken down into £742, which can be regarded as legal claims against the Government on technical and legal grounds in connexion with the winding up of the company and £218 for moral claims which the Government feels it should pay to various employees and creditors to the company who were not included in the 20 per cent dividend which was paid.

MR. SLADE: Mr. Chairman, the Chief Secretary has told us that this company failed through incompetence and inexperience. I should like an assurance that in future Government will investigate the competence and experience of

[Mr. Slade]: people undertaking concerns like this before putting public funds at their disposal.

THE CHIEF SECRETARY (Mr. Turnbull): I willingly give it. I admit we were altogether too sanguine about the qualifications and achievements of these two gentlemen. I can only suggest that we were overcome by the glamour and the rather specious aura of romance which surrounds the film world.

Serial No. 3

MR. CROSSKILL: I am not questioning the award of a passage, Sir, but I would like to know how we expect to meet the £420 out of savings. Could it possibly be from Serial 24, where we are asked to vote another £30,000 for passages?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Well, Sir, the point is that it will come from the savings on the Vote and Sub-Head 50 as a whole, Sir.

Serial No. 3 agreed to.

Serial No. 4

LT.-COL. GHERSIE: Mr. Chairman, Serial No. 4. The memorandum commences by saying that it is proposed to create a new post of Senior Assistant Press Officer. And in the next line, Sir, it says "the additional cost of the new post for the remainder of the present financial year". Now, Sir, there are only a couple of weeks to go before this financial year expires. Are we to understand that the post has already been created and that we are employing somebody at this present moment? Because, as I say, it commences by saying it is proposed to create a new post. If it has not already been filled, Sir, and this is the only deduction I can make from reading this, will it be advertised locally so that we might have an opportunity of engaging somebody with local knowledge?

THE CHIEF SECRETARY (Mr. Turnbull): No, Sir, an appointment has not been made yet. An officer has been engaged on temporary terms. As for the question of advertisement—it is not proposed to advertise this post, because there are only a certain number of men with local knowledge in the country at the present time. We know the man who

has the best qualifications for the post and we wish him to be appointed.

Serial No. 4 agreed to.

Serial No. 5

MRS. SHAW: Mr. Chairman, I see even after Government in No. 2, they are going to leap into more film making, and I cannot quite understand how you are going to demonstrate, I suppose, the selection of African Representatives for Legislative Council by films. I would be grateful for an explanation.

THE CHIEF SECRETARY (Mr. Turnbull): I hope the question of unsuccessful film making will not be allied with the question of the Information Department. The Capricorn film has no connexion with the Information Department. I raised it because, in my position, although I take part in such minor triumphs as Government may achieve, I also have to explain away the disasters. I did not deal with it as part of the Information Department.

The films to which the hon. and gracious Member refers are three—I beg your pardon; the booklets are three. There is to be one film in colour on the subject of registration and the film is to be, as they say, sound-stripped in four languages. The sound-stripping process consists of an ingenious device whereby, when the film is put through the talking apparatus the appropriate vernacular comes out in words, instead of requiring a commentator. Commentators often use their sense of the fantastic and their sense of the ridiculous to an embarrassing extent.

Serial Nos. 5 and 6 agreed to.

Serial No. 7

LT.-COL. GHERSIE: Mr. Chairman, I am just seeking a little information here. It states "Staff changes due to retirements and resignations, and the revision of salaries of temporary staff . . ." are responsible for this. Now, Sir, how do retirements and resignations result in a request for an additional provision of £1,600 expenditure?

THE CHIEF SECRETARY (Mr. Turnbull): Two officers have had to retire as a result of ill-health. The duties of an Immigration Officer are extremely arduous and we have had a number of casualties recently owing to the long

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hours and tiresome conditions of work. Of this total figure, £1,250 is accounted for by the need to replace casualties and £250 by arrears in salary which were not paid out at the proper time. The additional £100 refers to some trivial matter which escapes me.

Serial Nos. 7, 8, 9, 10 and 11 agreed to.

Serial No. 12

MR. SLADE: Mr. Chairman, Sir, Serial No. 12. I find an item of £10,300 for Commissions, etc., on Remittances, and it appears from the explanatory note that this represents mainly Bank commission on cost of transferring funds from London to Nairobi. Now, Sir, I know that a private individual has to pay these expenses of transfer, but I was under the impression that large concerns were able to escape them by virtue of the value of their funds to the Banks; and I would like to be assured that it is not possible for Government, with all the large sums of money which must be passing, and the great benefit to the Banks handling those sums of money, to get rid of these commissions on transfer.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I would like to say that very often we are able to arrange the transfer of money without cost, by various arrangements, but this item was a transfer of £3,000,000 and we were unable to avoid the charges on this particular item.

Serial No. 12 agreed to.

Serial No. 13

MRS. SHAW: As a matter of information, I should be grateful if the appropriate Minister would answer. I do not quite know whether everything has to be bought through the Crown Agents that is required for Government, or, if there is a price differential in favour of it being cheaper locally, they are allowed to buy locally. It is just that I do not know the answer to that.

MR. MACKENZIE: The answer is that the Government buys in the most favourable market, and if it is, taking everything into consideration, more in the Government's interest to buy something locally than in London, the Government does so, but it is entirely a question of

seeing, after everything has been taken into consideration, what is in the best interest of the taxpayer.

Serial No. 13 agreed to.

Serial No. 14

LT.-COL. GHERSIE: Mr. Chairman, again a matter of interest, and I am referring to the part of this Memorandum which refers to: "also to meet accounts received from the Crown Agents and arising from the work of the Salaries Commission." Which Salaries Commission would that be, Sir?

MR. MACKENZIE: The Lidbury one.

Serials Nos. 14, 15 and 16 agreed to.

Serial No. 17

LT.-COL. GHERSIE: Yes, Mr. Chairman, 17. This is a very interesting Memorandum, this one. We find here, Sir, that an officer is employed as an Assistant Superintendent of Prisons. He is engaged on 1st June, 1953; was advanced the sum of Sh. 9,000 in July, 1953—that is within a month of his engagement—in order to buy a motor-car. He is then dismissed for misconduct on 3rd October, 1953, when there is a balance to be paid of Sh. 8,791. That means, Sir, that he was in the service of Government for one month before he was allowed to purchase the car; he then remains in Government service for three months and they collect from him this enormous sum of Sh. 209. Now, my criticism there, Sir, surely Government should pay far more attention to the calibre of an individual before advancing him Sh. 9,000 to buy a motor-car. Surely it should wait a little longer than one month's service. Secondly, I cannot understand why only Sh. 209 are collected in a period of three months. Further, Sir, as I may as well deal with this in one, why, this having happened in 1953, it is brought to the attention of this Legislative Council in June, 1956?

MR. MACKENZIE: As regards the first point my hon. friend made, I can only say that this is one of the Government's failures. The Government goes to the very greatest trouble in selecting officers, but occasionally there are failures and I can imagine that one of the fortunate things about this one was that his misconduct was found fairly early in his career. Unfortunately, it has cost a little

[Mr. Mackenzie] money, but probably it may have been less than would have been involved had he continued for some time.

That deals with one part of the question. The other, Sir, is that I have no doubt that it was necessary to have a car to perform his duties as an Assistant Superintendent of Prisons. If he had not been given an advance to buy a car, the Government would no doubt have been asked to provide a Government vehicle, and it is, generally speaking, still very much more in the taxpayers' interests if officers can use their own vehicles, rather than have to be provided at public expense with official vehicles.

Then finally, Sir, there is the question of delay which admittedly, on the face of it, looks rather a bad thing, but it does take quite a time to investigate some of these matters and I have no doubt that over the last two or three years the Government and the Crown Agents have been chasing this man and have been trying to get the money back from him, and I am quite sure the Council would not have expected the Government to come along and ask for authority to write this money off without having made every effort to get it out of him. It is only when that has failed, that this admission of defeat is made and we come to the Council and say "Well, we are very sorry, we have done our best to get this money back but we have failed". That, Sir, explains the delay.

LT.-COL. GHERSIE: Mr. Chairman, purely on the question of principle and Government policy, I know these unfortunate cases are bound to arise. But, Sir, what is Government's policy? Are they in the habit of, after a civil servant has been engaged, that he is in a position to acquire a motor-car within a month of having joined Government service?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I must ask the hon. Member for Nairobi North to look at the date. This was the 1st of June, 1953. This man was a prisons officer. We were on the middle of an Emergency and we were expanding our prisons staff and our administrative staff and general staff; and we had at that time to take risks on the engagement of an awful lot of people. It is not our common policy, but

I do suggest that if we had not acted and taken risks at that time, this Committee would to-day be blaming us for not having taken the courage in our hands to move, during the Emergency, without always having regard to the final penny.

LT.-COL. GHERSIE: Mr. Chairman, to give us a long dissertation on what Government has been doing as a result of the Emergency, trying to vindicate themselves on a case which was brought up three years later—asks me if I will please look at the date! I have already given the hon. Minister the date in my opening remarks.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Order.

LT.-COL. GHERSIE: Would you like to interrupt?

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): No, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I am sorry, Sir, but I did not give a long dissertation and I am glad to say that behind the hon. Member I can see approving smiles to think that at last, in some cases, the Government has acted without fear.

MR. SLADE: What we were smiling at was the ingenuity of the Minister in avoiding answering the question of principle which the hon. Member put to him.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, I must challenge the hon. Member for Aberdeen, because on the question of principle, I said it was not Government's policy in ordinary circumstances.

MR. SLADE: I withdraw, Mr. Chairman. I should not have smiled.

Serial Nos. 17, 18, 19, 20, 21, 22 and 23 agreed to.

Serial No. 24

MR. SLADE: Mr. Chairman, Sir, No. 24. An item of £30,000 in respect of passages. We are told in the Memorandum that "the provision made for passages is proving to be insufficient and it is estimated that a further sum of £60,000 will be required to meet commitments up to the end of the present financial year". Mr. Chairman, that seems to

[Mr. Slade] me to represent some extraordinarily loose arithmetic by whoever was responsible for estimating the cost of passages in the year, unless there is some better explanation of how this miscalculation arose.

MR. MACKENZIE: I agree, Sir, that on the face of it, it does appear that the estimating in this case has not been as brilliant as we usually expect it to be, but the fact is that during this period there has been a large number of officers who have been engaged during the Emergency; some of their contracts have taken them home; others have been coming out in their place; and at the time this Estimate was made, it would not have been possible—the Estimate, I think we have got to remember, was prepared over a year ago when we had not got very much experience of the effects of the comings and goings of Emergency officers. We knew that it would cost more for them to come out, but we had not had the experience of the vastly increased cost of replacing them—many of them by air.

Serial Nos. 24, 24A, 25, 26, 27, 28, 29, 30, 30A, 31 and 32 agreed to.

Serial No. 33

MR. CROSSKILL: Mr. Chairman, I am grateful to the Minister for inaugurating on however small a scale, the subsidy to rural telephones, for which I asked him a few days ago.

Serial Nos. 33, 34, 35, 36, 37, 38, 39 and 40 agreed to.

Serial No. 41

LT.-COL. GHERSIE: Serial 41: We are informed here, Sir, that embossing machines are required because the present ones are capable of fraudulent manipulation. But, Sir, in the Memorandum that delivery will take about 12 months. Are we to understand that the possibility of fraud will continue, or what action are Government taking during the interim period?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coult): The same action that has been taken all the way along to try and prevent it; that is, by as close supervision as possible. What we are trying to accomplish eventually is that whether the supervision is as good as

it can be or not, there will be no fraud whatsoever.

Serial Nos. 41, 42, 43, 44, 45, 46, 47 and 48 agreed to.

Serial No. 49

LT.-COL. GHERSIE: Mr. Chairman, I am a little confused in regard to this one, Serial No. 49. Sir, it is proposed an additional amount of £1,000 should be added to the agreed subsidy of £10,000 payable to the company. It may be that I have misread this in some way, Sir, but the figure appearing under Supplementary Estimate No. 3 in the column above, shows £3,500, where as the Memorandum refers to £1,000.

MR. MACKENZIE: The explanation is that figure in the memorandum should have the words "per annum" added to it. The additional subsidy is £1,000 a year, and the period involved is 1953, 1954, 1955 and half of 1956. Hence, £3,500.

Serial Nos. 49, 50, 51 and 52 agreed to. The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £30,997 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure No. 3 of 1955/56, Part II. This is, Sir, the Civil Contingencies Fund.

Question proposed.

Serial No. 53.

MRS. SHAW: Surely, Mr. Chairman, this was granted, was it not? No? Well, I thought the coffee tax had come off.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): This is the replacement of the Civil Contingencies Fund where in order to repay the Coffee Export Tax to certain people whom it was felt had suffered extra hardship as a result of it, and in order not to wait for the voting of the money by the Legislative Council, we paid from the Civil Contingencies Fund. It is now necessary to replenish the Fund.

Serial Nos. 53 and 53A agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum

[The Minister for Finance and Development] not exceeding £6,784 be granted to the Governor on account for or towards defraying the charges of Supplementary Estimates of Expenditure No. 3 of 1955/56, Part III. This, Sir, is the resolve.

Question proposed.

Serial Nos. 54, 55, 56, 57, 58 and 59 agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £122,811 be granted to the Governor on account for or towards defraying the charges of Development Supplementary Estimates of Expenditure, No. 2 of 1955/56, Part I.

Question proposed.

Serial Nos. 1, 2, 3, 4, 5, 6 and 7 agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £34,488 be granted to the Governor on account for or towards defraying the charges of Development Supplementary Estimates of Expenditure No. 2 of 1955/56, Part III. This, Sir, is resolve.

Question proposed.

Serial Nos. 8, 9, 10, 11 and 12 agreed to.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration of and approval of the Resolutions without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered Supplementary Estimates of Expenditure No. 3 of

1955/56, Colony, in Parts, and Development Supplementary Estimates No. 2 of 1955/56 in Parts and approved Resolutions in respect thereof.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Council do agree with the Committee in the said Resolutions.

Question proposed.

The question was put and carried.

MOTION

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

LT.-COL. GHERSTIE: Mr. Speaker, Sir, I beg to move the following Motion:

THAT the Report of the Public Accounts Committee on the Colony's accounts for the year ended 30th June, 1955, which was laid on the Table of this Council on 5th June, 1956, be adopted.

Now, Sir, in moving this Motion, hon. Members will remember that in moving a similar Motion in November last, on the report of the Public Accounts Committee on the Colony's Accounts for the half-year ended 30th June, 1954, I stated that I understood that the Controller and Auditor-General was in the process of completing his examination of the Colony's accounts for the year ended 30th June, 1955, and therefore, practically speaking, the Colony's accounts and the audit thereof were up to date. Well, Sir, the Controller and Auditor-General's Report covering that period was tabled in this Council on the 23rd of February last, and last week, as hon. Members are aware, the Public Accounts Committee Report on the Colony's accounts was also tabled. With the result as forecast on that occasion, the Colony's accounts and the audit thereof, have been brought up to date, which I understand is the first occasion in the Colony's history. However, that is a subject I will refer to again later.

Now, Sir, the Treasury Memorandum to the Public Accounts Committee's Report on the Colony's accounts for the half-year ended 30th June, 1954, have been distributed to Members and that Memorandum will be attached as Appendix "A" to the printed copy of the report when that is available. Sir, due to

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pressure of work on the Government Printer's department, which I think is understandable in view of the present Budget Session, it has not been possible to have the report printed, and it has not been possible to have the verbatim record of evidence which was given by officers who appeared before the committee, printed, but, Sir, a copy of the evidence has been placed in the Library for the convenience of Members and a printed copy of that evidence will be furnished to hon. Members as soon as possible. It will be furnished, of course, together with the printed copies of the report, but, Sir, I am afraid that the date on which that will be available may not be before the dissolution of this Council.

Sir, hon. Members will appreciate from paragraph 5 of our report, that we have made a departure from the procedure laid down by the committee in 1947; I think it was laid down in the committee's report on the accounts for 1947, which actually took place in 1950, the committee being presided over by our present Minister for Finance, the then chairman who nursed, of course, the Public Accounts Committee into being. Sir, in those days it was considered proper to confine the committee's investigations to observations raised by the Controller and Auditor-General in his report, and it should be remembered that the Motion was merely that the Report of the Director of Audit should be referred to the Public Accounts Committee. In the past, Sir, in that connexion, the Motion read: "That the Report of the Director of Audit on the accounts of the Colony and Protectorate of Kenya be referred to the Public Accounts Committee", whereas to-day, Sir, the Motion has taken a new form, as hon. Members are aware. It is, Sir, that the Appropriation Accounts and other public accounts of the Colony and Protectorate of Kenya for the year 1954/55 and the report by the Controller and Auditor-General, which were laid on the Table, and so on. Therefore, Sir, it is the accounts of the Colony that we are just as concerned with as the actual report from the Controller and Auditor-General. Under the circumstances, Sir, it is considered that the functions of the Public Accounts Com-

mittee should not be confined merely to the queries and observations raised in the Controller and Auditor-General's Report, and should be extended far beyond that. In fact, we consider that the whole of the Colony's accounts come within the purview of the Public Accounts Committee if it is considered necessary.

With your permission, Sir, I would just like to quote from Mr. Basil Chubb, from his publication *The Control of Public Expenditure*, and from this it will be seen that the functions of a Public Accounts Committee are considerably more than we have imagined in the past. And, of course, Mr. Chubb is the recognized authority on this subject. Sir, he was referring to a former chairman, when he said Mr. Osbert Peake—when he defined the committee's functions as first, to ensure that money is spent as Parliament intended; second, to ensure exercise of due economy; and third, to maintain high standards of public morality in all financial matters. To ensure that money is spent as Parliament intended is clearly the primary function of the committee. This is a job which it was originally set up to do and which, whatever else it attempts, it must continue to do. It includes first a check on the veracity of the accounts and pays attention to their form and to the principles of accounting; it includes, second, a check on appropriation, for the committee exists to see that public money goes in the correct amounts to the destinations Parliament intended. In pursuit of this aim the committee compares estimates and accounts and hears reasons for discrepancies. It is concerned also with excess Votes, virement, annularity and close estimating, with new financial procedures and old standards of exactitude. It includes, finally, a check on regularity. The committee looks to see that the money is spent according to the rules and practices laid down by Parliament, the Treasury, the departments and the committee itself. This, the primary function of the committee, is, as we shall see, judicial in character, yet its duties in this connexion are by no means formal or unimportant. But the best known basic rules of public finance are infringed from time to time, even to-day. It goes on to say that they are responsible for the promotion of economy and examination of possible waste.

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Now, Sir, I would like to repeat an expression used by the Minister for Finance when he was Chairman of the Public Accounts Committee, when he said that it is not intended that the Public Accounts Committee should become a witch-hunting committee and, Sir, I entirely agree with him. But we have had occasion to raise matters reflected in the Colony's accounts, which have not necessarily been the subject of queries or observations raised by the Controller and Auditor-General in his report, and I fully anticipate, Sir, that the same position will arise in future, and I would, in this connexion, like to assure all accounting officers that it is not our intention to place them at a disadvantage or impossible position, or ask questions of which they have not had due notice; and I think, Sir, our paragraph 5, the second part of paragraph 5, will satisfy them in this connexion. We say, Sir, we appreciate, of course, that our investigations must be strictly related to specific accounts, and if we wish to examine witnesses on matters which have not been the subject of comment in the Controller and Auditor-General's Report, we must give them full and timely warning, both of our intentions and of the exact details of the accounts to which our examination will be directed. We also appreciate that if such warning is not given, the witnesses will be justified in claiming that they should not be expected to give an immediate answer to our question and we may have to be content, probably, unless the accounting officer happens to know the answer, with a written reply sent to the committee within a reasonable period.

Now, Sir, when speaking to this Motion in April last, I stated that I well understood that hon. Members would find some difficulty in reconciling the comments made by the Public Accounts Committee unless they were read in conjunction with the Controller and Auditor-General's Report, and I said on that occasion that it was hoped that the Public Accounts Committee Report would in future include the various references made by the Controller and Auditor-General in his report, in order that they could be understood. Well, Sir, it has not been possible to do so on this occasion, but it is hoped that the Public Accounts

Committee Report will take that form in future.

Now, Sir, I propose to deal briefly with a few points—comments made in this report—and I think the most important, and it is a general comment which should be observed by all officers in Government departments, and it results from a general criticism made by the Controller and Auditor-General in paragraph 5 of his report. We have commented, Sir, on this, and in order to emphasize the point I would, with your permission, like to draw Members' attention to paragraph 7. "It should be emphasized before expansion is embarked upon, consideration must be given to the necessary expenditure required for financial control. The committee is aware of the difficulties of securing experienced staff. These difficulties do not, however, relieve accounting officers of their responsibilities, and if it should prove difficult to recruit staff to make the financial control effective, steps should be taken by the accounting officer to make the best possible use of personnel available, by giving them training and by stricter supervision. Officers having responsibility for expanding public funds and who are in a position to commit such funds, should not create or incur liability without ensuring—that—they—have—the proper authority and that funds are available. It must be emphasized that the responsibility for seeing that junior officers know their duties with regard to finance, rests with their immediate senior officers."

Now, Sir, there are 23 paragraphs in this report, but I do not propose to go through them in detail, but, Sir, I think all Members will agree that the report discloses the necessity for a much more realistic and conscientious control of public money and public property. When one considers that in 1939 the expenditure in this Colony was considerably less than £3,000,000, and whereas to-day, Sir, it is more in the nature of £35,000,000, I think there is all the more necessity for a very careful control of Government expenditure. And, Sir, the impression I have gained quite frankly, is that when expenditure reaches large proportions one is often inclined to forget small items of cost. Yet, Sir, when we were young we were told that if we

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learnt to look after the pennies, the pounds would look after themselves. But, Sir, on examining the expenditure of some Government Departments I have been left with the impression that the sky is the limit; that the money has been allocated by Government and therefore it is there to be expended; there are no shareholders to answer to; there is no question of dividends; but I suggest, Sir, there are shareholders and they are the taxpayers, and I believe that the Public Accounts Committee should regard themselves as a Board of Directors endeavouring to watch their interests. I feel this deduction is more than justified if hon. Members will refer to the Public Accounts Committee's comments in paragraph 12, in conjunction with the Controller and Auditor-General's remarks in his report, in respect of the police, and more particularly, Sir, in paragraph 8 in regard to the Department of Information, where we state that we are concerned at the lack of sense of responsibility in that Department in regard to financial control, even to the extent of extravagance. There is an expenditure item, amounting to £861/16/35 which still awaits a decision as to whether this should remain a charge against public funds or whether or not certain officers should be surcharged with that amount.

Again, Sir, I am sorry the Minister for Lands is not here, but I still maintain, Sir, it is quite incredible that the Land Department should be allowed to continue the unsatisfactory method of stamping documents. This has involved the Colony in considerable losses, and losses, Sir, the magnitude of which I believe it is quite impossible to determine. And more particularly, Sir, when one realizes that this particular Department's attention was drawn to this unsatisfactory state of affairs some years ago.

Now, Sir, on the examination of the Estimates for 1956/57, I observe there is provision for 88 new posts of accountants, 18 internal auditors and six stores verifiers for the various Government departments. Of these, 32 accountants, three internal auditors and three stores verifiers have been transferred from the Treasury. Nevertheless,

these figures result in an increase of 56, 15 and three respectively. Now, Sir, while the committee welcomes these appointments, they cannot be regarded as the beginning and end of all control or the end of all their difficulties in regard to financial control. It should strengthen control, bring errors to light, and it should prevent a repetition of the numerous queries raised in the past by the Controller and Auditor-General. But, Sir, the responsibility still rests on the accounting officers and their senior officers, and having regard to the present financial position and difficulties of the Colony, Government should take strong action where they find there is negligence as far as financial control is concerned, even to the extent, I suggest, of removing the officer from his post or, if necessary, from the service.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It is past the time for interruption of business. Council will adjourn until 2.30 p.m. to-morrow, Wednesday, 13th June.

Council rose at nineteen minutes past six o'clock.

Wednesday, 13th June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

MOTION

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE

(Continuation of Debate Adjourned on 12th June, 1956)

LT.-COL. GHERSIE: Mr. Speaker, when Council adjourned yesterday, I was referring to the increase in accountants, internal auditors and stores verifiers, which, of course, Sir, the Public Accounts Committee welcomed. I must say, Sir, that I was rather disappointed that Ministers, or some Ministers, whose portfolios cover perhaps the largest spending departments in Government, were unable to be present. I think if I remember correctly, those present were naturally the Minister for Finance, the Minister for Commerce and Industry and the Asian Minister without Portfolio. Now, Sir, I do not think I can do better than perhaps repeat, for the benefit of those Ministers who were absent, my concluding remarks when Council adjourned. They were, Sir—"While we welcome these further appointments, they should not be regarded as a beginning and end of all difficulties in regard to financial control. They should strengthen financial control, they should bring errors to light very much more quickly and prevent the repetition of the numerous queries raised by the Controller and Auditor-General in the past. But, Sir, the financial responsibility still rests with the accounting officers and their senior officers. Having regard to the financial difficulties that the Colony is now facing, Government must take strong action where negligence, in regard to financial control, is apparent and must seriously consider, if necessary, the removal of that officer from his post or, if necessary, from the Service."

Now, Sir, I have no doubt most Members did read the Audit Report, but, in order to emphasize what I am endeavouring to drive home at the moment, Sir, I would like to just refresh their memory on one or two remarks made by the Con-

troller and Auditor-General. For instance, Sir, we had a case in the police where a comparative junior officer, without any reference or approval from the Central Tender Board, commits the Government to a sum of £39,000. Again, Sir, under the same Head, we have this remark by the Auditor-General—it is under the heading of Emergency Capital Expenditure—"All projects of a capital nature require Treasury approval in advance and money is issued from the Emergency Fund to meet the cost of each project so approved. There are some 55 cases to which I have not been able to satisfy myself from the police records that the actual expenditure incurred on particular projects was in accordance with the conditions approved by the Treasury, or that in all cases sums issued from the Emergency Fund were necessarily expended on particular projects for which the issues were made. In some cases, the projects concerned involved expenditure in excess of £5,000". That is why, Sir, the appointment of accountants is not going to be the beginning and end of all.

Now, Sir, finally, as far as the Auditor-General is concerned, I would like just to quote this—it is under the heading of General, "During 1954/55, there has been considerable delay in dealing with the Audit Report and audit queries and, during the latter half of the year, I curtailed the issue of routine reports and queries of a minor nature in order that the accounting officer should be able to concentrate on remedying the defects already disclosed by his report and queries".

Now, Sir, we have appointed an internal auditor and let us hear what he has to say—"The Internal Auditor was faced with somewhat similar difficulties as his following minute discloses: 'The total of minutes and observations, that is, the number of items raised in audit to which replies have not yet been received, is 516. This accumulation must now present a very serious problem if and when any attempt is made to answer them. In present circumstances there does not seem to be much point in continuing to ask between 100 and 200 questions each month and to receive hardly any answers'. Now, Sir, I suggest that that is an appalling statement and, although the appointment of these

[Lt.-Col. Gherisie] additional accountants and internal auditors may help to remedy the matter—these matters—and expedite the answering of queries, as I say it is not the beginning and end of all financial control.

Now, Sir, we appreciate the difficulty in recruiting experienced staff, but the position as disclosed in our paragraph 19, in connexion with the Public Works Department, should never be allowed to recur again. Again, Sir, I doubt very much if most hon. Members are aware of that particular paragraph and I would like to read it for their benefit. Sir, it deals with allocated stores. "Because of the low salary scale offered, the Director of Public Works stated that he was unable to obtain staff of sufficient calibre to ensure a proper supervision of stores. The committee were informed that the Director had made application to the Director of Establishments and was refused permission to create posts of a higher grade than that at present authorized and expressed the view that there was a danger of loss of stores as a consequence. The committee are alarmed at the situation revealed by the Director of Public Works. It is the opinion of the committee that when such a state of affairs exists the matter should be referred to the Treasury immediately by the accounting officer concerned in order that the matter may be fully investigated and reported upon without delay. In the meantime it must be made clear that the accounting officer is responsible and must make the best possible use of the staff available by giving them training and by stricter supervision."

Now, Sir, it might be of interest, in order to emphasize again what the Public Accounts Committee have said in their report—and this, Sir, for the benefit of hon. Members is the typed copy of the record of evidence taken by the Public Accounts Committee, so you will also appreciate why I was unable to have it printed in time to present it to Members at this Session. This is the Director of Public Works speaking, giving evidence before the Public Accounts Committee. He says, "It is true, Sir, that the records got into such a mess that it was quite impossible to reconcile the ledgers with the present stock in the stores. It was then decided,

Sir, to set up a new set of ledgers. Unfortunately, Sir, before we could apply to the Treasury for approval of this we had to do a reconciliation and the staff position is such that it has simply not been possible, even now, to do that reconciliation in the physical stock, the old ledgers and the new ledgers. There are perhaps something like 2,400 items in this store and the staff is just not available. Actually, there are many more items. I am sorry, Sir, but 2,400 checks have been done to date, but we are bogged down on it, Sir." It goes on, after another question, Sir—"That is the position, Sir. It is one of these things, Sir, where we find the lack of junior accounting in the clerical staff is hampering the work of the Department. We have expanded, Sir, and we do not have a staff to do these, what might be called lesser accounting records. Many of these accounting records are getting into a state, and you probably would not be satisfied with the way that they are kept, such things as these allocated stores records, the site stores records on site works, log books, muster rolls. These sort of things, Sir, are not being kept in the way that you are entitled to expect them to be."

Sir, he says, "We are suffering from expansion. Within the last few weeks I have found it necessary to write to the Secretary to the Treasury pointing out the difficulties we have had in maintaining such records and in carrying out my responsibilities as the Accounting Officer. The junior staff that we can afford for such things as these records are apparently not available and of the minimum quality which is necessary to maintain these records. The deficiency of officers in general—we have a sort of floating deficiency of anything between 60 and 150 clerks at any time". This evidence was taken last month.

Finally, Sir, "After a meeting of the Public Accounts Committee to which Mr. Riddoch refers, we took up with the Director of Establishments the question of plant and tool stores which has the same footing as these allocated stores. We asked for five new posts of upgrading for five posts to C. 5-4 so that we could get, in each division, one more responsible person whose job would be to chase up these allocated plant and tool stores. The Director of

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Establishments did not approve of the application and that was supported by the Treasury. In next year's Estimates, Sir, we have again asked for additional accounting staff and at the moment it is approved as an inclusion in the Development Establishments. We have asked for two new additional accountants, who would be engaged, full time, on inspections in divisions. We have asked for an additional stores verifier, we have already got one back from the Treasury who was previously in the Public Works Department, that will be two stores verifiers, Sir. We have asked for three additional section officers of accounts and all these will strengthen the accounting position with particular reference to supervision of these minor stores and minor accountant records. At the moment we have to concentrate our entire efforts on the physical control of cash of the actual accounting which must be done and many of the services are getting worse. A sort of an internal audit, for example, our own audit has been depleted by taking staff away to do the essential accounting. The position, Sir, is rather alarming and is getting to the stage where our technical capacity for carrying out work is being hindered by lack of junior staff to do the ancillary minor accounting. It becomes a matter of principle, Sir, whether these minor accounts and records, like unallocated stores records, have to be kept meticulously or whether the Public Accounts Committee or the Treasury would agree to the standard which is not perfect. At the moment we simply cannot keep them in perfect order. We hoped the position would not get worse but there is no immediate prospect of being able to recruit the type of staff we need for these records."

Sir, that is evidence submitted to the Public Accounts Committee and I suggest it is rather damning as far as the organization is concerned.

Now, Sir, I was glad that the Minister for Finance, if I may say so, anticipated the comments of the Public Accounts Committee when he spoke during the course of the Budget Debate. He made the following statement, "The Government is aware that, at present, the machinery at the disposal of the Estab-

lishments Division and the Treasury does not always enable them to investigate demands for additional staff as fully as they would wish or as honourable Members have a right to expect. In these circumstances, it is proposed to appoint an officer who will work under the general directions of the Establishments Division and the Treasury as a staff adviser. His duties will be to visit all offices and to advise the Central Government, whether staffs are efficiently deployed and whether any economies in deployment can be made. He will, at the same time, be available to assist Ministries on general questions relating on the size and characters of complements and to advise them regarding formulation of requests for additional staff". As I say, I do appreciate that the Minister for Finance rather anticipated the comments which were contained in the Public Accounts Committee's Report. Whether or not that particular officer is justified or not, it is not for me to say, Sir, but I do suggest, in view of these disclosures, that some action is urgently required.

Now, Sir, as I said earlier in my speech, the Public Accounts Committee commenced in 1950 under the guidance of the present Minister for Finance, who, at that time, had the privilege of occupying the seat in Council which I occupy to-day. And, Sir, it is interesting to note that in 1950, he was commenting on the Colony's Accounts for the year 1947. I think that again does help to emphasize how the introduction of the new financial organization, the Exchequer and Audit system, has assisted in bringing the Colony's accounts up to date.

With, Sir, the reorganization of the financial control, which has been brought about primarily by the introduction of the Exchequer and Audit system, has made it possible for three periods of accounts—namely, 1953 up to 30th June, 1955—to have been examined by the Controller and Auditor-General and reported on by the Public Accounts Committee during the last 14 months with the result, Sir, as I said earlier, the Colony's accounts and the audit thereof are now up to date in that particular respect.

Now, Sir, in view of the impending dissolution of this Council, this may be the last occasion on which I shall have the privilege of submitting to Council

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the report of the Public Accounts Committee. I would like, therefore, to take this opportunity, Sir, of paying a tribute to Mr. J. R. Cusack who, until recently was the Controller and Auditor-General, and also to his officers who rendered considerable assistance to the Public Accounts Committee. Also, Sir, to my hon. friend, Mr. Mackenzie, the Secretary to the Treasury and the officers in the Treasury for their ready advice which has always been made available to the Public Accounts Committee.

If I may, in conclusion, give thanks to my colleagues on the Public Accounts Committee who rendered me, as their chairman, all possible support and gave up a great deal of time, Sir, and made valuable contributions to the deliberations of the Public Accounts Committee during the last 12 months.

Finally, may I draw Council's attention to a recommendation made in the last report to which a reference is made in 23 of the report now before Council. It is this, Sir—"In our report on the accounts for the half-year ended 30th June, 1954, we recommend that consideration might be given to amending our Standing Orders to enable the Public Accounts Committee to follow the practice adopted in the United Kingdom as to the method of submission of our reports. We are informed that this matter is being considered in connexion with a general review of the Standing Orders. As the necessary steps have not been taken to amend our practice we have signed this report in accordance with Standing Order No. 150". Sir, it is hoped that the Standing Order will be amended in order that the suggested procedure may be adopted in future.

Sir, I beg to move.

MR. MACKENZIE: Mr. Speaker, Sir, I beg to second. I should like first of all, Sir, to mention that my hon. friend the Minister for Finance asked me to say that he is very sorry that he was called away whilst my hon. friend the Member for Nairobi North was speaking and he was sorry he could not stay to hear the end of the speech.

I should, also, Sir, like to express my personal thanks and those of the officers in the Treasury for the very kind things that my hon. friend has said about us.

I must say that we do believe in the Treasury that the work of this committee is of the greatest importance and it is always a pleasure for us to do anything we can to help it in its work.

I should also, at the same time, like to take this opportunity on behalf of my hon. friend and all my hon. friends on this side to express our thanks to the Chairman of the Public Accounts Committee for the very valuable work which he has put in, and the very hard work too which he has put in during the past years during which he has held this office.

It was very pleasing, Sir, to hear it said that we have now reached a stage where the audited accounts were up to date. I think this is an achievement in co-operation between various branches of the Government, of which we can be reasonably proud, particularly when we bear in mind that it is only five or six years ago that it was not considered at all abnormal for the accounts of the Colony still not to be written up a year after the end of the year to which they related. I think we have made a great deal of headway in that time and I should like to express my thanks to all the officers in all the departments of Government for what they have done to make this possible. We are not by any means perfect yet, but at least things have improved a great deal.

Now, Sir, I should like to mention the new procedure to which my hon. friend referred in his speech. To summarize, the proposal is that instead of merely directing its attention to the matters raised in the Report of the Controller and Auditor-General, the committee will, in future, regard the whole of the accounts of the Colony as being within its purview.

The second point that my hon. friend made was that there will be no witch-hunting as a result of this, and the third one was that accounting officers will be given timely warning of any matters which are going to be raised by the Committee which were not contained in the report. I must say, Sir, that I entirely agree, we on this side of Council entirely agree, that it is within the committee's competence and, indeed, its duty to look at anything which appears in the Colony's accounts. But I was very

[Mr. Mackenzie] "pleased to have the assurance that there would not in fact be any witch-hunting. This was a point which my hon. friend the Minister for Finance made some years ago when he introduced the first report of the Public Accounts Committee and in our circumstances I think it is most important whilst we are still feeling our way, that this should be the attitude adopted. I know it always has been in the committee so far, and I trust that it will remain so in the future.

I think also, Sir, that it is rather important that although the whole of the accounts should be at the committee's disposal, that it is realized, and I know my hon. friend realizes it, that the committee should not stray too far away from the Report of the Controller and Auditor-General, because otherwise there might be a tendency for the discussion to become very diffuse; and, indeed, if I might make a suggestion, I think it would be useful in some cases if a particular point arose in the committee, or a member of the committee thought there was a particular point which needed investigation, and which was not dealt with in the report, that it should be possible to ask the Controller and Auditor-General for a special report on that particular subject.

I was very pleased, Sir, to hear that in future the report of the committee is to be more self-contained and is to cover what the Controller and Auditor-General has said, as well as the comments of the committee.

Finally, Sir, I come to a number of points which my hon. friend made arising out of the report, I do not propose to go into these in detail, but I would like to say that there were many points which he made with which we, on this side of the Council, fully agree and which we shall do our best to make effective.

The first point was that when there is an expansion of a service, it is most important that the financial and administrative services that go with it should be expanded in order to keep pace, if we are to be quite certain that the public's money is not to be wasted. And another, Sir, is a point which I have often made before and, indeed is probably one of my hobby-horses, that it is

the duty of all senior officers of the Government to see to the safeguarding of the taxpayers' money and the stores which are bought with that money. This is not a matter which can just be left to the accountants and the storekeepers. Every officer who is in a position to commit the Government must realize that it is his responsibility to look after such amounts of the taxpayers' money as have been entrusted to him.

I entirely agreed with what my hon. friend said about looking after the pence and the pounds looking after themselves, and that we should get people's minds away from the attitude that the sky is the limit once provision has been made. This is one of the matters which will be looked into very carefully and certainly my own view is that any officer who is in a position to commit the Government should know exactly how much he has at his disposal before he spends a penny, and that he should also know exactly what he can spend that money on, and not be under the impression that it can be spent in whatever way he thinks best.

Finally, Sir, we noted what the hon. Member said about the Government taking strong action in case of negligence. I am quite sure that my hon. friend the Chief Secretary will have taken note of that point and that any action which has to be taken will be taken in future, and, indeed, if very often has been taken in the past.

There is one last point I would like to mention, and that is the delay in dealing with queries, Sir, I should like to mention again that this is not merely the job of accountants. Very often the queries arise from action taken by officers whose primary duties are not concerned with accounts, and it is most important that these officers, as well as those primarily connected with finance, should realize that anything of this nature affecting the taxpayers' money must be given priority.

Lastly, Sir—and this is lastly—there is the question of staffing. Departments have had a great deal of difficulty in getting all the staff they need to match the expansion that has taken place in the service during the last two or three years. I should however, like it to be fully known that the duties of accounting officers require them to do their best to safeguard the taxpayers' money,

[Mr. Mackenzie] whether they have exactly all the staff they need or not. Provided they do their best, then I am sure that the Public Accounts Committee will always take into consideration that they have done their best. But it is important that they should realize that they must, very often in present circumstances, do their best with such staff as is available and not look for perfection in staffing. At the same time, we in the Central Government, in the Treasury, and this goes I am sure for the Establishments Division as well, will do our best to see that staff is obtained for work of this nature to the best of our ability, Sir, I beg to second.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, in thanking the hon. Member for Nairobi North for the conciseness of this report—the report of his committee—I would like the Council to note, Sir, that with his usual reticence he has paid a tribute to the members of his committee and I, perhaps more than most, know the amount of other work he personally has had to leave to give attention to his duties as chairman of this committee, and I think that the whole Council owes a debt to the hon. Member for Nairobi North for the work that he has put in on this committee during the last year.

Now, Sir, in introducing this Motion, he revealed, I think, what is a very serious aspect of public life in the Colony. I would like to quote, Sir, once more from paragraph 19 of the Report of the Public Accounts Committee. I do not know, Sir, whether the Government Whip would like to fetch the Minister for Works, but he is going to take a crack any moment now. The Government Whip does not move, Sir!

The report states that, "because of the low salary offered the Director of Public Works stated that he was unable to obtain staff of sufficient calibre to ensure a proper supervision of stores. The committee were informed that the Director—that is the Director of Public Works—had made application to the Director of Establishments and was refused permission to create posts of a higher grade than those at present authorized, and expressed the view that there was a

danger of a loss of stores as a consequence. The committee are alarmed at the situation revealed by the Director of Public Works".

Now, Sir, those are fairly strong words from the committee that I feel must have weighed the wording of its report very carefully before submitting it to the Council. And for a committee to say that it is alarmed at a situation revealed by a Director, who had made representations to another Director—the Director of Establishments—without getting any change whatsoever, I wonder, Sir, what the two Ministers concerned in this matter were doing at the time. I wonder to what extent the Minister, I wonder to what extent he was notified of the representations made by the Director of Public Works, what steps he took with the Minister responsible for the Director of Establishments, to allow a situation to develop where a Committee of this Council has to report that it is alarmed at the situation revealed by the first Director.

MR. MACKENZIE: On a point on explanation, Sir, I think it should be said that the up-gradings which were asked for—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I am afraid that is not an explanation of what you said, it is the beginning of another speech.

MR. HARRIS: The point I am trying to make, Sir, is this. That two years ago we started a ministerial system and ministers cannot have the best of both worlds. Either they are responsible for the running of a department to this Council—and that is the point, to this Council—or else they are not. And I cannot, accept, and I do not think, Members on this side can accept the refusal of one director to another director in a matter which so closely affects the public interest in this Colony to go without any mention of any action being taken by any Minister. And, Sir, I feel that the remarks made by the hon. Member for Nairobi North in moving this Motion, the extracts he gave from the evidence given by the Director of Public Works, is a complete indictment of the Minister for Works. I would like to know, Sir, from the Minister—I hope this can be conveyed to him quickly—I would like to know to what extent

[Mr. Harris]

The Director of Public Works represented this matter to the Minister, and the exact action that he took as a result of those representations. The whole of this paragraph, Sir, I feel reveals a lack of appreciation on the part of the Minister responsible for this Department as to what his duties are. And it is no good any Minister coming to the Council and sheltering behind a director, who is his subordinate in so far as this Council is concerned.

I beg to support.

MR. CROSSKILL: Mr. Speaker, I would like to support my hon. friend, the Member for Nairobi South, in everything he said with regard to ministerial responsibility. The advantages of that system have been advocated by members of Government and we have accepted it, but we must ask Government to shoulder that responsibility.

Now, Sir, during the course of the investigations by the Public Accounts Committee, the theme which ran through the evidence given by all departments was the inadequacy of staff, particularly in the lower ranks, clerical and storemen. Now, Sir, we have had no acceptance of that shortcoming, no solution to the problem, Sir, given by members of Government on the opposite side of this Council. I would add, Sir, that the same disadvantage was voiced during the last report by the Public Accounts Committee, the same shortage of bodies to do the smaller jobs such as storekeepers and minor clerks. And, Sir, it seems to me that unless we have some specific solution offered by Government, the same theme will appear in the next report by the Public Accounts Committee.

I would like Government comment on how we can solve this, whether it is possible to stimulate the output from some training college of men who can carry out such duties as those in which there is such a shortage at the present time.

It was like a red cord going through the whole report, Mr. Speaker, and it is one which signifies danger for which some solution must be found.

Another point, Sir, on which I should like to comment and support my hon. friend, the Member for Nairobi South,

Sir, the Chairman of the Public Accounts Committee is in his request (I beg your pardon, North), is in his request that the Public Accounts Committee should be permitted to examine accounts other than those on which comment has been made by the Director of Audit. It may not be generally appreciated, Mr. Speaker, that the Director of Audit and his staff are only able to carry out, I believe, a 10 per cent check of the accounts and I think it is, therefore, completely in the interests of the country that the Public Accounts Committee should be able to call for other accounts where there are indications of a weakness in any respect. I therefore support him in that request and I am grateful that the hon. Secretary for the Treasury has indicated that that request will be agreed to.

Finally, Sir, there is another point of weakness which was quite obvious in the evidence given to the Public Accounts Committee and that is that in many cases there was inadequate supervision and direction of the minor staff when it was available. There was a definite statement, I believe, with regard to the Public Works Department, that where there had been snap checks of supervision, the necessary stimulus was provided to give better results than were normally apparent, and I should like to know whether Government feels, Sir, that the appointment of a staff adviser will provide that adequate stimulus. I do sincerely hope that this staff adviser, when he finds that the work is inefficient, will be able to provide that stimulus.

Mr. Speaker, I beg to support.

DR. HASSAN: Sir, I rise to support most of what the Mover of this Motion has said in the first instance. There is no doubt that he has given details—very comprehensive ones—on the findings of the Public Accounts Committee regarding certain difficulties which we discovered, particularly in the Public Works Department.

I found out, Sir, myself, as I am one of the Members myself, that a great deal of attention has been given in that department in the past to having more supervisory staff of higher calibre and no attention has been paid whatsoever to getting efficient junior staff. Sir, it was the general complaint in the department that they had the supervisory staff, but

[Dr. Hassan]

the junior staff was totally inefficient. The reasons when asked from the Director of Public Works were given us to the effect that intelligent and trained and qualified people are not available to the Public Works Department because the salary scale offered for these posts by the department are so small that they cannot compare favourably with the salary scales offered by commercial firms outside. Therefore, efficient junior staff is not available to the Public Works Department.

When the Director was asked as to what action he took to remedy this defect, he said he put up to the Director of Establishments for the appointment of five senior gentlemen for five provincial units of better qualifications to undertake the work of stores and that application was turned down by the Director of Establishments. Then he was further asked as to what action he took in the matter later on. As far as I remember he said that no action was taken. We suggested to him that he should have brought this matter to the notice of the Treasury, failing any response from there he should bring it to the notice of the Minister at the higher level.

Sir, this state of affairs has been in evidence in the Public Works Department for some years and in my opinion engagement of the expensive supervisory staff and to expect them to carry on the work with large numbers of inefficient junior staff would never remedy the difficulties of the department, whether in the headquarters or the out-stations. This matter has been brought to the notice of Government in the report of the committee, and I do not agree with the Member for Nairobi South that it is an indictment of the Minister for Works, because the position is still being dealt with by the staff of lower grades. Sir, I beg to support.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, in fairness to my hon. friend the Minister for Works, who is unavoidably absent to-day, I should explain that the demand that was made . . . (THE MINISTER FOR WORKS entered the Chamber). The demand which was made by the Director of Public Works and which is referred to in paragraph 19 was not for the creation of new posts

at a salary scale which would attract men of higher calibre, but for the up-grading of existing staff for the purpose of improving their morale. It is, I think, a very different matter. Those up-gradings have been made.

In addition, the Director of Public Works has appointed a committee to look into the whole question of allocated stores and to decide what changes are required and what additional staff is needed. Upon this committee are represented the Controller and Auditor-General, the Establishment Division and the Treasury.

I agree with the hon. Member for the East Electoral Area, Sir, that commerce can offer greater salaries and more attractive inducements than the Government can. We could remedy this problem by increasing salaries all round, but hon. Members will recognize the frightening implications of such a move. In effect we should be engaging in an entirely new salary revision and for that reason Government has been extremely hesitant to embark on any projects of such a kind.

Sir, I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, I congratulate the Chief Secretary for doing a Burke or Burge in playing out time until the Minister for Works came back. At the same time I must take him up on the statement about commercial firms offering much better terms than Government. I think there is far too much play, Mr. Speaker, made on this particular point. I do not believe it is true, either. I think the terms Government offer with hidden emoluments, benefits and what else, are very much better in many ways than some of the commercial firms. I think the sooner this excuse . . . Do you want me to give way?

THE CHIEF SECRETARY (Mr. Turnbull): I said that the terms were not only better but more attractive. That they are more attractive is proved by the fact that we cannot get the men we need with what we have to offer.

SIR CHARLES MARKHAM: Mr. Speaker, I thank the Minister for that, he is rather implying that perhaps Government is unattractive in this country. I cannot believe that the terms are unattractive and I must contradict him on

[Sir Charles Markham] that. Looking at it all—seeing the many advertisements—the trouble may be that the frustration within a Government Department results in resignations. But, the very fact that the present posts are advertised shows that the salary scales, I would suggest, are very much better than the majority of commercial firms can afford to offer.

With those words, Sir, I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): If no other Member wishes to speak I will ask the hon. Mover to reply. Lt.-Col. Ghersie.

LT.-COL. GHERSIE: Mr. Speaker, there is not very much I have to reply to, Sir. First of all I appreciate that the Minister for Finance would not be absent from this debate unless it were absolutely necessary and I willingly accept his apologies for absence.

I would also like to thank the hon. Member, Mr. Mackenzie, the Secretary to the Treasury for the very kind remarks he has made with regard to myself, but of course it really applies to the Public Accounts Committee as a whole. We have worked as a very good team and I have had amazing support.

Sir, on the further remarks he made, of course, it is customary for the Treasury to present a memorandum commenting on the Public Accounts Committee's Report, and I have no doubt that the next Public Accounts Committee will receive that in due course, presumably, when his views will be explained.

There is one point I would like to emphasize there, Sir. It is that where a Government department finds itself in financial difficulties, the matter should be immediately reported to the Treasury. It is all very well having an individual who may travel from one department to another but he will only discover things as a result of examination. I submit, Sir, that where a department is in difficulties they should immediately approach the Treasury and the Treasury then should arrange an investigation and endeavour to remedy the position. It may be, Sir, that the officer in charge of the department is

not capable of managing the department correctly, but he should take his available staff and second them from, say, one department to another if necessary. On the other hand, they are responsible people and I have every reason to believe, particularly in this instance, that the Director of Public Works feels justified in the remarks that he made and he should have received assistance which I am afraid was received almost too late, because in this case we know that this chaotic position has existed for a greater period than 12 months, and I doubt very much if we shall find the position has improved very much when the Controller and Director of Audit submits his report on the next year's accounts.

Sir, I would like to put the hon. Member for Mau's mind at ease. It has been established and accepted that the Public Accounts Committee will, in future, examine the Colony's accounts as a whole, not merely as a result of the observations and queries raised by the Controller and Director of Audit. If one refers to the actual Motion which was moved in this Council in this connexion, it refers specially to the appropriation and other accounts of the Colony, and the question of the Controller and Director of Audit's Report follows on that.

Yesterday, when I was speaking, Sir, I had intended to touch on another paragraph in Mr. Basil Chubb's *Control of Public Expenditure*, and as I said yesterday, of course, he is the leading authority on this subject, and I think this might satisfy the hon. Member. I only dealt with the committee's first function. "The second function which Mr. Peake mentioned, the promotion of economy, though nowhere stated or defined, soon came to be a well-established aim. 'In this respect it has throughout its history tended gradually to increase its scope.' We have traced in detail the growing realization of the importance of this work and the extension of its functions by the committee to cover it until the limits were reached. It involves the examination of cases of waste, the investigation of departmental machinery, methods and action, and the pursuit of points back into the past and forward from the year of account up to date, It

[Lt.-Col. Ghersie] involves, too, the examination of contracts and the consideration of the relations between government and industry. It is work of the greatest importance. And yet it must remain a subsidiary function. The committee must, according to the Standing Order, examine the accounts and it is geared, as we shall see, to an accounting and audit system designed primarily to ensure regularity and only incidentally to examine efficiency. That the Comptroller and Auditor-General is a check on efficiency is not denied, but his main function and the one for which his Department is organized is audit."

Then it goes on, Sir, mentioning Standing Order No. 90, and, of course, I am referring to the House of Commons, the wording of Standing Order No. 90 with its direction to the committee to examine the accounts. I do not think there can be any doubt left in hon. Members' minds on that particular subject, Sir.

I am sorry that the hon. Minister for Works was not present when the Member for Nairobi South was attacking his Ministry, no doubt he had very good reason to be absent from the Chamber, but I do agree with my hon. friend, the Member for Nairobi South. It must not necessarily be the responsibility of the accounting officer. Once he reaches an impasse, surely it is quite obvious that his next approach would be to the Minister. I suggest, Sir, it is the Minister who should then take action in the interests of the officers who are working under his portfolio.

There was just one remark I would like to make in answer to the Chief Secretary, and that is he made a reference to the fact that it was not additional staff that the Director of Public Works required, but the question of upgrading. That is perfectly correct, but he said it was rather to boost up their morale. That, Sir, I do not agree with. I think it was a question of having a category or a grade of salary which would attract the right person, and I am sure the Chief Secretary will appreciate a remark I am going to make now which will substantiate what I am saying. This is again the Director of Public Works. "We have plenty of staff if they were all of the quality we could expect. Many

of the Grade III clerks are, frankly, a waste of Government funds. Only some of them are literate and it is the best that we can get and it is not a matter of numbers, Sir, so much as that of quality." I suggest, Sir, that it is very difficult to boost the morale of that type of person.

I think that is all I have to say in reply, Sir. I beg to move.

The question was put and carried.

BILLS

SECOND READINGS

The Promissory Oaths (Amendment)

Bill

Order for Second Reading read.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, I beg to move that a Bill entitled the Promissory Oaths (Amendment) Bill be now read the Second Time.

This Bill, Sir, is a formal one and there is little that need be added to what is set out in the Memorandum of Objects and Reasons.

The purpose of the Bill is to define more closely the degree of secrecy which should be observed by Ministers and by Executive Councillors and by the Clerk to the Council of Ministers and to the Executive Council.

The present oaths provide that an Executive Councillor shall not directly or indirectly reveal such matters as shall be debated in Council and committed to his secrecy; and that a Minister shall not directly or indirectly reveal such matters as shall be communicated to him or debated in the Council and committed to his secrecy. The new forms of oaths which are set out in the Bill, Sir, extend the undertaking of secrecy to include the business of the Council, the Agenda, the decisions, the discussions and the contents of any documents which are made available to Members of the Council.

Sir, I beg to move.

MR. CONROY seconded.

Question proposed.

Question put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Development Loan Bill

Order for Second Reading read.

MR. MACKENZIE: Mr. Speaker, Sir, I beg to move that the Development Loan Bill be now read a Second Time.

The purpose of this Bill, Sir, is to authorize the raising of a further £4,000,000 in loan money for development purposes. At the present time, Sir, the Government still holds unused authority to raise loans amounting to £2,000,000. This is the balance which has not yet been used out of the 6,000,000 which were authorized in last year's Development Loan Ordinance.

It will be necessary, Sir, to borrow a sum of £4,278,150 to complete the current Development Programme which covers the years 1954 to 1957. In addition to this, Sir, a sum of £2,150,000 is needed to convert the financing of the Mombasa Water Supply, Major Project, from its present basis, where it is financed by short-term unfunded debt on to a long-term funded debt basis. We have therefore, Sir, to raise a total sum of £6,428,000 to finance the present planned development as already approved by Council. It is anticipated that, by using the £2,000,000 unused loan authority, together with this £4,000,000 which this Bill proposes should be authorized—and, in addition to that, there is the authority which the Government has been given to raise funds locally in the Colony under the General Local Loans Ordinance—it is considered that, by using these three sources, it will be possible to raise the funds needed to carry on the planned development until the end of the financial year 1956/57.

It is of interest, Sir, to note what, if the Council agrees that this Bill should become law, will then be the total Colony funded debt, excluding that share of the Colony's debt which was raised on behalf of the Railway. The total amount at the present date stands at £31,859,509, and this sum of 6,000,000, including the £4,000,000 provided for in this Bill, would represent an addition of about 20 per cent to this total funded debt, excluding the Railway share.

Interest from Sinking Fund payments on the present debt amounts to approximately £1,668,000, or about 1.1 per cent of the estimated geographical income for 1955 of £150,000,000. Assuming, Sir,

interest in Sinking Fund payments of 6½ per cent on an additional funded debt of £6,000,000, the relative percentage in relation to the 1955 geographical income would rise from 1.1 per cent to 1.37 per cent. It is not considered, Sir, that this is a dangerously high ratio.

It should, of course, Sir, be emphasized that the timing of any approach to the market remains to be settled in the light of conditions reigning during the future months of this year and next year, and a decision on that will be taken in due course.

Sir, I beg to move.

THE CHIEF SECRETARY (Mr. Turnbull) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Deportation (Immigrant British Subjects) (Amendment) Bill

Order for Second Reading read.

MR. CONROY: Mr. Speaker, Sir, I beg to move that the Deportation (Immigrant British Subjects) (Amendment) Bill, 1956, be now read a Second Time.

Mr. Speaker, Sir, the principal Ordinance which this Bill proposes to amend was enacted in 1949 and, prior to that date, the deportation of both aliens and British subjects was controlled in one Ordinance called the Deportation Ordinance. When the Deportation (Immigrant British Subjects) Ordinance was enacted, it provided that the provisions of the old Ordinance should no longer apply to British subjects, and then when, in turn, the Deportation (Aliens) Ordinance was enacted, the old Ordinance was repealed, and we now think there may be a possibility of having slipped between two legislative stools. We are accordingly anxious to clarify the law and to remove any possibility of doubt that, when the provisions of the old Ordinance were said no longer to apply to immigrant British subjects, that we did not fail to include express provision to continue the operation of the old Orders, and retain power to vary, revoke and otherwise deal with existing Orders.

The principal purpose of the Bill now before Council is to make provision for

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covering up the possibility of this lacuna or gap having entered into our law.

Mr. Speaker, Sir, there are other objects in the Bill. They are to bring the nomenclature up to date, to deal with the matters which have arisen since the principal Ordinance was enacted in 1949, opportunity has also been taken to amend misprints, et cetera, but I do not think I need weary the Council by going through this, and it can just be said those are the subsidiary objects behind this Bill.

Mr. Speaker, I beg to move that this be read the Second Time.

THE CHIEF SECRETARY (Mr. Turnbull) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Oaths and Statutory Declarations (Amendment) Bill

Order for Second Reading read.

MR. CONROY: Mr. Speaker, Sir, I beg to move that the Oaths and Statutory Declarations (Amendment) Bill, 1956, be now read the Second Time.

Mr. Speaker, if anyone wants to swear an affidavit, there are, under the provisions of the existing law, a comparatively small number of officers or Commissioners for Oaths before whom the affidavit can be sworn, and one particular case I noticed on the file where it was necessary for a person in Kericho, who wanted to swear an affidavit, had to travel all the way to Kisumu for the purpose of doing so. It is proposed to overcome the disadvantages of the existing law by providing that all magistrates shall be empowered to administer an oath for the purpose of a deponent making an affidavit.

Mr. Speaker, Sir, that is the sole purpose of this Bill and I accordingly beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Societies (Amendment) Bill

Order for Second Reading read.

MR. CONROY: Mr. Speaker, Sir, I beg to move that the Societies (Amendment) Bill, 1956, be now read the Second Time.

Mr. Speaker, I do not think that I can do better, in directing Members of this Council to the objects behind this societies legislation, than to refer to what the hon. Mover said when, four years ago, he introduced in this Council the principal Ordinance. He said this, Sir—

"The object of this Bill is to give the Government power to regulate and control the formation and operation of societies, especially those which collect money without properly accounting for it, and those also whose activities are prejudicial to peace, order and good government in this State—that is to say, societies which are subversive in character."

Now, Mr. Speaker, the principal Ordinance has been in force for some four years, and practical experience has shown us that there are a certain number of amendments which are necessary, and a certain number of amendments which are desirable, and the purpose of the Bill which we are now considering is to introduce those amendments.

In order to explain the principles of the amendments—and, of course, the Bill is in itself a little complex—I think it might be desirable—and it certainly would be the easiest way—for me—if I were to go through the Bill and deal with the principal provisions in the order in which they are set out.

Mr. Speaker, if hon. Members would turn to page 1 of the Bill, they will find that the new clause 2 provides that no provisions of the law shall apply to illegal and proscribed societies. That is not, in itself, a new provision, because similar provision is already made in the Emergency Regulations, but it is obviously desirable that this provision should be made part of the permanent law of the Colony and, accordingly, we seek to introduce it into the principal Ordinance.

[Mr. Conroy]

Then, Sir, under clause 3 we find two proposed amendments, the main one of which is to clarify the law so as to provide that any branch of a society must be registered as a society. At the moment the position is not at all clear. There are societies which have branches and each of those branches is registered as a society itself. There are other societies which have branches and the branches are not registered, and the position then arises that the Registrar has no information in respect of those branches as to the office bearers, or the addresses of the branches, or the membership of the branches. Now it is quite impossible to control societies for the benefit of the members and for the benefit of the public unless the Registrar has full information as to the branches, and accordingly, if the law is clarified in the proposed new definition of local society which includes branches as a society.

Mr. Speaker, the second purpose of clause 3 might be described as a bit of lawyer's fun, Sir, but I think it is rather more than that, because it proposes to close the loop-hole which most certainly exists in our societies law at the moment and any shrewd lawyer, if he really set his mind to it, could drive a coach and four through this particular part of the principal Ordinance. So what we seek to do is to close the stable door, in this case, before the horse has bolted.

Clause 4 is of very minor importance. Clause 5 is of considerable importance. The first amendment which it seeks to make to the principal Ordinance is to provide, where any society wishes to be registered, it has to do so within a fixed time—within 14 days. Under the existing provisions of the law, it is not clear how long a period of time is open to the society in which to make its application for registration. Indeed, on the one hand you can argue that they have to register immediately otherwise they commit an offence; on the other hand it might be argued that they have a reasonable time and then you get into the appalling realms of trying to decide what is a reasonable time. It was therefore considered, in the interests both of the societies and the Registrar, that a fixed period should be laid down, and a period of 14 days has been inserted in the section.

Now, Mr. Speaker, the second important amendment which clause 5 seeks to introduce, it with regard to the exemption from registration. Under the law, all societies must either be registered or must be exempt, and of course the normal rule is that a society is registered. It is exceptional to be exempted. Since the question of exemption obviously raises comparatively large questions of policy, it was thought to be unfair to put that burden of deciding whether a particular society should be exempted on the Registrar, and therefore we seek to amend the law to provide that where a society applies for exemption, exemption can only be granted by the Registrar with the approval of the Minister, and that has obvious advantages. The Minister is responsible for the decision; the policy will gain continuity, and I think that probably all Members of this Council will agree that it is desirable and fair that the power to exempt should only be exercised by the Registrar with the approval of the Minister.

Mr. Speaker, the next amendment sought to be introduced, is to do away with the right of a society to re-apply within 21 days for registration if its original application for registration has been refused. I think hon. Members will agree that it is really rather extraordinary that you can go to a Judge (that is the Registrar in this case), present your case to him; you lose your case and then you can wait 21 days and you can go back and ask him to reconsider it all over again. Of course, Sir, there is power of appeal, and that is not being touched. If I apply, as a society, for registration and the Registrar rejects my application, I have a right of appeal to the Governor within 21 days, and it seemed to the Government to be otiose to give a right to the society to apply to be heard again on something on which they had already been refused, and therefore it is proposed to repeal that section of the existing law which gives a right to re-apply within 21 days of the original refusal.

Now, Mr. Speaker, the next amendment which the Bill seeks to introduce, again still under clause 5, is this: under the existing law, where a society applies to the Registrar for registration, the Registrar as a general rule is bound to register. He has no discretion; he has

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no option in the matter. The word is, "he shall register"; and it is only in respect of exceptional circumstances, where certain exceptional facts arise in respect of this particular society which is applying, that he has to refuse registration. So the general rule is that he must register, and it is only in exceptional circumstances that he must refuse registration. Now, I think everyone will agree that it is very necessary that those exceptional circumstances under which he can refuse registration should be set out with great clarity in the law. The existing provisions which are set out in the back of the Bill as an Appendix, or rather, after the Objects and Reasons at page 14, leave a certain amount to be desired with regard to their clarity, and, Mr. Speaker, we have therefore re-drafted those exceptional circumstances without, we hope, altering the principles behind them. If hon. Members will compare the new paragraph (a) and (b) at page 3 of the Bill with the old paragraphs (a) and (b) which appear at page 14, I think they will all agree that we have not altered in the Bill now before this Council the principles upon which registration can be refused. What we have done, we hope, is to clarify the circumstances and, Mr. Speaker, that has three advantages. It helps the society, it helps the Registrar and (a matter on which perhaps opinions may differ), it helps those members of the Legal Department who have to advise the Government on the operation of this particular law.

Mr. Speaker, there is, I think, nothing else of importance in clause 5 until we come to page 4, which deals with the power of the Registrar to cancel the registration of societies, and again we have rewritten the law in a way which we hope is clear. The principle on which registration of a society can be cancelled is, broadly speaking, this: that registration can be cancelled in those circumstances which, if they had occurred in an original application for registration, would have entitled the Registrar to have refused registration. So you can cancel on the same grounds that you can refuse. Hitherto and at the moment, that power is concealed in three sub-sections. We hope that we have made it manifest in one, and we have written it without

any cross references and we have categorically set out all the grounds for cancellation in the new sub-section (7) which is at page 4 of the Bill.

Mr. Speaker, then we propose in the new section 5A, which is at page 5, that registered societies shall, where there is any alteration in the name of the society or constitution or its objects or it becomes affiliated to a political society or an organization or group outside the Colony, then particulars of that will have to be given to the Registrar, I think that speaks for itself. It is obviously desirable and there is no such provision at the present moment.

Now, Mr. Speaker, the next matter of principle is contained in clause 9 of the Bill, which provides that the Registrar may call for audited accounts from registered societies. The need for this provision is, I think, set out in such clear language by the hon. Mover who introduced the principal Ordinance on its Second Reading before this Council, that I can do no better than refer you, Sir, to the extract from HANSARD in which he said this. "There are, in this Colony, a considerable number of societies of a political or social-political character, about which the Executive has no official information at all, and consequently is unable to exercise that degree of control which in some instances is necessary and essential in the interest of a gullible public, which needs to be protected from the rapacity of unscrupulous office-holders. Many of the societies are unobjectionable when first formed. Their objects are perfectly proper and the office-holders are honourable, respectable people, but as time goes on, and it has happened not infrequently, a small clique of unscrupulous people have secured control of key positions in these societies and the result is, if I may be permitted to use a modern slang expression, a society becomes a racket." Well, Sir, the way to stop rackets is auditing, so I am told, and therefore it is proposed in the Bill that the Registrar should be given power to require audit of the funds of a society in those cases in which he considers it desirable. Mr. Speaker, a consequential power which it is sought to give to the Registrar, is contained in clause 11, where for precisely the same reasons, the Bill seeks to give him power to publish

[Mr. Conroy] information for the benefit of members, and that means that he can publish it in the *Gazette* or in a newspaper or anywhere else. Information—knowledge—is, of course, one of the surest ways of preventing a racket.

Now, Mr. Speaker, clause 12 proposes to transfer from the Governor-in-Council certain powers which he now enjoys, to the Minister for Legal Affairs, in relation to the winding up of societies and the distribution of their assets. There are cases where societies cease to exist and are still in possession of funds, and it is obviously desirable that power should exist for the purpose of distributing those funds to the persons who either are morally entitled to them or to persons who can make a proper use of them. It is proposed, for practical reasons, that that power should be vested in the Minister for Legal Affairs.

Mr. Speaker, it is proposed to tighten up and give greater particularity to the particulars which a society has to give to the Registrar in regard to its office and postal address and changes of address and to impose a time limit within which such information must be given.

Mr. Speaker, I should like to draw attention to clause 16, which shows a remarkable example of legislative foresight. Under the existing provisions of the law, a fee is prescribed, which the Registrar is entitled to charge for anyone who comes along to inspect documents at his office, at the Registry. Unfortunately, there is no provision in the law which allows anyone to inspect them, and as we have provided for the fee and as it is obviously desirable to allow members of the public to go along and to inspect particulars of different societies, a new section 25 has been inserted and set out in clause 16 at page 9.

Mr. Speaker, clause 18 appears at first blush to be rather peculiar. It proposes to repeal section 27 of the principal Ordinance. Now, if hon. Members go away and look at section 27 of the principal Ordinance, they will find that that section proposed to repeal certain sections of the Penal Code which governs societies, and they may well ask themselves how we are now going to repeal something which repeals something else.

The answer is a very simple one. Section 27 of the principal Ordinance has never been brought into force, and it is proposed to make the non-bringing into force permanent, if I can put it that way.

Mr. Speaker, clause 19 is transitional, and I need not deal with that.

I apologize, Mr. Speaker, if I have spoken at undue length on this Bill, but it is a Bill of a little complexity, and I have tried, as far as possible, to give an explanation of the principal provisions. If I have omitted to give any explanation, or if this explanation—which is more likely—is inexplicable, then I should be only too pleased to answer any questions which hon. Members may care to ask.

Mr. Speaker, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, I should like to thank the Solicitor General for the comprehensive survey he gave us of this amending Bill.

There is one thing that confuses me, Sir, and that is that—as the Solicitor General said in moving this amending Bill—on the formation of a society, it either has to apply for exemption or for registration. Going through this particular Bill, having received exemption does not seem to me, Sir, to have any advantage whatsoever, because right the way through the Bill everything that a registered society has to do, the exempted society also has to do.

Now, I do appreciate the point made by the hon. Mover, Sir, that there is—I think he called it—the potential “racket society”, and it seems, Sir, that there might be some room for a third category but, at the present time of course, it is one of these pieces of legislation where the innocent and the innocuous have to suffer for the dangerous and subversive. I belong to a society which goes by the name of the Alsatian League. It is not an international body. It is, in fact, a society which is interested in the breeding of Alsatian dogs. Now, Sir, except as a potential recruiting ground for the

[Mr. Harris] police force, the society has no dangerous potentialities whatsoever. The subscription, the annual subscription, is not sufficient to make it likely to be a useful racket and unless, Sir, it goes for breeding the inhabitants of Alsace rather than the dogs which take their name from that country, then, Sir, I cannot see that it is necessary for an honorary secretary, whose only work is to send out the agenda and the minutes of meetings twice a year, to register his or her address with all the officers exactly as though they were a registered society with potentialities of subversion.

I would not like anything I am saying, Sir, to be taken as suggesting that I am opposed in any way to the original principles of the Ordinance. I appreciate, Sir, as much as anyone the necessity for the regulation of all these sorts of societies, but right the way through both the original Ordinance and this amendment, whatever a registered society has to do, it seems to me, so an exempted society also has to do. If the Solicitor General could consider in future, when he is producing another amendment—and I think, Sir, he gave us such a good illustration of the “attorney through the looking glass” on mistakes that had been made in the original Ordinance, and omissions—that it may be necessary to produce another amending Bill, Sir, very soon—he might consider covering this question, which I appreciate, of the possible racket societies, but, at the same time, leaving the Jockey Club and the Alsatian League and the St. George's Society to pursue their peaceful way in peaceful paths.

With that reservation, Sir, I beg to support.

MR. SLADE: Mr. Speaker, Sir, I support this Motion. The principal Ordinance had our wholehearted support when it went through this Council four years ago, and I do think almost all the amendments proposed by this Bill are necessary for its improvement.

I was particularly impressed, Sir, by the arguments in favour of clause 16, for instance; where, in order to earn the prescribed fees, we have got to provide that somebody can go and inspect and pay a fee. Legislation of that kind, Sir,

must command the admiration of all of us.

Nevertheless, Mr. Speaker, there is one provision in this Bill which seems to me objectionable, and that is clause 3, paragraph (d), which provides for the amendment of section 2 of the Ordinance in the definition of “local society”. The effect of this proposed amendment is that henceforth every separate branch of a society will have to register separately as a society. Now, the hon. Mover has explained that this is because it has been found difficult to get all the required information from individual branches, and that also is given as the reason in the Memorandum of Objects and Reasons, but it does seem to me, Mr. Speaker, this is a very fine example of trying to achieve the right objective by the wrong methods.

First of all, it is quite illogical to say that a branch of a society is to be treated as something quite separate from the society. A branch is, by its nature, an integral part of the society, and if the society is fit to be registered, then surely every branch of that society must be fit to be registered, so long as the society remains itself qualified. It does not seem to me to make sense to provide that every branch of a society must require registration separately, because registration is a matter of approval, not a matter of the details required afterwards. Surely the right way to set about this, Mr. Speaker, is not to say that every branch of a society is to be treated as if it was not a branch, and was a separate society. The right way is to provide by the law that the particulars which have to be furnished by the society to the Registrar must include adequate particulars concerning every branch of the society. If the Registrar wants to know the officials of each branch of the society, the law should lay it down that that information must be given by the society itself. If the society defaults in this respect in any of its branches, then the society as a whole is liable to have its registration cancelled. Then you are getting the thing on the right foot, Sir.

Mr. Speaker, this is not purely academic. It is a matter of nuisance to the public. Now, these restrictions—as I have said—we recognize as very necessary in this country, and in these times.

[Mr. Slade]
but whenever you are introducing restrictions which interfere with the liberties of the public, which interfere with the freedom and the action of the subject, you must consider how far you have got to go, how far you really have to go, and the minimum of the restrictions you have to impose, the minimum of the nuisance you have to create. Now, if you are going to require every branch of a society to apply separately for registration, I do suggest, Mr. Speaker, that you are creating an absolutely unnecessary nuisance and an irritation to the public, which should not be there, and, Mr. Speaker, I would ask the hon. Member to consider that one provision of this Bill a second time.

DR. HASSAN: Mr. Speaker, I rise to support this Bill. Sir, and I support very strongly what the previous speaker has said already. There is no doubt it is quite unnecessary that section 3 (a) is not in any way for the convenience of the public—for controlling the societies—but it is merely to put societies and their branches into unnecessary inconvenience. When the parent society has registered, with all their rules and regulations, and if branches appear of that society anywhere—all over the country—with the same rules and regulations, there does not appear to me any necessity for registering those branches as separate societies.

When this matter was discussed in the Law and Order Committee, when we actually wanted to have this Societies' Bill—the original Bill—and I was one of the Members. When this matter was brought to the notice of the then Member for Law and Order and the object was to control the political societies liable to become subversive for the danger of the community concerned, and for the detriment of the country. That was the idea—to prevent such societies—and I brought this matter to the notice of the Member for Law and Order—that it is going to be applicable generally to all societies, what will happen to the societies like young boys of this community trying to make an association or committee to socially help the community; or a religious society; or the women forming a society to help socially—religiously, and I was informed by the Member for Law and Order at

that time that we cannot possibly distinguish between political, religious, and social societies, but societies other than political will be simply called upon to send their rules and regulations for registration, and it may be a formality. They will not be called upon to pay any fees for it, but in practice, Sir, I find out that social and religious societies have been called upon to pay fees and, at the same time, to send annual returns and annual fees so that the registration of these societies is made use of in producing revenue in this country, which we never intended to do, and I feel that serious consideration should be given to the previous promises. Registration of the societies I admit is necessary for the time being to be maintained in the country. The social and religious societies should not be called upon to pay any fees for their registration.

This matter of forming a society and having it registered within fourteen days was also a matter very thoroughly discussed at the time. We never thought it was possible for any body of men to form a society and then be bound to bring it to the notice of the authorities within fourteen days—and there were different views at that time, as far as I remember. Some suggested one month, others suggested two or three months, and, in order to prevent a controversial opinion at that time, we decided that formation of a society should be brought as soon as possible to the notice of the Registrar.

Now, fourteen days' limit was considered to be very inadequate, because when a society is formed it is not very easy to draw up rules and regulations and a constitution within fourteen days and bring it to the notice of the Registrar. If the time limit is to be fixed, it should not be less than at least a month.

With these points, Sir, I support the Bill.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): This might be a convenient time to take the customary fifteen minutes' break.

Council suspended business at fifteen minutes past Four o'clock and resumed at forty minutes past Four o'clock.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other hon. Member wishes to speak, I will ask the Member to reply.

MR. CONROY: Mr. Speaker, Sir, if I might deal seriatim with the points raised by the hon. Members, first of all the Member for Nairobi South could see little distinction, little advantage, in being exempted as opposed to being registered. Mr. Speaker, there are advantages in being exempted as opposed to being registered, you do not have to pay so many fees in one; in other cases, for example, if you wish to change your constitution, an exempted society is entitled to do so, but a registered society has to get permission to do so; annual returns attract a fee of Sh. 5 in respect of a registered society and an exempted society does it for nothing. Mr. Speaker, Sir, there is no fee payable on change of address. Of course, the real point, Mr. Speaker, the real point is this, that in the interests of security and prevention of rackets, you must still have information about exempted societies and, if I might give an example, supposing the Archbishop of Canterbury was president of a society it might well be exempted, but if he were replaced by the Dean of Canterbury then it might be necessary for that information to be conveyed to the Registrar.

Mr. Speaker, the hon. and learned Member for Aberdare, dealt with the difficulty of branches being included as societies under the amended definition of society and the hon. Member for the East Electoral Area dealt with the same point. Mr. Speaker, I entirely agree that this is some restriction on the citizen, but then when you have security legislation, in order to provide for the safety of the general body of the public, then individuals do have to give up some of their liberty and it is a question of balancing the advantage of security against reduction of liberty and that is what we have sought to do here. Sir, it is probably my fault that I did not explain properly what is happening in some societies which have a number of branches. There are a number of societies which have branches which refuse to register; there are other societies where the branches are already registered. Now, the only information that the Registrar has about the first type of society is the office-holders at headquarters. It may well be, and, in one or two cases, it has happened, that bad boys

undesirable people are becoming office-holders in the branches. We have asked, under section 7 of the Ordinance, the headquarters of one of these societies to give us information with regard to branches and they have not got it—they have not got it at headquarters. The only way, with the greatest respect, the only practical way that you can get the information is by requiring each of those branches to register.

Now, I see the hon. and learned Member for Aberdare shake his head. There is another way; that is to prosecute the office-holders at headquarters. Well, prosecuting is not a satisfactory way. He goes into court and he says, "I have not got this information". He would not be dealt with severely; it is not his fault; he tries to get it from the branch and he does not get it from the branch. And you have branches which are not really under the control of the central headquarters. In respect of societies which may be subversive, we do consider that it is really very necessary that we should have that information. I will say this, though, Mr. Speaker, that the Government does not want to impose restrictions on people and obviously we will consider this as the matter goes along, to see whether it would not be possible to relax it in any way because quite obviously, from time to time, it will be necessary to amend the Societies Ordinance as particular circumstances arise, particularly when clever people find out how they can defeat the present terms of the Ordinance.

Now, Mr. Speaker, the other point that was made by the Member for the East Electoral Area was that—he used the words "revenue producing"—was that the Registrar of Societies must presumably be revenue producing because of the onerous fees which are imposed upon societies. Mr. Speaker, during the interval, I have taken the opportunity of refreshing my mind on the fees which have been prescribed, and I find that the society was subject to the annual fee of Sh. 5 and an initial fee of Sh. 20. I can assure the hon. Member that, for the amount of work that is done, and for the number of staff engaged, the Societies branch of the Registrar General's Department is not a revenue-producing department.

[Mr. Slade] but whenever you are introducing restrictions which interfere with the liberties of the public, which interfere with the freedom and the action of the subject, you must consider how far you have got to go, how far you really have to go, and the minimum of the restrictions you have to impose, the minimum of the nuisance you have to create. Now, if you are going to require every branch of a society to apply separately for registration, I do suggest, Mr. Speaker, that you are creating an absolutely unnecessary nuisance and an irritation to the public, which should not be there, and, Mr. Speaker, I would ask the hon. Mover to consider that one provision of this Bill a second time.

DR. HASSAN: Mr. Speaker, I rise to support this Bill, Sir, and I support very strongly what the previous speaker has said already. There is no doubt it is quite unnecessary that section 3 (a) is not in any way for the convenience of the public—for controlling the societies—but it is merely to put societies and their branches into unnecessary inconvenience. When the parent society has registered, with all their rules and regulations, and if branches appear of that society anywhere—all over the country—with the same rules and regulations, there does not appear to me any necessity for registering those branches as separate societies.

When this matter was discussed in the Law and Order Committee, when we actually wanted to have this Societies' Bill—the original Bill—and I was one of the Members. When this matter was brought to the notice of the then Member for Law and Order and the object was to control the political societies liable to become subversive for the danger of the community concerned, and for the detriment of the country. That was the idea—to prevent such societies—and I brought this matter to the notice of the Member for Law and Order—that it is going to be applicable generally to all societies, what will happen to the societies like young boys of this community trying to make an association or committee to socially help the community; or a religious society; or the women forming a society to help socially—religiously, and I was informed by the Member for Law and Order at

that time that we cannot possibly distinguish between political, religious and social societies, but societies other than political will be simply called upon to send their rules and regulations for registration, and it may be a formality. They will not be called upon to pay any fees for it, but in practice, Sir, I find out that social and religious societies have been called upon to pay fees and, at the same time, to send annual returns and annual fees so that the registration of these societies is made use of in producing revenue in this country, which we never intended to do, and I feel that serious consideration should be given to the previous promises. Registration of the societies I admit is necessary for the time being to be maintained in the country. The social and religious societies should not be called upon to pay any fees for their registration.

This matter of forming a society and having it registered within fourteen days was also a matter very thoroughly discussed at the time. We never thought it was possible for any body of men to form a society and then be bound to bring it to the notice of the authorities within fourteen days—and there were different views at that time, as far as I remember. Some suggested one month, others suggested two or three months, and, in order to prevent a controversial opinion at that time, we decided that formation of a society should be brought as soon as possible to the notice of the Registrar.

Now, fourteen days' limit was considered to be very inadequate, because when a society is formed it is not very easy to draw up rules and regulations and a constitution within fourteen days and bring it to the notice of the Registrar. If the time limit is to be fixed, it should not be less than at least a month. With these points, Sir, I support the Bill.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): This might be a convenient time to take the customary fifteen minutes' break.

Council suspended business at fifteen minutes past Four o'clock and resumed at forty minutes past Four o'clock.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): If no other hon. Member wishes to speak, I will ask the Mover to reply.

MR. CONROY: Mr. Speaker, Sir, if I might take seriatim with the points raised by the hon. Members, first of all the Member for Nairobi South could see little distinction, little advantage, in being exempted as opposed to being registered. Mr. Speaker, there are advantages in being exempted as opposed to being registered, you do not have to pay so many fees as one; in other cases, for example, if you wish to change your constitution, an exempted society is entitled to do so, but a registered society has to get permission to do so; annual returns attract a fee of Sh. 5 in respect of a registered society and an exempted society does it for nothing. Mr. Speaker, Sir, there is no fee payable on change of address. Of course, the real point, Mr. Speaker, the real point is this, that in the interests of security and prevention of rackets, you must still have information about exempted societies and, if I might give an example, supposing the Archbishop of Canterbury was president of a society it might well be exempted, but if he were replaced by the Dean of Canterbury then it might be necessary for that information to be conveyed to the Registrar.

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undesirable people are becoming office-holders in the branches. We have asked, under section 7 of the Ordinance, the headquarters of one of these societies to give us information with regard to branches and they have not got it—they have not got it at headquarters. The only way, with the greatest respect, the only practical way that you can get the information is by requiring each of those branches to register.

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Now, Mr. Speaker, the other point that was made by the Member for the East Electoral Area was that—he used the words "revenue producing"—was that the Registrar of Societies must presumably be revenue producing because of the onerous fees which are imposed upon societies. Mr. Speaker, during the interval, I have taken the opportunity of refreshing my mind on the fees which have been prescribed, and I find that the society is subject to the annual fee of Sh. 5 and an initial fee of Sh. 20. I can assure the hon. Member that, for the amount of work that is done, and for the number of staff engaged, the societies branch of the Registrar General's Department is not a revenue-producing department.

[Mr. Conroy]

Mr. Speaker, the hon. Member for the East Electoral Area also made the point that it was an onerous burden for a society to render an annual return. I do not know what people consider as an onerous burden, but I might just tell hon. Members what they have to do. They have to fill a form in on which, first of all, they have to write in the name of the society, then the date of the last annual general meeting, then the number of members of the society, then the names, occupations and addresses of the office-bearers for the current year, then they have to say whether the societies' names or objects have been changed, then whether they have affiliated themselves to any society outside the Colony and then whether the class of membership is restricted, the title of the office-holders, the address and any change in the constitution. Mr. Speaker, it is not a very difficult thing to do and it is one of the things which, unfortunately, owing to security measures, it has become necessary to impose upon citizens. I am sorry, everyone is sorry, to impose restrictions but, on the balance of advantage, I think Members will probably consider that it is desirable that every society, whether it is the Alsatian society, or the Bohemian society or any other society, should have to give up a part of its liberty for the benefit of the public generally.

The one remaining point raised by the hon. Member for East Electoral Area was he said that he thought 14 days was too short. Well, Sir, the Government is quite prepared to meet him on that and an amendment to amend that to 28 days would be quite acceptable.

Mr. Speaker, I hope I have met the points made by the hon. Members opposite, and I beg to move.

The question was put and carried.

The Trout (Amendment) Bill
Order for Second Reading read.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, I beg to move, in the absence of my hon. friend, the Minister for Forest, Game and Fish, that the Trout Amendment Ordinance be now read the Second Time.

This Bill, Sir, has two purposes. The first is to enable the Minister to prescribe the licence fees which shall be paid by rule. The present arrangement, whereby there can be no variation in the fees except by bringing an amending Ordinance before this Council, is extremely inflexible and cumbersome.

The second purpose, Sir, is to strengthen the hand of the department against poachers. Now, in addition to the ordinary type of poacher with rod and line who is merely trying to cheat the Inland Revenue, there are a number of unscrupulous men who are prepared to destroy, I will not say "catch" fish, with explosives and poisons and what are described in the Bill as "noxious substances".

Poachers, Sir, are not easy to catch and, unless one is detected in *flagrant*, the difficulties of obtaining a prosecution are very great indeed. It is therefore desired, Sir, to amend the law so that where a man is caught in possession of a trout, and where the circumstances in which he is caught raise a presumption that he has secured his trout by some unlawful method, the onus of proof that he is in lawful possession of the trout falls upon that man. In the same way, if a man is found in possession of explosives, poison or a noxious substance, the onus of proving that he is in innocent possession of that poison or noxious substance is upon that man. If he is found on the bank of a river with a trout in one hand and a bottle of "knock-out" drops in the other—

MR. HARRIS: There is something fishy!

THE CHIEF SECRETARY (Mr. Turnbull): There is something extremely fishy! Similarly, Sir, if he is caught with just a trout, or with just the knock-out drops, he still has to justify himself. He has to prove that he had caught the trout lawfully or that he was going to use the knock-out drops for the purpose of political assassination or for some less undesirable purpose than destroying fish. The prosecution must show that the presumption is a reasonable one and the offender must then prove that he is in innocent possession of the gellignite, the mills bomb or the knock-out drops or whatever it may be.

[The Chief Secretary]

The amendment contained in this clause is based on an amendment made in the United Kingdom to the legislation there for the better control of salmon and trout poaching in Scotland.

Mr. Speaker, Sir, I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT (Mr. Ohanga) seconded.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, I have been asked to raise one or two points on this amendment Bill by people in Ukamba. I cannot say I am qualified myself to know much about this not being a poacher, and also, as well, not knowing very much about the gentle art of catching trout by legal means.

The first point is, I am very glad that clause 2 is going to allow the question of licence fees to be made by rules. I think the Emergency shows that the need is going to come in the future for the "different fees for different areas". That I think will have widespread support throughout the fishing areas.

Regarding the question of the unlawful possession of a trout or with various instruments, etc., I have some doubt, Mr. Speaker, as to whether this will ever be enforceable in law. I notice it is now called "13-(a)"—this new section—it has 13 lines without a single full stop and, reading it through, you become more and more confused in your mind as to what actually is intended. For example, the words in the third line—"explosive, poison, noxious substance or other thing." "How will the law, Mr. Speaker, interpret "other thing"? As I presume the majority of cases brought before the courts under this Ordinance will be before probably third class magistrates, they may have great difficulty in obtaining a conviction which can necessarily be upheld or confirmed by the Supreme Court. I wonder, Sir, how much the problem is really caused by the man who goes out fishing armed with mills bombs or knock-out drops or perhaps sledge hammers, etc. I would have thought the main problem comes from deliberate pollution of the water by some of our darker coloured friends in the country, by illegal trapping of the water—netting—and I wonder how many people really go out with all these

various instruments—explosives, poisons, noxious substances, etc. When I heard that this Bill was coming up, I had hoped, Mr. Speaker, that we would have received very strong amendments to cover the whole question of the preservation of trout. The Emergency has caused a serious set-back to this side of our heritage in this country and I do not believe this Bill will strengthen and provide the necessary safeguards against the problem which exists to-day. I do not know whether perhaps the Chief Secretary, acting as Minister for Fish, could tell us, when replying, whether another amendment Bill is due in the near future, but, from what I have heard from people who are actively engaged in the legitimate sport, the problem is not one of the mills bomb—which was caused through the Emergency as we all know—but of deliberate trapping, pollution of water, which would be very hard to prove, I believe, under this new section 3.

Subject to those reservations, Mr. Speaker, I beg to support.

MR. CONROY: Mr. Speaker, Sir, if I might give the hon. Member for Ukamba a short lecture on the *ejusdem generis* rule. Mr. Speaker, where you have specific words followed by a general word, the general word is always construed subject to the specific words. Thus, if you have in an Ordinance a list of "brandy, whisky, gin", those are specific words, and if followed by "other beverages", then the words "other beverages" would not include tomato juice; it would have to be intoxicating liquor. So when we have "and other things" here, it means other things of a like nature to the words which have gone before. The *ejusdem generis* rule, although it sounds awful, is really very simple.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, I will ask Mr. Turnbull to reply.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, Sir, I would like to reassure the hon. Member for Ukambani about the meaning of "other thing". "Other thing" mean another thing! It can be a fish trap; it can be a line and rod in the possession of a man who is not licensed to go catching trout; it can be a piece of string or a spool of wire. I

[The Chief Secretary] am not aware—if I were, I would be happy to tell the hon. Member—of the precise size of the fish-traps problem; but the amendment is designed to catch those who go out and by irregular means catch fish. The use of explosives is an urban problem; and since urban hooliganism is very much upon the increase it is a thing we have to cater for. Mills bombs and knock-out drops are merely ingredients in a number of measures which may be used to catch trout unlawfully. May I remind the hon. Member of Sir Henry Wotton's words—words written 300 years ago—when he said, "Fishing begat habits of peace and patience amongst those who professed to practise it".

Sir, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

MOTION

THE TRANSFER OF POWERS (MINISTER FOR LEGAL AFFAIRS) (NO. 1).
ORDER, 1956

THE TRANSFER OF POWERS (MINISTER FOR LEGAL AFFAIRS) (NO. 2)
ORDER, 1956

MR. CONROY: Mr. Speaker, Sir, I beg to move that the Draft Orders cited as the Transfer of Powers (Minister for Legal Affairs) (No. 1) Order, 1956, and the Transfer of Powers (Minister for Legal Affairs) (No. 2) Order, 1956, be approved.

Mr. Speaker, the Order seeks to transfer from the Governor various statutory powers which he now enjoys to the Minister for Legal Affairs, and the second Order seeks to transfer to the Minister for Legal Affairs powers which are now vested in the Governor-in-Council of Ministers. The reason these draft Orders come before the Legislative Council, is that section 2 of the Transfer and Delegation of Powers Ordinance, 1955, provides that every Order proposing to transfer powers to a Minister from the Governor or from the Governor-in-Council, shall be approved by this Council. It is quite obvious why the approval of this Council is necessary and that is to prevent excessive transfer of power. The draft Orders, if Members

would be so good as to look at them, will show that they are drafted so as to identify particular powers which are being transferred. The fourth column in the Schedule to each tries to explain in a few words what each particular power is and that is so that hon. Members can see what specific powers are being transferred.

Mr. Speaker, I do not propose to weary the Council by going through, one by one, the long list of administrative powers which are being transferred, but I should be delighted to answer any questions on any of these particular powers which these Orders seek to transfer.

Mr. Speaker, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (MR. JEREMIAH) seconded.

Question proposed.

The question was put and carried.

MOTION

THE SUGAR TAX CONSUMPTION ORDINANCE—CONTINUATION IN FORCE

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (MR. BLUNDELL): Mr. Speaker, I beg to move that the Sugar Tax Consumption Ordinance (Chapter 271) remain in force until 30th June, 1958.

Mr. Speaker, in moving this Motion I should like to say that the Sugar Tax Consumption Ordinance was originally enacted in 1948 for a period of two years and has been, at regular intervals, re-enacted by the Legislature. I am bringing it before Council to-day with the request that it will be re-enacted which enables us, to help the sugar industry, which makes us, to a degree, independent of outside sugar supplies and helps us to sustain the industry over certain natural difficulties from which it suffers, mainly in regard to communications and in regard to climate. The Government is of the opinion that the sugar industry is worth developing and this Ordinance provides the wherewithal with which to achieve the development. I beg to move.

THE MINISTER FOR COMMUNITY DEVELOPMENT (MR. OHANGA) seconded.

Question proposed.

MR. TYSON: Mr. Speaker, Sir, could I ask the Minister to tell us why he limits the extension until 1958. I raised this question on a previous occasion. It seems to me that if it was for the protection of the sugar industry, any extension should be for a rather longer period. Perhaps the Minister can explain why it is still limited to this short period.

MR. LETCHER: Mr. Speaker, Sir, what are the results of experiments done in growing sugar in higher altitudes of Kenya?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (MR. BLUNDELL): Mr. Speaker, I will certainly bear the point raised by the hon. Nominated Member, Mr. George Tyson, in mind. I regret that I was not in Council, on this side of Council, when he raised it before. The object, Sir, of bringing it back to the Council is to ensure that what is a tax on the public with regard to cents per pound of sugar consumed, shall have the endorsement of the Legislature in regard to the programme of development for the sugar industry. It enables hon. Members here to express their approval or otherwise of such a method of helping the sugar industry.

With regard to the point raised by the hon. Member for Trans Nzoia, Sir, I would seek your ruling. Is he in order in really attaching to a Bill, seeking to prolong the life of a sugar consumption Ordinance, is he in order in attaching to that a question on variety trials of sugar in higher altitudes?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think he is in order because you brought it on yourself! You talked about making this country self-sufficient in sugar.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (MR. BLUNDELL): Well, Mr. Speaker, I will assure the hon. Member that the variety trials of sugar in higher altitudes are progressing satisfactorily.

I beg to move.

The question was put and carried.

THE CHIEF SECRETARY (MR. TURNBULL): With your permission, Sir, I would like to inform hon. Members of the programme for the next two days which

has been agreed upon by the Sessional Committee.

There are three matters which will require an amendment of Standing Orders. The first will be to permit the Council to take the First Readings of a number of Bills to-morrow, the 14th of June: These Bills are, the Prevention of Corruption Bill, the African Courts (Suspension of Lands Suits) Bill, the Building Societies Bill, the Cantonments Bill, the His Majesty's Forces Pensions Bill, the Cavendish-Bentinck Pension Bill, the Mortimer Pension Bill and the Indemnity Bill.

Secondly, to take the Appropriations Bill, Bill No. 47, and the Consolidated Fund Bill, Bill No. 40, through all their stages on the 14th—that is to-morrow—and, thirdly, to enable the Council on its rising on the 14th to adjourn until 2.30 p.m. on Tuesday, the 19th. That is to say that Friday will be a whole holiday.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the business on the Order Paper. Council will now adjourn until 2.30 p.m. to-morrow, Thursday the 14th of June.

Council rose at ten minutes past five o'clock.

Thursday, 14th June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

MOTION

SUSPENSION OF STANDING ORDERS

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Speaker, I beg to move:

THAT under Standing Order No. 168 the Standing Orders be suspended to the extent necessary:

(1) to take the First Readings of the following Bills to-day, Thursday, 14th June, 1956:—

- Prevention of Corruption.
- African Courts (Suspension of Land Suits).
- Building Societies.
- Cantonments (Amendment).
- His Majesty's Forces Pensions (Amendment).
- Cavendish-Bentinck Pension.
- Mortimer Pension.
- Indemnity.

(2) To take the Appropriation Bill (Bill No. 47) and the Consolidated Fund Bill (Bill No. 48) through all their stages to-day, and

(3) to enable the Council at its rising to-day to adjourn until 2.30 p.m. on Tuesday, 19th June, 1956.

The purpose of this Motion, Sir, is to enable the remaining business to be completed as rapidly as possible and with the greatest convenience to Members.

Mr. HARRIS seconded.

Question proposed.

The question was put and carried.

MOTION

NATIVE LANDS COFFEE RULES, 1951

Revision

Mr. MATHU: Mr. Speaker, I beg to move that this Council request the Government to revise the Native Lands Coffee Rules, 1951, so as to enable the African with suitable land to grow coffee on a plantation scale.

Sir, this Motion is not intended to bring in very much new matter or argument which the African Members have not brought before this Council, but it is our intention, Sir, to try again, with a slightly different approach to this problem of coffee growing, to impress upon the Government the tremendous importance of expanding the production of our coffee, as well as our cash crops, a matter which is extremely important for the economic health of our country.

There was a time, Sir, when coffee was prohibited from being grown by Africans. That time is past and I would like, therefore, to point out that it is not the principle of complete restriction that is the subject of this Motion; it is really an endeavour to suggest that the principle already accepted by Government in their policy to allow Africans to grow coffee as well as other cash crops, should be so extended without unnecessary restrictions so that we may enhance, as I say, our export trade and enable us to balance our other trade for the benefit of the whole country.

Now, Sir, the Government agreed to allow Africans to grow coffee in their own areas, in the 1949 African-Grown Coffee rules, with a view to scheduling the areas, first of all where coffee can be grown, and secondly with a view to restricting the number of trees each licensed grower would be allowed to plant, and, thirdly, of course, which is important, to control the diseases that might attack the coffee crop through inspection and supervision by the staff of the Agriculture Department. By 1949, and particularly 1951, we had coffee grown by Africans in Nyanza, particularly in the Kisii district, in the Central Province—particularly in Meru and Embu—in the Coast Province, in the Teita Hills of the Voi district, and, since then, there has been the start of coffee growing in Machakos in the Southern Province, in North Nyanza and in some parts of the Rift Valley. In 1954, Sir, we had the Swynnerton Plan which laid down a development programme for coffee with a target of 71,500 acres in 15 years and, when the coffee becomes ready for picking in 20 years time, it was estimated that there would be coming from the African areas between 15,000 and 20,000 tons per year. The

[Mr. Mathu]

export value in those 20 years was expected to be anywhere between £1,500,000, if the price is £100 per ton, or £4,500,000 if the price is £300 per ton, and that the African growers would increase from 15,000 to 140,000 in those 15 or 20 years. But, Sir, as I have said in my opening remarks, Sir, the aim of the production of cash crops is and should be really to enable us to export more than we are doing now, in order to be able to balance our foreign trade and to be able to buy imports and consequently, of course to raise the standard of living of the growers and of all the people in the country. In other words, Sir, as I see it, briefly it is an emphasis that we should lay on a change from subsistence factor in our economy to a money factor in our economy and I do not think that it is impossible for us to do that. But, as I have indicated, now what has been worrying me and has been worrying African Members, and has been worrying indeed the African coffee growers themselves, is what I consider undue restrictions to this very necessary expansion of our economy by means of growing these very valuable cash crops to bring in more money for the development of our country and it is therefore, Sir, the most important reason why I have brought this Motion, to see whether it is not possible to be less restrictive for the good of the country. Indeed, it is not for the good of the individual growers themselves, Sir, it is for the good of the whole country, and this question of restrictive principle, either by public policy, which is the one I am trying to criticize now, impressed the Royal Commission on Land and Population when they worked in 1953/55. With your permission, Sir, I should just like to read a paragraph or two in their chapter 4 of that report. They say, "One of the most vivid impressions which we have formed is the fundamental poverty which prevails in the East African territories. We take the view that the effect of this bitter poverty has been intensified by the elaborate system of restrictions which pervade the East African economy, and which is in part a creation of public policy".

Now, Sir, that is an observation which has come from a very very responsible

Commission which investigated this matter very carefully in these territories. But later I shall point out, Sir, that I think Kenya is suffering more than the rest of the two East African territories in regard to these restrictions, particularly in the growing of coffee and the other cash crops by the Africans in Kenya. In the rest of the territories, as I shall point out later, restrictions hardly exist along the same lines that they are in Kenya to-day.

The rules, Sir, the Native Lands Coffee Rules, 1951, are rules made under the Crop Production and Livestock Ordinance of 1926. That Ordinance, Sir, has four or five clauses only. The major clause is that it gives the Governor or Governor-in-Council power to make rules under section 4 of that Ordinance to regulate all matters in crop production and livestock, and if I may say so, Sir, this only applies to Africans. This Ordinance—I have come nowhere on any rules which have been made dealing with crop production and livestock which belong to any of the other communities. 1926 is a long time ago, Sir, and I do think these better years should have taught to depart from this kind of thing and if we have to control, which we must of course, production of these crops, I think we have to do it as we did, for instance, with the Pyrethrum Ordinance, where we have got one comprehensive Ordinance dealing with the whole incident. We have done it; we should do the same with the tea industry; the meat industry; the sisal industry; the cotton industry; and so on, but I do think that it is not very pleasing to see this Crop Production and Livestock Ordinance being applied only as a restrictive measure for the expansion of the economy by the African people.

Now these Rules, Sir, the 1951 Rules, are in three parts. Part 1 and Part 3 I do not think call for comment. I have no disagreement with them at all. Part 2 consists of the provision of what the Director of Agriculture might do in the supervision and seeing that everything is all right by African growers, and also the question of inspection. That, again, I have no complaint against. I think it is right and proper that the Director of Agriculture, and with his inspectorate staff, should see that those Africans who are growing coffee are doing it properly;

[Mr. Mathu] that the cultural methods are satisfactory; that diseases are checked; that pests are checked and all the rest of it, and that the quality is maintained. There I think it is absolutely justified, but where I am feeling that another look should be made by the Government in this matter, is in regard to rule 4 (1) and (2) which, with your permission, Sir, I would like to read. "Rule 4. (1) No person shall grow coffee in a scheduled area except under, and in accordance with, a licence hereinafter referred to as a coffee grower's licence issued by the Director. (2) There shall be payable in respect of every coffee grower's licence a fee calculated at one shilling for the first 100 trees or part thereof, and a further twenty cents for each additional 100 trees or part thereof, provided that no fee payable by a person in respect of the proper number of trees in any area shall exceed Sh. 30."

Now, my hon. friend, the Director of Agriculture, you see, likes to call this the boggy of 100 trees, and at one time he gave me the impression that he had never seen these 100 trees written. They are definitely in their rules. You see, they are there, in rule No. 4 (2), that you can only be licensed, and the basis of licensing you, as an African grower, is on 100 trees; a shilling for the first hundred or part thereof and twenty cents for the next one hundred or part thereof and the maximum you can pay, on that basis, is a fee of Sh. 30, and my calculation is roughly just over 1,500. Taking it at random as 500 trees to the acre, so the maximum any African can grow under these Rules will be three acres. I may be very wrong, and I would like, of course, to be put right, because that is definitely my impression, because the proviso says "no fee payable by a person in respect of the proper number of trees in any area shall exceed Sh. 30", and therefore, Sir, my own suggestion as far as that rule is concerned, is that the Government should look at it so that they can see whether they should not amend it to comply with the Coffee Industry Ordinance, section 13, which has a very similar provision but it does not talk about 100 trees, and if my hon. friend would like to know what section 13 of the Coffee Industry Ordinance says, here it is, Sir. "No person shall plant or maintain any coffee plantation unless and

until he is in possession of a licence issued to him in respect of such plantation by the Board. There shall be payable in respect of every licence issued under this section a fee of Sh. 30." Now, no question about number of trees or anything; it is a plantation, and whoever is growing it pays Sh. 30 to the Government, I think a very, very low fee, if I may say so, Sir; I do not know why they do not charge them higher; however, I think it is a point that would help, so if the Director of Agriculture is satisfied that from the ecological and the climatic point of view the area is suitable for scheduling, then all those people in those areas should be allowed to grow coffee, the only limiting factors being the extent or rather the size of their holding, the labour and the capital at their disposal. But I do not think there should be any other consideration which would prevent a fellow from growing more than, say, 1,000 or 2,000, or, in fact, it should be in acres; if a fellow has 50 acres and he can put all that under coffee, I can see no reason why he should not be allowed to do so.

Now the rule that I am suggesting, Sir, in contravention of these Rules is an offence—the rules—and the fellows are put inside for a period not exceeding six months; they can pay a fine not exceeding Sh. 500 and they can serve a further penalty if they so desire. Now, Sir, I feel, Sir, that is one aspect of the problem which I should like to ask the Government to consider in this matter. The other very restrictive procedure which is contained in the rules is that the Director may lay down conditions he likes for a licence, dealing with the method of cultivation, cultural conditions and so on and so forth, and there, Sir, what I am criticizing is not that the principle is unsound; what I am criticizing is what actually takes place on the ground. You have, for instance, whenever the area is being inspected where a fellow has to grow coffee, well the pit in which you have to plant your trees will have to be dug a specific depth, a specific width, usually 2 feet by 3 feet; you have to remove all the sub-soil, put back the top soil, bring in so many spades of manure, into that bring in the mulch and all the rubbish round about, have your bench terraced; well, it takes you months to get 100 trees in, at that rate,

[Mr. Mathu] and the African says: "What happens next door with the other coffee growers—nothing of the same system." And they feel, Sir, that although, as I say, any cultural method which will help to produce a good crop, nobody would object to that, but once you go too far into it until it is really making it almost impossible for a fellow to raise the number of trees—that is where the African coffee grower feels the pinch, and I do know that is exactly what happens in the African areas. There is also, of course, the question of nurseries, where you get your trees. Of course, you have to be allowed to grow and then you have to get the very definite number of trees that they want you to grow on your land. You cannot grow any more. You have to get them from the nurseries. As I say, Sir, the rules provide for the control of diseases, pests and so on, and as I say this is absolutely necessary and there is nothing that one could speak against it.

Now I have been to look at, Sir, what other countries do in regard to coffee growing, and in our neighbouring territories, Sir, where the Africans, as I shall give you figures presently, produce good coffee in Uganda and Tanganyika, there is no such restriction whatever. The agricultural authorities have power, with the local authorities as well, to see that diseases are checked, pests are eradicated and that the quality is maintained. Beyond that there is no question of the extent of the acreage that anybody can put under coffee. Now that is the neighbouring territories. In Brazil and in Central American territories, exactly the same. In Nyasaland and in the Belgian Congo and in Ruanda Urundi there is no such restriction. In the west coast of Africa, where they grow coffee, particularly in Sierra Leone and the Gold Coast there is no such restriction and, if I may say so, also in the French countries in West and Equatorial Africa. Kenya seems to be alone in this matter. India also the grower produces coffee and there I can trace no such restrictions where people want to expand in their economy and certain things are done to prevent them from doing so.

Now, Sir, I should like, as much as I hate it, but I do like to quote a few figures to show what I am trying to say, and the figures I should like to quote is

for the three East African territories—export figures of coffee for 1954 and 1955. In Kenya, where we grow arabica coffee mainly or practically exclusively, the Europeans exported, some of these are—in round figures, 12,000 tons of coffee; Africans 500 tons. In Tanganyika, where they grow both arabica and robusta, Europeans exported 2,700 tons of coffee and the Africans 17,000 tons of coffee mainly Bukoba area. In Uganda the Europeans exported 6,000 tons of coffee and the Africans 48,000 tons of coffee.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES: Would the hon. Member give me the year?

MR. MATHU: 1954-1955, and in regard to the values of these exports for the same year, they are interesting because in the other territories, in Kenya we had an export of about 5,711,337 lb. in 1954 of all the African and European coffee in that area. In 1955, of course we were higher by 8,926,908 lb., but, Sir, if we look at the figures of the other territories, we are nowhere near them, we are very poor indeed. Uganda, you see, exported 13,478,000 lb., Tanganyika 10,003,000 lb. and if we look at the African contribution in these three East African territories, in Kenya the African contributed only 10 per cent of that export, in Uganda 90 per cent and in Tanganyika 85 per cent of that export. The Uganda African community's contribution to the export was 94 per cent of all agricultural production and in Tanganyika 55 per cent, in Kenya only 32 per cent.

The reason why I quote these figures is to try to show that we are, I think, stifling the economy of our country; by these regulations, while the other territories are getting ahead by getting the Africans there to grow coffee as much as they like. In Kenya today, last year, there were 24,486 African growers who grew 7,511 acres. If we take an average of that, it works out at 3 per acre per head that is roughly just over a quarter of an acre per head and that is not good enough. If we have to try to stimulate these African growers to grow coffee in order to increase our exports I do not think that a quarter of an acre or thereabouts is good enough. I think, Sir, we

[Mr. Mathu] should be able to get them to grow more for the good of our own economy.

Now, Sir, while dealing with exports, Sir, I should like to say that the main point here, I feel, is that if we allow these Africans to grow, under supervision which I support, a coffee crop on a plantation scale, we shall generate tremendous purchasing power through the agricultural activity. We shall be able to pay for our imports. As you know, Sir, in May, 1954, our foreign trade balances were adverse, we imported over £60,000,000 worth of stuff and only exported just over £20,000,000 worth of stuff, it was an adverse balance, and I do think, Sir, that if we stimulated these African growers in the way that I am suggesting, there should be no reason why we should not be able to have a favourable balance with the other countries.

Now the next point I should like to mention is this question of quality. I know my hon. friend, the Minister for Agriculture will tell me "Of course, quality must be maintained", and I agree with him that quality must be maintained, but it should not be so maintained in such a way that we are losing money by not producing for the next ten years sufficient, that would, as I say, remove us from coming near the door by depending on capital loans from abroad or capital investments from private sources. When we have sufficient manpower, a good climate, good land, and I do think industry among the African people who can respond to these ventures. They have done, indeed, in other countries within a very short time. I do suggest, Sir, that that point should not be taken very seriously.

My hon. friend, the Director of Agriculture's Annual Report on page 12 talks about this. He has a sentence after many figures which reads like this "The attached table shows that the quality of coffee produced by the Africans has been good". Just that. Well that is right, but what is the coffee which they produced all that time? The difference between prices per hundredweight of the European growers of coffee and the African growers of coffee between 1950/51 to 1954/55 was Sh. 45 to 59. The highest year was 1953/54 when over 10,000 tons were produced by Europeans and 338

tons were produced by Africans. The Europeans got Sh. 509 per hundredweight and the Africans got Sh. 568 per hundredweight. Yes it is quality, but it must go beyond the test tube level. It must be big in order to bring more money and that is the real point I am trying to make to my hon. friend opposite, that I am trying to mention; that we want quality, yes but on a larger scale so that the money can come to boost our economy in this country.

Before I sit down, Sir, I should like to say that possibly my hon. friend, the Minister for Agriculture will say that if we get these people to grow coffee as I am suggesting now, that is they grow it as they are able, and the Agricultural Department only comes chasing them to make sure that what they are doing is proper, not that the Agricultural Department should stand at the head of the way and say "Well, you cannot plant coffee" and that kind of thing. I want them to come later, give free enterprise to these people to produce for the benefit of our country. Although, of course the law of diminishing returns might operate and we might lose from one end or the other, I do not think there is any such possibility. I think the potentialities are very big indeed and I think it is for us to exploit them, for the good of our own country. I should like also to say, Sir, that if this was done, the Africans' profits, or any money the Africans put in their own pockets, as there is no possibility of their investing that money in South Africa, or Asia or Europe for that matter, the money would be invested in this country. It will be spent here, and will be for the benefit of everybody in this country. Now, that is a most important point, Sir, that we should not lose sight of. I would like to say, Sir, that I am not in the least suggesting that the established coffee plantation interests should be endangered in any way. All I am suggesting, Sir, is this, that their position should not be safeguarded in a most negative manner to prevent a function being made for the benefit of all the people of this country and I do say, Sir, that the power is in our hands and the Government has the power if it only has the will to do exactly what we want, and that is to get more money, more wealth for the good of all the inhabitants of this land. Mr. Speaker, I beg to move.

MR. CHANAN SINGH: Mr. Speaker, Sir, in rising to second this Motion I wish to say that there is no need to look at this matter from the narrow point of view, which the hon. Mover has placed before the Council. From the point of view of the law, I do not see any justification for rules like these. These Rules are framed under section 4 of Crop Production and Livestock Ordinance. That Ordinance does not justify any special rules for African areas or for African peoples. Since these Rules were framed, Sir, the entire set-up in the Attorney General's office has changed and I think there is need to re-examine these Rules. This is more a matter of law than a matter of agriculture. After all, if there is any discrimination against certain areas, or against certain peoples, there must be justification for that discrimination in law.

Now, Sir, there is a little history behind these Rules. Some time ago the rules specifically mentioned Africans. The essential rule then was rule 3, which stated "No coffee shall be grown by any African except on a plantation approved by the Director and situated in one of the areas set out in the first column of Schedule A to these Rules." Then there was a proviso. The next sub-rule reads like this, "No African shall, in any area set out in the first column of Schedule A to these Rules, grow any variety of coffee other than the variety specified respectively opposite such area in the second column of such Schedule". Similarly, other rules also mention Africans. As a result of Koinange's case, the Supreme Court held that there was no foundation for any discrimination like that in the Ordinance itself. Unless the Ordinance authorized discrimination, it could not be practised.

Now, Sir, my contention is that although the word "African" has been cut out, the rules in substance remain the same, so that although it cannot be said that a race is specifically mentioned, they can still be attacked because in substance there is still discrimination against African growers. Rule 3 of the new rules, for instance, I will read sub-section (1). "It shall not be lawful to grow coffee in the native lands except in those areas in the native lands which are named in the first column of the First Schedule to these Rules (hereinafter re-

ferred to as the Scheduled Areas)". And there is a proviso.

Sir, this kind of wording has been adopted in the new Rules. Now my submission is that that leaves the matter where it was before the Supreme Court's judgment. It is for that reason, Sir, that I ask the Crown law officers to look into this matter again, because in effect there is no justification in the Ordinance itself to discriminate against the African areas. These Rules have no legal basis.

Now, Sir, the essential section in the Crop Production and Livestock Ordinance is section 4. That is the section which gives the Governor in Council these powers. Now the Governor in Council can make rules for these various matters, "(a) declaring the kind of crop or agricultural produce which shall come under the operation of this Ordinance". Sir, there is no mention here of African areas. Any rules made must apply to the whole of the Colony. If any specially restrictive rules are made for African areas, they are not covered by this Ordinance.

Then there is sub-section (b) "Improving the cultural conditions of any crop, also the methods of its production, and the prevention of its destruction or waste". Here, I suggest, Sir, that such rules for the improving of cultural conditions of any crop are necessary, not only in the African areas, but in all areas of the Colony. Why not therefore have the same rules for the whole Colony? Here again, there is no justification for treating African areas on a different footing.

Then clause (c) "improving the quality of any agricultural produce". The need to improve the quality of agricultural produce exists everywhere, not in African areas alone.

Clause (d), "specifying any particular kind of crop, tree, or plant, or variety thereof, as the kind or kinds which may or may not be grown, or which may or may not be destroyed". Well, Sir, this also is a rule of a general nature, it does not give the Governor in Council any power to make specially restrictive rules in relation to the African lands.

Clause (e) "the destruction of any diseased crop or agricultural produce with or without compensation to owner

[Mr. Chanan Singh] or owners thereof." This also applies to the whole Colony, or should.

Clause (f), "assisting and, if necessary, controlling transportation, preparation for market marketing of agricultural produce for purposes of sale". This also is a general rule and there is no power in the Governor in Council to make any special rules for the African areas.

Clause (g) "the inspection of any crop or agricultural produce". Well, Sir, this rule, again, is a general rule.

My contention, in short, is that there is no power given by the basic law to the Governor in Council to make rules like this, and as I said, the Supreme Court has already ruled that there can be no discrimination against Africans. Well, Sir, if there can be no discrimination against the Africans as a race, there can certainly be no discrimination against native lands, because those lands are occupied by natives alone. I therefore suggest, Sir, that this is a more general matter than the speech of the hon. Member would suggest.

The coffee growers' licence as given in the Schedule also provides for the number of trees to be specified. Well, Sir, here again, there is a restriction against certain areas occupied by the Africans and I suggest to you, Sir, that there is no justification for this and there is no foundation for such a restriction or such a discrimination in the law under which these rules are framed.

I, therefore, suggest, Sir, that the matter should be handed over to the law officers so that they can examine it from the point of view of the validity of the rules and I am sure the conclusion will be that there is need to revise them. And after all, what objection can there be for having common rules for the whole of the Colony? If it is necessary to have rules for the improvement of crops and for the improvement of livestock, certainly such improvement can be related to the type of soil, to the amount of water, and to the type of climate of the country, altitude and such other physical factors. Why should they be related to what in effect is a racial factor? Sir, I support the Motion.

Question proposed.

Mr. RODDAN: Mr. Speaker, Sir, I rise to oppose the Motion for two perfectly good reasons. One is that the rules as at present framed provide no restriction whatever on the number of trees or the acreage of land on which an African may plant coffee. Secondly, because the rules as at present framed have proved very effective in building up a very successful African coffee industry.

I do not propose, Sir, to deal with Government's general policy on coffee growing as that will be dealt with by my hon. friend, the Minister for Agriculture, but I would like to comment on the statement made by the hon. African Member, Mr. Mathu, in regard to clause 4 (2) which seems to be the bone of contention.

As I understood the hon. Member, he feels that the law as worded now will allow an African to plant up to 1,500 trees, or three acres. That, of course, is not correct at all Sir. If I may just read that sub-clause again, it is as follows: "There shall be payable in respect of every coffee grower's licence a fee calculated at one shilling for the first 100 trees or part thereof, and a further twenty cents for each additional 100 trees" and there is the proviso that the total amount paid shall not exceed Sh. 30. If an African pays as much as Sh. 30 under the provisions of clause 4 (2), it means that he will be able to plant 15,000 trees, not 1,500 or a total of 30 acres and not three acres.

But that is not the end of the story, Sir, the reason for the Sh. 30 being in the rule is simply that that is the fee payable by a European planter of coffee, and it was to bring the African into line with the European when he got to something approaching the plantation scale and at the same time giving him the concession of paying a much lesser licence fee when he was beginning to plant up his farm.

As I say, Sir, there is really no restriction whatever in the rules as framed on the number of trees or the acreage which an African may plant.

The other point the hon. Member referred to, Sir, was clause 5, where it says that the Director may attach to a coffee licence such conditions as he may think fit to impose. Well, Sir, on the

[Mr. Roddan] back of the coffee grower's licence there are certain conditions and clauses, but these conditions are all embodied in the rules. The only general statement on the back of a licence is that he will cultivate to the satisfaction of the Director, or practise good husbandry, which I believe are the words actually used. I do not think from what the hon. Member said, he will take any objection to that being on the back.

These are the only two points I wished to make, Sir, I beg to oppose.

Mr. AWORI: Mr. Speaker, Sir, this matter is what we discussed already in the Agricultural debate last time and I did not want to intervene because my friend, Mr. Mathu was going to raise this Motion, so I submitted to my friend the Minister for Agriculture that I might be able to speak about coffee later on. I am dissatisfied with what my friend the Director of Agriculture has to say in reply to what my friend Mr. Mathu has said—he said there is no restriction. Well I am very glad about that, Sir, when the Legislative Council is finished and I go home, I am going to get my fellow Africans in Nyanza, and say there is no restriction and that you will be able to plant as many trees as you like, so long as you get agricultural officers to advise you on how to plant them. I think that is correct, Sir, from what the Director has already said, and I am quite glad it is down in HANSARD, so that if at all I am told that they are not supposed to plant those trees, over 100, then my friend the Director, before he goes to Tanganyika, will be to blame. We will go and get him from Tanganyika. He will be a Minister in Tanganyika and before he goes we will get him to come back here.

Mr. Speaker, Sir, the question of no restriction as my friend, the Director, mentioned. I can speak with full authority that we have got 20,000 coffee plants in a nursery in North Nyanza which we cannot give to any African growers, and I have this from the agricultural officers in Nyanza they might be wasted.

So when I am told that there is no restriction about this, and I know very well that there are 100 trees to a quarter of an acre, an acre takes something like

537 trees, and 100 is a quarter of an acre, we are not satisfied with that. And (my friend I am talking to is not here—the Minister for Finance and also the Secretary to the Treasury) they would be very happy if the Africans could grow more coffee and they would be able to get something for the Treasury. But then we are restricted. I have already asked my friend, Mr. Mathu, that we should bring this Motion here at the time after the Budget debate when we were discussing all the agricultural matters and unfortunately he was sick so it was a good moment for him to raise this and what he said I support every word which he has said on this Motion.

But I cannot understand the reply from my friend, the Director of Agriculture. I cannot agree with whatever he has said about the question of no restriction on Africans growing coffee. He said that we are able to do it if you have the capital for growing the coffee. How is it that the Africans in Tanganyika and Uganda can do it, when the Africans there are more backward than ourselves—the Africans in Kenya—who are capable of growing good coffee. And in Kenya it is a fact that the coffee from the Meru district is the best and has won first prize every time, when we are told that we cannot grow coffee, if the Government does not want us to grow coffee to that extent, then it looks as if the Government wants us to go bankrupt. So I do not think that my friend, the Director of Agriculture, is right, because from coffee you would be able to get the duty fees. So I do not think that the argument of my friend, the Director, is in order at all. I did mention about the Uganda coffee, the Africans in Uganda, as my friend, Mr. Mathu, did mention during the course of his moving this Motion. There is more money accruing from coffee grown by Africans in both Tanganyika and in Uganda than there is in Kenya, and I believe that in Kenya we would be able to have even better coffee and more money accruing from coffee than we have ever taken.

Unfortunately, Sir, I am more fond of cocoa than coffee, I hardly take coffee, but still I do support the growing of coffee. I would have suggested to my friend, the Minister for Agriculture, about the question of growing cocoa in this country, but, still, we can get it from

[Mr. Awori] the Gold Coast and Nigeria, through the normal channels, through London. But I think for the sake of this country encouragement should be given to the African to grow more coffee. So far coffee is grown in Central Province, and in Nyanza we have only got in Kisii—that is in South Nyanza—but the tonnage is not up to the extent we would like, but if these restrictions which my friend, Mr. Mathu—and I do not want to repeat what he did say—was not brought about by Government, I do think that the Treasury would be able to benefit, and the African peasant would also be able to benefit.

My friend, Mr. Chanan Singh, who supported the Motion—he quoted a case, of Koinange growing coffee, he did bring the case into court—in the Appeal Court in Nairobi—the case about the growing of coffee in Kiambu. Of course he did win that.

Now, I do not feel, Sir, that we should have every African who wants to grow coffee must have to go to the court before he can be able to grow any more than he can be allowed by Government, and therefore, Sir, I do support the Motion which was raised by my friend, Mr. Mathu, about these Rules of 1951—the Native Lands Coffee Rules. I know I was told by my friend, the Director of Agriculture, the Government is not supporting this Motion. I do not know for what reason, but it is just a habit that every time any Member of the Opposition does raise any Motion, the Government will not support; and yet I find my friend, the Minister for Agriculture—who a short while ago was on this side of Council—and he did say something. Now he cannot support our Motion. I would like, when he replies, to see whether he is going to support this Motion, because I cannot see any controversy in this Motion at all—except I know what he is going to say—we are going to treat it departmentally. I know that I know what he is going to say, but it is not fair. When we Members on this side of Council do bring up a Motion, if it is genuine, I feel that the Members on the opposite side of Council should be able to support it.

We do not want any amendment, normally what happens, Mr. Speaker,

they have amended the Motion or refused the Motion. Presently, I find that the Director has already intimated that the Government does not support this Motion. It is not a controversial Motion at all. Any Member of the Council, on both sides, can be able to see there is nothing controversial in this. It is only a question of allowing the Africans to grow more than one hundred trees of coffee, although—I mean my friend, the Director, has already said that there is no question of restriction. If there is no restriction, then let them support it.

Mr. Speaker, I support the Motion.

MR. GIKONYO: Mr. Speaker, unlike the Director of Agriculture, I support this Motion. I must say that I was rather disappointed to hear that the Director of Agriculture was unable to support the Motion. He did not produce convincing argument in opposition.

Now, there seem to be two schools of thought. The Government says there is no restriction for growing coffee by Africans. We say there are restrictions. Now, who is going to be the judge?

AN HON. MEMBER: The Speaker!

MR. GIKONYO: Well, I leave it to the Minister to tell us, because that is the crux of the matter.

Now, I think my friend, the Mover, and the Seconder of this Motion have established a case that the Africans are desirous to grow coffee, but they cannot do so because of the existing restrictions. I still maintain there are restrictions. There are restrictions. If there are no restrictions, the Africans would grow coffee on the same scale as the European coffee growers do, but at the moment you go into the whole country in the African areas and see, and now the Director tells us there are no restrictions. The Africans are anxious to grow, but what happens? They cannot be allowed to grow more than 100 trees for the past year—second year perhaps—and now, Sir, 100 trees, and the whole thing depends on the agricultural officer. If you happen to have an agricultural officer who really follows the rules, you cannot do anything else but to grow according to the rules here, and now I wish the Director of Agriculture was addressing a co-operative of coffee growers, and then he would hear exactly

[Mr. Gikonyo] what they tell him, but now he comes to tell us in this Council there are no restrictions. We know there are.

Now, I would like to ask him just to look at what happens next door in Uganda and Tanganyika. I am glad that very soon he is going to Tanganyika as Minister for Agriculture. What is going to be his ideas there when he sees Africans are growing more than 100 trees there? I believe he is going to be amphibious. Now, before he leaves, I must say that I was very disappointed for him to tell us there are no restrictions. I hope he is not going to utter the same expression in Tanganyika, because they are not going to believe him, just as much as we do not believe him.

Well, I believe, Sir, that this question of rationing African farmers to the extent of a limited number of trees is not necessary. A hundred trees in the second and third year is a minimum wage, or a minimum return, so that the African farmer should be restricted to such an earning. Now, if a man has the ability, has the land and has the finance, why should we restrict him? We should give him an open licence, let him do what he can, and that is what we want. We want every man of ability and capability to be given that chance. That is not happening with the African farmers, and that is all our case. I feel, Sir, that the African farmers, just like any other farmers, should be given the same opportunity where they can, and, as the Minister for Agriculture often says, we should not divide the agriculture in this country into compartments. Before, perhaps, the next General Election—and we hope he will be returned—we want to see what he says is going to be the policy of the Government—that any farmer of any race will receive the same treatment from this Government, and I feel, Sir, that now we have an elected Minister, he should see that he does what he says. It is not my opinion. He says so. We want to see it put into practice.

My last point, Sir, is the question of African representation on the Coffee Board. I would like the Minister to tell us whether there is African representation on the Coffee Board because, whether they are growing a hundred

trees or not, I feel that they are entitled to representation on the Coffee Board.

Mr. Speaker, I beg to support.

MR. CONROY: Mr. Speaker, whether delegated legislation is *intra vires* or *ultra vires* is a detailed and esoteric subject which, I suggest, cannot be settled in this Council. We are all very grateful for the free legal opinion which the hon. Member for Central Area has given us; and I do not propose to give a free legal opinion in reply, beyond saying this: that the hon. and learned Member said that he thought probably this delegated legislation was bad because it was *ultra vires*, because (if I understood his argument aright) section 4 of the Ordinance, under which the rules were made, did not provides for the rules to apply to different parts of the Colony. Therefore, any rules which say that you cannot grow coffee here, and you cannot grow coffee in the native areas are bad. I was, therefore, rather surprised when I looked at section 4 to find that specific power is given to the Governor in Council, when making these Regulations, to apply them to different parts of the Colony. The Ordinance reads: "The Governor in Council may from time to time make rules which shall be applicable to such area or areas as may be named therein." Now, Mr. Speaker, I do not ask this Council to decide upon this difficult legal problem.

I would also say this: that the hon. and learned Member suggested that, I think, the set-up was now different in the Crown Law Office, and that they should now look at these Rules to see whether they are *ultra vires* or not. Well, Mr. Speaker, we lawyers do not discriminate when we look at regulations that we draft. We advise the Government on the law applicable. Mr. Speaker, our tastes are catholic, some of us like our coffee black—some of us like it white—in the legal department we like it in both ways. Mr. Chanan Singh, Sir, has sought to give coffee to the Government hot and strong, but, with respect, Sir, I would say that in this case we would not—as in all other cases Crown law officers would not—advise that regulations should be made unless they are satisfied that the Governor in Council has full legal power to do so.

MR. CHANAN SINGH: Mr. Speaker, may I explain what I said? What I said was that the old rules were held to be bad because of the discrimination against Africans. Here the rules, in effect, discriminate against Africans. They apply to African lands only and not to European lands.

MR. ARAP MOI: Mr. Speaker, Sir, I have not much to say, except to say that I was very much surprised to hear from the Director of Agriculture that he was opposing this Motion. I hope he will withdraw his opposition, and I would like to quote—with your permission, Mr. Speaker—what His Excellency, the Governor of Tanganyika, in 1925 said in a circular letter:—

"As soon as it is shown to the satisfaction of the Administrative Officer that a body of natives desires to grow economic crops for sale or export, he should assist them in every way to do so."

Now, Sir, it is thirty years. With the rapid expansion on crop production in this country, as well as in other territories, I do feel, Sir, that the time has now come to allow African farmers to plant coffee trees freely. I should like to quote also from one very important man who knew much about Africa, who said:—

"It is greatly to the credit of the British Administration that it has so quickly brought these African territories up to a position of financial independence."

Now, I wish the Minister for Finance was here, when he said in his Budget Speech that we are looking forward to a time when we shall be independent financially. In other territories—Tanganyika and Uganda—they are growing coffee as they like, and they producing a lot of wealth to the territories concerned. I hope the Director of Agriculture will in the course of this debate change his opinion, so that when he goes to the next door territory he will say he has done well for Kenya.

I must pay my tribute to him for what he has done to the African areas, and, to this effect, Sir, I would like to say one thing. The Solicitor General said that there is no discrimination in the law, but I would like to mention to him that a

hundred trees is there. If there is no discrimination, then will he be pleased to delete the figure of one hundred trees and make it just as it is in the case of European farmers. I shall be grateful to see Members on this side—particularly the European Elected Members—support this Motion, because it is not in the interests of the African community that the wealth should only be contributed by one community, but by all communities, so that this Colony stands on its own feet.

Well, Mr. Speaker, the fact is that coffee trees are not well tended, as the Minister for Agriculture will say. He will tell us that the Africans do not tend young coffee plants—and the agricultural officer is there to give necessary and concise accounts of the measures which can be taken to control pests and diseases. I should like also, Sir, to say that the fact now remains in other parts of the African areas that the agricultural officer brings in some trees—let us say fifty or sixty trees—to an African farmer, tells him to plant those trees when there is no rain, and when he plants he asks them to water those trees, and one tree takes one tin of water—that is four gallons—and it is very difficult, Sir, to water fifty trees or sixty trees daily. I feel, Sir, that the time has come when restrictions should be removed.

Mr. Speaker, I beg to support.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, hon. Members opposite have made the point—why is Government opposing this Motion, and there has been a suggestion that we merely opposed the Motion because we have got into the habit of doing so. That is not so, Sir. The reason we oppose this Motion is that it means nothing at all. The Motion reads: This Council requests the Government to revise the Native Lands Coffee Rules, 1951, so as to enable the African with suitable land to grow coffee on a plantation scale. No revision is necessary. He can do so to-day under the existing rules.

When the hon. Member for African interests, Mr. Awori, asked me why I oppose the Motion when I was on the other side of Council I supported them, I would like to tell him this, Sir. When

[The Minister for Agriculture, Animal Husbandry and Water Resources] I was on the other side of Council we moved sensible Motions. We did not move Motions which, in effect, do not achieve the objective which the hon. Member requires. So, Sir, we are not opposing the Motion merely for the sake of opposition. It is because the Motion will not achieve what the hon. Member wants, because it is already inherent and available within the existing coffee rules.

Now, Sir, going on from that, may I say this, Sir. There is no difference whatsoever in so far as the Government is concerned and the hon. Member's desire to expand the coffee industry in the African areas as fast as possible. And indeed, as I will show from figures I will give the Council, if the hon. Member had moved this Motion five years ago, or moved it in another form which I did actually suggest to him, then there would have been great substance in it. But I do submit to Council there is not to-day. Last year we increased, in the African areas, the acreage under coffee by 3,500 acres. This year we have available the technical means to increase it by a further 5,000 acres and 5,000 acres for each successive year thereafter. That, Sir, will almost immediately dispose of the wide ratio between the European acreage and African acreages in this country and the consequent production therefrom. There are existing at the present time 8,000 acres, and I believe that 5,000 acres a year on to that existing acreage is a very considerable achievement.

Sir, we must accept that the coffee industry is limited in its expansion by economics and by administration. I propose to deal with both of them. The fact is it is limited on the administrative side by a whole variety of circumstances. First of all, the staff available for supervision and the funds available to us for its expansion. Then again it is limited by a technical factor, which is that if we were to plant coffee indiscriminately in some African areas, we should lose the trees from disease. I am not now raising the question of whether Africans cultivate the trees efficiently or not. For instance, unless we plant rust-resistant varieties in the lower altitudes, they will inevitably decline and disease will remove them. Similarly, in the higher altitude areas, we must plant varieties which are

immune to coffee berry disease. Now, Sir, the varieties from which we can draw these trees are extremely limited. They are the result of thirty years' progressive breeding by the department, and the seed available is limited. So we have a factor which limits the expansion of the industry with varieties which will stand up to the conditions of various areas.

Then, Sir, we are limited by supervisory staff and the finance available to us for the production of the nurseries in seed. That brings me on to, Sir, a matter of policy. If it is accepted that we can expand at the rate of 5,000 acres a year, and I believe that is a very substantial achievement, we have to decide whether that acreage should all go to existing owners or should go to existing owners and new owners. Now it is obvious that we cannot leave the development of coffee to a few rapacious fellows in the African land units, leaving out the great bulk of people who have not as yet been able to plant coffee, and we do, therefore, try and allot trees for planting both to new owners and to existing owners who have managed their coffee excellently and well. The choice really before us, is should we aim, as a policy, at a number of small units, excellently farmed with great quality and high yields, or should we go for a smaller number of large units, badly farmed with lower quality and lower yields. Now, Sir, we have decided, for reasons which I will show later, to go for a large number of small intensively farmed units. I propose, Sir—the hon. Member mentioned the question of method and he mentioned the question of manuring and mulching—well, I propose to give the Council some indication of yields which can be expected under good farming practices and bad farming practices. The hon. Member, the Mover, Sir, when speaking said that surely we wanted quality and yield, and I am in entire agreement with him, but I would point out to him the 50 per cent drop in yield has to be compensated by a double increase in acreage, and therefore if our yield per acre was to be halved, in order to balance that yield and maintain what he wants, which is a flourishing African industry, we should have to double the acreage, so that it is illusory to imagine that mere size in the

[The Minister for Agriculture, Animal Husbandry and Water Resources] plantations will of necessity be more beneficial to the African grower.

Now, Sir, we have some examples which I will give the Council of small and large acreages. In Kisii there is a small African plantation of 14 acres. It has always been in a bad state and the owner is under constant pressure to rehabilitate it. In fact recently, Sir, we have had to consider whether we should not indicate to him that unless the plantation is brought into good order, then we shall have to reduce it in size. Now in Embu, before the war, we had a 20 acre plot in which individual owners owned from 50 to 400 trees, but because the homesteads were at a distance it was never properly looked after, and with the agreement of the men themselves we reduced the size of the unit. In Meru, where we have no large plots at all, we find, Sir, that an African family can tend efficiently from half to three-quarters of an acre of coffee. As soon as the acreage exceeds that, then additional labour is necessary from outside and yields drop very much below the yields on the smaller acreages, with a consequential loss, really, of income to the grower. We have had, Sir, some astonishing yields, up to 30 cwt. per acre, in coffee in certain districts in this country, grown under selective conditions by Africans. I do submit to Council that the issue before us really is whether when pressure comes in overseas markets on the coffee industry, we are better off with a highly selective small acreage of high yielding coffee, grown by Africans, or a rather straggling, low yielding and poorish acreage of coffee. Now I have seen the coffee the hon. Member referred to in Uganda and I would like to say this, Sir. It is not coffee that will stand up to economic competition. The coffee that we are growing under African development in this country, is magnificent and we have recently had visits, both from Uganda and Tanganyika, in order to assimilate the methods which we are using for the development of the coffee industry.

Now, Sir, to turn to some of the individual points which hon. Members raised, may I say this, Sir. All hon. African Members have raised the ques-

tion of restriction, and the hon. African Member, Mr. Gikonyo, rather bluntly said to me: "Is there restriction or is there not?", and would I answer. Well, now, Sir, there is no legal restriction under the Rules whatsoever. The only limit on the amount of coffee which is grown is the availability of trees to the African grower, and we make available to African growers those numbers of trees which he can handle efficiently and well. I should now like to come back to the points which the hon. Member the Mover, made over manure and mulching. It is far, far better to put in the requisite manure, dig the big pits and arrange for an acre of mulch for every acre of coffee, and produce the very high yields which are being produced off a small acreage, than it would be to have double the acreage with half the yield. The economic return increases in accordance with the yield per acre, and the lower the yield, the closer we are to the subsistence line of profit and loss, or the margin line of profit and loss.

The hon. African Member, Sir, Mr. arap Moi, asked me whether I would agree to delete the 100 in the Rules. Well, I would do so willingly. I am perfectly happy to accept that suggestion of his, but I must point out to hon. Members that if I were to do so it would immediately penalize the African grower. I would assure hon. African Members that this 100 trees in the Rules is not the limiting factor to which they can plant. It is a method by which we limit the licence fee to Africans. If I were to remove from the Rules the figure of 100, then every African, whatever the number of trees he grew, from 60 to 6,000, would have to pay Sh. 30. Now I hardly like to correct my hon. friend, the Director of Agriculture, but my calculation for the number of trees which can be grown for Sh. 30 is 14,600, and not 15,000. So, Sir, until an African reached 14,600 trees, the suggestion of the hon. Member, Mr arap Moi, would penalize the African growers. I do not think that was what he meant. He was relating really that 100 to the restriction, which is not so. That 100 is designed to save the African paying more in licence than is necessary.

MR. AWORI: The African growers have not queried the paying of licences.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Awori, I am afraid you cannot interrupt.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Sir, the hon. Members have not raised the question of paying licences, I agree, but it is the case that the hon. African Member, Mr. arap Moi, asked me if I would agree to removing from the rules the figure 100. I am perfectly willing to remove it, but the hon. Member must understand if I did so—

MR. AWORI: Africans with ability. I mean, to grow with ability they will grow more.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Sir, he can grow more now, I was coming to that.

Now, Sir, we do and are willing to allow Africans to grow more than 100 trees. Mr. Speaker, Sir, the hon. African Member, Mr. arap Moi has related the 100 in the licensing to the number of trees an African can grow. That is not so, Sir. The 100 in the licence rules is merely to prevent—or help the African—against paying the full Sh. 30 when he only has a small number of trees. We do start by allotting 100 trees to an African and we allow them to advance beyond that to the limit of their cultural capacity.

Now, Sir, to go back to points made by hon. Members individually, the hon. the Mover said that Tanganyika and Uganda were going ahead. I think if he will examine the figures he will find that on the programme which I have given him, which is a 5,000-acre extension each year in the African area, the disbalance between ourselves and Tanganyika and Uganda should be rapidly overhauled. I have already pointed out to him, Sir, that the ratio between the European and African production should improve, and I would like strongly to reiterate what I have just said to him, which is that I am really in agreement with him as to the necessity of expanding the African coffee industry. The difference between us is merely method, and I think perhaps that when I have finished I may be able to satisfy the hon. Member that we can meet him to a certain extent.

Sir, I must emphasize that if by expanding the African areas we were to reduce the acreage by half, if we were to reduce the yield by half, we could have double the acreage before we could achieve any significant advance at all. It is a point which must be watched.

Now, Sir, the hon. Member for the Central Area raised, Sir, the question of racial discrimination in these rules. Now I am terribly sorry that he did that. When he really said discrimination against the African, you must forgive me if I am terribly blunt; it was discrimination—and I have to say it—my foot, and I do not believe sometimes when the hon. Member goes to bed, I suspect he looks underneath it to see if there is any racial discrimination lurking there. This is not discrimination against the African. It is protection for the African, it is help for the African, and it is supervision for the African, and the people we are helping and supervising are decent simple people, who often do not understand the full implications of what they want to do. Where racial discrimination comes into the picture, for the life of me I cannot see.

Now, Sir, the hon. Mr. Awori. He did, Sir, attack the hon. Director of Agriculture because he said there was no restriction under these Rules. That is correct, Sir, there is no restriction under the rules, but the hon. African Member at any rate will not be satisfied with this. The limit does not come under the rules, it comes in the allotting of plants to individual growers, and the reason for that is that we have not got enough existing grower and for new growers, and we must make some allotment as between existing interests and new interests.

Now, Sir, the hon. African Member, Mr. Gikonyo, said why, if an African has the ability and the finance, should he be restricted. And I will say here and now, if there are Africans with the ability and the finance to maintain the standard of the existing coffee industry, which we have built up in African areas, and I would stress to hon. Members that it is something very remarkable and certainly the best coffee that I have ever seen, then we are perfectly willing that that African should expand his acreage to the limit of his finance.

[The Minister for Agriculture, Animal Husbandry and Water Resources]

Now, Sir, in finishing, may I say this? the hon. Mr. Awori, I think said that it was only in Kisii that coffee was being grown in Nyanza. Well, Sir, that is a very gross misstatement of fact, because there is excellent coffee both in Maragoli and in Elgon Nyanza of the very finest quality.

MR. AWORI: Mr. Speaker, on a point of explanation, I said that most of the coffee in Nyanza was from Kisii. We got a little from Elgon Nyanza and from Maragoli.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Well, Sir, I think if the hon. Member will look at the acreages now going forward in Elgon Nyanza he will not find that is the case. There is a very good balance between Elgon Nyanza and Kisii in the development of coffee.

Now, Sir, what is really the purpose of the Motion moved by the hon. Member the Mover? Really, Sir, he wants to satisfy himself that we are doing our utmost to expand the African coffee industry and I would like to give him this assurance, Sir, and I think I have given him figures which do underline the good faith of Government in this matter. We are expanding it at the rate of 5,000 acres a year. That is a very substantial amount involving 3,000,000 trees per year from the nurseries. The second point, Sir, I think he wants to know is this. That where suitability of character, outlook and ability and finance is available, that we will not hinder an African from expanding his acreage. Sir, I am perfectly prepared to give him an assurance and I will ask agricultural officers to make a special point of examining all these cases where we can expand acreage, where ability and finance and capacity are available, subject to this one proviso that I must protect the interests of the existing Africans who have not, as yet, had the good fortune to produce coffee. Provided that a reasonable allotment is made to new coffee growers and provided that existing coffee growers can handle an increased acreage, I can assure the hon. Member that we will have no tedious and vexatious restrictions.

Mr. Speaker, I beg to oppose.

SIR CHARLES MARKHAM: Mr. Speaker, having heard the Minister for Agriculture give a detailed explanation, I thought from this side of the Council, from the European members anyway, I should explain that I also have seen a great deal of the coffee grown in Ukambani by African growers, and I can certainly assure the African Members on this side of the Council, that there is no restriction whatsoever on the number of trees allowed under the regulations. In fact I remarked to one of our Ministers opposite the other day that I was somewhat jealous of the African growers in that they seemed to receive wonderful benefits while the European growers, also in Ukambani did not receive such benefits.

My hon. friend says question. I suggest, perhaps, instead of spending so much of his time in Nairobi, he goes out and sees some of these areas. And in fact it might be profitable to him to learn what goes on in some of the more progressive areas.

Mr. Speaker, I was horrified to hear the Member for the Central Area accuse Government of making this a matter for racial discrimination. I thought it was rather horrifying when in the last few years such progress has been made agriculturally, in the growing of coffee, to have that allegation made by somebody who has never even seen the areas where coffee is growing. In fact, I was rather bitter, having spent a day the other day all round Kangundu and seen the progress there and the very great pride that the Kamba themselves have in what they are achieving. To have remarks like that made in this Council, I would suggest shows irresponsibility by certain Members.

Mr. Speaker, my hon. friend, the Minister did say the only limitation is on the nurseries and financial ability. I was assured the other day personally, that provided the land is available and provided the farmer concerned has maintained his initial trees, there is no limitation whatsoever and I feel certain, in view of the number of trees that I saw there owned by individuals, that that assurance is genuine. Perhaps the only safeguard asked was that the initial

[Sir Charles Markham]

planting of the seedlings which came from a nursery at Kangundu itself, should be properly established before the next lot were planted. I believe many Europeans would like to have the same facilities and the nursery at Kangundu is well worth a visit. I have never seen such magnificent seedlings available to the ordinary coffee planter anywhere else in the world, and yet we get the allegations that nothing is being done. I would suggest, perhaps, to my hon. friend, the Representative Member, Mr. Mathu, that he might discuss this matter with certain of the Wakamba farmers and ask their opinion as to whether they support this Motion. I think you will find, Mr. Speaker, that most of them will say that they are achieving what they want anyway, and let them get on with farming and stop politics. Mr. Speaker, I beg to oppose.

MR. COOKE: Mr. Speaker, the Minister described this Motion as useless and nonsensical. Well I should have thought that a clever man like the Minister might have moved an amendment to make it a little bit more useful and less nonsensical.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): On a point of explanation, Sir, I must point out, Mr. Speaker, in fairness to myself and the hon. the Mover, that if he would move his Motion urging Government to expand the African coffee industry, as fast as possible, I would be able to accept it, but the hon. Member felt that the rules were not right and I must say I submitted to his opinion. But actually the Motion achieves nothing, as I said.

MR. COOKE: There is nothing to prevent the hon. Member moving an amendment to that effect now, even at this late stage, but the Motion has not been useless, because it has drawn from the hon. Member some very useful assurances which certainly reassured me to a very great extent, and he has said that there will be no limit, I understand, to the growing of coffee by competent and experienced Africans.

Well, that is a very fine assurance that this Motion has elicited.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RE-

SOURCES (Mr. Blundell): But it was there already.

MR. COOKE: Well, at any rate I did not know it, I must be very ignorant about that, but I remember exactly the same arguments being used about Tanganyika coffee 30 years ago, and now some of the best coffee in Africa is growing in the Changa country and what is to prevent the African from achieving in Kenya, purchasing trees for instance if there not not enough trees from the Changa, on the understanding, of course, that all precautions against disease will be taken. The hon. gentleman has said, and it seems to me a very weak admission coming from Government, that there was a liability of the Africans to plant trees which were diseased. But surely it is the function of Government to govern—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, on a point of order, I said no such thing. What I did say was that we had to have a selectivity of tree for each individual area, and the hon. Member can import all the hundreds of trees he likes from Tanganyika, but if he places them in areas where disease exists to which they are not resistant, they will die.

MR. COOKE: The hon. Member talked about rust taint; I think it was a disease in the lower areas, where surely Government should take precautions to see that diseased trees were not found in the lower areas, if Government were really governing in the country. I, personally think it would be a good thing if the hon. Member did now come to some arrangement with my hon. friend, the Minister, as regards the assurances which have been given which seem to me fairly complete. So long as the African is allowed, if he is a competent African and allowed, if he is one on whom you can depend, if he is allowed to grow as many trees as he likes, well I should have thought the object of this Motion has been met. But Mr. Awori, as he himself has said, will now go and advise the people in his own country, in Nyanza, to plant any number of trees and that is the impression he got from the Director of Agriculture, that it could be done and no doubt he will do that.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): I think this might be a suitable moment to take the customary fifteen minutes' break.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MR. NZIOKA (Nominated Member): Mr. Speaker, Sir, I rise just to say a few points about the matter which has been raised regarding the 100 trees in Machakos District, people start with 100 and after one year they go and get another 100, and I can assure the Members that there are many African farmers with more than 200 trees and they keep on getting more as they keep their coffee trees in good order.

About the labour, as Mr. Mathu has said, we have labour, good land and climate; this of course we do have, but, unless these people are skilled labour, it is very hard for the African farmer to handle a big number of trees.

With these points, I oppose the Motion.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentinck): No other hon. Member wishing to speak, I will call on the hon. Mover to reply.

MR. MATHU: Mr. Speaker, I shall be very brief I think in my reply. There have not been many controversial points raised by speakers. I should, Sir, I think, if I may, start with my hon. friend, the Nominated Member, Chief Nzioka, who has just sat down. He said that coffee growers in Machakos get their 100 trees first and then they get their second 100 when they want, and so on. I would like to say, Sir, that that is what we are trying to iron out. This question of 100 trees should not be given *ipso facto* to any person irrespective of resources, financial, labour, extent of land and so on, but there should be occasions when you have a competent farmer, with all these requirements, to start with five acres of the crop straightaway. That is the point we are trying to do. My hon. friend, the Nominated Member, did not seem to appreciate the thing on a wider scale that we are trying to do.

The other point he raised, which I challenge very much indeed, is that in Machakos they have labour; we do not want labour in the sense of artisans and

so on to grow coffee; what you want is the hard, industrious farmer who will farm his own trees with his family, and if the acreage is large, he should be able to hire labour to weed the coffee—you do not want skilled labour in weeding coffee; the only skill that you require is when perhaps you want the advice of the authorities to keep down disease and pests through sprays, but that also is not a skilled job and I am surprised to hear from my hon. friend that the Africans find it hard to look after many trees. It is an indictment of the industry of the people where he comes from, if they cannot produce and keep up a large number of trees in good health.

Now, my hon. friend, the Member for the Coast, whom I should like to thank for what he said, raised a point which I should like to put to the Minister for consideration. The Minister has, I think rightly, underlined that the difficulty comes in the allotting of plants to either the new growers or the old growers, and my hon. friend, the Member for the Coast, suggested that why should not the Africans, themselves, purchase trees. My hon. friend did reply, as a point of explanation, that there are varieties within the various types of coffee—Rubica or Robusta; some are disease-resistant, others are not, some are suited to growing in a particular type of soil, others are not, and so on—I agree with him that there is that difficulty. On the other hand, I do not think that we should, I think, continue with the present arrangement. I would like to suggest to him, Sir, whether it is not possible in an area where you have a sufficiency of agricultural supervisors, to allow certain Africans, within their supervisory reach, to have their own nurseries so that they will have the advice of the agricultural experts as to the varieties that are disease-resistant and that, therefore, they will be able to get these seeds from the nurseries themselves and put them on their own plantation. I do think we should break this ring somewhere; there is a ring. At the moment the African can only get trees from the Agricultural Control's nurseries. I am suggesting that in addition to that scheme, would it not be possible to do, the scheme as I have suggested. A co-operative society might be able to run a nursery and grow more trees than the Agricultural Department

[Mr. Mathu] can, in order that they should produce for their own members. There may also be a local authority in a district who would like to run a nursery where there is a good stream running through the scheduled area, plenty of water and plenty of land on which they can put up nurseries. Now the people in the districts will go and buy these plants—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, we should have no objection to the suggestions which the hon. Member has put forward and, indeed, they are already carried out, both by co-operatives and by local government bodies.

MR. MATHU: Yes, but even with that you still get snags, in that the co-operative society, or the local authority, who may have a nursery cannot dish out, as it were, plants to the people there unless these have already been entered in the book, that "Mr. X must have so many trees from that nursery". That is where the snag lies. My hon. friend knows very well that that is exactly what happens. That is what I am trying to suggest we should avoid. Give these people a feeling that they can produce their own crop without the consequences that my hon. friend, the Minister, is afraid of, and which I am afraid of also. But I do suggest that there is a case here for more generous attitude and practice by the agricultural authorities in this matter. I could not budge from that, Sir, because that is actually what we mean by restriction. My hon. friend, the Director for Agriculture, says there is no restriction, but, at the same time, we control by the allotment of trees. What is the difference?

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): The word I used, Mr. Speaker, was "limit".

MR. MATHU: I do not want to hammer that point, Mr. Speaker, beyond that, but to put to the Minister that he does see, in honesty he knows, what I am driving at. My hon. friend, the Director of Agriculture, knows that very well indeed, and he does not really know me at all, Sir, I live amongst these coffee growers. There is not a district, Sir, which grows coffee in the

Colony which I have not visited, Sir. Not one, Sir. I have seen coffee grow in the Teita Hills—I have been there more than once; I know what they think about it. I have been in Machakos, in Kangundo and I have seen what they think about it. And Meru, Embu, South Nyeri, Fort Hall and now, recently, Kiambu and I know particularly these areas because they came later on. The policy of the Government in those days were only for Meru and Embu and not these other places, but during the time of the previous Minister for Agriculture, some action was taken and these other districts were included. I do think, Sir, that that was a pleasing thing to see happening.

I have also been in Kisii; I have been all over the Kisii highlands and there are people growing coffee there. So, to mention a point that my hon. friend, the Member for Ukamba made about me; I do not live in Nairobi. I know the feeling that all these people have; they have said it to me, myself and I know that what I am saying, Sir, is the desire, at any rate of an overwhelming majority of the African coffee farmers in this country. It is not just what I think, or talking for the sake of talking. I have always told my hon. friend, the Director of Agriculture that I do not own one coffee tree, so I have no axe to grind in this matter—not one—but I do suggest, Sir, that it is my responsibility to bring to the notice of the Government that the African coffee growers, in their genuine desire to develop this country like any other community wish to feel that they can do this without undue heckling by the authorities. And that is exactly, Sir, the gist of the case that we have, been trying to put up to the Government to-day.

Now, Sir, my hon. friend, the Director of Agriculture, said that of course there is no restriction in the number of trees, but, if he recollects, he will find, Sir, that in the Second Schedule to these rules—that is during the licensing—there is a dotted line, Sir. "This licence is issued in respect of . . . trees and a fee of shillings . . . have been paid". Now the number of trees is included in the actual licence itself and I cannot see for the life of me—I know the English language is foreign to me—but I suggest

[Mr. Mathu]

it is a plain laugh that the number of trees are included in the licence and that is the objection which we are raising in this matter. I cannot, Sir, understand what the Director of Agriculture is saying in denying the submission which we have made in this regard.

Now, Sir, like my hon. friend, Mr. Awori, I should like to say, Sir, that we are happy to hear from both the Minister and the Director that we can grow as many trees as we like and that there is no question of limitation, provided, of course, that we report and we get the licence, and that we can go ahead and plant as many trees, and as many acres as we can, provided, of course, we have the ability, we have the money, we have the land and we have the industry and the guts to develop this country like any other person; provided these are all fulfilled we can go ahead and plant coffee trees over the country-side as much as any other person does. The European community does the same; they plant their coffee without any limitations of this type at all and that is exactly what we want; nothing less nothing more and we are satisfied, Sir, that the Government is of the same view.

I would like to say, Sir, that my hon. friend, the Minister for Agriculture, in discussing about the relative importance of small holdings as against large ones. He mentioned two or three cases. The one he referred to of 14 acres in Kericho is a farm I know very well. This particular individual was one of the first early pioneers. When the Government said that Africans could grow coffee, he was one of the first in that area to grow coffee and, if I may say so, in comparison with the African grown coffee in Uganda or Tanganyika, he is not doing badly; in fact I think he is doing very well. There may be a willing plant here and there because of the rot but that is not avoidable a 100 per cent, but even he, himself, would like to grow more than 14 acres. I just got information about his case only yesterday, Sir, and I do think that he should be congratulated on having started off very well like that, instead of saying that his farm is not doing well. It is doing very well in comparison, as I said, with Uganda or some of the coffee farms at

Kilimanjaro. That is the kind of thing, Sir, I think we should avoid. We should encourage these people instead of down downing them and saying they have too large acreages. Fourteen acres—what is fourteen acres? A very small thing, and I personally suggest, Sir, and I think my hon. friend, the Minister, agreed, that although some individual Africans would prefer to grow coffee on a small scale, there are others who would like to grow coffee, and are able, on a larger scale. It is within those two limits, two extremes, Sir, that we are asking the Government to give us free play to give every individual an opportunity to contribute according to his capacity in the production of this crop. At the moment they are all almost on a level alike, the industrious, the lazy and the inefficient. They must always get their trees from the Government nursery; they cannot raise their own nursery; they cannot start clearing the bush in a scheduled area unless permission is given. I suggest, Mr. Speaker, that the time is here that we should review our whole approach to this problem and allow the African to play his part in making this country a rich country for the good of all. I am glad to see that the Minister for Finance is here because it has been thought that we would like to pay more taxes and this is one way of doing it, by being allowed to grow more coffee and to export more and then the Minister for Finance and the Treasury can benefit, and this country can benefit, and the social services can be expanded. There you are, taxable capacity being offered to you on a plate!

I do not think the Minister for Agriculture's other remarks require reply because I think he was, for the first time, in a weaker position in opposing my Motion than at any time before, because I do think that his liberal heart cannot allow him to be unrealistic to this Motion. It is only because there has been this policy—and he wants to cover it nicely—but, in his own heart, he knows that I am right and he knows that the African people are right. They want to help him to make this country rich and all these unnecessary restrictions should be removed. He knows that in his heart, that that is what should happen, but, because the Government,

[Mr. Mathu]

you see, has this collective responsibility, he has to say he opposes the Motion. It hurts me to know that he can speak against his own judgment.

Now, I think I have covered most of the points raised by other speakers, but I would like to ask the Government to look into this question that was raised by my hon. friend, Mr. arap Moi, in regard to the coffee planting in his own constituency and what he said I think was astounding. If that happens, and I know he has checked up, that you are ordered to put so many gallons of water per plant per day and it is a serious matter and I would like to put that to the Minister to look into that matter because it is one of those things which we think are very restrictive.

My hon. friend, the Solicitor General's points were, of course directed from the legal angle and I would like to say that what my hon. friend, the Second of this Motion said, if he looks at it very carefully he will find that these Rules can be interpreted in the way he said. The Crop Production and Livestock Ordinance, as far as I know, has only been applied as far as clause 4 is concerned—to Africans and the African areas only—and that is the point my hon. friend, wanted to mention. But, as I said earlier on, there is no question of discrimination so far as the principle of the growing of coffee is concerned and we have no attack on the Government on that issue. The difference between us is the matter of degree; that this policy, instead of 5,000 acres per year, which the Minister says will be the target for production, we may be able to double that. He says the yield will go down; that may be not, but that is a thing on which we should have to take a risk. We should not be too careful about these matters. It is business, and business requires some risks, and I think we can take some risks in this matter in seeing what other people have done in Uganda. In Uganda last year in the African coffee was 13,000,000 lb. in exports. All our own here was 8,000,000 lb., but they have not got all this test tube business about their coffee; money is flowing into Uganda and in Uganda they have cars, radios, bicycles, gramophone records, all that and the people in England are getting employment be-

cause of doing that. More people are employed in England because once we have more money, more exports and in England more people get employed and the possibility of going to the dole is removed. That is what we are trying to ask this Government to do in order to help even those workers in England to get employment.

Now, Sir, my hon. friend, the Minister was asked a definite question, I think by my hon. friend, Mr. Gikonyo, about the African representation on the Coffee Board. I do happen to know that there is a co-optation—there are two Africans I think on that Board now—

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): Mr. Speaker, I do apologize to the hon. Member. I did miss the point. As far as I am concerned, I have agreed that three African Members should be co-opted with a view to finding out the best way of electing them.

MR. MATHU: I think the Minister, Sir, is quite right. There are three Africans on that Board now on trial as my hon. friend, says, but what we would like to say is to thank him very much for initiating this policy and to suggest to him, Sir, that it would be best if they were substantive members of the Board like any other Board constituted under the Coffee Industry Ordinance.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Mr. Blundell): I would like to assure the hon. Member, Sir, that eventually there will be no difference between the African and the European members. The object of the initial operation is only to find out the best way of getting Africans as substantive members of the Board.

MR. MATHU: I would like to say again that we congratulate the Government for the foresight they had in this matter and we want them to proceed along those lines as far as the growing of coffee is concerned.

I think, Sir, that those are all the points that I would like to reply to and before I sit down, Sir, I should like to thank those hon. Members who have supported this. I should like also to thank those hon. Members on the Government side who have to vote with them, not because they believe that we

[Mr. Mathu] are wrong, but because they have to keep collective responsibility and know that in actual practice we hope that this Motion, instead of being what my hon. friend was able to describe, it will be found as a very useful Motion, not only to one section of the community, but to all sections because it is being moved in the spirit of advancement for this country by all who live here for the good of this country and no other motive whatsoever.

Mr. Speaker, I beg to move.

The question was put and negatived.

BILLS

FIRST READINGS

The Prevention of Corruption Bill—(the Minister for Legal Affairs (Mr. Conroy))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The African Courts (Suspension of Land Suits) Bill—(the Minister for African Affairs (Mr. Windley))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Building Societies Bill—(the Minister for Internal Security and Defence (Mr. Cusack))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Cantonnents (Amendment) Bill—(the Minister for Internal Security and Defence (Mr. Cusack))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The H.M.'s Forces Pensions (Amendment) Bill—(the Minister for Finance and Development (Mr. Vasey))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Cavendish-Bentinck Pension Bill—(the Minister for Finance and Development (Mr. Vasey))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Mortimer Pension Bill—(the Minister for Finance and Development (Mr. Vasey))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Indemnity Bill—(the Minister for Legal Affairs (Mr. Conroy))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-morrow.

The Appropriation Bill—(the Minister for Finance and Development (Mr. Vasey))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-day.

Consolidated Fund Bill—(the Minister for Finance and Development (Mr. Vasey))—Order for First Reading read—Read the First Time—Ordered to be read the Second Time to-day.

BILLS

SECOND READINGS

The Appropriation Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that a Bill entitled the Appropriation Bill be now read a Second Time.

Sir, this Bill is necessary to give formal and statutory approval to the financial provision made in the 1956/57 Estimates. Hon. Members will notice, Sir, that the form of the Schedule of the Bill has been altered from that of previous years. It is based, indeed, now on United Kingdom practice in which the ambit of each vote is set out in full. This, Sir, has the effect of enshrining in the legislation, the purpose for which the provision is made. It is essential, Sir, for effective financial control of the legislature, and of the Treasury; it also, Sir, has the added advantage in that it gives flexibility and greater scope than before but within the ambit of the Vote.

It was, Sir, I think also indicated to the Legislative Council on 19th May this year, Sir, when the Specific-Loan Bill was moved which gave authority for the raising up to £5,000,000 in short-term loans during 1955/56, that provision would in future, Sir, be made in the Appropriation Bill as is the practice in other parliaments for the borrowings necessary during any financial year. This has now been provided for in the Bill and will enable the Treasury to borrow on a short-term basis to obtain any money which is temporarily unavailable on the Consolidated Fund, This, Sir, will

[The Minister for Finance and Development] be the last time on which I shall move an Appropriation Bill because, from now on, Sir, they are proposed to be dealt with as in the United Kingdom as a Consolidated Fund Bill, to be more in line with their actual use and practice. Sir, I beg to move.

MR. CONROY seconded.

Question proposed.

The question was put and carried.

The Consolidated Fund Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Consolidated Fund Bill be now read the Second Time.

This Bill, Sir, is necessary in order to give formal and statutory approval to the financial provision made in Supplementary Estimates of Expenditure Nos. 1, 2 and 3 of 1955/56 of the Colony and Nos. 1 and 2 of 1955/56 development as passed by the Legislative Council during the present session. It was, Sir, indicated to the Legislative Council on 18th April, Sir, that each Supplementary Estimate would, in future, be followed at a very early stage by a Bill of this kind, a Supplementary Appropriation Bill, in order to make certain that the Appropriation and the Supplementary Estimate were properly authorized before the end of the financial year. Again, Sir, hon. Members will notice that this is the beginning of the new practice; this is a Consolidated Fund Bill.

THE CHIEF SECRETARY (Mr. Turnbull): seconded.

Question proposed.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I will take the Chair in Committee as I understand, Mr. Conroy, that on account of the absence of Mr. Griffith-Jones, you will be conducting some of the Bills through the Committee stage.

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentinck, K.B.E., C.M.G., M.C., in the Chair]

The Promissory Oaths (Amendment) Bill

Clauses 1 and 2 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Development Loan Bill

Clauses 1 to 5 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Deportation (Immigrant British Subjects) (Amendment) Bill

Clauses 1 to 7 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Oaths and Statutory Declarations (Amendment) Bill

Clauses 1 and 2 agreed to.

Title and enacting words agreed to. Bill to be reported.

The Societies (Amendment) Bill

Clauses 1 to 4 agreed to.

Clause 5

MR. CONROY: I beg to move that subsection (a) of clause 5 be amended by the substitution in the proposed subsection (1) for the word "fourteen" of the words "twenty-eight". This is in accordance with the undertaking I gave yesterday to the hon. Member for the East Electoral Area, to increase the period of time within which applications for registration must be made from a fortnight to a month.

Question proposed.

The question was put and carried.

Clause 5, as amended, agreed to. Clauses 6 to 10 agreed to.

Clause 11

MR. HARRIS: I wonder whether the Solicitor General could tell me if I am wrong, but it seems to me that this new 8A is a protection for the members of the society against some of the possible happenings that the Solicitor General mentioned in the Second Reading of the Bill, and I am wondering whether this, in fact, is rather too restrictive in that it says, "The Registrar may publish any

[Mr. Harris] matter furnished by or on behalf of such society by the Registrar". I wonder whether he should not be given powers under this clause to have the right also to publish any other matter that should be of interest to the members. It may be, Sir, that it is a legal thing which I do not understand.

MR. CONROY: Mr. Chairman, Sir, I think we have to read the new section 8A with the power of audit given in section 7A; it was felt that the proposed power was sufficient, but we are very grateful to the hon. Member for Nairobi South, and might I say we will look into it and see if it is necessary. There is, of course, power to circulate anything to any member, or to any members, of the association or of the society, but this is power to publish in the *Gazette*, or to publish in a newspaper, and it was felt that this would probably be wide enough to protect the members of the society from the rackets to which I referred yesterday.

Question proposed.

The question was put and carried.
Clause 11 agreed to.
Clauses 12 to 15 agreed to.
Clauses 16 to 19 agreed to.
Title and enacting words agreed to.
The Bill, as amended, to be reported.

The Trout (Amendment) Bill

Clauses 1 to 3 agreed to.
Title and enacting words agreed to.
Bill to be reported.

The Appropriation Bill

Clauses 1 to 5 agreed to.

Schedule

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The Clerk has already been given a note, Sir, on the development section 1 of a typographical error which alters the figure in that section.

Schedule, as corrected, agreed to.
Title and enacting words agreed to.
The Bill, as corrected, to be reported.

The Consolidated Fund Bill

Clauses 1 to 4 agreed to.
Schedule agreed to.
Title and enacting words agreed to.

Bill to be reported.

THE CHIEF SECRETARY (Mr. Turnbull): Mr. Chairman, I beg to move that the Committee do report back to the Council its consideration of the following Bills:—

The Promissory Oaths (Amendment).
The Development Loan.
The Deportation (Immigrant British Subjects) (Amendment).
The Oaths and Statutory Declarations (Amendment).
The Trout (Amendment).
The Appropriation.
The Consolidated Fund.

and its approval thereof without amendment and of the Societies (Amendment) Bill and its approval thereof with amendment.

Question proposed.

Title and enacting words agreed to.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Promissory Oaths (Amendment) Bill and has reported back without amendment.

The Promissory Oaths (Amendment) Bill

THE CHIEF SECRETARY (Mr. Turnbull): I beg to move that the Promissory Oaths (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Development Loan Bill and has approved the same without amendment.

The Development Loan Bill

MR. MACKENZIE: I beg to move that the Development Loan Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Deportation (Immigrant British Subjects) (Amendment) Bill and has approved the same without amendment.

The Deportation (Immigrant British Subjects) (Amendment) Bill

MR. CONROY: I beg to move that the Deportation (Immigrant British Subjects) (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Oaths and Statutory Declarations (Amendment) Bill and has approved the same without amendment.

The Oaths and Statutory Declarations (Amendment) Bill

MR. CONROY: I beg to move that the Oaths and Statutory Declarations (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Societies (Amendment) Bill and has approved the same with amendment.

Date for consideration of the Report?

MR. CONROY: To-morrow, Mr. Speaker.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has con-

sidered, clause by clause, the Trout (Amendment) Bill and has approved the same without amendment.

The Trout (Amendment) Bill

THE CHIEF SECRETARY (Mr. Turnbull): I beg to move that the Trout (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Appropriation Bill and has approved the same without amendment.

The Appropriation Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Appropriation Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

REPORT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a Committee of the whole Council has considered, clause by clause, the Consolidated Fund Bill and has approved the same without amendment.

The Consolidated Fund Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move that the Consolidated Fund Bill be now read the Third Time.

Question proposed.

The question was put and carried.
The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I beg to report that a business on the Order Paper. Council will stand adjourned until 2.30 p.m. on Tuesday, 19th June.

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

Tuesday, 19th June, 1956

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

[The Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

ADMINISTRATION OF OATH

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

MR. A. M. F. WEBB.

PAPERS LAID

The following Papers were laid on the Table:—

The African Teachers' Service (Employment) Regulations, 1956.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Coutts))

Maize Control, Produce Control, Rice Control, Control Management, Balance Sheets and Accounts as at 31st July, 1955.

(BY MR. RODDAN (on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources).)

Transfer of Powers (Minister for Commerce and Industry) (No. 1) Order, 1956.

Transfer of Powers (Minister for Commerce and Industry) (No. 2) Order, 1956.

(BY THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones))

ORAL NOTICES OF MOTIONS

LAND RENTS—WAIVURE

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to give notice of the following Motion:—

THAT this Council approves that the revenue lost to the Government as a result of the failure to impose penalties in respect of the non-payment of certain land rents due in 1953 and in 1954 be waived.

H.M. Forces' Pensions (Amendment) Bill

INSTRUCTIONS TO COMMITTEE

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

THAT it be an Instruction to the Committee on His Majesty's

Forces Pensions (Amendment) Bill, 1956, that they have power to make provision to validate regulations made under His Majesty's Forces Pensions Ordinance.

TRANSFER OF POWERS (MINISTER FOR COMMERCE AND INDUSTRY)

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I beg to give notice of the following Motion:—

BE IT RESOLVED that the orders cited as the Transfer of Powers (Minister for Commerce and Industry) (No. 1) Order, 1956, and the Transfer of Powers (Minister for Commerce and Industry) (No. 2) Order, 1956, respectively, be approved.

PERSONAL STATEMENT

LT.-COL. GHERSIE: Mr. Speaker, Sir, with your permission and with the permission of the Council, I would like to make a statement with regard to certain conclusions drawn from the remarks made in my speech on the Report of the Public Accounts Committee on the Colony's Accounts for the year ended 30th June, 1955.

In commenting on the position in the Public Works Department with regard to allocated stores, I suggested there was need for greater supervision. Unfortunately, it does not seem to have been appreciated that the criticisms made by the Committee related specifically to paragraph 75 of the Audit Report which referred to stores "allocated" from the main stores and I wish to take this opportunity to state categorically that whatever criticism was made in no way included the main stores. I would draw attention to the point made in the Report of the Estimates Committee in this connexion and quote from paragraph 11 of that report which states as follows:—

"Stores are originally purchased and taken in to stock in the unallocated stores (that is the main stores under the control of the Chief Storekeeper) and then they are issued against requisitions and become allocated stores. The control over the unallocated store is satisfactory."

[LT.-COL. GHERSIE]

This I think should make clear that no reflection was intended upon the running of the main store and will clarify the situation as I endeavoured to present it.

THE MINISTER FOR WORKS (Mr. Nathoo): Mr. Speaker, Sir, I should like to thank the hon. Member for the gracious manner in which he has cleared the position of the main stores and therefore has absolved the Chief Storekeeper from any blame in this matter.

With regard to the other aspect of the hon. Member's statement, I would like to say, Sir, that now that my attention has been drawn to the matter, I have given it my personal attention and steps are being taken to remedy the situation.

MOTION

SUSPENSION OF STANDING ORDERS

THE ACTING CHIEF SECRETARY (Mr. Vasey): Mr. Speaker, I beg to move:—

THAT in accordance with Standing Order 168 the Standing Orders be suspended to the extent necessary to take Orders 11 and 12 immediately after Order 4.

MR. HARRIS seconded.

Question proposed.

The question was put and carried.

BILLS

SECOND READING

The Prevention of Corruption Bill
Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that the Prevention of Corruption Bill, 1956, be now read a Second Time.

Mr. Speaker, I think at the very outset I should like to make it abundantly clear that this Bill is neither aimed solely nor principally at public officers. I do not think I can say that clearly enough and I do not think I can say it forcefully enough. It is not aimed at public officers. I say this, Mr. Speaker, because my attention has been drawn to a misunderstanding which I think has arisen on this Bill which is that some people think that the principal purpose of this Bill is to catch public officers who are dishonest and who are disloyal. Sir, if that is the misunderstanding, I want to

get rid of it as quickly as possible. I want also, if that is the misunderstanding, to deal with the possibility that people may be under the unfortunate impression that the Government considers that there is widespread disloyalty or there is widespread dishonesty among public officers. Sir, again I cannot say too early, and I cannot say too loudly, that that is not so.

Sir, the vast majority of the public officers, be they in Government, or be they in local authority employment, are loyal and honest and, Mr. Speaker, I would suggest that if there are black sheep in the fold, then it is in the interests of the ordinary, decent and loyal public officer that this Bill should be enacted so that we can deal with the few, the very few, black sheep that there may be in the fold.

Now, Mr. Speaker, secondly, again on this introductory point, these clauses of the Bill which seek to introduce substantive law, that is to say law making offences in respect of public officers, are, broadly speaking, in our law already. They are included in the Penal Code and, therefore, in that respect, there is nothing new in the Bill now before the Council and so, again, I hope that will help to allay any fears and correct any misunderstanding that the Government, or anyone else, thinks that corruption is widespread in the public service.

Mr. Speaker, having I hope laid that ghost, I would like now to turn to the provisions of the Bill itself, and if hon. Members will look at the Bill they will see that it is divided in fact into two parts. It deals firstly with the creation of certain specific offences and those I think we might, for convenience sake, think the "substantive law" which is set out in the Bill. The remainder of the Bill deals with the procedure to be followed and the evidence that is admissible, or should be admissible in dealing with this particular type of offence.

If I might deal with the first part first, that is to say the substantive law, we find that clauses 3, 4, 5 and 6 really contain the substantive law. Broadly speaking they are in our law already or if they are not in our law already, they are founded upon a very respectable precedent, and that is English Statute

[The Minister for Legal Affairs]

law. Mr. Speaker, we look at section 3; that is now sections 93 and 94 of the Kenya Penal Code and that, in turn, was founded on the Public Bodies' Corrupt Practices Act, 1889, and we are bringing it out of the Penal Code and putting it into one Ordinance for the purpose of clarity and for the purpose of having all the law in one place. Then clause 4 comes from the Prevention of Corruption Act, 1906, in England; Clause 5, the Prevention of Corruption Act, 1916, and Clause 6 is based on the Kenya Penal Code, section 95, and it is also common in other Colonies and territories; for example it is in the Malayan Penal Code.

Mr. Speaker, I am not necessarily convinced that law exports well. Sometimes it is like some wines which are very suitable to the climate in which they are produced, but when taken overseas it does not necessarily follow that they suit the palate or that it travels well to the country in which it is proposed to adopt it. But where you have offences which are really founded on human nature and the frailties of human nature, and human nature being universal—

MR. HARRIS: Question!

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): The hon. Member for Nairobi-South says "Question." I will come on to what he is referring in a moment, but human nature being universal, I suggest that in circumstances such as these, we may, with advantage, look to the legislation which has proved in practice to be fairly satisfactory in the United Kingdom. I would point out that the United Kingdom had to have three goes. If I may so say, at the solving of this problem. They had one Act in 1889, another in 1906 and a third in 1916.

Mr. Speaker, broadly speaking the substantive law comes from England. Some of the evidential matters to which I shall come, are based upon models which have been found of practical assistance in colonies where they have had more up-to-date legislation on this subject of bribery—in Hong Kong and Malaya. Mr. Speaker, if I can use a culinary analogy, I would say that this Bill is principally the roast beef of old England, and it has a slight touch of curry in it.

You may think that is a diet very suitable for East Africa.

Now, Mr. Speaker, I do not think it is necessary for me, at this stage, to go through the substantive law because it is, broadly speaking, what we have got already. I think it may, however, be of some advantage, if I tried to explain two evidential and procedural clauses which start from clause 7.

Now, Mr. Speaker, in relation to all the remaining clauses, which are evidential and which are procedural, I would make this general comment. Bribery is an offence which, by reason of its secrecy, is unique. You see, where you have other offences—murder, physical violence, theft, forgery—there is always something to show for it. In murder there is a body; in forgery there is a document; in offences involving physical violence, there are injuries, and in all other offences there is a person who knows that he is injured—you have a complainant who is injured. But in bribery, the person who sustains the injury does not know about it. It is a secret offence. The men who commit the offence are all tainted with illegality, the man who gives the bribe and the man who takes it are participants of the crime, but the man who is injured, who is the ordinary decent trader, the ordinary honest businessman, the ordinary respectable, responsible public officer, he does not know that he has been injured by the bribe being given; the trader loses business, the public official loses his respect and the respect the public has for him, but it is all a secret and underhand, and because of this secrecy and because there is no open complainant, you have great difficulty in enforcing the law relating to bribery. Mr. Speaker, the very name that the public has attached to the offence of bribery, the name "corruption", suggests what the public thinks of this crime; it is a secret crime which, like a poison, spreads through society. Therefore, we come before this Council to-day in the procedural and evidential clauses of this Bill to try to tighten up the law so that the administration of justice is not hampered in bringing to justice people who have been guilty of this secret and underhand crime of bribery, this crime of corruption. Now, Mr. Speaker, I would

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ask all hon. Members to bear this in mind when we come to deal with the evidential clauses of the Bill.

I do not think clause 8 raises any new principles. It is based on the Public Bodies Prevention of Corruption Act, 1889, and as in England. Clause 9, which gives special powers of investigation, only in respect of any bank account, share account or purchase account on the authority, personal authority, of the Attorney General or the Solicitor General, to senior police officers. Mr. Speaker, this is one of our pinches of curry. This is based on Hong Kong and Malaya and is, I suggest, not very much different from the power which one now has to go before a Magistrate and get a warrant to inspect any of these things. It may well be that in the interests of an innocent person who is suspected that it is better that no application should be made. Court with the possibility of attendant publicity in respect of a man when the search proves that he is innocent.

Mr. Speaker, then we come to clause 10—presumption of corruption in certain cases. That is virtually word for word the Prevention of Corruption Act, 1916, section 2, and, I think, is largely declaratory of the law. After all, if someone is prosecuted for bribery and it is proved that he has received loans, or gifts, or advantages, or fees in these circumstances, then I think hon. Members would agree if they try to work out a practical case that, in fact, this is what the law is already.

Clause 11, Mr. Speaker, is new. That, again, is another pinch of curry from Malaya and provides that no person shall be excused from answering any question on the grounds that it would incriminate him of having committed an offence of bribery. I admit that is a departure from the general law, general run, of British law. I would suggest that hon. Members in making up their minds whether that clause should be enacted or not, should ask themselves three questions. I suggest those questions are these—they should first say, "Would this clause help to convict a guilty man?" If it does, then I suggest that is one good reason for enacting it. Then they should ask themselves the second question, "Would it create any danger of an innocent man

being convicted?" And if you look at the clause, I think you will agree that it would create no such danger and I suggest that that is the second and possibly the more important question. So the two questions are, "Would it help to convict a guilty man?" "Would it create any danger of convicting an innocent man?" and the third and more general question is "Would it help to protect the ordinary, decent member of the class from which the accused person is drawn?" In other words, is it necessary? Is it necessary for the good of the public? Mr. Speaker, another way of putting those three questions is to say, "Is this clause necessary? Is it just? Do we need it? Will it work injustice or will it work justice?" If hon. Members are satisfied that that is no danger, that it is just and it is necessary, then I suggest there is every reason why that clause should be enacted and become part of the law.

Mr. Speaker, we then come to clause 12 to which the same principles apply and which does not raise any very great principle.

Then we come to clause 13 which raises two principles. The first two subsections I think are probably declaratory of the present position of the law. In other words, if a man is charged with taking a bribe, it is obviously admissible evidence against him that, at the time he was charged with taking the bribe of say £500, that he was suddenly proved to be £500 richer. I can think of specific cases, specific prosecutions, where that evidence has been adduced and not objected to and that applies to sub-section (1) in section 2.

Now, we come to subsections (3), (4) and (5). This, Mr. Speaker, deals with that thorny problem, the necessity to corroborate the evidence of an accomplice. We have had this problem raised in other debates. I can see a certain glint appearing in the eyes of hon. Members opposite. Mr. Speaker, I am not sure that they should not really have, not the glint of battle, but the famous look of a proud father on their faces, because it may well be that their encouragement may well be that their encouragement in the Crown law officers has resulted in this attempt being made. Mr. Speaker, there are many great pieces of English legislation which are not called by the long or the short title of the Ordinance but we have them so called by lawyers by

[The Minister for Legal Affairs] the name of the man who was responsible for their enactment. We have Lord Campbell's Act; we have Tenterden's Act, no one ever talks about the Matrimonial Causes Act, 1937; they talk about A. P. Herbert's Act. Mr. Speaker, it may well be—I do not know—but it may well be that in years to come sub-sections (3), (4) and (5) of clause 13 may have, by advocates in Kenya, attached to them the name of the hon. and learned Member for Aberdare.

Now, Mr. Speaker, I think, at the risk of wearying the Council, it might be only fair to these three sub-sections to reiterate what the rule with regard to the corroboration of accomplice's evidence is. The first thing to consider is what is an accomplice? An accomplice is a man who, on the fact proved in court, could equally well be in the dock with the accused charged with the same offence. It is more succinctly expressed in the phrase "*particeps criminis*", but all that really means is an accomplice is a partner in the crime, and could be charged with the accused in the same offence.

If you are only guilty of a minor crime then you are not an accomplice. For example, if I and someone else go out with the intention of assaulting someone and one of us draws a knife and kills a person, I am not an accomplice, and therefore I could give evidence against the man charged with murder, because I did not intend to be a party to the murder, I only intended to be a party to common assault. There is an actual case where that happened quite recently—a gang in London, one of them drew a knife and killed a member of an opposite gang and all the other members of the gang were held not to be accomplices and they were able to give evidence against the man who used the knife. I give that illustration because when we come to the question of bribery, it is difficult to get evidence other than that of an accomplice. You see, corruption does not go on in broad daylight. There is no primary evidence of the corruption, except the evidence of one of the corruptors and, therefore, we tried here to set down and clearly and, if possible, minimize the rule with regard to accomplices' evidence.

Mr. Speaker, the rule is this, and it is a very simple one. Before a magistrate or

a judge convicts upon the evidence of an accomplice, he must warn himself that it is dangerous to do so. If, having warned himself, he comes to the conclusion that in the particular circumstances of that case it is safe to convict, then it is a good conviction.

Now, Mr. Speaker, that is a rule that has grown up out of common sense over the years, because it is quite clear, bearing in mind what an accomplice is—a person who should be standing in the dock as well—it is quite clear that he is interested in giving evidence which is cause. His primary purpose may be not to give honest evidence, it is to cover himself and therefore his evidence must always be suspect. A just man must always look at it with great suspicion to see whether he can accept it, with great caution.

Now, it may well be that in many cases the accomplice's evidence should be accepted without corroboration, but you cannot say so in a statute, because the only way you can say so would be to say that all judges should believe all witnesses who are accomplices, and you cannot do it. It is a question of whether the judge believes the witness or not and there one is faced always in corruption cases with the rule which requires the evidence of an accomplice to be corroborated or, in exceptional circumstances, the judge can accept the evidence having warned himself of the danger of doing so.

What is proposed here is that we try to set the law out as clearly as we can and try to say that the judge who must always bear in mind, obviously, the danger when he is assessing the credibility of witnesses. All judges say: "Do I believe this or do I believe that." Now, in summing up, if the judge omits to say in court I have warned myself of the danger of the accepting X or Y's evidence, if he omits to say that, then the only effect as I see it of sub-sections (3), (4) and (5) would be that that conviction could be upheld on appeal, and I would ask hon. Members again to apply the three tests. Would this help to convict a guilty man, would it create any risk of convicting an innocent man, and is it necessary for the prevention of corruption to have such

[The Minister for Legal Affairs] legislation? If it passes those three tests, I suggest the fact that this is a new provision should not deter hon. Members from voting in favour of the Bill.

Mr. Speaker, clause 14 is in common form and says no prosecutions are to be instituted except with the consent of the law officers, that is a quite common provision put in to stop frivolous prosecutions, to stop malicious prosecutions and to stop vexatious prosecutions in serious offences. It is put there to protect persons who might otherwise have unjust charges made against them.

Mr. Speaker, that is all I propose to say on the principles behind this Bill, but before I sit down I would again emphasize and underline that this Bill is not primarily intended to be against public officers, and it is not—it is not—the opinion of Government that this Bill requires to be enacted in order to combat any large, widespread occurrences of dishonesty, disloyalty or corruption of public officers. Mr. Speaker, public officers as a whole, the vast majority of them, are law-abiding and decent citizens, and it is only in respect of the very few that some of the provisions of this Ordinance will enable prosecutions to be undertaken. Mr. Speaker, I beg to move that this Bill be read the Second Time.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

MR. HARRIS: Mr. Speaker, Sir, may I start by congratulating the Minister for Legal Affairs on the assumption of silk, which I do not think has been mentioned in this Council since he assumed that dignity.

I almost feel, Sir, having listened to his rather tortuous discussion on the second part of this Bill, that it is an honour that is well and truly deserved. I agree, Sir, with the Minister that the first part of this Bill, which he described as the substantive part, is both desirable and almost beyond reproach, except for one or two small details which I will touch on later.

But, Sir, I would like to come straight away to section 6 (1) of the Bill, which, although the Minister said that this Bill

was not essentially directed against public servants, starts off "Any person being a public servant, who solicits or receives or agrees and so on". So there is, in fact, in clause 6 (1) provision for making the public servant either of the Government or of a local authority, a person rather set apart from the rest of his fellows.

The Minister for Local Government, Sir, says "So they should be", as the Minister for Local Government, Sir, of course he should know more about it than I do.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I do.

MR. HARRIS: Now, Sir, in clause 6 (1) there is the word in the third line "or advantage" which appears also in other places in the Bill and in clause 2 under the definition of advantage we find the expression "or influence". This expression goes right the way through every consideration; there is added this word "or advantage or influence", and I would suggest, Sir, that the interpretation of this makes the purpose of the Bill far too wide. If one reads that in conjunction with clause 12, "Where a matter which is customary in any trade, vocation or calling" is remembered, the loose words "or advantage" can be taken to absurd lengths: It is a custom of this Council, Sir, for one Member to give another Member lunch, and sometimes that lunch is an advantage. But certainly, Sir, in ordinary commercial transactions it is very common for one head of business to entertain, sometimes quite lavishly, other heads of business, or person who can, in fact, trade with them. It is quite customary and I do not think it has ever been suggested that that practice is corruption.

However, Sir, that is a comparatively minor point, until we come to clause 7. Now clause 7 (1), Sir, seems to me "lay" mind to be extraordinary. It says "That where any gift, loan, fee, reward, consideration or advantage has in contravention of this Ordinance been given by any person to an agent, the principal may recover as a civil debt the amount or the money value thereof from the agent, or no conviction", and this, Sir, is the part which seems extraordinary, "or acquittal of the agent or of such

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persons aforesaid in respect of an offence under this Ordinance shall operate as a bar to proceedings in the recovery of such amount or money value".

So that on acquittal, having been tried by one competent court and acquitted, the then accused man can be brought up in a civil court and sued for civil debt, for a debt which it has already been found by another court he has not in fact incurred. I would, Sir, in the Minister's reply like to get elucidation on that clause.

I now come, Sir, to clause 9 (1). The Minister in moving made the point, Sir, that there already is provision in the law for the examination of bank accounts. I think, Sir, it would be generally accepted that in crimes of this nature there is a case to be made for the examination of banking accounts by a competent authority. But whether, Sir, this Council would agree that a police officer is that competent authority, not having sworn an affidavit on oath before a judge or a magistrate, but merely on the authority of a busy Attorney or Solicitor General, is the right person to examine a private person's banking account, I would not like to say. As the Minister said, Sir, there is already provision under, I think, the Bank Books Ordinance, and also under the Income Tax Management Act, for a system of examination of banking accounts, but in both cases it is necessary for the police officer asking for the warrant to give his reasons before a member of the judiciary, and of course, being on oath, if there is anything false in that he could subsequently be charged with perjury.

At the present time, Sir, I feel that knowing how busy the Attorney General is, and several attorney generals here have had to leave us because of overwork, I think that it is quite likely that a police officer might merely say that he has "reasonable cause to believe" and get an order to examine a banking account.

But, Sir, I wonder also whether this clause does not, in fact, defeat its own ends, because we are now giving notice to everybody who is contemplating corruption that there is the likelihood of their banking account being examined,

and it seems to me therefore fair notice to all corruptors not to use their banking accounts. There are plenty of other ways of holding the fruits of corruption without putting it through a bank and therefore I cannot quite see what the point is of advertizing the fact that if you put it in your bank they may get you. I would have thought it very much better to let them put it in the bank and find other methods of determining whether corruption has taken place.

On clause 11, Sir, the Minister gave us three questions that sounded very easy of answer, but I think it is true that in England, in the English law, no person need answer a question which incriminates himself, except certain statutory questions, and in Kenya under the Indian Evidence Act, a person can be compelled to answer a question, but when he does so he has an indemnity conferred upon him that the answer to that question cannot be used in subsequent criminal proceedings.

Now it does seem that that is a very important principle which is being defeated in the terms of the present Bill.

I have already covered the case, Sir, in clause 12 of certain considerations or advantages that are customary in many professions. I feel that possibly redrafting should be undertaken there.

In clause 13 (2), Sir, we come, I think, to one of the worst features of this Bill. That is the clause under which it seems that a person who is believed to be guilty of corruption is presumed to be guilty of corruption unless he, himself, can prove otherwise.

Now, Sir, also in this clause a person suspected is responsible for the banking accounts, the accretions, the share accounts and all other financial matters of close relatives or persons who are believed to be acting as agents on his behalf and we get the same thing—a trustee or agent in clause 9 (1).

Sir, I wonder whether the Minister thinks it is really practical for a man, a perfectly honest man, to be able to answer for items in, say, his brother's banking account. It may be very nice, Sir, when they are both in their teens and meet every night, but they may not have seen one another for years and yet, if there is an item in that banking

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account which cannot be accounted for by the individual concerned, it is presumed in this Bill to be the fruits of corruption.

Now, Sir, I paid into the banking account of a Minister a little while ago Sh. 498. He cannot possibly account for that, because I am the only person who knows where it came from, but can assure you, Sir, that it was nothing to do with corruption. It was merely a fortuitous capital gain. But if the Minister concerned, Sir, were asked to account and prove that Sh. 498 he could not do it unless I were willing to come and substantiate it. That brings me to another point, Sir, that it might be in my interests not to substantiate it. It might be in my interests, and it could very easily be in one's interests under these circumstances, the circumstances envisaged by this Bill, for that person to give a totally false story as to how that Sh. 498 got into a Minister's banking account. Under this Bill he is going to have a very sticky job, Sir, to prove that I did not give it to him for some other reason altogether which is corrupt.

Now, Sir, on this question of the evidence of an accomplice. It does seem to me that whereas the hon. Member for Aberdare has asked for similar powers to these in the past in dealing with *Mau Mau* offences, it has always been refused by Government as being repugnant to British justice. The Government is willing, with its own servants to introduce this measure. The Minister, Sir, himself said that the evidence of an accomplice "must always be suspected." I think was his expression, and yet, Sir, in this Bill we have a provision that without the judge hearing a case warning a jury that they should take due note of the fact that the evidence given by an accomplice is the evidence of an accomplice that will make no grounds whatsoever for an appeal, and I would leave it, Sir, to the hon. Member for Aberdare to deal with this question as I am sure he will.

I would like to come back, Sir, once more to clause 9 (1) where this police officer, on the authority of the Attorney or Solicitor General, may investigate any bank account, share account or pur-

chase account of such person, his wife or child, or of any person reasonably believed by the Attorney General or Solicitor General to be a trustee or agent of such person, and to ask the Minister, Sir, whether in fact that would not include an investigation of advocates' trustee accounts, of accountants' personal accounts, simply because there is suspicion that the person for whom that accountant or advocate acts, may be the receiver of corruption? And I would have thought, Sir, that that does undermine the confidential relationship that there is between a lawyer and his client.

I have come, Sir, to clause 14 under which although no proceedings may be taken without the consent of the Attorney General or the Solicitor General, a person may be arrested or a warrant for his arrest may be issued and executed and such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney General or Solicitor General for the institution of a prosecution has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

I think, Sir, here again it is essential that there should be a time limit under which any person can be held either in custody or on bail before that consent is given. If that consent is not given, Sir, then there should be, after a due period of, say, 14 or 28 days, there should be authority for his release.

There are one or two other matters, Sir, which need amplification, such as the definition of a loan, which as I see it would include a mortgage from a building society or a bank overdraft, and there are public servants and others in this country who have to deal, to their advantage or disadvantage, with their building societies and banks, and it might be considered that a loan is given in exceptional circumstances or exceptional as compared with other people, so as to benefit the lenders.

But, Sir, I believe that the Minister would not be averse to this Bill going to a very quick Select Committee and before I can give my support to the Bill, Sir, I would like to hear whether he is willing for a select committee to sit and consider the provisions of the Bill,

MR. SLADE: Mr. Speaker, Sir I am not going to make a very long speech, the only reason why I have walked down here is because I have got too many books to balance on that ledge up there.

I would like to start, Sir, by congratulating the hon. Solicitor General on the very disarming and persuasive speech he made in support of this Second Reading. It was spiced with a good many gastronomic allusions, some of which were not awfully appetizing. I am not sure that his allusion to black sheep in the fold was quite so happy in indicating what he intended, because many sheep-farmers, myself among them, regard the odd black sheep as a luck mascot. I am sure that he did not mean to regard the odd corrupt public servant as a lucky mascot. However that may be, Sir, I agree entirely as I know my hon. friend, the Member for Nairobi South, agrees, that there is a case for tightening the laws of corruption, and I would again like to congratulate the hon. Mover on his very clear and able distinction of the crime of bribery as compared with practically any other crime. It is a fact that it is particularly difficult to bring home.

But I am afraid, Sir, that here, as in one or two other cases of legislation recently, the enthusiasm of Government has taken them a little bit too far, and they have rather overbalanced in their desire to stamp out this crime. I would remind hon Members that this is not just Emergency legislation, this is permanent legislation; something which, if we put it through now, is intended to remain indefinitely on our Statute Books. Therefore, when it comes to interfering with the ordinary course and principles of justice, we have to be all the more careful.

Once again, Mr. Speaker, I would remind hon. Members of the difference between drastic alterations of the law to suit a state of emergency and alterations which are of a permanent nature. With that in mind, Mr. Speaker, I have some comments to make on particular clauses of the Bill. The hon. Member for Nairobi South has covered a number of points and I do not want to repeat anything which he has said. But I do also worry about clause 6 of the

Bill for certain further reasons in addition to those which he has mentioned.

Sir, clause 6 which deals only with public servants, as has been pointed out, is of a very far-reaching nature. I think it is a bit of an innovation, because the hon. Mover tells us that it is based on our present Penal Code, but I do not understand that there is any other precedent for it. The main distinction, Sir, between this clause and clauses 3 and 4, is that the essence of clause 3 and again of clause 4, is that the person concerned has done an act "corruptly". The corruption is the essence of the offence. But when we come to clause 6 we do not find the act qualified in that way. It describes a person who solicits or receives or agrees to receive a gift, loan, fee or reward in certain circumstances, without any reference to corruption being the essence of those circumstances; so that if for instance you are Prime Minister and you are visited by certain distinguished foreigners and those distinguished foreigners give your wife a sable coat, under this clause as it stands I suggest you have committed an offence, though you may have no kind of corrupt intent whatsoever.

Now, Mr. Speaker, I think that is going rather too far, I do agree with the rather drastic provision of clause 10, where the receipt of money, gifts, etc., in certain circumstances raises a presumption of corruption which the accused has to rebut. That, Sir, drastic though it may be, is in my opinion necessary for the purpose of this Bill. But that is not going so far as clause 6, which gives the accused no chance of answering or proving that in fact his motives were completely innocent in doing what clause 6 describes. Innocent intent or guilty intent, it does not matter; if you have done this thing, you have committed an offence. I say again Mr. Speaker that I think that goes too far.

Before I leave that clause there are two matters of detail to which I would like to refer. I think there must be some error of drafting in sub-clause (1), or else it is difficult to understand. In the seventh line of that sub-clause one finds the phrase "in any matter or transaction with himself". It deals with a person who agrees to receive a gift and so on from any other person whom he

[Mr. Slade] knows to have been or to be concerned "in any matter or transaction with himself".

Now, Sir, I am sure the intention here is that it is any matter or transaction with himself in his public capacity, because if you receive a gift from someone who is concerned in a matter or transaction quite privately, unrelated to your public position, surely that cannot raise a presumption of corruption? It is only the fact that the man who has given the gift is concerned with him in his public capacity that is the trouble. So either, Sir, there ought to be some further words added there to show that it refers to "himself" in his public capacity, or possibly the word "or" which follows "himself" should not be there at all, and it should read: "In any matter or transaction with himself having any connexion with his duties, or with the duties of any public servant to whom he is subordinate". I would ask the hon. Mover to consider that point.

Then, Sir, coming to sub-clause (2), there is a rather more serious matter. There is this very important provision, and, I think, a necessary provision, that in certain circumstances the receipt by a relation of the accused is to be treated as receipt by the accused himself of a gift, loan or whatever the matter may be, but this sub-clause, Sir, I think again goes too far. In fact, it is going to be very difficult for a court of law to apply, because the language used is that any gift et cetera, received with the knowledge of the accused person who, having regard to his relationship or other circumstances, "there is reason to believe" has received the same on behalf of the accused. It is those words "there is reason to believe", that raise the trouble, Sir. Now, who is to have this reason to believe? Surely it is a matter of proof to the satisfaction of the court that this other person received the money on behalf of the accused, and what should be there, Mr. Speaker, I do suggest, is no loose expression such as "reason to believe"; but provision that it may be proved, in any proceedings under this section—it may be proved that someone else was related to the accused in such a way, or that circumstances were such that money received by that someone else should be presumed to have been received on behalf of the

accused, and if that is proved, then it shall be deemed to have been received by the accused—first the right to prove it, and then, if it is proved, then sub-clause (2) operates; and the accused is deemed to have received it himself. That also, Sir, arises, incidentally, under sub-clause (2) of 13; but, Sir, if this is to go to Select Committee, of course we can discuss these details further there.

Now, Sir, turning to clause 9, I would like to support what the hon. Member for Nairobi South said. I need not add much to what he said, but it does seem to me essential that in a power of this kind, which is a drastic power—to pry into the private affairs of people—it should be exercised by warrant from the court, rather than by the authority of the Attorney General. We all have the greatest respect for our Law Officers, Sir, but the fact remains that they are partisan—bound to be—when they are deciding whether or not to institute a prosecution—when they are, as it were, on the trail of possible crime; and that is recognized so clearly in other legal provision for search, that surely it ought to be recognized here, too—that the authority for a search should be a warrant from a judge issued on information, which gives reason to believe that a search is necessary.

Now, Sir, coming to clause 10—as I said, this is fairly drastic in the presumption that it raises—the presumption of corruption which the accused has got to rebut—but I think it is justified in the circumstances of this case. The only thing is—for reasons which I have given—I should like to see the word "corrupt" inserted in clause 6, and then this clause applied to clause 6 as well as to clauses 3 and 4.

Now, Sir, in clause 11 the hon. Mover was particularly ingenious in his persuasive power. He posed us three questions which we could only possibly answer in one way, and if we did answer them all in that way, that was the case for this clause. But I would point out, for this clause, that this clause cuts right across the accepted principles of our law, Mr. Speaker, that this clause cuts right across the accepted principles of our law, and, if it is justified by those three questions, and the inevitable answers to those three questions, then surely the law that we have on this subject should not be there at all, because those three questions must apply to every application of this

[Mr. Slade] principle, that a witness in civil or criminal proceedings cannot be compelled to make answers that might incriminate him.

Now, Sir, I believe that however much we want to stamp out corruption, we have got to stand by that principle—it is an important one, and it is not met entirely by those three questions that the hon. Mover put to us. It is really, I think, a case of protecting people involved in litigation either of their own accord, or through the fault of others, or simply because they are trying to help justice by giving evidence as witnesses—to protect them from abuse of the opportunity of those proceedings, to get them into trouble somewhere else—what is called “fishing” for information against a man—and it is not approved by law. If you think someone has committed a crime, it is up to you to hunt round where you can prove it. Remember that he is innocent until proved guilty. You should not now be allowed to take advantage of his position in the witness box to cross-examine him on his own alleged misdeeds, because suddenly you are taking off him all that armour of being innocent until proved guilty, which is otherwise given to him by the law; and that, I believe, is the reason for the principle that we have in our law, and that is why, Mr. Speaker, I suggest that we should adhere to that principle even in cases of corruption.

Now, Sir, clause 12. Clause 12 provides that, in these particular proceedings of corruption, evidence shall not be admissible to show that the payment—or whatever it may be—was customary in the profession, trade, vocation or calling concerned. Now, Mr. Speaker, I have to object to that clause, too. I cannot think of many cases where evidence of a bribe being customary would be acceptable as a defence, where it could remove the taint of corruption; but there could be such cases, and anyhow such evidence must be relevant—well, if it is not relevant, it will be excluded anyhow by the court according to the ordinary Rules of Evidence. Remembering, Mr. Speaker, that in these cases the accused is often going to be faced with a presumption of corruption—a presumption arising out of certain transactions—then surely he must have every opportunity

of rebutting that presumption, according to the ordinary Rules of Evidence and principles of justice; and, if evidence of a custom is admissible according to the ordinary Rules of Evidence—this Bill apart—to rebut that presumption of corruption, surely he must be allowed to bring it, for whatever it is worth; and it is for the court, I suggest, Mr. Speaker, the court before whom he is on trial—not for this Council—to decide that that evidence should not be entertained.

Now, Sir, clause 13 is the most important factor of all, perhaps, in this Bill, and again has some rather objectionable features. Now, taking sub-clause (1), I think, Sir, it contains the right idea, but it seems to go fantastically far; because in effect, it says that the fact that a man has certain moneys for which he cannot satisfactorily account may be proved and taken into consideration, not only to show that he has received or obtained money or a gift, but also to show that he has agreed to receive, or attempted to obtain a gift. Now, as the hon. Mover said, Mr. Speaker, I should say that the fact that a man has money for which he cannot account would be admissible anyhow towards proving that he has received something from someone. As he said, Sir, that is really declaratory of the law only; but to go on and say that the fact that a man has certain money in his account is evidence that he has agreed to receive, or attempted to obtain, money seems to me extraordinary, for it can only be evidence of having received money—if it is evidence of anything at all. Money in his pocket could not be evidence, I should have thought, of money that is to come to him. But, again, Sir, even worse—in my opinion—this goes on to say that the fact that he has this money for which he cannot account may be used as proof, not only that he has received money from some particular person, but that he has received it corruptly, and that is where I think I join with the hon. Member for Nairobi South. Just because money arrives in your bank account, which you cannot explain, surely there cannot be any presumption of corruption? It may be a presumption that it has come from another source, in the light of other circumstances, but how can it lead towards corruption? And I do suggest,

[Mr. Slade] Mr. Speaker, for the Select Committee to consider—hoping that there will be a Select Committee—that this sub-clause should really stop at the words “received or obtained” in the eleventh line of the clause.

Then, Mr. Speaker, we come to the most interesting provisions of all in this clause, which are sub-clauses 3, 4 and 5. The hon. Mover said he saw a glint in my eye—or in the eyes of some of us—and I thought then that he was resorting to corrupt practices, trying to buy me off with a promise that this Bill would be named after me. I was horrified, Sir, that the hon. Mover should resort to such practice, but I am sure he realized that the bribe would not be accepted! However, it is really a remarkable provision to find in a Bill to-day, in the light of discussions we have had in this Council during the past four years. I am almost tempted to say—if it would not be overstating it—that this is rather impudent to this Council. In fact it is almost staggeringly impudent. Either the law officers have changed their minds, Sir, very quickly—in fact, within a month, I think—or they think that they can play about with Members of this Council. To make my point clear, Mr. Speaker, I am afraid I have got to take up just a little time, and take hon. Members over discussions of the past few years. Before I do that, I should like to read from the Memorandum of Objects and Reasons, as justifying these particular provisions, where it said:—

“Sub-clauses 3, 4 and 5 contain special provisions regarding the corroboration and credit of accomplice and other evidence in prosecutions for offences under the Bill, proof of graft and corruption commonly depending to a large extent on the testimony of persons who are themselves in some degree implicated in the corrupt practice alleged.”

Proof of graft commonly depending on the proof of accomplices, in other words. And then, as the hon. Mover said himself, the difficulty about corruption is that it takes place in the dark, rather like oath administration; and how like oath administration and other *Mau Mau* offences, in this fact that the proof is so often only to be found from account-

plices! That is the reason for this. Now, many times, Mr. Speaker, during the past four years, we have made the point that during the Emergency, for the period of the Emergency only, and in order to shorten the Emergency, there should be some modification of the Rule of Practice with regard to accomplices in *Mau Mau* offences. I cannot remember all the times we have spoken on it—that is, the hon. Member for Mount Kenya and myself, and others, I think. I will refer to just one or two examples—they are only two out of many.

In a debate on the Emergency, on 24th July, 1953, which is in HANSARD, Vol. LVI, page 134, I said:—

“Take the example of accomplices. It is perfectly true, of course, that a man who has taken oath to commit a capital offence is an accomplice, but the Rule of Law concerning accomplices is a rule of practice, and it is open to this Council if it thinks that it is interfering unreasonably with the enforcement of law in the Emergency, to consider whether there should be some temporary—temporary modification of that law for some temporary purpose.”

Then, there was no reaction to that, Mr. Speaker. The point was ignored by other speakers. That was quite common. Then we had a debate on summary justice on the 25th February, 1954, found in HANSARD, Vol. LIX, page 302:—

“We have heard in this Council more than once how prosecutions under the Emergency Regulations failed, because the only evidence available was the evidence of accomplices. Now the rule which demands corroboration of the evidence of accomplices is not even a rule of law. It is a rule of practice, and in ordinary 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 to 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,

[Mr. Slade].

accomplices, and your hope of finding an independent witness to corroborate anything is indeed small."

That Motion, Mr. Speaker, was answered by the Member for Law and Order at very great length, and with most startling rhetoric, but not a word in answer to that point, the assumption being—in the minds of all of us—that it was quite impossible for the law to be amended in that respect. The hon. Solicitor General at that time—now the Minister for Legal Affairs—also answered many points quite specifically, and very forcibly, in that debate. He also failed to answer that one, and we were left always in the air—either the point ignored, or we were told that it just could not happen, and then—I seem to remember—only a month ago the hon. Member for Mount Kenya made the point again in these words. It was on the 31st May, in the debate on the Emergency—19 days ago, Sir—and he referred to the evidence of accomplices. He said:—

"Now, I have raised this matter again to-day because I believe it is possible that notorious *Mau Mau* criminals—possibly even some of those who have hit the headlines ever since the Emergency started—may escape the full penalty for crimes that they have committed, and indeed that they might possibly escape any penalty at all. Now, to a layman like myself, it is hard to understand how such a rule can lead to justice being done in the particular circumstances surrounding the *Mau Mau* rebellion. I should like to ask the Government what the position would be in the case of a *Mau Mau* leader who is known to have been in the forest throughout the Emergency, and is later captured. It is quite possible that the only direct evidence, is that of fellow terrorists. Is such a man to escape the penalties for the crimes he has committed on that account? Now, in the early days of the Emergency it was admitted that approximately 95 per cent of the Kikuyu tribe had taken the *Mau Mau* oath. Now, that being the case, I would ask for an explanation as to how the decision is made as to whether a witness is considered to be an accomplice, and when he is considered not to be an accomplice. I would ask Government also how the law would be administered

if 100 per cent of the population had to be treated as accomplices. I suggest that in such circumstances it will be impossible to administer the law; I do suggest that there must be common sense. There must be some breakdown—there must be a partial breakdown under the existing circumstances."

And the Minister for Legal Affairs answered that, in a very clear description of the law of accomplice evidence—rather the rule of practice, I will not quote it all, but the relevant passages for the purpose of this debate to-day are as follows:—

"Sir, the rule regarding accomplice evidence developed as a feature of the common law, created and evolved by judicial decision, as a result of judicial wisdom over the centuries. Basically, it affects a matter for which one cannot legislate. It affects the matter of credibility—that is essentially, Mr. Speaker—and must always be—that lies with the discretion of the Court, assessing the value and the credibility of particular evidence. The judges over the years—over the centuries—have decided—and, of course, very logically so—that an accomplice is a person who has a motive in his evidence, either to exculpate himself, or to justify himself, and to inculpate his associates in the crime."

Then he went on later to say:—

"When it comes to assessing accomplice evidence, the law does not say that a court shall not convict on the basis of the uncorroborated evidence of an accomplice. It does say, though, that it is acknowledged 'judicially,' and 'I suggest rationally and logically; that the evidence of an accomplice is inherently suspect, and that a court therefore must be on its guard against accepting the evidence of an accomplice without corroboration, unless it is fully convinced of its truth and accuracy."

And then he ended by saying:—

"In summary, therefore, Sir, the question of accomplice evidence is basically one of credibility for which it is not possible—nor would it be right—to attempt to legislate."

Then he did go on, Sir, to warn us of this coming Bill, and he said:—

"What one can do—what hon. Members will see an attempt has been made

[Mr. Slade]

to do in the Prevention of Corruption Bill which will shortly come before the Council—is to emphasize the fear of the law, and to leave the matter—as far as one can—in the untrammelled judgment of the court in its search for truth and its determination to do justice."

But, Mr. Speaker, is this, that we have before us now, simply emphasizing and declaring the law? Is it really only that? Mr. Speaker, it is not. In its effect, it is quite definitely telling the judge that he need not warn himself, or warn a jury, against uncorroborated evidence in particular cases of corruption. In fact—as I see it—it tells him that he should not so warn himself or the jury; and it says in sub-clause (5) that the provisions of these sub-sections shall have effect, notwithstanding any rule of law or of practice or of procedure to the contrary. Now, Mr. Speaker, if that is not legislating—altering an existing rule of practice—I do not know what is. And how that is really "leaving the matter, as far as one can, in the untrammelled judgment of the court", I cannot see. Normally, under this rule of practice, where an accomplice has given evidence, the judge will warn himself or the jury that it is dangerous to convict on that evidence without corroboration. Now, that will not be so. He need not so warn himself. He should not so warn himself, if it is a case of corruption.

Now, Mr. Speaker, I do submit that Government cannot have it both ways. In temporary time of trouble in a State of Emergency, when many rights and liberties are suspended, Government were not prepared to alter this rule of practice in order to deal temporarily with a very dangerous rebellion. Having refused all through these four years to make that modification of the law, now at the end of it they come and say, "Oh, but we must do it in cases of corruption, not only as a temporary modification, but as permanent law in our Statute Book, that in cases of corruption this rule shall not apply." Mr. Speaker, if it was not right to alter that law in the Emergency—for the period of the Emergency—it is not right to alter it now as a permanent measure. One could sit back and—as the hon. Mover said—assume the fatuous expression of a happy father to say, "Well

done, Government. You have given way at last". But I do not think that is the right attitude here, Sir, because, though I am sure we were right in asking for modifications in this rule of practice in the circumstances connected with the rebellion, I am not at all sure that Government is right to do this as a permanent measure in a particular kind of crime—even a crime so secret as that of corruption. Because, if you consider cases of corruption, it is just the man who has been party to giving or receiving a bribe who must, by the circumstances, be the most suspect of all witnesses. He is just that kind of accomplice who—as the Minister for Legal Affairs said—"will have a motive to exculpate himself and justify himself and to inculpate his associate in crime". It is tempting, Mr. Speaker, to make this alteration in the practice of the courts where we are hunting out corruption, but I think it is too dangerous, and I hope that the hon. Mover will consider it very seriously.

Sir, I support my hon. friend, the Member for Nairobi South, in asking that this goes to select committee, but, subject to that, and to the comments I have made, I support this Motion.

MR. CHANAN SINGH: Mr. Speaker, Sir, I support the suggestion that has been made that this Bill be sent to a select committee. The Bill does contain many important departures from well-established principles of British law, and I think we should take care that no unjustified departure is made. I give my general support to the expressions of view that have been placed before this Council by the two speakers who have already spoken on the various provisions of this Bill. I shall content myself with only one or two new points, and with emphasizing a few other points made by them.

Now, Sir, the first thing that strikes me is the provision for imprisonment. I see in this Bill prescribes seven years or ten years' imprisonment for offences under this law. I believe, Sir, that the corresponding punishment in England, and in India, is round about two years. It is quite possible that the punishments in those countries have recently been revised, but I am not aware of any such revision. The punishments provided do seem rather on the high side to me, Sir.

[Mr. Chanan Singh]

Then, Sir, the first important section in the Bill is—as has already been stated—section 6. It is not quite true to say that there is no precedent for the section. A precedent exists in section 165 of the Indian Penal Code. This section seems almost taken bodily from that Code but there are changes here and there: but I support the hon. Member for Aberdare in the meaning of the word "himself" in this section should be clarified. The intention is clear, but the wording ought, I think, to be reviewed and revised, if necessary.

I also support the views that have been placed before this Council on section 9, regarding the investigation of bank accounts. I presume, Sir, the intention is, not to find additional evidence in support of a complaint, but to make sure whether or not a crime has been committed. I hope the intention really is to look at all the evidence that is in the possession of the police already, and then to see if there is any corroboration or any support of that evidence in the bank account of the person against whom the allegation is made. If this provision is accepted by this Council, I hope it will not be lightly utilized. It will not be possible—that is for the police—to go to the Attorney General or the Solicitor General and ask for authority to investigate the bank account of somebody against whom a complaint has been made, but that investigations will be made only in those cases where a strong case already exists, and it is necessary to make certain that the person is really guilty, and if—as a result of investigation of the bank account—it is found that there is no foundation for the police suspicion that has been roused, no proceedings will ensue. I hope that is the intention of the section, but I support the suggestion that has been made that, if possible, the provision should be amended, so that a warrant from the court will be necessary to look at the account of a person.

Sir, I strongly oppose the new clause 11. We have been told that it has been copied from Malaya but, whatever else we may copy from Malaya, I certainly think that this is not a principle of law that we should take from that country. It is a very sweeping provision. It refers

to any criminal or civil proceedings. I think this is a provision which will be liable to abuse. There may not be so much objection to a provision like this if it relates to actual criminal proceedings for corruption, but it can be used in any litigation—even in civil litigation. Sir, I feel that there is no real need to make such a big departure from the law, even though Malaya has adopted this new rule. In civil cases, Sir, I am sure the parties will take unfair advantage of their opponents if a provision like this exists in the law.

Similarly, Sir, I do not like the following section 12. Sir, there are certain customs well established which are very relevant. It may be very relevant to have evidence of established customs. It is customary, I know on railways in all parts of the world where their customers may be, say, breweries, which, on Christmas days, make presents of beer cases to the station staff. Now, Sir, it is quite likely that some prosecution may arise from something like that, and I feel to prove custom will be very justifiable and will be very relevant. I do not think that this is a desirable departure from law. After all, if a custom does exist which suggests that the receiving party was innocent, there is no reason why proof of this custom should not be allowed. As has been stated, it is for the judge to believe the accused, or not to believe him, but there is no reason why he should be debarred from calling evidence to prove the existence of the custom.

Now, Sir, sub-section (3) of section 13 is certainly another departure from established law which should not be allowed. As has been stated more than once in this Council, there is nothing to prevent a judge from acting on accomplice evidence, but he has to warn himself that he is so acting, otherwise his judgment may not be upheld. We have been told by the hon. Member that the only effect of this provision will be that, even though a judge does not warn himself that he is acting on accomplice evidence, the judgment will not be upset. Well, Sir, because we know that the existing law permits a judge to convict a man on accomplice evidence, so long as he knows in his mind that he is acting on such evidence, I think the law goes as far as it needs to go. I personally think that

[Mr. Chanan Singh]

this particular clause should be deleted. There is no need for it, and it will be a very undesirable precedent.

So far as the general principle underlying this Bill is concerned, Sir, I am wholeheartedly in support of it. We should, I firmly believe, try to close all loopholes in this matter, but, in order to avoid, or to cut out, corruption, I feel there is no need to corrupt the well-established principles of justice.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): I think it might perhaps be a good opportunity to take our customary fifteen minutes break now.

Council suspended business at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): If no other hon. Member wishes to speak I will ask the hon. Member to reply.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): I should like to say thank you very much to the hon. Member for Nairobi South for the kind words he has said about my taking silk. It gave me great pleasure to hear what he said.

Mr. Speaker, with regard to the proposal that the Bill should go to a select committee, the Government welcomes that suggestion.

The great advantage, to our mind, in going to a select committee is that in addition to giving members of staff associations an opportunity to put their case and we have an opportunity to make them feel that the Bill is intended to protect them from the few dishonest people that there might conceivably be among their ranks.

Mr. Speaker, in view of the fact that the Government agrees to the Bill going to a select committee, and it is therefore inevitable that there will be discussion about them, I do not think it is necessary to me to deal with all the points which the hon. Members opposite have raised. I will deal with the principal ones.

Now, Mr. Speaker, if I could deal first of all with the question raised by my hon. friend, the Member for Nairobi South, as to the question of principle, not the ones of detail. He first of all stated that this was a question of more advantage in the definition, and he said that it

might make a lunch or even a glass of beer an advantage. Mr. Speaker, I would suggest that that is one of *minimis* of which the *lex non curat*.

Mr. Speaker, then he said under clause 7 (1) he thought it an extreme provision of law that where a person has been acquitted of a charge of bribery, nevertheless the principal should be able to bring civil proceedings against the person who is acquitted in order to recover the bribe. Mr. Speaker, with the greatest respect, there are two entirely different issues, the burden of satisfying the court in the civil action will rest upon the plaintiff, it would still rest upon the man trying to recover the bribe and if he cannot prove it (it is immaterial whether a prosecution has failed in another court), it would follow that he could not recover this money in the civil court. This is another issue which refers to civil rights independently of whether the defendant has been convicted of a crime; which is similar to the civil matter. Then, Mr. Speaker, although I do agree with the hon. Member for Nairobi South that the Attorney General and Solicitor General are very busy; I hope he does not think that when they are called upon to exercise any statutory duty, any quasi-judicial function, they allow the extent of their busy-ness to interfere with the proper exercise of that judicial function and care which they take in investigating the cases prior to exercising that power. Mr. Speaker, if he thinks so then I would tell him that in practice I am convinced that the opposite applies.

Mr. Speaker, I doubt if there is anything advertised in this Bill that the kind of people who this Bill is aimed at do not know already.

Then, Mr. Speaker, on clause 11, it was said that it is a considerable departure from established principle. Mr. Speaker, all amendments to the law are a departure and many of the major amendments to British law have been resisted most bitterly, most bitterly as a resisted most bitterly, and I regret to say, resisted most bitterly by lawyers. I think that lawyers are the most conservative people in the world—and I include myself in this since I am a lawyer—and they resist change, they feel that change must be bad because it is a change. I feel myself that they are very often illogical and I would like, if I may, to give two

[The Minister for Legal Affairs] examples of changes which have been opposed.

About 80 years ago the criminal law of England was changed to allow the accused to give evidence on his own behalf, prior to that he had never been allowed to do so. Mr. Speaker, this was regarded as the end of British justice! It was opposed bitterly in the House of Commons and it was opposed bitterly in the House of Lords, primarily by lawyers. And, again in 1907, it was proposed to set up a Court of Criminal Appeal, there was no criminal appeal until 1907 and all the lawyers opposed it vigorously and regarded that as the end of everything.

MR. COOKE: What about the death penalty?

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Well, Mr. Speaker, some lawyers are opposed to that.

MR. COOKE: They are conservative as to hanging!

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I would suggest that merely to condemn change as wrong because it is a change is a wrong principle. If a change is considered desirable and right, but is rejected because it is a startling departure from what has been established before is simply considering the problem from a wrong viewpoint and one from which new legislation should not be approached.

Mr. Speaker, I think it would be right now to turn to what was probably the most serious attack on this Bill, and that is the question of accomplice evidence, and my hon. and learned friend, the Member for Aberdare was tempted to say that he thought that it was rather impudent of this Council, in fact he used the words "staggeringly impudent" and that we changed our minds within a month, and that Government thinks it can play about with Council.

Mr. Speaker, we do not think that, and if we go back and see what really was said and what really happened about the question, I hope he will be convinced that we were neither staggeringly impudent, or have changed our minds, or think that we can play about with the Council.

Mr. Speaker, in 1953 and 1954, the law with regard to accomplice evidence as followed by the courts in England, and followed by this country was considerably wider than it now is. I cannot remember the exact date, I hope the hon. and learned Member for the Aberdare can tell me, either the end of 1954 or the beginning of 1955, the House of Lords, which is the ultimate authority on these matters, delivered a judgment which in the words of the Minister for Legal Affairs a month ago "cut down the rule to size", and that was the case of Davis. Some young hooligans had a fight with another gang of hooligans and one of them was killed with a knife, and when the man who used the knife was charged with murder and convicted on the evidence of his fellow hooligans, it was objected that they were accomplices. The case went to the Court of Criminal Appeal and then to the House of Lords which delivered an authoritative judgment which reduced considerably the rules which held that the young hooligans were not gang accomplices. The principles were laid down very clearly so the debate which occurred before the law was so reduced, with the greatest respect, does not apply to-day, and we should only consider the position since the decision in the Davis case.

Then, Mr. Speaker, we find that on 31st May, 1956, a Motion was raised by the hon. Member for Mount Kenya on the prosecution of the Emergency and in the course of this debate the question of obtaining a conviction against members of *Mau Mau* on accomplice evidence was raised and the then Attorney General said this. He said:—

"In summary therefore, Sir, the question of accomplice evidence is basically one of credibility for which it is not possible, nor would it be right, to attempt to legislate. What one can do and what hon. Members will see an attempt has been made to do in the Prevention of Corruption Bill which will shortly come before the Council, is to emphasize and declare the law and to leave the matter as far as one can in the untrammelled judgment of the Court in its search for truth and its determination to do justice."

[The Minister for Legal Affairs]

So that the Member for Law and Order is then saying "We can do this and propose to do this, with the Prevention of Corruption Bill", and, with the greatest respect to my hon. and learned friend the Member for Aberdare, how anyone can say that this is staggeringly impudent I cannot for the life of me understand.

Mr. Speaker, I think that the extract from the speech made by the Minister for Legal Affairs on 31st May makes it quite clear that Government said they could go so far, and in respect of the prevention of corruption they intend to do it.

Now, Sir, I do not propose to deal with any of the matters raised by the hon. Member for the Central Electoral Area, because I think they have already been dealt with under the general reply in the matters raised by the hon. Member for Nairobi South and by the hon. and learned Member for Aberdare. But, Sir, I would suggest with the greatest respect that the matters contained in this Bill are not bad merely because they are new. If we accepted that principle, Sir, then our law, instead of being a living thing, would be a dead thing and, Mr. Speaker, the intention of this Bill is to prevent corruption and, therefore, we should try to keep our law alive. In those circumstances, Mr. Speaker, I beg to move that this Bill be read the Second Time.

The question was put and carried.

MOTION

THE PREVENTION OF CORRUPTION BILL

Select Committee

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that a select committee be appointed to examine and report on the Prevention of Corruption Bill, 1956 (Bill No. 39), consisting of:—

Minister for Legal Affairs (Chairman).

The Parliamentary Secretary to the Minister for Commerce and Industry.

Capt. the Hon. C. W. A. G. Hamley, O.B.E., R.N. (Retd.).

The Hon. Jonathan Nzioko.

The Hon. G. A. Tyson, C.M.G.

The Hon. N. F. Harris.

The Hon. H. Slade.

The Hon. Chanan Singh.

The Hon. E. W. Mathu.

MR. HARRIS seconded.

Question proposed.

The question was put and carried.

THE INDEMNITY BILL

Order for Second Reading read.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to move that the Indemnity Bill, 1956, be now read the Second Time.

Mr. Speaker, when circumstances of compelling urgency arise, as they did in the Kikuyu native land units at the height of the Emergency, it is very often necessary for an officer who is charged with the preservation of public safety and maintenance of public order, to do acts for which he has not got strict legal sanction or for which, in order to obtain strict legal sanction, it is necessary for him to follow some procedure which the urgency of the moment may preclude him from following. Mr. Speaker, although it is quite easy for one sitting in a lawyer's office to condemn an officer who fails to get complete legal sanction for his acts and although it is easy in the calm and safety of this Council chamber at this period also to criticize, nevertheless I think that if an officer had failed to do his duty—and his primary duty is to preserve peace and public safety—if he had failed to do those things, then I think he should be criticized if he failed to do them because he had not got this strict legal sanction. What he should have done was to have put his telescope to his blind eye.

Mr. Speaker, in many cases officers in the heat of the moment and the urgency the speaker of the public, have to do of their duty to the public, have not, at the acts for which they have not, at the time, got legal sanction. I would ask Members to remember that at that time, Members to remember that those officers was in the task facing those officers was immense. Their staff was attenuated and often inexperienced; they worked in constant personal danger; they could afford neither the time nor the risks nor the effort involved in following copybook legal matters. Mr. Speaker, the

[The Minister for Legal Affairs] inevitable consequence of what they have done is that it is necessary, now that the pressure of events is relaxing, to enact an Indemnity Ordinance to protect them for those acts which were done.

Mr. Speaker, I think the more experienced one becomes, the longer one practises, the more manifest it becomes that any problem relating to personal rights must be settled by some form of compromise and here this Bill seeks to effect a compromise. It is a compromise on the one hand between the Government and, in this context, the Government means the ordinary taxpayer, it is a compromise between the interests of the taxpayer and between the interests of the individual person who has suffered loss as a result of the acts. Mr. Speaker, this Bill does not give the Government a blank cheque. It gives a limited indemnity which I think effects a reasonable compromise between those two conflicting points of view. If hon. Members will turn to page 2 of the Bill, they will find that clause 3 sets out, first of all at the bottom of page 1 and half-way down page 2, the conditions subject to which the indemnity arises and only arises. They are, that it restricts the taking of proceedings on account of any act done in the Kikuyu native land unit first of all; secondly, it must be an act done during the Emergency, between the beginning of the Emergency and the commencement of this Ordinance; thirdly, it must be an act done in good faith; fourthly, it must be an act done in the execution of the officer's duty; in the interests of public safety for the maintenance of public order or otherwise in the public's interest. Now, Mr. Speaker, that I would submit is the bare minimum that must be enacted in order to protect the officer and the taxpayer for the bona fide act genuinely done in the execution of their duty by officers in the Kikuyu native land units during the course of the Emergency.

Mr. Speaker, there is one additional qualification to which I think I should draw attention and that is that the proposed indemnity does not extend to breaches of contract and, therefore, if anyone went into a shop and bought a thing and did not pay for it, that would have to be paid for; that is a breach of contract. It does not extend to actions

of negligence. I might give an example of a common form of negligence: for example, negligence in driving a motor-car by reason of which someone sustains a personal injury and in respect of which he wishes to claim damages. It only applies to those acts done by an officer which are neither a breach of contract nor negligence, and that is to say those acts which are really normally the exercise of a statutory power.

Now, Mr. Speaker, in view of the limited nature of the indemnity and the undoubted justice in enacting it, I beg to move that this Bill be read the Second Time.

THE ACTING CHIEF SECRETARY (Mr. Vasey): seconded.

Question proposed.

MR. MATHU: Mr. Speaker, Sir, I am in some difficulty in speaking on this Motion; the Second Reading of this Bill, because from the speech of my hon. friend, the Mover, I do not think there is very much I can disagree with in what he has submitted. But, looking at the Memorandum of Objects and Reasons which are attached to this Bill—and I should like, Sir, if I am not strictly in accordance with the Standing Orders, he will put me right because, as I say, I am in a difficulty. What my hon. friend says is that we should indemnify actions taken urgently, and by officers of the Government in difficult situations, for the public's interest and for the safety of the population in these areas during the Emergency. There is very little I can disagree with in that. On the other hand, when you say that these actions must be indemnified, in general like that, and looking at the Memorandum of Objects and Reasons, then there is this question of land itself. It is only in that respect that I would like to make my remarks.

In the Memorandum of Objects and Reasons, it does say, Sir, "that claims to compensation as of right by the Kikuyu, Embu and Meru tribes, which inhabit the Kikuyu native land unit, should not be entertained, but that compensation should be paid only on an *ex gratia* basis and in cases of hardship". Now, Sir, if one looks at that page and reads clause 3 of the Bill before the Council, one seems to interpret that as "land which has been occupied by the police, tribal police, home guard posts

[Mr. Mathu] and new villages can only be compensated *ex gratia* and if it is a question of hardship". Now, I cannot see, Sir, under Kikuyu Native Law and Custom how can one be said to be indemnified having taken the land from the landowner, that they have no right to compensation? That is a point, Sir, which I cannot concede at all. This area, Sir, the land tenure of this area, is well known; that land is owned either by a clan, a group of clans or by an individual and, if the land was occupied for putting up police posts, or for tribal police posts, or for Kikuyu guard posts, or a new village somebody did suffer, Sir, either a member of a clan, or groups of clans or an individual, and if that is what we are suggesting, Sir, that we should indemnify that action, then I cannot be a party, I simply cannot be a party. The other matters I am not worrying about. We can indemnify on anything, but, on that issue, Sir, I differ completely. I suggest, Sir, that I have never questioned in this Council, during all this time, the action that Government was forced to take during the Emergency to occupy land in these areas for the purposes enumerated in the Memorandum of Objects and Reasons and I do not question that either now, but what I question is this; having done that, we now come to the legislature and say no person who was entitled to that land can claim as of right compensation in respect of the land occupied in the way that has been suggested. That, I do suggest, Sir, is the difference of opinion between myself, and the other African Members for that matter, and the Government and as we wanted to discuss with the Government these differences of opinion out of the Legislative Council, we approached the representatives of the Government in this matter to postpone the Second Reading of this Bill until later during this sitting. Not only did they not accept that suggestion, but even the Second Reading they made to be read earlier; it was Order 11 and was brought up to Order 5, and I think it is a bit unreasonable, Sir, to have done that. However, having been landed, as we are, I, within that preamble, Sir, would like to argue the case against the Second Reading of this Bill on that very point only, that is that the land owners must be compensated as of right—as of right, Sir, not *ex gratia*, as of right—

for the land which was taken by the Government during that time.

Now, Sir, the Memorandum of Objects and Reasons says, "After consulting African loyalist leaders in the areas concerned, and the African Provincial Advisory Council, and in accordance with their recommendations..." then the Government says compensation will not be entertained. Now, I should like to suggest, Sir, that, as far as land in native areas is concerned, it is permanently vested in the Native Lands Trust Board, by the Native Lands Trust, First Ordinance, chapter 100 of the Laws of Kenya. That Board, dealing with this question of land, has not been consulted and there are statutory boards laid down under chapter 100 of the Laws of Kenya who are consulted in regard to matters relating to land—there is the African District Council, the Local Land Board and the Provincial Commissioner is an authority specifically provided for in the Native Lands Trust Board who should be consulted. But no reference in the Memorandum of Objects and Reasons has been made to these statutory bodies. What is the statutory authority? What is the statutory authority of the African Provincial Council? I take it this is the Central Province Advisory Council I mean; the Central Province is not mentioned in this one, in the Memorandum of Objects and Reasons. What is their legal authority? To be quoted in the laws of the land, Sir, I submit, Sir, they have no legal authority whatsoever. They are not representative of the people; they can only be consulted by my hon. friend, the Minister for African Affairs. If these people, therefore, can say that landowners in the Kikuyu land unit can forfeit their rights in land and they have no statutory authority, I say, Sir, that they have no legal standing whatever. If there is, I should like the Government to inform this Council what statutory and legal standing these people have to invite the Government to take action to deprive—definitely, Sir, to deprive—Kikuyu landowners of their rights in land in that they refused to compensate them as of right but only as *ex gratia*, then as of right, it has responsibility, Sir. Not only that, it has responsibility which representing the Central Province which I cannot show them myself and I should like the Africans to know who are the names of these African loyalist leaders who have committed the whole province

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to a most important matter—a matter of life and death, Sir. I would also like to know the names of the members of the Central Province Advisory Council because it is their responsibility; I cannot shoulder it because I know what that implies in the future, Sir, and I cannot take this responsibility alone. That is why, Sir, I want to make it very clear to the Government that unless they exempt the indemnity, as far as the land rights are concerned, I am going to oppose this Bill, the Second Reading of this Bill, because I cannot answer to the Kikuyu people of the future that I support an action that removes from their hands their right of ownership of the land.

I would like, on that point, to suggest, Sir—and I would like the Minister for African Affairs to take this matter very seriously—I would suggest to him, Sir, that no Kikuyu would agree that he should not be compensated for his land as of right, and in order to test whether he is right or I am right, I suggest to him to take a referendum of landowners in the Kikuyu land—it can be done in a week—whether they would not like to be compensated as of right for the land which they owned, which they had acquired as a condition of custom and which is their land. Now, I put that suggestion, Sir, to the Government; that they should take a referendum of all land rights, include it in a committee, which will take that referendum, of hon. Members on my right here: one or two European Members, one Asian and an African Member, perhaps myself. They should go to every village and find out and, if they say they have their support, then these people referred to here, the loyalist African and the Advisory Council, will be right. But I submit, Sir, that if that committee was accepted and reported to this Council, there will be absolute unanimity that the land is owned by the Kikuyu landowners and they must be compensated as a matter of right.

Now, Sir, I suggest that the procedure, as far as this Bill is concerned, would have been better if, as I mentioned earlier on, the matter was referred to the African district council in the Province, was referred to the Local Land Board, which is made by statute, was referred to the Native Lands Trust Board

and for them to give their blessing. In fact, this speech I am making here would have been unnecessary because those people who are vitally concerned would have given their consent or otherwise, and, in fact, this would have been a five-minute debate and the matter would have been over. As it is, Sir, I do think that it is important that the matter should be thrashed out thoroughly. Not only that, Sir, subject to any correction by my hon. friend, the Mover, I would submit, Sir, that under the Lyttelton Plan, Government could not have included this question of land rights in this Bill because under the Lyttelton proposals, Sir, clause 7 says, "All Members joining the Council of Ministers will be expected to subscribe to a joint statement of policy, a suggested text of such a statement annexed to these proposals", and in the annexure of that sessional policy, No. 4, the following appears, "To secure that individual rights of private property are respected". I submit, Sir, that this Bill does not conform to that provision and, therefore, under the Lyttelton Plan, my humble submission is that this Government is breaking that very plan in regard to this matter. I submit, Sir, unless they want to scrap the Lyttelton Plan *in toto*, they cannot fail to observe the provisions to which the Members on these front benches put their signatures, and I submit that that is really, Sir, a case that nobody can deny. If you say you cannot compensate individual rights of private rights of land in the Kikuyu land, what exactly are you meaning? I suggest, Sir, you are working exactly contrary to the provision of this document, to which hon. Members on the front benches have put their signatures.

Now, Sir, I knew there would be some difficulty in this matter, and in 1953 I put a question on the Order Paper in the Legislative Council and on the 7th of May, my hon. friend, the Chief Secretary, answered that question. This was the question, Sir—"Will the Chief Secretary state the number of new police posts and administrative sub-stations established during the Emergency in the three Kikuyu districts of South Nyeri, Fort Hall and Kiambu, and the total number of acres used for the purpose? Will he also state whether the landowners have been compensated and, if so, will he indicate in what form?" My hon. friend, the Chief Secretary, replied as follows:

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"33 new police posts and 7 administrative camps have been established so far in the three Kikuyu districts of South Nyeri, Fort Hall and Kiambu. Information as to the total acreage concerned is not yet available and the landholders have not yet been compensated, but assessment of the areas and their compensation value are at present in hand." Now, I suggest, Sir, that here the Government agreed to compensate in that matter. Now we find in this thing, in the Bill before us, that compensation can only be in the case of hardship. What can hardship be? Either you own the land or you do not own it. If you own it, there should be no reduction—no reduction—unless somebody buys it or somebody compensates for it. What other hardship could there be? The land is yours. Nobody should take it away from you. You have had it; you bought it; it is yours.

Following on that, Sir, this was in 1953, and in 1955, Sir, I initiated correspondence between the African Members of this Council and my hon. friend, the Minister for African Affairs, on the same subject, and in the letter I addressed to him on behalf of the African Members on the 27th of July, 1955, I admitted, as the hon. Mover has said now, that rightly villages were established hurriedly as a security necessity and there was no time to consider the problems relating to land rights and the distances the villagers would have to cover to go to their *shambas* and so on. That I can see—I am not arguing, about that at all, I am not putting any blame on action that was taken at that time.

Then my hon. friend, in a letter, replied to me on the 9th of August, 1955, in which he said this: "I think that the point raised in your letter really concerned the means of compensation compensating right-holders of the land on which the villages have been built. This is a matter that is being considered by the district commissioner in consultation with the tribal authorities and there are several possibilities. Among them (a), where the village is in an area that is being consolidated, a small adjustment should be made to each person's holding to allow the land that he will occupy in the village. The owner could then be

given an equivalent holding elsewhere in the consolidation block. (b), land that has been confiscated from terrorists under the Native Lands Right Compensation Orders, might be consolidated and used for village sites or given in exchange. (c), in some cases, annual compensation derived from rents might be paid to the right-holder."

Now, Sir, the letter goes on, but the point is this that my hon. friend, after a time—this is August, 1955—visualized compensation either in kind, that is land for land, or financial compensation for land on which villages and the police posts and so on were built. Now, there seems to be a reversal of that under this Indemnity Bill and I was not satisfied. I put a question in September of 1955 which took almost a year to reply to. This was the question, Sir—Question No. 6 of 1955—and I put it in September, as I say, and my hon. friend, the Minister for African Affairs, replied to that question on 31st of May this year. The question was, Sir, "To ask the Minister for African Affairs what action he intends to take expeditiously to compensate, under the Defence Compensation Regulations, 1940, as provided for by the Emergency Regulations, the right-holders for the land occupied by the villages in the Central Province and also for the serious disturbance arising out of the concentration of those villages". My hon. friend replied, "The Government has given this matter close and anxious consideration and has consulted the African Provincial Advisory Council for the Central Province and the chiefs and other leaders in the districts. In accordance with their advice, Government proposes to introduce legislation in the form of an Indemnity Ordinance excluding of compensation as of right in respect of security measures taken in the Kikuyu Land Unit during the Emergency including the use of land for villages. At the same time, arrangements will be made to provide *ex gratia* compensation in cases where the village is in an area that is being consolidated. This is exactly as is reproduced in my hon. friend's Memorandum of Objects and Reasons which is before the Council. I suggest, Sir, that again it was a reversal of the policy that Government had given us in this Council in reply to various statements in the Legislative Council. It was during about the same time, Sir, that my friend, on the

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question of land tenure, which we put to him, referred to a conference in Arusha which was dealing with land tenure and we put a supplementary to that question on this question of compensation and he said he was thinking; the matter was still under consideration and it would come in due course. Now what has come now, Sir, is a deprivation of the right of ownership of land by the Kikuyu landowners in these areas. Now, in that question, Sir—Question No. 6—I referred to the Emergency Regulations and the Defence Regulations. The Defence Regulations, Sir, give power to the authority to compensate for land in regulation 13 (a), in regulation 13 (b) and regulation 14. Well, regulation 14 is the one which specifically says that the procedure that will be followed will be the procedure adopted by the Compensation Board which was set up during the war, Sir, in 1940, and the Government Notice No. 936 of that year applies. It is specifically laid down in the Emergency Regulations themselves that compensation claims for compensation, were to be entertained where the Provincial Commissioner, who is the authority here, acquired land or where he acquires land to do anything he likes with it or where he uses land by putting up villages and so on, it is specifically laid down in these Regulations that compensation is payable. Now my friends come and say no it is not payable—only *ex gratia* and not as a matter of right. There is a lot of inconsistency, Sir, in these matters both in law, in my submission, and in policy. That is a point, Sir, that I would like the Government to look at very carefully. Under the Defence Regulations, Sir, of 1940, section 4 provides that compensations is payable under the Regulations in respect of the taking into possession of any land and they show that the payment will be the aggregate of the following sums, and then they show the sums and so on. I do not want to tire the Council in that matter, but it is all laid down specifically as to what you are to do. Also regulation 5 (1) deals with the compensation in respect of the use of land. It says, "Compensation under these regulations in respect of the doing of any work on any land shall be payable only if the annual value of the land is diminished by reason of the doing of that work". It is my own submission,

Sir, that a Kikuyu landowner who has had five of his acres occupied by a village, not only has his land diminished but, from his point of view, he has no land at all—none—and it is in respect of these people, Sir, and this law, which is before the Council, that we suggested that because the Government took action and put villages on people's land without sorting out or without finding legal authority and so on, then they cannot be compensated as of right. There is no move that can justify that action and, I repeat, Sir, I am not blaming the fact that the action was done; I am entirely with the Government on that issue, but now that things have straightened out, what we should do is to put the situation in such a way that the landowner, the Kikuyu landowner, does not suffer for ever as a result of that action. We have all the laws supporting what I say, but then Government now wants to wipe those out and deprive the Kikuyu of the land which they own by right.

Now, Sir, I should like, before I sit down, to say this, that in a number of cases, the land owners lost all the holdings they had as a result of putting on these security measures in the way of villages, police posts and so on and people who had no land at all—no land at all—have now acquired rights, and those who had rights before their rights are extinguished because that is what appears to be the case; extinguished because compensation can only be *ex gratia* and in a matter of hardship. I do suggest, Sir, that Government should consider this matter very seriously. You must not rob Peter to pay Paul, because that is exactly what it means now. Those who had land will have either less or none; those who had no land, will have rights established for them by Government and, if you tell me, Sir, that in five, ten, fifteen, twenty years time there will be no civil war between the Kikuyu landowners and those who have their rights, well I should say no. I think there will be. There will be great trouble between those who have land and those who have not; those who had land it has been taken away by the Government in the way that is shown here, and, if you tell me you are making secure foundations for these villages, I tell you you are not because no Kikuyu will want this to happen. They would rather die than give

[Mr. Mathu] ing their rights in the land, and I cannot put to this Council more strongly that we are here laying seeds of trouble by saying that the Kikuyu who own land will not have it because they will not be compensated. Therefore, I suggest, Sir, in opposing this Bill, and for that reason and no other, that the Government should withdraw this Bill for the time being, take the necessary consultations with the statutory authorities who are affected in the land issue in the Kikuyu land unit, take a referendum from the land owners and then come back to this Council with the full support of those who are vitally concerned. They will perhaps very likely not take that advice. They will still go through with this thing in spite of our African opposition—they have done that before and they will do it again—but I would like to suggest to them, Sir, to send this Bill to a select committee and then they can hammer out some of these detailed proposals and convince the officer in charge of this Bill that there is a reason, a very genuine reason, why we would not like to give him wholehearted support of this Bill although, as I say, most of it I agree with but, as far as the ownership of land and rights of land are concerned, I cannot agree and I cannot support this Second Reading because I know it will be the death knell—the death knell of all leadership that anybody has in regard to this matter as far as it affects the Kikuyu country now. They are quiet at the moment, but the time is coming in ten years or twenty years time when you will have to do it again, and my hon. friend in charge of this Bill and my hon. friend, the Minister for African Affairs, will be remembered by future Governments because of the headaches that those Governments will have in regard to this issue. It is a serious matter, Sir, and it is with that seriousness that I suggest to the Minister responsible to consider the two or three courses that I have suggested in trying to be reasonable because I know for certain what they are in for here. I am a Kikuyu, Sir, and a Kikuyu never forgets, and these people will continue to remember until the end of the world and this Government will have a lot of trouble as a result of the action they are taking in this matter. It is because I know that that I am advis-

ing this Government to take action in the way I am suggesting, I am not saying they should not introduce the Bill. The Bill should come back, but I put it to them in all fairness that they should consider this matter—not to consider the enlarging of their majority and their numbers and, even on this side of the Council, the African minority, not to consider that because what happens is that in 20, 30 or 50 years hence it will affect every person in this country.

With those remarks, Sir, I beg to oppose the Motion.

LT.-COL. GROGAN: Mr. Speaker, Sir, I am filled with admiration at the consistency of my hon. friend who has just spoken. Nearly three or four years ago he assured us that he had never heard of *Mau Mau*; there was no such thing as *Mau Mau* or a Kikuyu rebellion. He appears to be under the same delusion to-day.

MR. STACE: Mr. Speaker, Sir, I think that there is much hard sand underneath the frothy lides of eloquence that we have just heard from the hon. African Representative Member, Mr. Mathu.

For reasons given by the hon. Member, there is every justification for intensifying those kinds of acts described in the Objects and Reasons. "These measures had to be undertaken with extreme urgency and in very difficult and dangerous conditions, that is to say, in circumstances in which the compelling needs of the prevailing situation transcended all other considerations and rendered it impracticable for precise legal authority always to be obtained for the measures which had to be undertaken." I think there is full justification for this.

But, Sir, as the hon. African Representative Member says, the continued occupation without legal right of compensation is a very different matter. It is difficult to see how, if this Bill is intended to deprive African landowners permanently of any right of compensation for their land, however long Government cares to occupy it, it is difficult to see how that can be justified.

The only question that arises in my mind, Mr. Speaker, now, having said that, is whether this Bill does in fact indemnify that which worries my hon.

[Mr. Slade] friend—so much, or whether Government seeks any such indemnity; because it seems quite clear to me, Mr. Speaker, that in fact this Bill only indemnifies acts and happenings before the date when this becomes law. This Bill, if it becomes law, will cover the unlawful seizure of land, it will cover the unlawful occupation of land up to the date of this Ordinance. But if, after the date of this Ordinance, Government continues in occupation of land in the Kikuyu native land units, then it seems to me that Government will have to pay compensation as of right for doing so. There is no indemnity against that here, for this Bill, Sir, does not seek to extinguish the title of the African concerned: Land on which a village has been put, or on which a police station has been put, is still the land of the particular clan or particular individual. There is nothing whatever in this Bill to prevent that state of affairs continuing, and as from the date when this Bill becomes law, the people who own that land, will have a right to claim compensation for the continued use of it by Government, although they will have no claim as of right for past excesses of legal authority. In the future, it seems to me, Sir, they are secure. If that is so, Mr. Speaker, this Bill, I suggest, is quite unobjectionable, in fact, desirable. If Government intended otherwise, then it seems to me, Sir, the Bill does not give effect to their intention, and it is very proper it should not do so.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Speaker, Sir, if I may say so, I listened to my hon. friend, Mr. Mathu, with great interest, prancing with characteristic agility on the moonbeams of his rhetoric. He did his best to build up an extraordinary many-headed hydra of injustice in this Bill in which, Sir, I cannot agree with him. He made—and I will, Sir, try and clear up some of the misconceptions in the injustice that he imputed behind these proposals—he made, Sir, many claims of right which he pressed, claims of right to compensation on this land, Sir, universal claims of right and that they should remain legal claims. Does he suggest, Sir, that in the many cases that I can think of in these villages, detainees on Manda Island, in Manyani, or those

deeply dyed in *Mau Mau*, should come back and claim, as of right, on the taxpayers of this country, compensation for a plot of land used in a village. This Ordinance, Sir, is designed to plug that loophole, among others.

He raised, Sir, the question of police posts, permanent sub-stations and the like, and I would like to assure him that it is our intention to pay compensation when these permanent sub-stations and permanent police stations in the reserves are set apart under the Native Lands Trust Ordinance. A number of them are already set aside and compensation is dealt with in the usual manner when this is done. There are, however, Sir, a number of temporary guard posts, temporary police posts, and of course a large number of villages, which he knows exist throughout the Kikuyu land unit. Well, Sir, he will have noted, he quoted me on a number of previous statements and letters that I have written on this subject, and I think tried to paint a picture of my inconsistency, but, Sir, I would like to maintain that I have not been inconsistent in this. I have always said that a way of compensation, *ex gratia* and on a hardship basis, should remain open, and this is precisely what we provide for here, Sir. It is our intention that the compensation payable on an *ex gratia* basis should be paid by the Kikuyu themselves and I believe, against a background of this Emergency and all we have been through, brought on this country by the Kikuyu people themselves, that it is they and not the general taxpayer—the general revenues of this country—that should pay this compensation, Sir, and that, Sir, is the intention. The intention is that committees should be set up, sub-committees of the local district councils, should be set up to study such cases which should be payable *ex gratia* and in cases of hardship, and that this compensation assessed by them should then be paid by the district council concerned, who are charging certain fees and rents to recoup themselves within these villages, I believe, Sir, that that is a fair thing to do and the right thing to do.

The hon. Member painted many gloomy pictures of villagers without land—their only bit of land had been taken—and so on, Sir. Well, I must also assure this Council that despite the great

[The Minister for African Affairs] difficulties arising at the time of establishing these villages, every consideration has been given to all cases deserving of consideration to try to reallocate land where it is available, or to give the person some other means of livelihood, but I do agree that there will be a number of cases of this sort that must be dealt with on the hardship basis and *ex gratia*, and they will so be dealt with, Sir, under the procedure we propose to set up, under the aegis of the district council concerned.

The hon. Member made a particular point of objecting to the procedure whereby this Ordinance was not submitted to prior approval of the Native Lands Trust Board which, Sir, I agree, is a statutory Board; but, Sir, I can see absolutely no justification for his contention. Under this Ordinance there is no intention of taking this land out of the Kikuyu land unit. There is no intention of taking it out of the occupancy of the Kikuyu people, except in so far as it may be a Government sub-station which, as I have said, Sir, will be set apart under this Ordinance. I therefore maintain, Sir, that he really had not got a leg to stand on in saying that we had been unconstitutional or otherwise negligent in not raising this with the Native Lands Trust Board of which, as hon. Members know, I am president.

The hon. Member also made much play with the Central Province Kikuyu Advisory Council there. I cannot give him offhand the list of names on these distinguished bodies, although it may well be that my hon. friend, Mr. Wanyutu Wameru can give him a number of them if he wishes to know on this occasion. This Council, Sir, was set up by Government—a Council composed of the most staunch loyalists—and it is in accordance with our policy to ensure that future policy in the Kikuyu country is discussed with the loyal elements whom we are determined to see have their place in the sun and their place in control in advising Government on its future policy for the Kikuyu people. I believe this to be of fundamental importance to the future, Sir, and we do not propose to jettison this Council or its views in the way that my hon. friend was inclined to suggest.

Not only was this particular body consisting of some—I cannot remember—36 members consulted and advised on this repeatedly, but also it has been ventilated in various more local bodies in the districts, of similar loyalists it has also been ventilated with the district councils concerned, on whom the entire financial burden of this compensation will now fall. I would, Sir, like to press the point that the greatest consideration has been given to this over a long period of time, and a large number of Kikuyu have been consulted. They do see the point of this and they do support these proposals, Sir. This is not merely a bogus suggestion on my part that we consulted local opinion; it is indeed the fact, Sir, that we have done so, widely, over a long period of time.

Under these circumstances, Sir, I cannot support the hon. Member's suggestion that this should go to a select committee. I would like to say, Sir, that at the end of his speech he was, I think, although at the Dispatch Box, possibly confusing it with a soap-box. Almost did I hear some of the old refrains of meetings in the Kaloleni Hall some four years ago. The Kikuyu would rather die than give up their rights; they would be killed first; and the like, Sir. This is no way, I believe, Sir, to talk about the serious matter of the future life of the Kikuyu in these villages, a life, Sir, that is already bearing great fruit in their development. It is, indeed, fundamental to their development at this present stage—a mode of life in which they already see themselves great benefit and they are organizing themselves now, I would say, Sir, happily in co-operation with Government and determined to seek, by their own endeavours and their own organization of themselves in these villages, what benefits can be derived, and I believe they are considerable and that they realize this, Sir.

I will not dare to discuss across the Floor of this Council with my hon. friend, the Member for Aberdare, the legal points he raises, Sir, because I always know that it does take a lawyer to deal with a lawyer. I will therefore leave his points to my hon. friend, the Attorney General.

I beg to support, Sir,

MR. CHANAN SINGH: Mr. Speaker, Sir, to my mind there is some misunderstanding with regard to the purpose of this Bill. It seems assumed that this Bill protects the taking of land permanently. I, at least, do not see any foundation for such a proposition in this Bill, Sir. The important section of this Bill is section 3. All it says is that "no action, suit or other legal proceeding whatsoever, whether civil or criminal, shall be instituted in any court, and no claim to compensation or indemnity shall be entertained by any court, board or tribunal established by or under any law for the time being in force, for or on account of or in respect of any act, matter or thing done within the Kikuyu native land unit during the Emergency before the commencement of this Ordinance, if done in good faith..." Essentially, therefore, Sir, it refers to "acts" done, not to property taken. I do not see how actions in respect of property taken from people can be justified or protected under this Bill. Admittedly, occupation of property during the Emergency can be so protected and it can be said that no compensation is payable for occupation of such property for a temporary purpose, but there is no justification, in my view, for continuing to keep that property. It could have been occupied during the Emergency; but how can it be kept any longer without compensation? Sir, I suppose that this Bill is intended to be in the same class in which indemnity legislation in other parts of the world passed at the end of martial law or a big war is. There, Sir, the type of act which it protects is the act which is lawful at the time it is committed, but which ceases to be lawful because the *habeas corpus* acts come into force again or because the Emergency legislation which existed then has expired. Similarly, here any acts done under Emergency legislation should certainly be protected, and it is necessary to have indemnity legislation, because once the Emergency legislation expires there will be no protection against legal action for acts done during the Emergency.

Well, Sir, if that is the intention of this law, then I agree there is every justification for it, but if the Government thinks that they can continue to justify the taking of land—the occupying of

land—during the Emergency and keeping it after the Emergency, then certainly I do not see any justification for it nor do I see any foundation for it in the wording of this Ordinance. In any case, Sir, as we have been told, from time to time, it is quite clear that land is one thing which is nearest to the heart of the African people, and if we can do anything to remove any misunderstanding or any fears in the minds of the African people, we should do that. If any land has been taken away under the provisions of the law from terrorists, no one will have much sympathy with them, but if land has been taken away from people who have been peace-loving and who have been on the side of law and order, then I think the earlier arrangements are made to compensate them or to give them land elsewhere, the better for everybody concerned.

Sir, I certainly think there is need to make clear the real intention of this law. What do the Government have in mind? Is it just the protection of acts that were legal under the Emergency legislation at the time they were done, or is it the protection of acts which were not legal at the time they were done, and in respect of which there can be action even now? And do they really intend that any land taken away from law-abiding citizens should be taken away without any legal right to compensation? That, also, I think, should be made clear, and as I have stated, in my view there is no justification for taking the land from law-abiding people without compensation.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Waweru): Mr. Speaker, Sir, I rise to support the Bill, and I have got my reasons for doing so, Sir.

I come from an area where these villages have been established, and the new police posts have been started. I do know very well, Sir, that these police stations, some of them, have been compensated. I know very well of one clan that does not pay on the land, and when the Government wanted to put up a police post there, the clan elders agreed that the police post should be built there and when the elders were asked by the Government to take their compensation they refused, and when the discussion opened the elders did at last agree to

[The Parliamentary Secretary to the Minister for Education, Labour and Lands] take the compensation. If the Government was intending to take away the land from the Kikuyu, surely they could not persuade those elders to agree to take the compensation.

About the villages, during one of the debates in this Council, I did say that there are plenty of villages, not only in the Kikuyu, Embu and Meru areas, but in every other African area in the Colony. I do know, although I was not a Member of this Council when this was being debated, arguments were put forward here by some Members of this Council, that the Government should take the necessary action to bring the Emergency to a speedy end, and I am satisfied, Sir, that villagization did play a very, very important part to bring the Emergency to a point where it is to-day. After the Government has done all that, instead of paying tribute to the officers who were concerned in doing so, it is bringing the insults.

Land consolidation is going on in the areas where there have been some villages put up for Emergency purposes, and for security reasons, and I am going to tell you, Sir, what we have done in our own area. My own clan has got a piece of land of approximately 1,800 acres, and when villages were to be started, my father is the trustee of the whole clan and they got together and decided where the villages were to be sited. This was before the land consolidation took place, and what we did in our area is that every landowner who has the right, whether he is here in our area or outside the Kikuyu province, was to have his fragmented acreage put together and he had to subscribe to the site which he was to occupy in the villages and for the other social services which are to be started in the villages. Apart from that, Sir, the landowner loses nothing, as far as I know.

I know that similar measures have taken place in Fort Hall and Nyeri, and I know one of the places in Fort Hall where the villages were in need of being established and the land had been consolidated and it was very difficult to get land to site the villages. What I know, Sir, is that there may be cases of hard-

ship, and I know that there have been cases where the district commissioners have dealt with such cases; either they have offered land to those who are suffering to be used until the land will be consolidated, and in the long run one does not lose any rights. But if the Government was to open an open court for those who have been detained for causing this trouble, and have made that as a right, in my own opinion, Sir, I would say that that statement would be seeking for another worse Emergency than this one we have had. I strongly feel, Sir, that if those who have been detained for subversive activities, if they were to be given rights to claim this or that from the Government, the loyal Kikuyu, Embu and Meru will say that it pays to be *Mau Mau*, and I am convinced, Sir, that the Government would face a very, very serious opposition from the loyalists this time and not from the *Mau Mau*. I think, Sir, and I do know that we have got very reasonable and sympathetic officers—district commissioners, Provincial Commissioner in the Central Province and a special commissioner. These cases will be thoroughly investigated and in the case of where there is real hardship, I am sure, Sir, that that will be dealt with in the way my hon. friend, the African Representative Member, is asking. But to ask for the right, Sir, for one who has been detained for these *Mau Mau* activities, to have the rights of swaying the Government—we would have many more cases against the Government which are not genuine at all.

With these remarks, Sir, I support the Bill which has been put before the Council.

MR. GIKOVO: Mr. Speaker, I rise to oppose the Second Reading of this Bill, particularly because the Government have turned down our very genuine request that this Bill should be referred to a select committee. There is not very much in dispute in this Bill except only one, and that is the question of rights of compensation. If the Government accepted our request this morning that these differences should be thrashed out outside this Council, there was very much to differ in the principle of the Bill itself, but the only thing which is very fundamental and for that reason we oppose this Bill, is the question of

[Mr. Gikonyo] extinguishing the right of individuals to compensation. Nobody has questioned or criticized the Government about putting the villages or trying to protect their officers from claims arising out of the actions that they had to take during the Emergency, but all our contention is that the right owners of the land should be compensated. It is a very serious matter. It may appear to be very simple as we debate this very small Bill, but in actual practice it can be another source of trouble between the Kikuyu themselves. It looks very awkward for someone who has never had land before and he has to depend on the mercy of his friends to give him the right to put a house on his land, but now that man, by Government action, has the right to occupy the other man's land without his consent and if that man is not protected, there will always be trouble between the two people, between the two families, and this trouble has the effect of being appreciated for a long time.

Now, I feel, Sir, that the Minister for African Affairs did not produce sufficient grounds for opposing our request. He mentioned that there will be a committee of the African district council to look into this affair. Now it is much better, now, before this Bill becomes law, that they be associated with exactly what is going to happen as a result of enactment of this Bill. That, I think, was a very wise thing to do and if the committee is going to do its work properly, I feel, Sir, that it should be assisted with the principles of the Bill before it becomes law.

Well, I do not think I have got many other points to raise after my friend, Mr. Mathu, has spoken, because he puts all the case that I would have otherwise put, except to say that I support everything he says and beg to oppose the Bill.

MR. CONROY (Mombasa): Mr. Speaker, Sir, I find myself in a very unusual position. For a long time I used to refer to the hon. gentlemen across the Council as my friends; now they are merely hon. Members.

There is only one point on which I wish to join issue and that is with my hon. friend, the African Representative Member, who referred to the Defence Regulations, 1940. Is that correct? Now those

Defence Regulations, 1940—and the compensations paid then—presumably must be referring to the compensation paid to Germans or Italians, otherwise it has no issue.

MR. COOKE: Mr. Speaker, it is all very fine for my hon. friend, the Minister for African Affairs, to wax wrathful and indignant at the speech of the hon. Mr. Mathu, but as the debate unfolds it seems to me that Mr. Mathu was perfectly right to ask for certain assurances. I, myself, feel like that on this side of the Council and it is obvious that my hon. friend, the Member for Aberdare, has also got certain qualms in the matter. For instance, he does not see that Government, by this Bill, can for ever indemnify the Government from paying for the land which is now being seized.

Now, if the hon. Minister, in his opening speech, had given those assurances, I do think perhaps the debate would not have gone as far as it has. Now, my hon. friend, the Minister for African Affairs, knows as well as I do, because he has had a great deal of experience in the Kikuyu reserve as I, indeed, have had as well, that it is full of "Naboth's vineyards", and there is the greatest possible danger, Sir, of people who have a grudge against another Kikuyu, of getting hold of some of this land and leading to perpetual feuds which will go on *ad infinitum*. I personally see that danger as well, and unless this villagization is administered with all justice as well as fairness, there are bound, as my hon. friend, Mr. Mathu, pointed out, to be feuds lasting for centuries.

I hope, before I give my vote on this matter, that the hon. Minister for Legal Affairs will clear up certain outstanding matters because I am sure that this side of Council is not going to tolerate any injustices which can be avoided. I know that the world is full of injustices, a lot of which are unavoidable, but if any injustices can be avoided, then my hon. friend, I am sure, will give us his assurance that they will be avoided.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): If no other Member wishes to speak, I will ask the Mover to reply.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, in

[The Minister for Legal Affairs] Moving the Second Reading of this Bill I dealt with the principles of the Bill. The Bill relates to indemnity generally and provides indemnity for all kinds of acts. As the debate unfolded I found that it was becoming a debate, not on indemnity, but on land consolidation, which is a very different thing.

Now, Mr. Speaker, there are three kinds of land in question, in the Kikuyu native land unit. There is first of all the land which has been forfeited—and I use the word "forfeited" advisedly—permanently from people who are convicted and active *Mau Mau*. They form a small number and their land has been forfeited. I assume that the African Representative Member, Mr. Mathu, is not referring to that kind of land when he is raising the question of compensation. I see him shaking his head—he does not raise any point on that. So we can forget the convicted *Mau Mau* whose land has been taken from them, except that I should like to say this: that of course it has only been taken from them and given back to the Kikuyu, either directly or indirectly. I do not want anyone to think that it has been taken away from the Kikuyu and given to Europeans or Asians or any other tribe. We will forget that first type of land, then.

The second type of land is land which is being occupied temporarily by the Government, either for police posts, or Governmental stations or occupied by the Kikuyu themselves by Kikuyu villages; that is, temporary occupation. Mr. Speaker, in respect of that, the land will be given back to the Kikuyu. Everyone will remember that during the Emergency it was necessary to put a village here or there without any adequate plan and without any proper appreciation and now it has been discovered that some of those villages will have to be sited somewhere else. In respect of those villages, the land will be given back to the person entitled to the possession of the land. So I see the hon. African Representative Member, Mr. Mathu, is quite satisfied about that. In respect of that—that is the permanent rights in respect of that land—in respect of that temporarily occupied land, the second class, compensation will be paid

on an *ex gratia* basis to people who suffer hardship.

Now, Mr. Speaker, we come therefore to the third class—land that will be occupied permanently, and that, I think, is the only issue between the African Representative Members and the rest of this Council. Mr. Speaker, in respect of that land, permanently occupied land, this Bill has a very limited effect. I am often very grateful, if I might say so in parenthesis, that the hon. and learned Member for Aberdare is no longer in private practice in Nairobi because he puts his finger with unerring accuracy on the point. My hon. and learned friend, Mr. Chanan Singh, does so too, as I have found out in other places besides this, and they are both right, of course. This Ordinance indemnifies in respect of Emergency taking. It does not in any way cut down or restrict permanent rights of possession. It has no effect on permanent rights of possession and it is not the intention of the Government that it should. The intention in respect of permanent possession for permanent villages and permanent police posts is that the law, the provisions of the permanent law, should be complied with, that is, the Native Trust Land Ordinance, Chapter 100, under which the land will be set aside and compensation will be paid to the dispossessed person who had a right of possession to the land. That compensation, it is intended, should be paid under the Ordinance by the African district councils concerned. The land will be set apart for public purposes under the Ordinance, and compensation will be payable under the Ordinance.

Now, Mr. Speaker, I did try to explain this very hurriedly to Mr. Mathu some days ago in an adjournment of this Council and I had extended an invitation to him when he was free to telephoned me and we could fix an appointment to discuss it further. I can sympathize with his very real fears; I can appreciate—it does not matter whether he is Kikuyu or European or anyone else—that a person who owns land is horrified at the suggestion that it should be taken away from him. It is probably one of the most fundamental of human feelings—this wanting to possess land. Now, Mr. Speaker, the Government does not intend, under this

[The Minister for Legal Affairs] Bill to do anything more than to validate possession during the period of the Emergency; possession, not ownership. Ownership will not change. As the villages reach their final form, as it is possible to plan where is the best place to put a village, to put a police post, the land will be set apart permanently for the benefit of the Kikuyu tribe and compensation will be paid to the dispossessed landowner or right-owner, under the permanent law.

Now, Mr. Speaker, I hope that I have done everything completely to resolve the real fears and worries expressed by the African Representative Members. Mr. Speaker, if that is so, then there would be no purpose in going to a select committee. The only danger in going to a select committee would be that there would be a delay and as usual when there is a delay, the "smart Alec", the "wise guy", would be able to start his proceedings and get out of the indemnity, and it is obviously undesirable that such opportunity should be given.

Mr. Speaker, I hope that the hon. Representative Members, Mr. Mathu and Mr. Gikonyo, are convinced that the Government, by this legislation, does not cut down by one jot or tittle the permanent rights in land in the Kikuyu native land unit, and the hon. and learned Members for Aberdare and the Central Electoral Area were quite right in their appreciation of the law. It was not drafted to do anything else. It does not involve a permanent infringement of the right of property of any Kikuyu in the native land unit. The only people who have lost their land are the convicted *Mau Mau*. Those we are not concerned with. In respect of the people who may in the future permanently lose land, they are going to be dealt with under the Native Lands Trust Ordinance and will be paid proper compensation under that.

I am sorry I did not have an opportunity to speak with Mr. Mathu, as I hoped that I should have, to put this matter fully to him. I did explain it briefly, in a few sentences, the other day, when we were waiting for the Council to assemble. Mr. Speaker, with the greatest respect to the hon. Member, Defence Regulations, 1940, have nothing

to do with this at all. Land was not taken under the Defence Regulations, 1940, and it does not arise, the question of compensation.

Mr. Speaker, I do not think that the referendum suggested by Mr. Mathu would be any assistance in the Kikuyu native land unit or any other part of the world. If anyone came and asked me: "Would you like compensation to be paid by the taxpayer?" I should say "Yes", and I am sure that the Kikuyu would too, and so the answer to the referendum would inevitably be "Yes".

Mr. Speaker, I think we should remember why it was necessary that this land had to be used for this purpose; and if we remember that, then we should ask ourselves, to whom was it given? It was not given to Europeans or Asians or other tribes: it was used for the benefit of decent, loyal, law-abiding Kikuyu. Then, Mr. Speaker, we come to the third question—who is it proposed should pay the compensation? Quite certainly not the ordinary taxpayer. The compensation should be paid by the people who caused the trouble, and it will be, under the proposals to set aside under the Native Lands Trust Ordinance. You see, what will happen in that case is that a village area will be set aside, the African district council will pay for it and they will recoup themselves by charging a hut rent of a shilling a hut or whatever it is to get the money to pay the compensation.

Mr. Speaker, I would therefore suggest that it is wrong to take this Bill to a select committee, because I hope I have resolved the very real fears expressed by the hon. African Representative Members. Mr. Speaker, it is not intended to take their land away and this Ordinance contains no provision which entitles anyone to do so. Mr. Speaker, I would therefore suggest in moving the Second Reading of this Bill, that both Mr. Mathu and I have been wholly out of order in discussing land rights, which may well have nothing to do with the Bill at all.

Mr. Speaker, I beg to move.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

CONSIDERATION OF REPORT

THE SOCIETIES (AMENDMENT) BILL

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to move that the Council do agree with the report of the Committee on the Societies (Amendment) Bill, Bill No. 37.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The report has not been circulated with the Order of the Day as it should have been. The amendment proposed is that sub-section (a) of clause 5 be amended by the substitution in the proposed sub-section 1 of the word "fourteen" for the words "twenty-eight". I believe that is the only amendment. I am most anxious that we should adopt a procedure whereunder when hon. Members are asked to vote on these amendments, they should know what they are voting on.

The question was put and carried.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to move that the Societies (Amendment) Bill, Bill No. 37, be now read the Third Time.

THE ACTING CHIEF SECRETARY (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think that brings us to the end of the business we can get through to-day. Council will therefore adjourn until 2.30 p.m. to-morrow, Wednesday, the 20th of June.

Council rose at fifteen minutes past six o'clock.

Wednesday, 20th June, 1956

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

(Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair)

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Report of the Select Committee to consider the Emoluments of Members of Legislative Council.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))

Sessional Paper No. 118 of 1956.

Report of the Commission of Inquiry into alleged corruption or other malpractices in relation to the affairs of the Nairobi City Council.

Report of the Commission of Inquiry into alleged corruption or other malpractices in relation to the Affairs of the Nairobi City Council, December, 1955-March, 1956.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING—(Mr. Haselcock))

Report of the Select Committee Appointed by Legislative Council to consider and report on the Liquor Bill, 1956 (Bill No. 27).

(BY THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. A. B. Patel))

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read. Mr. Speaker left the Chair.

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentinck, K.B.E., C.M.G., M.C.]

The Indemnity Bill

Clauses 1 to 3 agreed to.

Title and enacting words agreed to. Bill to be reported.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Chairman, I beg to move that the Committee do report back to the Council.

[The Minister for Local Government, Health and Housing] especially with regard to those organizations and societies which are operating in more than one territory, where rates of interest appertaining in other parts of the world might have a very dangerous effect on the rates of interest in this Colony.

Now, Sir, I hope that the passing of this law will show to the world and to those both inside and outside Kenya that we are serious and wish to help in every possible way, firstly the thrift of the citizens of our Colony by saving in a safe, secure and protected manner which this Bill will provide and, secondly, that we wish to attract on a proper secure basis through an organized and legalized protection through this Ordinance, capital monies from both inside and outside to help us with our particularly difficult problem of providing accommodation and housing for our people of all races in this Colony.

Before I sit down, Sir, there is only one thing I wish to add, that is since the last year or so it is very gratifying to see the number of people who have shown considerable interest in starting activities of a building society type in this Colony and I hope with the passing of this law we will attract considerable sums of capital to help us with our particular problem.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, I support this Motion. Building societies both in this country and in other parts of the world have proved their very great value in assisting individuals to make themselves decent permanent homes; and I agree, Mr. Speaker, that the time is now certainly ripe for this kind of legislation in this country, not only to enable the creation of building societies as distinct from ordinary limited proprietary companies, but also to control the activities of building societies both in the interests of members and the interests of the public; and that is, of course, what this Bill seeks to achieve.

Mr. Speaker, Sir, I do not want to start another lawyers' afternoon, but there are one or two points which I think need clarification as to the general effect of this Bill. It is very important that we know where we are going to, and with due respect to the hon. Mover, I am not sure that he has got it exactly right, as the Bill stands. He said that the effect of this Bill is that any society or company which wants to use the name "building society" will have to be registered under this Bill, but that if it does not want to use the name "building society", as I understood him, it will not have to be registered.

Now, Sir, I think I am right in saying that the position is a little different from that. Any building society which is a building society by its formation and its activities, in accordance with the definition of this Ordinance will have to register. It will then have to register with the name "building society", and no company which is not registered as a building society under this Ordinance will be allowed to use the name "building society".

It is the compulsory obligation for building societies, as defined by the Ordinance, to register which is rather important. There are not going to be, as the hon. Mover rather suggested, free-lance building societies which do not have to register.

Now to understand the kind of body to which this Bill will apply, one has to look at the definition of building society and there we find a definition which is in accordance with the traditional definition of building society. It means a society formed—this is clause 2 of the Bill, Sir—a society formed for the purpose of raising by the subscription of members a fund, from which to make advances to members. Now, Sir, that is the big distinction between a building society and a company registered under the Companies Ordinance. As I see it, it is a kind of mutual aid or co-operative society, funds being raised by members for advances to members, with a kind of fluctuating capital in consequence; as opposed to the joint stock companies which are proprietary, and with fixed capital.

This is of some importance. Mr. Speaker, not only as to the societies

[Mr. Slade] which might be covered by this legislation, but with regard to those which will not be so covered. Now the hon. Mover said that this Bill will not apply to companies registered under the Companies Ordinance, and I would like confirmation on that point still in the light of what I have just said, Sir.

I have to declare an interest in this. I am a director of a company named the Savings and Loan Society, Ltd. It is a company which is registered under the Companies Ordinance. It does carry on the same sort of business which a building society does, in so far as it takes money from the public on deposit and then lends money out to people to help them to build or to buy houses. But it is not a building society within this definition, in that it does not make advances to its members. In fact its members, that is to say shareholders, are one parent company. So it is not a building society within the definition; and I would like confirmation from the hon. Mover, so that we all know where we are, that this legislation will not apply to that particular company.

There is one further point I would like to make, Sir. It is quite right, I think; that this legislation be designed mainly to enable the formation of building societies in their true sense, and to control the activities of building societies in their true sense, which of course are not controlled by the Companies Ordinance; and should not apply to companies which are not building societies in their true sense, and which are controlled adequately and independently by the Companies Ordinance. But the occasion may arise when the public have to have further protection against the activities of such companies. The borrowing of money from the public on deposit for lending out again on mortgage is a big responsibility. No doubt responsible companies registered under the Companies Ordinance will look after the public as much as they look after themselves, but it could happen that this was not a responsible company at all, and took money from the public on deposit in this way, and it then became desirable to apply some of the provisions of this Bill to those companies, even though

they are not building societies registered under the Bill. The suggestion I want to make to the Minister, Sir, is that not now, but in due course, Government considers the introduction of one further clause to this Bill, or Ordinance as it will then be, enabling Government at its discretion, by order or proclamation, to apply all or any of the provisions of this Bill to companies not registered as building societies, which nevertheless carry on the business of taking money from the public on deposit, and lending it out again on mortgage. I beg to support, Sir.

MR. CHANAN SINGH: Mr. Speaker, Sir, there is one point on which I ask for clarification. Section 23 of this Bill refers to the Native Lands Trust Ordinance, the Land Control Ordinance and Crown Lands Ordinance. There, it appears, no intention to change the law with regard to the transfer of land and if these various Ordinances had not been mentioned, that law would not be changed. Would the hon. Mover tell us what the real intention is of mentioning these various Ordinances?

Now, to take a specific case, if a building society has a non-European as a member, will it be able to invest money in restricted plots?

Sir, if a disability like that does, in fact, exist, the only effect of this law will be that, unless non-Europeans can get together and form their own building society, they will not be able to take advantage of the building societies which are started as a result of initiative on the part of the Europeans. May I suggest, Sir, that if the effect of this legislation is going to be like that, then section 23 might be amended, because there is a safeguard in the proviso to section 23 (1), that says—

"That any land acquired by a building society under paragraph (b) of this sub-section shall be sold and converted into money within a period of two years or such longer period as the Registrar may authorize in writing."

So that a building society will not be able to keep land permanently. Even if it acquires any restricted land as a mortgage, it will have to be converted into money. From that point of view, Sir, there should be no objection to any

[Mr. Chanan Singh] building society, whether or not it has non-Europeans as members, to advance money on restricted plots, because those plots will have to be sold to such people who can own them in accordance with the law in any case.

Sir, may I also know what will be the position of a building society which has a few non-Europeans as members, and which advances money for the building of a farm house in the Highlands? Well, Sir, here again I suggest that, in view of the fact that the intention is that all such mortgages shall ultimately be realized, and the building society will not be able to own any land acquired by foreclosure permanently, but will have to convert it into money, there should really be no objection to encouraging multi-racial building societies free from the disabilities which are imposed by law on individuals.

Sir, subject to these comments, I am in favour of the principles of the Bill.

LT.-COL. GHERSIE: Mr. Speaker, Sir, just one point I would like a little clarification on, and that is sub-section (6) of 24. There is a reference here, Sir, that where a building society takes additional security for an advance to a member a guarantee given in pursuance of a continuing arrangement, the terms of the advance shall not provide for the payment of a sum—I suppose that really means a repayment—of any sums to the society in respect of the advance after the expiration of a period of twenty years. Then, Sir, it goes on—or such other period, being either longer or shorter, as the Registrar may authorize in writing. It seems a little inconsistent or confusing to me, Sir, this reference to twenty years. Then, Sir, there is a reference to a shorter or longer period as the Registrar may decide. It goes on, in connexion with this—and what I have in mind is in case there is any hardship on the individual you may want to extend the period of the advance. That is provided for in a further sub-section of this in regard to hardship, but it is a little confusing, Sir, and I wish the Minister would explain that still further.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): If no other hon. Member wishes to speak, I will call on the hon. Mover to reply.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havlock): Mr. Speaker, Sir, there are not many points that have been raised by hon. Members, and I thank the Council for the sympathy they have shown. I am certainly not going to enter into legal argument with the hon. and learned Member for Aberdare, but I would be happy to give him the assurance which he asks—and that is, that this legislation will not apply to the Savings and Loan Society Limited.

Now, Sir, he did suggest that an occasion might arise when the public should have further protection against companies who enter into the activities similar to building societies of borrowing money from the public, and lending it out, and that at a later date provision might be made in this Bill—another clause might be added to the effect that certain provisions might be applied to such companies. Well, Sir, the Government will certainly consider what the hon. Member has put forward and, in fact, with this very new legislation—new to Kenya—it may well be that it will not be very long before we have second thoughts about one or two other of the sections being tied up; but one thing I would point out is that it suggests a very overriding or widespread amendment or rather shall we say that it might have very wide implications. After all, there are a number of types of companies who borrow money from the public, and then re-lend, and, indeed, one has only to mention the ordinary banking institutions, and one will, I think, have to be very careful with regard to control of the sort, Sir, the hon. Member has suggested. But, as I say, the Government will certainly give consideration to that point after this Bill has been in operation for some period.

Now, Sir, the hon. Member for Central Area, Mr. Chanan Singh, asked why there was special reference in clause 23 (1) to the Native Lands Trust Ordinance, the Land Control Ordinance, and the Crown Lands Ordinance. Well, Sir, the only reason for that specific mention is to really dot the "i"s and cross the "t"s. It makes no difference at all to the present law in regard to land transfers.

Now, Sir, the hon. Member asked whether building societies with non-European members might find it difficult

[The Minister for Local Government, Health and Housing] to invest money in plots with restricted sale covenants. I can say, Sir, with regard to plots with restricted sale covenants, that would have no effect at all, but there will be an effect on plots which are controlled, or which come under the purview of the Land Control Board through the Land Control Ordinance. There indeed—as it is to-day—the provisions of that Ordinance will have to be complied with. There is no change one way nor the other. I think that covers the point the hon. Member was making, unless he wishes to pursue it further. I hope that I have answered his doubts.

With regard to the hon. Member for Nairobi North, Sir, this particular provision here is merely to make it again quite clear that the borrowing period will be twenty years, but it does allow for the Registrar to reduce that period, or increase it. As has been pointed out, it is not only allowed there, but elsewhere, and there are certain occasions when, very likely in pursuance of the continuing arrangement, a reduced period will be required. Well, Sir, the only reason for those words, I am advised, is to make it quite clear that this can be done with the authorization of the Registrar.

Sir, no further points were raised by hon. Members and again I thank them for their sympathy and support and beg to move.

MR. TYSON: Mr. Speaker, Sir, before you put that to vote I have to declare my interest. I am a Director of the same company, the Savings and Loan Society, and therefore I shall not vote.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

The Cantonments (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Deputy Speaker, Sir, I beg to move that the Cantonments (Amendment) Bill, 1956, be now read the Second Time.

I do not think, Sir, that this need delay the Council long. The amendments which the Bill seeks to make are I think sufficiently clear in the Memorandum of Objects and Reasons. The main object is to enable people who have their houses or their employment, or who wish to stay, or have some kind of business in Nanyuki which they cannot readily reach without passing through that part of Nanyuki area which is desired to gazette as a cantonment—the object is to facilitate them in doing so, and this is achieved by section 3 (f) of the amendment, which says a person who, not desiring to enter, wishes to travel along a public road or right of way passing through the cantonment, can do so without having to get passes, or go through the other formalities for, in fact, entry into the cantonment.

The other parts of that section are rewordings of the existing law, with some slight ameliorations of it.

The opportunity is also taken, Sir, in section 2 of the Bill to transfer from the Governor in Council to the Minister the power to declare a cantonment. It is not, I think, Sir, a power which lays itself open to abuse, and there are anyway safeguards on its exercise in the main Ordinance.

Mr. Deputy Speaker, I beg to move.
THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.
Question proposed.

The question was put and carried.
The Bill was read the Second Time and committed to a Committee of the whole Council to-morrow.

His Majesty's Forces Pensions (Amendment) Bill

Order for Second Reading read.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, I beg to move that His Majesty's Forces Pensions (Amendment) Bill be now read the Second Time.

Hon. Members will remember that yesterday I gave notice of a Motion arising out of this Bill. I shall come to

[Mr. Mackenzie] the purpose of that in due course, but, first of all, I would like to deal with the Bill as it is at present drafted. The reasons for it are fully set out in the statement of Objects and Reasons, and the first purpose of this Bill is to make provision for the award of pensions to Kenya residents serving as "members in any other unit of such Forces". Now, Sir, the point of that amendment which would be covered by clauses 2 and 3 of the amending Bill is to extend the scope of the principal Ordinance from persons who are members of Forces raised under the law of the Colony—that is, the local Forces—to permit of pensions also being granted to persons who served in other units but, at the time when they began to serve, were residents of the Colony. I understand, Sir, that the bulk of the people in this category are people who served with the Royal Air Force.

In practice, Sir, the administration of the law ever since 1939 has gone ahead as though the amendments in clauses 2 and 3 had, in fact, been law, and this has not actually cost the Colony any more money because, up to very recently, the whole of the money provided for the award of pensions to members of the Forces was provided by Her Majesty's Government, and even to-day the bulk of it is still so provided.

Well, Sir, that explains the reasons for clauses 2 and 3 of this Bill, as drafted, and then we come to clause 4, which provides that, where any person fails for a continuous period of not less than one year to draw any pension or other allowance granted to him under this Ordinance, it shall be lawful for the Governor to direct that the same shall forthwith be cancelled, and payment of any arrears withheld; provided that the Governor may, in any particular case, direct that such award shall be restored, and any arrears paid either in whole or in part. The object of that particular clause, Sir, is to bring the Kenya Ordinance into line with the provisions which already exist in the Royal Warrants covering pensions issued under the authority of Her Majesty's Government in the United Kingdom. At the present moment, the Royal Warrant terms do, in fact, apply to all European and Asian pensioners, but they do not at present apply to the African pensioners. This

particular amendment will put all three races on all fours, and it will ensure that if somebody does not take the trouble to come in and collect his pension for a period of more than a year, he will not be paid; but if he can produce a reasonable excuse, he will be entitled to receive his arrears.

It will, of course, be recognized that the object of a disability pension of this kind is to give someone regular assistance—regular financial assistance—and it is not the intention that they should be able to wait for periods of two or three years, or more, and then come in and get a large sum and, at the same time, of course, cause the unfortunate people who have to keep a tag on these things—administer them—an awful amount of trouble. But there will be no hardship in it.

The final clause, Sir—clause 5—provides that, where anyone who has been awarded a pension is sent to prison, or is detained in an approved school or a remand home in pursuance of a sentence, or is deported, or is in the opinion of the Governor unworthy of a grant from public funds, the pension may be withheld or forfeited, but that if, at some subsequent date, the person is released from prison, the Governor may restore the pension. In the meantime, the Governor is also authorized to award a pension to the dependants of the person concerned. At the present moment it is possible for an allowance to be given to somebody whose pension has been forfeited, but for some peculiar reason it is not called a pension, and this will put the matter in order.

Now, Sir, I come to the further proposed amendment which will arise out of the Motion of which I have already given notice. Recently, new Regulations have been prepared, and it is hoped that very shortly they will be issued under the authority of this Ordinance. Unfortunately—or rather fortunately—when the Regulations were being prepared, it was noticed that the principal Ordinance provides that all Regulations made under the authority of His Majesty's Forces' Pensions Ordinance, 1939, must be laid on the Table of this Council. It has come to light that, although Regulations have been issued at various intervals ever since 1939, none of them have

[Mr. Mackenzie] in practice ever been laid on the Table, and so, strictly speaking, every Regulation that has been issued under this Ordinance is invalid, and the pensions that have been paid in accordance with those Regulations are strictly illegal payments. Well, the moment this came to light, Sir, it became obvious that some action must be taken to rectify the position and to legalize the payment that had already been made and any other payments made under the Regulations which were at present believed to be in force.

All these Regulations, I might say, Sir, have been properly approved by the Governor in Council, and have been published in the *Gazette*, but it is most unfortunate that they have never been laid. In order to rectify this, Sir, it is proposed—it would be difficult to do it in the ordinary way because the validation of existing orders would introduce a new principle into the Bill. For this reason, I propose to-morrow to move the Motion that it be an instruction to the Committee on His Majesty's Forces' Pensions Bill, 1956, that they have power to make provision to validate Regulations made under the Ordinance.

Now, Sir, the agreement to this Motion will not, of course, of itself commit the Council or the Committee to approve the amendment, which I would then propose to move in Committee. The purpose of the amendment would, however, be to validate all the Regulations, and all other actions which have been taken under this Ordinance since 1939, irrespective of the fact that the instruments produced—or purporting to be produced—under the terms of the Ordinance, have not been dealt with as they should be.

There is one further point, Sir—a minor point which it is also proposed to deal with at the same time, if the Council agrees—and that is to substitute for the words "Governor in Council" the word "Minister", wherever they appear in sub-section (1) of section 2 of the principal law. The object of this will be to make provision for the Minister for Finance to make awards, and to issue Regulations, instead of them having to go in every case to the Governor in Council. It will, of course, still remain necessary to lay any such Regulations

on the Table in this Council, and I am quite sure that if this further minor amendment is approved, my hon. friend will do his best to ensure that in future the Regulations are so laid.

Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

MR. SLADE: Mr. Speaker, Sir, I beg to support this Motion, but I am rather worried by the proposed new clause 6, which the hon. Mover has described. We seem to have been dealing rather freely for the last few days with confessions by Government of irregularities and malpractices, and consequent indemnities and reparations; and, Sir, here is another one. It is quite all right, of course; only it does appear that under the proposed new clause, as it stands, it not only puts right the Regulations that in the past have not been laid before this Council as they should, but allows the malpractice to continue indefinitely. I think there must be some limiting word as to the date up to which this, as it were, irregularity holds good.

One other point occurs to me, Sir, since we are dealing in indemnities, and that is whether Government does not require an indemnity for the pensions that were irregularly paid in past years—but, of course, that is Government's affair.

Sir, I beg to support.

MR. MANN: Mr. Deputy Speaker, there is only one point, Sir, I should like to ask the hon. Mover of this Motion to give an assurance in respect of the provision in clause 4 of this new clause 3A, where the question of cancellation or withdrawal of payments must be made if a pensioner does not go to draw the money within a period of not less than one year.

Now, Sir, what I want to ask the hon. Mover is to make sure that full publicity is given about this particular provision because, as we have it in the Memorandum of Objects and Reasons, some people have been drawing pensions almost illegally, in the sense that there was no provision, and that we want to legalize the position so that all Forces, European, Asian and others, come on all fours, as the Mover said, and I am asking, therefore, that these

[Mr. Mathu]

provisions be known to those concerned, and that sufficient publicity is given to them, so that they should read the Bill themselves, so that the provisions of the Bill are known, and so that they can have the arrears and so on as herein provided. It is that point I think very important if we want these people to take advantage of the law as now provided.

I beg to support.

THE DEPUTY SPEAKER (Mr. D. W. Conroy): No other hon. Member wishing to speak, I will call on the hon. Mover to reply.

MR. MACKENZIE: Mr. Deputy Speaker, Sir, as regards the point that was made by my hon. friend, the Member for Aberdare, I can only once more express the deep regret that we have that this action of laying the Regulations had been overlooked, and to say that so far as we are concerned we shall certainly do our best to ensure that it does not happen again.

As regards the further point, if the hon. Member looks closely at the clause, he will see that it is intended only to apply to Regulations which have already been issued, and that it does not look forward to any future Regulations. If, however, the Council so wishes, we would be prepared to introduce a further phrase into the clause, so as to make the first line read: "Any Regulations made before the commencement of this Ordinance, and under the provisions of sub-section (1) . . .". We would be prepared to introduce that so as to make it crystal clear that this only has retrospective effect.

As regards the point made by my hon. friend the African Representative Member, Mr. Mathu, I will at once give an assurance that clause 4 will not be operated in a harsh manner and that everything possible will be done to let people know that they are entitled to pensions under this Ordinance, if they are. But of course it is very difficult in some cases to get this kind of thing across to everybody concerned. If, however, anyone comes forward with a reasonable case for not having drawn his pension, I am quite sure that he will be given adequate relief.

Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

The Cavendish-Bentinck Pension Bill

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Deputy Speaker, Sir, I beg to move that the Cavendish-Bentinck Pension Bill, 1956, No. 44, be now read the Second Time.

I am, Sir, moving this Bill in the absence of the Chief Secretary. Hon. Member will be aware that a great deal of thought and consideration has gone to the preparation of the proposals contained in this Bill, together also with a study of procedures from other countries under similar circumstances. The proposals, Sir, are clear from the Bill itself and they seek to provide a pension of an *ex gratia* and an *ad hoc* basis, in recognition of the very great services rendered by Sir Ferdinand Cavendish-Bentinck to this country and to the Government of Kenya over a great many years. Sir, I do not propose to expand further in the details of this Bill, because at an appropriate moment I am proposing to move that this Bill should be referred to a select committee for consideration in detail.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

MR. SLADE: Mr. Deputy Speaker, Sir, I support this Bill in principle, as I am sure we all do, for the reasons given by the hon. Mover. There is only one point I want to make. I should like an assurance from him that this is not intended to create any kind of precedent, either as to the amount of such a pension or as the circumstances in which such pension would be granted at all. In view of the fact that this Bill deals only with one person, that request for such an assurance might not have seemed necessary; but this Bill, Sir, has to be considered along with the Bill we

[Mr. Slade] are going to hear immediately afterwards, and also in the light of a previous Bill which was published and withdrawn, whereby the persons who are the subject of these two Bills were coupled together in one Bill, and the Memorandum of Objects and Reasons stated a scale, according to which both pensions were being assessed. If there be a suggestion remaining in the minds of anyone that still this Bill or the Bill we are discussing immediately afterwards is related to that scale, or to any other particular scale, it is important, Sir, that their minds be disabused. The reason why I am so concerned that there should not be any precedent here, is one of principle in respect of any pension granted *ex gratia* as opposed to a pension granted as of right. You can, Mr. Deputy Speaker, have pensions which are part of the terms of a man's service; then, of course, when he enters that service he can calculate what his pension will be according to his period of service and earnings. That is right enough. He is entitled to look forward to a specific pension. But if a man enters a service, and a pension is not part of the conditions of that service, but is to be granted merely *ex gratia*, then it is essential, as an element of a gratuitous pension, that it is not calculated according to any yardstick, but that it is granted according to the particular merits of the individual concerned and according to his particular circumstances.

Mr. Deputy Speaker, Sir, I beg to support.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Deputy Speaker, Sir, I can most certainly give the hon. Member for the Aberdare the assurance that he asks for. The Government does not intend that the provisions of this Bill should in any way create a precedent for the future.

The question was put and carried.
The Bill was read the Second Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Deputy Speaker, Sir, I beg to move, that a select committee be appointed to examine and report on the Cavendish-Bentinck Pension Bill, 1956, Bill No. 44, and that the select committee should consist of the

Minister for Legal Affairs, Chairman; the Minister for Education, Labour and Lands; the Parliamentary Secretary to the Minister for Commerce and Industry; the hon. Captain Hamley; the hon. Mr. Mackenzie; the hon. Mr. Cooke; the hon. Sir Charles Markham; the hon. Mr. Slade; the hon. Mr. Chanan Singh and the hon. Mr. Awori.

I beg to move.

THE ACTING CHIEF SECRETARY (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

The Mortimer Pension Bill

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Deputy Speaker, Sir, I beg to move that the Mortimer Pension Bill, 1956, Bill No. 45, be now read the Second Time.

Mr. Deputy Speaker, Sir, the circumstances under which this Bill came to be prepared, are very similar in many ways to the Bill which has just been moved, and as I propose to move that this Bill, too, should be referred to a select committee, I think there is no reason for me to say any more at present, Sir.

I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Windley): Mr. Deputy Speaker, Sir, I beg to move that a select committee be appointed to examine and report on the Mortimer Pension Bill, 1956, Bill No. 45, the select committee to consist of the Minister for Legal Affairs (chairman), the Minister for Education, Labour and Lands; the Parliamentary Secretary to the Minister for Commerce and Industry; the hon. Captain Hamley; the hon. Mr. Mackenzie; the hon. Mr. Cooke; the hon. Sir Charles Markham; the hon. Mr. Slade; the hon. Mr. Chanan Singh, and the hon. Mr. Awori.

I beg to move.

THE ACTING CHIEF SECRETARY (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

BILL

SELECT COMMITTEE REPORT

The Liquor Bill

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. A. B. Patel): Mr. Deputy Speaker, Sir, I beg to move that the Report of the Select Committee on the Liquor Bill be now considered.

Mr. Deputy Speaker, when the select committee commenced consideration of the Liquor Bill, at one stage they felt inclined to say that until the Liquor Manufacturing Bill and the Industrial Alcohol Bill were before the Legislative Council, perhaps it was not convenient to proceed with the consideration of this Bill, because they felt that there were certain matters which cannot conveniently be dealt with unless those Bills were before the Council. However, the African Representative Members were anxious to see that this Bill became law before the Council was dissolved, and to meet the wishes of the African Representative Members, the select committee proceeded to consider the Bill.

Sir, I shall refer to the important amendments which have been recommended by the select committee. It has been recommended that the Bill should be styled Liquor Licensing Bill, because it was felt that this Bill does not deal with all the matters in connexion with liquor, such as manufacture of liquor and so on. It deals only with the sale and supply of liquor and licensing thereof, and therefore the appropriate title is Liquor Licensing Bill.

Clause 2 was amended in order to include the veterinary surgeons who also have to use medicine containing liquor on occasions. In regard to clause 2 (g), as it was indicated at the time of the Second Reading of the Bill, a separate licence has been provided, known as Canteen Licence, in cases where the canteen is run for private profit, and an amendment has been made to meet it.

Clause 4 has been amended in order to provide that the officer in charge of the Nairobi Extra-Provincial District shall preside in the Nairobi Licensing Court.

Clause 5 has been amended in order to allow a person who holds nominal shares, say in a brewery, to be appointed to serve as a member of the Liquor Licensing Court in a case where he

declares that he was a shareholder and the Minister concerned thought fit to appoint him to be a member of the Licensing Court. It was considered that it was not right that a person holding only nominal shares in a manufacturing concern, should be prevented from serving on the Liquor Licensing Court merely because he held some nominal shares in the concern, or was a partner in a firm.

Now, the select committee also suggests amendment to clause 10, in order not only to permit objections to be lodged to grant or renewal of a licence, but even where application was made for transfer to a new person or to new premises. It was thought that any person interested should have the right to lodge objections in a case of transfer also.

In regard to clauses 13 and 14, the committee felt that paragraphs (a) and (b) of clause 13 were more suitable in clause 14 because those two paragraphs applied equally to grants of a new licence or a transfer of a licence. Further, in regard to clause 14, it has been provided that where a person has been convicted under clause 41, he should be prevented from holding a licence and, therefore, suitable amendment has been made to clause 14. There was a great deal of evidence received in regard to amendments to clause 15. Considerable discussion took place in regard to it and there was evidence to the effect that all licences should expire at the end of this year and new licences should be granted in appropriate cases. The evidence was that there were too many licences, more than necessary, and that it would be an advantage if all licences expired after the coming into operation of this law, and new licences granted in appropriate cases. But the committee felt there were two disadvantages in following that course. Firstly, it would deprive all the present licence holders the rights which they have been enjoying for a long time and, secondly, they would be deprived of the right of appeal which is granted by clause 17 in cases where the renewal of a licence has been refused.

Further, the committee found that the main objection in regard to the redundancy of licences was in regard to wine merchants' and grocers' licences. There-

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fore the committee has recommended a new sub-clause to clause 15, whereby any applicant for a wine merchant's and grocer's licence has to show to the Licensing Court that his holding of a licence was necessary in that particular locality and has to satisfy the court; otherwise the court shall refuse to renew the licence of a wine merchant and grocer. I think the procedure adopted by the committee meets the objection which was raised and, at the same time, preserves the right of the present licence holders to appear before the court and, if necessary, to appeal to the Supreme Court in regard to their rights.

When this amendment was made, it was also felt that where a renewal of a licence was refused, it was fair that such a licence holder should have the time to dispose of his stocks and, therefore, it has been provided that he should in that case get a nine months' licence in order to enable him to dispose of the stocks which he may have.

In regard to clause 25, which is the next important amendment, the present Bill provides that if a person was convicted in the preceding year, his renewal was liable to be refused without giving him any time for disposal of his stocks. The committee felt that even in a case like this, he should at least get about a month or more, as the Licensing Court may, in its discretion, think fit, to dispose of the stock and it has been provided accordingly.

The next important amendment which is suggested is in regard to clause 30. A mere fine was not considered sufficient by the select committee and, therefore, the amendment has been made so that an alternative punishment of prison could be afforded.

Clause 41 is the next important amendment which also makes it an offence in regard to the bottling of liquor for sale without a licence. When I refer to the Schedule, I shall point out that a new licence has been provided in regard to the Bottlers' Liquor Licence. I shall make my comments why it was necessary to provide this new type of licence when I refer to the schedule.

A new clause 42 has been added to the Bill in order to prevent members of the public buying liquor from wine

merchant's or grocer's shops and then drinking the liquor on the premises belonging to that licence holder, or in his premises which may be adjoining, or in any nearby place, or in any adjoining part of the highway. It was felt that this abuse must be prevented and clause 42 has been added.

Mr. Deputy Speaker, in regard to the rules, the committee recommended that certain rules should be made by the Minister before the law was brought into operation.

In regard to new licences which have been provided in the Schedule, the committee has recommended that the Minister concerned should make rules before the law is brought into operation. But there are two important matters which have been dealt with—which have been recommended—for the purpose of making rules: when a person makes an application in the first instance for grant of a new licence, he should disclose, if it is a company, all the directors of the company, or, if it is a firm, all the partners of the firm, because it was felt that a person, as an individual, may have been refused a licence in the past and then he may form a partnership or a company and may yet try to get a licence indirectly for his benefit by keeping others as nominal partners or shareholders; therefore, in order to give information to the Liquor Licensing Courts, it has been provided that in the applications, full disclosures should be made in regard to the directors and the partners. It is also recommended that the rules should be made by the Minister concerned providing that where a person makes an application for renewal of a licence, he must disclose any changes in the directorship of the company or partners of a firm.

Clause 50 of the present Bill has been deleted because it was considered that this clause should properly form part of the proposed Employment (Amendment) Ordinance and it will be included as an amendment to it.

Now, clause 52 has been amended so as to repeal only the provisions of the present Ordinance regarding the sale and licensing of liquor because there are a few sections which provide for the manufacture of beer and other liquor and, if the present Ordinance is repealed without making such provision, then

[The Asian Minister without Portfolio]

there will be no law left for the purpose of the manufacture of beer. That part of the present Ordinance which permits and enables manufacture will, I am sure, be repealed when the new Manufacturing Ordinance becomes law later on.

I shall now refer to the Schedule in which the new licence, the bottlers' liquor licence, has been introduced. There was evidence that certain people were in the hope of selling liquor in a larger quantity as the restriction on the use of spirituous liquor by the Africans was lifted, and that they will be able to sell liquor in larger quantity are importing liquor in bulk with a view to bottling it in this country. There was evidence that there is a danger of putting liquor in bottles under very unhygienic conditions and also danger of adulteration and it was felt that before this Bill became law, it is necessary to give protection to the consumer from importation on a big scale by certain unscrupulous importers and then bottling the liquor in this country. As a matter of fact, at one stage the committee gave serious consideration to see if they can provide even an importers' licence, but it was felt that it will be outside the scope of this Bill and that could perhaps be appropriately considered in the new Bill which will be presented to this Council on the manufacture of potable and non-potable spirits. That will be the proper time when the question of the importation of liquor in bulk could be given consideration to. However, the committee felt that protection, at this stage, should at least be given against bottling liquor under very unhygienic conditions and adulteration; therefore a special licence has been provided and the Minister concerned has been recommended to make rules in regard to the procedure which should be followed in regard to this licence.

The other licence has been given a slightly different name—the malt liquor licence hereafter will be called malt and non-spirituous liquor licence. It was considered that that will be more appropriate if we want to continue the procedure of permitting licence-holders merely to deal in non-spirituous liquors.

Then, in regard to paragraph 2 where the difficulty arose on account of bottles

imported into this country of different quantities from Europe, a new way has been provided by which the difficulty which has been raised by certain businesses and even during the course of the debate on the Second Reading, has been met.

There is another important change which has been recommended; that in regard to the general retail liquor licence, in regard to malt and non-spirituous liquor licence, and in regard to the restaurant liquor licence, it has been recommended that there should be closure from 3 p.m. to 6 p.m. There was very strong evidence in support of that suggestion and the committee unanimously believed that it is a very good suggestion. The committee has also recommended that the Minister concerned should make rules to more clearly define the clubs where club licences are provided in order to prevent abuse of any individual merely enlisting a few members, forming a club and then using the place for the purpose of drinking all the 24 hours.

Now, Sir, in regard to the canteen liquor licence, it has been recommended that where the canteen is run for private profits, the applicants should be supported by the Commanding Officer in charge before the licence is granted. As it is recommended there should be closure from 3 p.m. to 6 p.m., it is also recommended in paragraph 14—now 16—that for the temporary extension of the licence it should be made possible for the district commissioner to give such extension even for the period from 3 p.m. to 6 p.m., but no extension will be granted to any individual licence holder for more than three times a week. Lest my hon. friend, the Representative African Member, Mr. Mathu, may ask me later on whether there are any cards up my sleeve in order to delay the coming into operation of this Bill by stating that it cannot be brought into operation until the rules are ready, I would like to assure him that the question of drafting the rules for providing fees and for providing other matters which are recommended by the select committee, is on hand and the rules will be promulgated as early as practicable and I can assure him that this clause 52 has been amended in the manner it has been done for the purpose

[The Asian Minister without Portfolio]
of bringing this Ordinance, into operation as quickly as possible.

Mr. Deputy Speaker, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed:

The question was put and carried.

The Liquor Bill

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. A. B. Patel): I beg to move that the Liquor Licensing Bill be now read the Third Time.

Question proposed:

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

MOTION

WAIVURE OF NON-PAYMENT OF LAND RENTS

(Governor's consent signified)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I beg to move:—

THAT this Council approves that the revenue lost to the Government as a result of the failure to impose penalties in respect of the non-payment of certain land rents due in 1953 and in 1954 be waived.

The history of this Motion, Sir, is one which has arisen from the consideration by the Public Accounts Committee of the report of the Controller and the Auditor-General on the 1954/55 Accounts. Now, Sir, in the Crown Lands Ordinance, chapter 155 section 821 (1) and (2), it is laid down, Sir, that "if the rent, or any principal instalment, royalty or other payment payable under any agreement, lease or licence under this Ordinance or under any Ordinance repealed by this Ordinance shall at any time be unpaid for the space of 90 days after the same became due and the Commissioner shall have served a notice upon the person in default of demanding payment the person in default shall pay on such notice a fee of 10/". Sub-section 2 goes on to repeat the same phrase with

the exception that "there shall be payable in addition by way of penalty a sum equivalent to five per cent of the sum due".

Now, Sir, during 1953 and 1954, a situation arose, largely as a result of the Emergency, shortage of staff, etc., where the work of the collection of land rents fell into arrears. The rents, when they fell into arrears, should, of course, have been followed up immediately by a notice as stipulated in the section I have just read which would have informed the person in default of the payment necessary in so far as the cost of the notice is concerned, and also would have warned him, not only of the penalty of five per cent, but that "if such rent or other sum shall at any time be unpaid for a space exceeding 150 days after the same became due, and a notice shall have been served under sub-section 1 of this section, there shall be payable in addition by way of penalty a sum equivalent to ten per cent of the sum due". Now, Sir, there was a great deal of correspondence with the Commissioner of Inland Revenue on this matter because it became obvious that as the notices had not been served, the penalties could not have been collected; nor, I suggest, as the notices had not been served, would it have been fair to the person in default that the penalty should have been given. The result of action, therefore, in the audit inspection in 1955 revealed first of all the whole of the arrears position, at which time it was found that many of the rents which had been in arrears—indeed I think I am right in saying almost all of the rents which had been in arrears—had, by that time, been paid without penalty. The question arose as to whether it was possible to impose a penalty in such cases. It was recommended that the penalty should be waived. A similar position arose for part of 1954 until the staff and the Emergency position enabled the situation to be rectified.

Now, Sir, there is—as my hon. friend the Member for Nairobi North, who knows only too well in his position on the Public Accounts Committee—the provision that where there is a waiver of any particular kind involving the forfeiture of revenue in single cases not exceeding a sum of £250, the Minister

[The Minister for Finance and Development] for Finance has the power to write-off the amount but we have, Sir, given an undertaking that it shall be reported to Legislative Council. But the Chairman himself, in the Public Accounts Committee meeting, held, and I think very rightly so, that it could not be regarded as a waiver in individual cases but must be regarded as a waiver on a general basis and that, therefore, the matter should be viewed in that light. Well, now, to waive revenue generally in that light means I think that we must seek the authority of the Legislative Council.

The Public Accounts Committee stressed that the approximate figure of the revenue lost should be stated and it is given now by the Commissioner of Inland Revenue as £1,725. That is the history, Sir, of the Motion I am now moving which authorizes the general waiver in regard to the non-paid land rents due in 1953/54 for which no notice of default and penalty had been issued and for which it was therefore felt that a general waiver should be issued.

Sir, I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah) seconded.

Question proposed.

The question was put and carried.

THE DEPUTY SPEAKER (Mr. Conroy): I think this is a convenient moment to take the customary fifteen minutes break.

Council rose at fifteen minutes past Four o'clock and resumed at thirty minutes past Four o'clock.

MOTION

TRANSFER AND DELEGATION OF POWERS (MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING)

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I beg to move:—

BE IT RESOLVED that the Orders cited as the Transfer and Delegation of Powers (Minister for Local Government, Health and Housing) (No. 3) Order and the Transfer and Delegation of Powers (Minister for Local Govern-

ment, Health and Housing) (No. 4) Order, 1956, be approved.

Sir, this Motion is in line with a number of other Motions that have been before this Council as regards to delegation of powers to Ministers and these two particular Orders apply to the Townships Ordinance and to the District Councils Ordinance, and a number of powers which previously were either in the hands of the Governor in Council or the Governor, and it is now suggested it should be delegated to the Minister—transferred to the Minister.

Sir, I do not think there is any need to go into detail and I can answer any questions which Members would like to put and I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Jeremiah): seconded.

Question proposed.

The question was put and carried.

MOTION

TRANSFER AND DELEGATION OF POWERS (MINISTER FOR COMMERCE AND INDUSTRY)

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): Mr. Speaker, I beg to move:—

BE IT RESOLVED that the Orders cited as the Transfer and Delegation of Powers (Minister for Commerce and Industry) (No. 1) Order and the Transfer and Delegation of Powers (Minister for Commerce and Industry) (No. 2) Order, 1956, be approved.

Mr. Speaker, the Papers laid yesterday I think are self-explanatory. Draft Order No. 1 deals with the proposed transfer of powers by the Governor to the Minister. The object is to relieve the Governor of certain routine work and to place the responsibility where it can be most conveniently carried out, namely, in the office of the Minister for Commerce and Industry. The same thing applies to the second draft order, with the exception that in this case it transfers the powers from the Governor in Council to the Minister.

If hon. Members have any points they wish to raise, I will do my best to answer them.

I beg to move.

THE PARLIAMENTARY SECRETARY TO THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Madan) seconded.

Question proposed.

LT.-COL. GHERSIE: Mr. Speaker, Sir, this is the second Motion we have had to-day on the transfer and delegation of powers and they cover, of course, two different features in each case. We also had one recently in respect of the Minister for Legal Affairs. Well, Sir, when one examines the column, "The nature and the power of duty", one finds a con- tinual reference, Sir, to the powers to make rules, and I would like an under- taking from the Minister that the rules will be Tabled in this Council, Sir, unless this is done, delegated legislation may become a threat to parliamentary democracy.

Sir Cecil Kerr, who is the Counsel to the Speaker of the House of Commons, said last year, "In so far as delegated legislation contains the germ of arbitrary administration, every possible safeguard must be devised". Sir, he was comment- ing on the inroads that had been constan- tly made in almost every domain of both public and private life by the great and growing body of legislation which took the form of proclamations, regula- tions, rules and by-laws and, of course, Sir, issued by virtue of the authority granted by Parliament. But he also, Sir, went on to sound a note of warning on the steady encroachment of bureaucracy which was taking place as a result of this system. And, Sir, I would be content, at this moment anyhow—at this stage—to ask for an assurance that these rules will be Tabled.

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, the rule making power is a power delegated by legislation either to the Governor or to any other authority in whom is vested the power to make subordinate legisla- tion. Frequently, in the Ordinance which delegates that power, the provision is made that certain rules must be laid and hon. Members will have noticed, Sir, that in a large number of recent Bills before this Council that provision has been made. Mr. Speaker, I do not think it is possible to give an under- taking in respect of all rules that they should be laid. I think the Government can consider whether it would be poss-

ible in future to give such an under- taking, but it would not be possible to give such an undertaking here and now without seeing what is involved. Very often, the rule making power is the most subordinate legislation; it may relate to something which is of such minor importance that no difficulty can arise. Quite often under Ordinances, the more substantial power is given by the legislature to the Governor, or the Minister or whoever the authority is to make the delegated legislation, but when the Ordinance gives a more substantial power, it is normal for the Ordinance to provide that the rules must be laid. An example was His Majesty's Forces Pensions Rules, where they had to be laid. Therefore, Mr. Speaker, in view of that, I think it would not be possible for the Government to give an under- taking to lay all rules. The Govern- ment will, however, look, as it certainly does at the moment, in respect of all future legislation as to whether the rules should be or not.

Mr. Speaker, I beg to support.

LT.-COL. GHERSIE: Mr. Speaker, on a point of explanation, as far as this Motion is concerned, under this schedule there is a reference on 15 occasions to the making of rules. That is my concern.

THE MINISTER FOR COMMERCE AND INDUSTRY (Mr. Hope-Jones): I would like to make it clear to the hon. Mem- ber that we would like to meet him on this point. I think we understand each other, that where rules are of import- ance they should be laid on the Table of the Council I think in view of what my friend, the Solicitor General, has said and as he has already stated that on the general question the Government has the matter well in mind. I think we can remove what I believe are the legitimate fears of the hon. Member.

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinando Cavendish-Bentinck): That concludes the business on the Order Paper. Coun- cil will stand adjourned until 2.30 p.m. to-morrow, 21st June, 1956.

Council rose at forty-two minutes past Four o'clock.

Thursday, 21st June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 87

LT.-COL. GHERSIE asked the Minister for Local Government, Health and Housing to state:—

1. Who is responsible for the administration of Ujana Park.
2. Whether or not Government is satisfied with the existing security measures.
3. The number of escapes during the months of March, April and May, 1956.
4. Whether or not it is the correct procedure for juvenile remand cases to be sent to Ujana Park.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): The responsibility for the administration of the Ujana Park rests with the "Save the Children Fund". The fund operates the camp as a sorting centre for African children in need of care and protection and offers shelter to these children whilst inquiries are made as to their background and the best method of permanent settlement.

2. The camp is not a closed camp and there are, therefore, no stringent security measures.
3. The number of abscondments during the months March, April and May were: March 10, April 19 and May 16.
4. It is not the correct procedure for juvenile remand cases to be sent to Ujana Park. The children are frequently brought before the Juvenile Court as being juvenile vagrants (under section 13 (1) of the Vagrancy Ordinance, Cap. 59) or charged with entering Nairobi without a permit under the Emergency Regulations. When the Court inquires into the matter these children are often found to be children who have not committed an offence, but who are in need of care and protection and, having been dealt with pursuant to the Ordinance or regulation under which

they have been brought before the court, they are sent to Ujana Park under interim orders made under the Prevention of Cruelty and Neglect of Children Ordinance, 1955, until their parents can be found or other arrangements made for their disposal. As Ujana Park is a "place of safety" under that Ordinance, this procedure is correct. Juveniles accused of offences against the Penal Code or other serious crimes are never sent by the court to Ujana Park on remand.

LT.-COL. GHERSIE: Mr. Speaker, Sir, arising out of the last part of that question, the Minister said that juveniles are never sent to Ujana Park. My information, Sir, is that they are and, what is more, it means that the police then have to investigate the matter and, having escaped, as there are no records of them, they cannot take the necessary action. Would the Minister answer whether it is never or whether it is now?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I think, Sir, the hon. Member is out of date. At one time certain children of that category may have been sent there and I think were sent there, but now the matter has been completely clarified and they will never be sent there again.

LT.-COL. GHERSIE: Mr. Speaker, are we to understand that there are specific instructions to the judiciary that remand cases are not sent there or will not be sent there in future?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): With remand cases of the category that I have described in the original answer that is so.

MR. TYSON: Mr. Speaker, Sir, may I ask the Minister to tell us whether while these children are detained at Ujana Park there are any facilities, training facilities, educational facilities, available for them?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Yes, Sir.

SIR CHARLES MARKHAM: Arising out of the original reply, Sir, would the Minister tell the Council whether it is proposed to continue with this Ujana Park, as a definite establishment, or is it purely temporary there?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): The main function of Ujana Park is, of course, in connexion with the Emergency, but I do not foresee closing it down for any considerable time. It is performing a very useful function at the moment.

SIR CHARLES MARKHAM: Mr. Speaker, arising out of the original reply, would the Minister tell us what the cost of the park is, maintaining this park per year?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): I would have to have notice of that question, Sir.

MR. MATHU: Mr. Speaker, Sir, arising from the original reply, would my hon. friend say what sort of training these youngsters get before employment is found?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): They are given schooling of a sort, but naturally it cannot be of any great advanced level, but I am sure if the hon. Member is interested and if he would like to go round it, he can come round it with me and see what facilities are provided.

QUESTION No. 90

MR. SLADE asked the Minister for Local Government, Health and Housing to state:—

- (1) If the Social Security Committee has yet made its report?
- (2) If so, when will that report be published?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): (1) The Social Security Committee has made its report, which has been in the hands of Government since March, 1956.

(2) The recommendations of the Committee have important financial implications to which Government must give close consideration. Further, the Report of the Committee on Rural Wages, which has not been received, will probably have an important bearing on the Government's policy regarding the report in question. Therefore it is not possible to indicate a date for the publication of the Social Security Committee Report.

MR. SLADE: Mr. Speaker, Sir, arising out of that reply, I would ask the Minister to give an assurance that he will try to publish this report and any ancillary paper thereon at, or before, the next sitting of this Council which will also be its last sitting, if only in recognition of the committee, which has worked very hard over a very long period.

Sir, I also, as Mover of the original Motion which gave rise to this inquiry and report, would like an opportunity of debating it and I may not have—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Slade, you are almost making a speech.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I quite understand the difficulties the hon. Member finds himself in. I also sympathize with his request. It is obviously much better that the report should be issued with the comments of Government, but if it is not possible to obtain such comments, it might be possible to issue the report at the next sitting of this Council without such comments. I will do my best to meet the hon. Member's wish.

COMMITTEE OF THE WHOLE COUNCIL

Order for Committee read.

PROCEDURE OF MOVING A SPECIAL "INSTRUCTION"

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Under this Order, hon. Members will see that we are adopting a procedure which I think is new to this Council and I, therefore, felt that for the purposes of the record and for information of hon. Members, I should give some explanation.

Under Standing Order 1, we take for our guide rules, forms and usages of the House of Commons of the Parliament of the United Kingdom. Under Standing Order 40 of the House of Commons, it is provided that "it shall be an instruction to all Committees to which Bills may be committed that they have power to make such amendments thereon as they shall think fit, provided they be relevant to the subject matter of the Bill; but that if any such amendments shall not be within the title of the Bill, they must amend the title accordingly,

[The Speaker] and report the same specially to the House".

We have precisely the same Standing Order; in fact it is verbatim in our Standing Order as Order 99. It is just possible, in view of a fact that this is really a validating Bill which is coming before the Committee of the whole Council, that the further measure of validation mentioned by the Mover during the debate on the Second Reading might have been considered during the committee stage and might have been approved, but I do not think really Standing Order 99 would quite cover this. Also we must remember that we have another Standing Order—although in a separate part of our Standing Orders—Standing Order 116—which I think does impose a limitation to the powers that are provided for committees under Standing Order 99.

Standing Order 116 definitely lays down that a committee may consider such matters only as have been referred to it by the Council.

In any event, I think hon. Members will agree that as this proposed new clause did not appear in the Bill as printed and circulated—in fact seeks to enlarge the scope of the Bill, it is probably wiser to have recourse to the procedure of "moving a special instruction". This procedure is referred to on pages 517-526 of Erskine May and on pages 213 and 215 in Campion. It is used and will continue to be used in the House of Commons to cover cases which might conceivably not be covered by their Standing Order 40 or our Standing Order 99 in which it is considered desirable by hon. Members to extend the powers of a committee of the whole House in relation of course only to matters relevant to the subject matter of the Bill. I would add that any motion for a special instruction if passed cannot be mandatory to a committee of the whole House, although it is called a special "instruction", it can only be permissive; and a motion for a "special instruction" is regarded as a subsidiary motion and consequently the Mover has no right of reply.

Having endeavoured to explain the procedure I will now call on Mr. Mackenzie to move this Motion before we resolve into Committee.

MOTION

INSTRUCTIONS TO THE COMMITTEE

MR. MACKENZIE: Mr. Speaker, Sir, I beg to move that it be an Instruction to the Committee on His Majesty's Forces' Pensions (Amendment) Bill, 1956, that they have power to make provision to validate regulations made under His Majesty's Forces' Pensions Ordinance.

As I explained, Sir, during the Second Reading of this Bill, the reason for introducing this Motion is that it has recently been discovered that any regulations issued under the authority of His Majesty's Forces Pensions Ordinance, 1939, must be laid on the Table of this Council, and, if they are not so laid, the regulations *ipso facto* become invalid and, of course, as a result of that, all the pensions that have been paid in accordance with them also become invalid.

Well, Sir, since 1939, quite a considerable number of regulations have, in fact, been issued and a very large number of pensions have been paid. It would be a most unfortunate thing if these pensions were to be left as illegalities and, therefore, as soon as this matter was brought to the notice of the Government, it was felt that the most urgent action should be taken to put the matter on a proper basis so that the pensions could continue to be paid and the ones that have been paid can be regarded as having been paid legally. With that in view, Sir, it is proposed, if the Council accepts this Motion, to move during the committee stage, a new clause which will have the effect of validating any regulations which were made before the commencement of the Bill which is now before the Council in the event of it being eventually passed.

I would like to take this opportunity of saying once more that we are, on this side of the Council, extremely sorry that the necessity for laying the regulations in the past was overlooked and all I can say is that we shall do our best to ensure that an important matter of this kind is not allowed to be so overlooked in the future. Sir, I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, in seconding the Motion, I beg, in accordance with Standing Order

[The Minister for Finance and Development] No. 128, to signify that the consent of the Governor has been received to the introduction of the Motion.

Question proposed.

The question was put and carried.

Mr. Speaker left the Chair.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

His Majesty's Forces Pensions (Amendment) Bill

MR. MACKENZIE: Mr. Chairman, Sir, I beg to move that clause 1 be amended by substituting the following clause: (1). This Ordinance may be cited as His Majesty's Forces Pensions (Amendment and Validation) Ordinance, 1956. (2). Sections 2, 3, 4 and 5 of this Ordinance shall be deemed to have come into operation on the 3rd day of September, 1939.

The reason for this clause, Sir, is that the Bill as it stands merely provides for the amendment of the Ordinance in the form in which it appears in the printed paper before the Council. In view of a subsequent clause I propose to move at a later stage, validating certain acts which have been done, it is necessary to amend the short title by adding the words "and validation". It is also necessary that sections 2, 3, 4 and 5 of the Ordinance should be deemed to have come into operation on the 3rd day of September, 1939, so that all actions which have in fact been taken under this Ordinance, will be given validity. Sir, I beg to move.

Question proposed.

The question was put and carried.

Clause 1, as amended, agreed to.

Clause 2 agreed to.

Clause 3

MR. MACKENZIE: Mr. Chairman, Sir, I beg to move that clause 3 be amended by substituting for the words "sub-section (1) of section 2 of the principal Ordinance is amended by substituting for paragraph (a) therein a new paragraph as follows"—"Sub-section (1) of section 2 of the principal Ordinance is amended—(a) by substituting for the words 'Governor in Council', which appear

therein, the word 'Minister' and, (b) by substituting for paragraph (a) therein a new paragraph as follows"—

The purpose of this amendment, Sir, is to make it possible for regulations issued under the Ordinance to be issued by the authority of the Minister for Finance instead of having to go to the Governor in Council.

The regulations will, of course, still have to be laid on the Table in this Council, and so Council will have a full opportunity of raising any matters which it considers are necessary to be raised in respect of any regulations which may be made in future.

Sir, I beg to move.

Question proposed.

The question was put and carried.

Clause 3, as amended, agreed to.

Clauses 4 and 5 agreed to.

New Clause (Clause 6)

MR. MACKENZIE: Mr. Chairman, Sir, I beg to move that the Bill be amended by adding a new clause as follows: "6. Any regulations made before the commencement of this Ordinance under the provisions of sub-section (1) of section 2 of the principal Ordinance shall be deemed to be, and at all times to have been, valid and of full force and effect, notwithstanding that the same have not been laid before the Legislative Council in accordance with the provisions of sub-section (4) of the said section."

The purpose of this clause, Sir, is to validate all the regulations that have been made under the Ordinance since it came into effect in September, 1939, and thus to validate all the pensions which have been paid during the intervening period and which may be paid on the authority of the regulations which will, if this clause is approved by the Council, then become valid.

In the event, of course, of this clause not being passed, we should be in the very awkward position that all the pensions which have been awarded under the authority of this Ordinance would immediately cease to be of any effect. Sir, I beg to move.

Question proposed.

The question was put and carried.

New clause (clause 6) agreed to.

Title

MR. MACKENZIE: Mr. Chairman, Sir, I beg to move that the long title of the Bill be amended by adding the words "and to validate the regulations made thereunder". This amendment is, of course, Sir, consequential on the amendments that have already been made. Sir, I beg to move.

Question proposed.

The question was put and carried.

Title, as amended, agreed to.

Enacting words agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report to Council its consideration and approval of His Majesty's Forces Pensions (Amendment and Validation) Bill, 1956, with amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck in the Chair)]

REPORT

MR. CONROY: Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered clause by clause His Majesty's Forces Pensions (Amendment and Validation) Bill, 1956, and has approved the same with amendments.

Report ordered to be considered to-morrow.

IN THE COMMITTEE

[D. W. Conroy, Esq., O.B.E., T.D., Q.C., in the Chair]

The Building Societies Bill

Clause 1 agreed to.

Clause 2

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Chairman, I beg to move that clause 2 be amended by inserting immediately before the word "Association", which appears in the definition of "existing society", the word "Society". Sir, this amendment is merely for clarification, and I do not think there is any further need to speak of it.

Question proposed.

The question was put and carried.

Clause 2, as amended, agreed to.

Clauses 3 to 22 agreed to.

Clause 23

MR. CHANAN SINGH: Mr. Chairman, Sir, may I move an amendment to clause 23? I propose, Sir, that clause 23 of the Bill be deleted and replaced by a new clause, reading as follows:—

"23. (1) A building society may—

(a) acquire and hold any land which it requires for its business premises or the housing of its staff, and

(b) let any part of its business premises which is not required for its immediate use.

(2) Subject to the provisions of this Ordinance, but notwithstanding anything to the contrary contained in the Native Lands Trust Ordinance, the Land Control Ordinance and the Crown Lands Ordinance, it shall be lawful for a building society to advance money on the security of all classes of land and buildings whatsoever and wheresoever situate in the Colony, and to acquire by foreclosure or surrender any land mortgaged to it, provided that any land so acquired by foreclosure or surrender shall be sold and converted into money, subject in this case to the provisions of the Native Lands Trust Ordinance, the Land Control Ordinance and the Crown Lands Ordinance, within a period of two years or such longer period as the Registrar may authorise in writing."

Sir, the purpose of this amendment is to make the fullest possible opportunities for investment and advancing money available to all societies, whatever their composition. I am not proposing any change to the law governing the Highlands. In fact, it would be undesirable to change a substantive law in an indirect manner. The amendment, if accepted, will make a few changes to the procedural part of the Highlands law—not the substantive law. No permanent change in ownership or occupation will be possible without obtaining the necessary consent required by the existing law, but, if the amendment is accepted, it will be possible for all

[Mr. Chanan Singh]

building societies to advance money on properties which are now subject to the three Ordinances which are named in the amended section.

In any case, Sir, there is a proviso in the existing section, and in the section as reworded by me, which says that a building society must dispose of any land which it has acquired by foreclosure or surrender within two years, so that a building society will not be able to keep any land in the Highlands, but will have to sell it ultimately within a period of two years, or a longer period if agreed to by the Registrar, to a person who can acquire land under the existing law: so that no permanent change to the law as it stands to-day is proposed.

Sir, I beg to move.

Question proposed.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Chairman, I am afraid the Government cannot accept this amendment. The object of it I can quite see. The hon. Member wishes to make it as easy as possible for building societies, no matter what members they may have, to lend money on land, wherever it may be. On the other hand, there is no doubt—as I am advised—according to this amendment, the land actually acquired by foreclosure or surrender—at least for two years—will be the property of such society, no matter who the members of that society may be, and that in itself—I am advised—would be completely against the present Ordinances, outside the terms of the present Ordinances, which are mentioned in this amendment.

I think the hon. Member can rest assured that the operation of the Land Control Ordinance, and of the other Ordinances concerned with the transfer of land, will not in any great way impede business transactions any more so than it impedes business transactions to-day in ordinary loans from banks, etc., and I suggest, Sir, that the hon. Member is possibly thinking that this might be a good opportunity to present his views again on this particularly tricky question—that is, of land and land ownership in this country—and I am sure he cannot expect me, as a

Minister under the Lyttelton Plan, to accept any such amendment.

The amendment was put and negatived.

Clause 23 agreed to.

Clause 24

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Chairman, I beg to move that clause 24 (3) be amended by deleting the words "freehold or leasehold". Sir, this amendment is moved only because those words are unnecessary in that they appear in the definition of "land".

Question proposed.

The question was put and carried.

Clause 24, as amended, agreed to.

Clauses 25 to 28 agreed to.

Clause 29

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Chairman, I beg to move that clause 29 (b) be deleted. The reason for this, Sir, is that, after further consideration, it is thought that the activities suggested in clause 29 (b) are not really suitable to building society activities. In fact, if members wish to borrow money—if members have lent a building society money, and then wish to get money back, they can withdraw the money they have already lent, rather than re-borrow it. And so, Sir, it is suggested that we delete that clause.

Question proposed.

The question was put and carried.

Clause 29, as amended, agreed to.

Clauses 30 to 75 agreed to.

Clause 76

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Have-lock): Mr. Chairman, I beg to move that clause 76 be amended, firstly, by deleting the words "so far as the same may be applicable".

Do you want to take them together, Sir, or separately?

THE CHAIRMAN (Mr. Conroy): I think it might be less confusing to take them separately.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr.

[The Minister for Local Government, Health and Housing] (Havelock): I beg to move, Sir, that clause 76 be amended by deleting the words "so far as the same may be applicable".

Question proposed.

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, I beg to move that clause 76 be amended by adding to the clause the following proviso:—

"Provided that the Minister may by order, either generally or in any particular case exempt any society registered under the provisions of the said section 75 from all or any of the provisions of this Ordinance, or direct that such provisions of this Ordinance shall be specified in such order shall, in their application to any such society, be modified in such manner as may be provided therein".

Sir, I do wish to apologize for not giving the reasons for the first amendment. I merely moved it without giving any reasons, but the one is tied to the other. It is thought, Sir, that there might be misconstruction and, indeed, argument, about the words "so far as the same may be applicable", and therefore, to put the matter beyond any doubt, the new proviso is added, so that the Minister can apply the Ordinance, or parts of it, with regard to the foreign building societies as is suitable, and in his application, of course, he will make it completely clear what parts are applied. That is the reason, Sir, for this amendment.

I beg to move.

Question proposed.

The question was put and carried.

Clause 76, as amended, agreed to.

Clause 77 agreed to.

Clause 78

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, there are two amendments to this clause. I beg to move that clause 78 be amended by inserting in sub-section 1 immediately after the

words, "within a period of six months", the words "or such further period as the Registrar may, in any particular case, allow". The reason for this is that the whole purpose of this particular section is to allow organizations, companies or institutions who are now acting as building societies a certain period in which to register under the Ordinance as building societies, and it is thought that in some cases a period of six months, which they are allowed by the Bill at present, may not be sufficient and so the Registrar is given power to extend that period if necessary. I beg to move.

Question proposed.

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Chairman, I beg to move that clause 78 be amended by deleting the words "the matters in the case of a foreign building society", which appear in sub-section (3) (a) of this clause. This particular alteration makes no real substantive difference to the Ordinance and I repeat that this particular section of the Ordinance is only to allow for the transfer of institutions acting as building societies to be registered under this Ordinance, under this Bill when it becomes law so, therefore, this particular section of the Ordinance only lives for a few months and after that does not have any further application. The deletion of these particular words here, Sir, is in fact to make it slightly more easy for one of the present companies operating as building societies to register under the Ordinance. I beg to move.

Question proposed.

The question was put and carried.

Clause 78, as amended, agreed to.

Clause 79 agreed to.

Schedule agreed to.

Title and enacting words agreed to.

The Bill, as amended, to be reported.

The Cantonments (Amendment) Bill

Clauses 1 to 3 agreed to.

Title and enacting words agreed to.

Bill to be reported.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee do report back to Council its consideration and approval of the Building Societies Bill with amendment and the Cantonments (Amendment) Bill without amendment.

Question proposed.

The question was put and carried.

Council resumed.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

REPORT

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has gone through the Building Societies Bill, 1956, and made amendments thereto.

Report ordered to be considered to-morrow.

REPORT

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has gone through the Cantonments (Amendment) Bill, 1956, and has approved the same without amendment.

The Cantonments (Amendment) Bill

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, I beg to move that the Cantonments (Amendment) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That completes the business on the Order Paper. Council will stand adjourned until 9.30 a.m. to-morrow, 22nd June, 1956.

Council rose at twenty-seven minutes past Three o'clock

Friday, 22nd June, 1956

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

[Mr. Speaker (Sir Ferdinand Cavendish-Bentinck) in the Chair]

PRAYERS

ORAL ANSWER TO QUESTION

QUESTION No. 98

MR. MATHU asked the Acting Secretary, will the Government please state:—

- Whether any decision has been made as to the future or possible dissolution of the War Council?
- In the event of the dissolution of the War Council, will any measures be taken to replace it?
- What are the constitutional functions of the War Council?

THE ACTING CHIEF SECRETARY (Mr. Vasey): (a) For the time being, the War Council will continue to function. The Governor cannot make any statement now as to the date when it will cease to exist.

(b) When the War Council does cease to exist, it is for the Governor alone to decide what arrangements he will make for receiving advice on security matters.

(c) The War Council is not an organ of Government formally established under the Constitution. Its functions and the authority it exercises are founded on the constitutional principle that the Governor may turn for advice to any source which he thinks is properly equipped to give it. This does not absolve the Governor from the duty laid on him by the Constitution to consult the Council of Ministers on all occasions, except those which by the Constitution are made exceptional.

MR. AWORI: Mr. Speaker, Sir, arising out of the reply of the Minister to part b will the Minister let us know, give us an assurance, that there will be no question of having a Security Council when the War Council is dissolved?

THE SPEAKER (Sir F. Cavendish-Bentinck): I do not think that arises from the reply given. It is not an admissible supplementary question.

REPORT

MR. MACKENZIE: Mr. Speaker, I beg to move that the Report of the Committee of the whole Council on His Majesty's Forces Pensions (Amendment and Validation) Bill be approved.

His Majesty's Forces Pensions (Amendment and Validation) Bill

MR. MACKENZIE: Mr. Speaker, Sir, I beg to move that His Majesty's Forces Pensions (Amendment and Validation) Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I beg to move that the report of the Committee of the whole Council on the Building Societies Bill be approved.

The Building Societies Bill

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND HOUSING (Mr. Havelock): Mr. Speaker, I beg to move that the Building Societies Bill be now read the Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

ADJOURNMENT

THE SPEAKER (Sir F. Cavendish-Bentinck): That completes the business on the Order Paper and Council will therefore stand adjourned *sine die*. But I think for the information of hon. Members, the proposal probably is that Council will reassemble on the 17th of July.

Council rose at forty minutes past Nine o'clock sine die.

WRITTEN ANSWER TO QUESTION

No. 66

MR. E. W. MATHU (African Representative Member) to ask the Minister for Commerce and Industry:—

To give the total number of loans granted to African traders in Nyanza under the Loans to African Traders Pilot Scheme in that Province, giving the average sum borrowed by each trader.

Reply:

Forty-four loans have been granted under the Loans to African Traders Pilot Schemes in the Nyanza Province. The sums borrowed range from £100 to £250. One loan of £5,000 has been granted to the Kipsigis Traders' Co-operative Society.

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VOLUME LXIX

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Explanation of Abbreviations

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17th April to 22nd June, 1956.

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