



COLONY AND PROTECTORATE OF KENYA

LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

11th COUNCIL INAUGURATED
OCTOBER, 1956

VOLUME LXXX
(PART II—Including Index)

1959

THIRD SESSION

(Continued)

26th May, 1959, to 19th June, 1959

List of Members of the Legislative Council

Speaker:

THE HON. SIR FERDINAND CAVENDISH-BENTINCK, K.B.E., C.M.G., M.C.

Chairman of Committees:

*THE HON. D. W. CONROY, O.B.E., T.D., Q.C.

Ministers:

THE CHIEF SECRETARY (THE HON. W. F. COULTS, C.M.G., M.B.E.).

*THE MINISTER FOR LEGAL AFFAIRS (THE HON. E. N. GRIFFITH-JONES, C.M.G., Q.C.).

*THE MINISTER FOR FINANCE AND DEVELOPMENT (THE HON. E. A. VASEY, C.M.G.).

THE MINISTER FOR AFRICAN AFFAIRS (THE HON. C. M. JOHNSTON, C.M.G.).

*THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (THE HON. M. BLUNDELL, M.B.E.).

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (THE HON. J. W. CUSACK, C.M.G., O.B.E.).

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (THE HON. W. B. HAVELOCK).

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. W. A. C. MATHIESON, C.M.G., M.B.E.).

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. D. L. BLUNT, C.M.G.).

THE MINISTER FOR COMMERCE AND INDUSTRY (THE HON. A. HOPE-JONES, C.M.G.).

THE MINISTER FOR WORKS (THE HON. I. E. NATHOO).

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (THE HON. N. F. HARRIS).

THE ASIAN MINISTER WITHOUT PORTFOLIO (THE HON. C. B. MADAN, Q.C.).

THE MINISTER FOR TOURISM AND COMMON SERVICES (THE HON. W. E. CROSSKILL).

THE MINISTER FOR HOUSING (THE HON. M. S. AMALEMBA).

Assistant Ministers:

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (THE HON. WANYUTU WAWERU, M.B.E.).

THE ASSISTANT MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY).

Constituency Elected Members:

European—

*THE HON. R. S. ALEXANDER (Nairobi West).

*THE HON. SIR CHARLES MARKHAM, Bt. (Ukamba).

THE HON. F. W. G. BOMPAS, E.D. (Kiambu).

GROUP CAPT. THE HON. L. R. BRIGGS (Mount Kenya).

THE HON. S. V. COOKE (Coast).

*THE HON. W. E. CROSSKILL (Mau).

MAJOR THE HON. F. W. J. DAY (Aberdare).

*THE HON. N. F. HARRIS (Nairobi South).

AIR COMMODORE THE HON. E. L. HOWARD-WILLIAMS, M.C. (Nairobi North).

*THE HON. MRS. E. D. HUGHES, M.B.E. (Uasin Gishu).

THE HON. J. R. MAXWELL, C.M.G. (Trans Nzoia).

MAJOR THE HON. B. P. ROBERTS (Rift Valley).

THE HON. MRS. A. R. SHAW (Nyanza).

THE HON. C. G. USHER, M.C. (Mombasa).

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

African—

THE HON. F. J. KHAMISI (Mombasa Area).
 THE HON. D. I. KIAMBA (Machakos).
 THE HON. J. G. KIANO, Ph.D. (Central Province South).
 THE HON. H. MATE (Central Province North).
 THE HON. T. J. MBOYA (Nairobi Area).
 THE HON. D. T. ARAP MOI (North Rift).
 THE HON. J. N. MUIJI (Kitui).
 THE HON. M. MULIRO (Nyanza North).
 THE HON. R. G. NGALA (Coast Rural).
 THE HON. I. J. M. NYAGAH (Nyeri and Embu).
 THE HON. A. OGINGA-ODINGA (Nyanza Central).
 THE HON. L. G. OGUDA (Nyanza South).
 THE HON. J. K. OLE-TIPIS (Central Rift).
 THE HON. T. TOWETT (Southern Area).

Asian—

THE HON. S. G. HASSAN, M.B.E. (East Electoral Area).
 THE HON. A. B. JAMIDAR (Central Electoral Area).
 THE HON. J. C. M. NAZARETI, Q.C. (Western Electoral Area).
 THE HON. A. J. PANDYA (Eastern Electoral Area).
 THE HON. K. D. TRAYADI (Central Electoral Area).
 *THE HON. ZAFRUD-DEEN (West Electoral Area).

Arab—

THE HON. SHEIKH MAHMOOD S. MACKAWI, O.B.E.
 THE HON. SHARIF M. A. SHATRY.

Specially Elected Members:

†THE HON. M. BLUNDELL, M.B.E.
 †THE HON. W. B. HAVELOCK.
 LT.-COL. THE HON. B. R. MCKENZIL, D.S.O., D.F.C.
 THE HON. H. SLADE.
 †THE HON. M. S. AMALEMBIA.
 THE HON. J. M. MUCHEIRA.
 THE HON. N. G. NGOME.
 †THE HON. WANYUTU WAWERU, M.B.E.
 †THE HON. SHEIKH MOHAMED ALI SAID EL-MANDRY.
 †THE HON. I. E. NATHOO.
 †THE HON. C. B. MADAN, Q.C.
 THE HON. N. S. MANGAT, Q.C.

Nominated Members:

THE HON. K. V. ADALJA.
 THE HON. K. BECHGAARD.
 †THE HON. D. L. BLUNT, C.M.G.
 †THE HON. D. W. CONROY, O.B.E., T.D., Q.C. (Solicitor-General).
 THE HON. M. H. CORTE, E.D. (Director of the Royal National Parks).
 THE HON. AHMED FARAH, B.E.M. (Northern Province).
 THE HON. MRS. J. T. GECAGA.
 COMMANDER THE HON. A. B. GOORD, D.S.C., R.L.N. (Rid.).
 CAPTAIN THE HON. C. W. A. G. HANLEY, O.B.E., R.N.
 THE HON. H. G. S. HARRISON, M.B.E.
 †THE HON. SHEIKH MIBARAK ALI HINAWY, O.B.E.
 THE HON. A. W. HUNTER.
 THE HON. A. H. ISMAIL, M.R.C.S.
 COLONEL THE HON. H. R. JACKMAN.
 THE HON. E. T. JONES.
 THE HON. J. K. KEBASO.

LIST OF MEMBERS OF THE LEGISLATIVE COUNCIL—(Contd.)

Nominated Members—(Contd.)

THE HON. J. A. R. KING, A.F.C.
 THE HON. J. A. LUSENO.
 THE HON. K. W. S. MACKENZIE, C.M.G. (Secretary to the Treasury).
 THE HON. D. S. MILLER, C.B.E. (Director of Education).
 THE HON. BALDEV SAHAI MOHINDRA, O.B.E.
 THE HON. W. OLE NTIMAMA.
 THE HON. ABDUL HUSSEIN NURMOHAMED.
 THE HON. JONATHAN NZIOKA.
 THE HON. SIR EBOO PIRBHAI, O.B.E.
 THE HON. P. J. ROGERS, C.B.E.
 THE HON. C. W. RUBIA.
 THE HON. KIRPAL SINGH SAGOO.
 THE HON. SHERIFF A. SALIM.
 THE HON. P. H. SMITH.
 †THE HON. R. J. M. SWYNNERTON, O.B.E., M.C. (Director of Agriculture).
 THE HON. G. A. TYSON, C.M.G.
 †THE HON. E. A. VASEY, C.M.G.
 *THE HON. A. M. F. WEBB.
 THE HON. A. J. WALKER, M.D., M.R.C.P. (Director of Medical Services).
 *THE HON. THE EARL OF PORTSMOUTH.
 *THE HON. SIR ALFRED VINCENT.

Clerk of the Council:

A. W. PURVIS

Clerk Assistant:

H. THOMAS

Sergeant-at-Arms:

MAJOR M. G. ELIOT

Assistant Sergeant-at-Arms:

G. L. STANLEY

Reporters:

D. BUCK

MISS J. M. ATKINS

MISS M. P. GUNTER

Hansard Editor:

MRS. J. FRYER

*Deputy Speaker and Chairman of Committees.

†Also included in the list of Ministers or list of Assistant Ministers.

*K.B.E. conferred in Birthday Honours.

†Hon. K.B.E. conferred in Birthday Honours.

‡C.M.G. conferred in Birthday Honours.

*The Hon. D. W. Conroy, O.B.E., T.D., Q.C., Temporary Minister for Legal Affairs with effect from 18th May, 1959.

*Lieut.-Col. the Hon. B. R. McKenzie, D.S.O., D.F.C., became Minister for Agriculture, Animal Husbandry and Water Resources with effect from 15th June, 1959.

*Col. the Hon. R. D. C. Wilcock, Temporary Member with effect from 16th May, 1959, to 29th May, 1959.

*Air Commodore the Hon. W. K. Beisiegel, O.B.E., Temporary Member with effect from 16th April, 1959, to 24 April, 1959.

*The Hon. G. R. Pembroke, Temporary Member with effect from 5th May, 1959, to 12th June, 1959.

*The Hon. S. R. Cocker, Temporary Member with effect from 27th April, 1959, to 21st May, 1959.

*The Hon. L. H. Brown, Acting Director of Agriculture with effect from 11th June, 1959.

*The Hon. A. M. F. Webb, Acting Solicitor-General with effect from 18th May, 1959.

*The Hon. W. H. Gunson, Temporary Member with effect from 26th May, 1959, to 3th June, 1959.

*The Hon. R. J. Hillard, C.M.G., Temporary Member with effect from 16th April, 1959, to 5th June, 1959.

Tuesday, 26th May, 1959

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

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

PRAYERS

NOTICE OF MOTION

PROBATION SERVICE

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

THAT this Council, recognizing the importance, both social and economic, of maintaining at all times a Probation Service adequate to meet all demands, requests Government to reconsider the present establishment of that Service.

BILLS

FIRST READINGS

The Legislative Council (Constituency Elected Members) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Criminal Procedure (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

MOTION

ADDITIONAL DAYS FOR SUPPLY

MR. USHER (Mombasa): On a point of order, Sir, I would like to have your ruling regarding this Motion. I think you are aware that my hon. friend the Member for Ukamba, was unable to be present this afternoon and as supporter of the Motion asked me if I might have your permission to move.

THE SPEAKER (Sir Ferdinand Cavendish Bentinck): I think that is quite in order. Under Standing Order 30 a Motion is only removed from the Order Paper if no Member rises to speak to it. Furthermore this particular Motion is brought under Standing Order 112 to be decided without amendment or debate. To that extent it may be considered to be a formal Motion, referring only to the business of this House.

MR. USHER: In that case, Sir, 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, 1959, to 30th June, 1960.

Sir, this has precedent and although I move it with some distaste it is a formal Motion and I beg to move.

THE CHIEF SECRETARY seconded.

Question proposed.

The question was put and carried.

MOTION

AMENDMENTS TO STANDING ORDERS

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

THAT this Council do adopt the report of the Sessional Committee, dated 21st April, 1959, and do make the amendments therein recommended, such amendments to take effect on and subject to the approval of the Governor.

Hon. Members who have studied the report of the Sessional Committee will notice that there are in fact three amendments proposed. The first really arises out of proposals which were originally made by the Government when considering economies during last year. All Heads in the Estimates were considered, but naturally it was difficult for the Government to consider Vote 3 in the Legislative Council without having first of all discussed the matter in Sessional Committee, and also, Sir, with yourself. This has now been done. It was suggested that economies could be made only in three ways: by a reduction in the salary of the Members; secondly, in a reduction of allowances of Members; and, thirdly, in a reduction of the time for which Council sits during the year and, therefore, reducing the amount of money which is spent on the Legislative Council during the year.

We carefully considered the question of salary and allowances and we felt that in view of the fact that only last year it was deemed necessary to re-examine both salary and allowances and, indeed, they were then increased, and for good

[The Chief Secretary] reasons, we did not feel that we should try once again to tamper with the salary and allowances. Therefore, that leaves the third possibility, and that is a reduction of time. After fairly careful consideration it was suggested that we should try and get into the Legislative Council's working week one extra day and therefore it was suggested as you can see in the report of the Sessional Committee under (i) that Standing Order 9 (2) be amended by deleting the phrase 6.15 and substituting the phrase 7.30—in other words, it is proposed that the Council should work for another hour and a quarter for each day during the week which, in aggregate, would give us an extra working day.

I realize from taking the opinion of certain Members that this is not a particularly popular move, that of breaking into the personal time of Members in the evening, and I believe that there may well be an amendment, but any amendment which will provide for some extra time during the week would be welcome to the Government, and I would like to draw hon. Members' attention to Vote 3 as it stands at the moment, and as at present drafted, whereby it shows that nearly £8,000 more was provided in the Estimates for 1959/60 for Legislative Council than for the approved Estimates for Legislative Council in 1958/59, and I feel that these Members should take note of this and do our best to cut down expenses where we can. I will not elaborate on that any further at this stage.

The second amendment to Standing Orders provides for private Members' Motions or private Members' business to be taken on Friday instead of on Thursday, as at the present moment, the idea being that if we had extra time and we started on Tuesday with the main business of the House, we could go right through to Friday morning uninterrupted by private Members' Motions or other business.

The third proposal is merely to give either the Government or, for that matter, the Opposition, the chance of reducing the time, or extending the time that is necessary on any particular day, and there is no more to the proposed amendment under little (3) than that.

Sir, I think many Members may have quite a lot to say on this matter, and I do not propose to enlarge on this report any further, and I beg to move.

THE MINISTER WITHOUT PORTFOLIO (Mr. Harris) seconded.

Question proposed.

MR. ROGERS: I beg to move the following amendment.

THAT the Motion be amended by—

(a) deleting all words after the word "That";

(b) by adding in place thereof the following words:—

Paragraph 1 of the appendix to the report of the Sessional Committee be deleted and the following substituted therefor:—

1. Standing Order 9 (1) is amended by deleting the words "at 2.30 p.m. on Tuesdays, Wednesdays and Thursdays and at 9.30 a.m. on Fridays" and inserting in place thereof the words "at 9.30 a.m. on Wednesdays and Fridays and at 2.30 p.m. on Tuesdays, Wednesdays and Thursdays."

THAT this Council approves the report so amended and hereby amends Standing Orders accordingly, such amendment to take effect on, and subject to, the approval of the Governor.

Sir, there are very few men in any position of responsibility who are not firmly of the opinion that they are overworked and underpaid, and during almost 30 years of my own labours I, personally, have always thought that, and I still think so today. No one in this House comes here for personal gain. We come here to work. However, I am sure I am speaking for that brilliance which sits behind me and on each side, and perhaps what I could call "the upper crust" which sits in the row immediately in front of me, and those others on the other side when I say that there is not one person in this Council who is not already today considerably overworked. They have to look after their own businesses, their own practices and the Official Members, and particularly our Ministers, have to carry a considerably heavy burden. What perhaps is not always realized by the public, and I am not blaming them for that in

[Mr. Rogers]

any way, they cannot always realize these things, is that it is not possible, nor is it indeed desirable for any person to be a Member of this House without being considerably concerned in other public business, and by 6.15 even if we have not another meeting to attend, I maintain that most of us are pretty exhausted. I have heard this House criticized that our week-end for length even exceeds the celebrated old English week-end. I am afraid I, myself, cannot concede that there is anything in this argument. One might as well say that our working year of about 80 days is very much shorter than that of the average schoolboys. I think that is not argument at all.

Furthermore, I suggest that hon. Members of this House, indeed require relaxation as much as anyone else does. I think that we ought to beware that our councils are not the councils of tired men. Nevertheless, when we receive a call of duty and a call of economy from the Leader of this House, who, I am sure everyone will agree with me, is most certainly the hardest worked Member of it, and when we receive that, backed by the no means uncertain voice of his lieutenant, or perhaps I should say captain, the Chief Whip, I think we really must respond. I would, however, add one plea, and that is that we keep an open mind on this matter, and when the finances of our country are in a better state then we perhaps may be able to go back to our old hours which I thought in other respects, that is other than those of economy, were entirely satisfactory. I have no doubt that we who sit in this House are very expensive luxuries indeed, and I have also no doubt whatever that we are worth it, but I think we must set an example. I think we ought to let the public be able to say to themselves about us that we may be expensive, we are certainly long winded, but we are, at least, not only prepared to work, but even prepared to increase the length of our working week, and I trust this good example will be followed throughout all fields of employment.

Now, Sir, just opposite me sits a distinguished and "globe-trotting" trade union leader, and I trust that after the House rises today he could, perhaps, spare me a few minutes as I have a cer-

tain rather interesting proposition to put before him.

I beg to move.

COMMANDER GOOD: I beg to second the amendment, Sir, and strongly support the proposal that the House should sit on Wednesday mornings instead of extended sittings in the evenings, Sir, which I take it, is the intention of the hon. Mover.

Question proposed.

MR. MANGAT: Mr. Speaker, Sir, while I appreciate the intention behind this Motion which we all share with the hon. Mover, I regret that I am unable to lend my support to the first portion of it, and I oppose, the amendment which evidently is so verbose and complicated, and which could be reduced to a very small sentence instead of this deletion and addition of figures and words which make it sound very confusing. I might also say that, indeed, is it not strange that the Leader of the House should move a Motion and then a Back Bencher comes up with an amendment, a Back Bencher who professes himself to be amenable to the Government whip. I cannot see the purpose in it. If this amendment was meant to be brought up by the Government then, certainly, the Mover himself could have tabled the amendment or incorporated the main purpose of it into his own Motion. I think it is only complicating things and probably keeping an Unofficial Member from moving his amendment first because Official Members are generally seen before, and Unofficial Members afterwards, by the Speaker.

I regret that I am unable to lend my support to the first suggestion, that is, the extension of hours, whether it is being done through the main Motion of having an extra hour and a quarter at the end of every sitting or merely the morning of one of the week-days.

Now, Sir, even with the present hours of sitting we find that quite a few hon. Members of the Council prefer unstrained tea in the dining-hall to strained speeches in this House. I do not mean the same hon. Members, because they all go out alternately, but they do certainly leave the Chamber poorer in attendance.

The proposed era stretching between these hours, whether they are from 9.30

[The Chief Secretary] reasons, we did not feel that we should try once again to tamper with the salary and allowances. Therefore, that leaves the third possibility, and that is a reduction of time. After fairly careful consideration it was suggested that we should try and get into the Legislative Council's working week one extra day and therefore it was suggested as you can see in the report of the Sessional Committee under (i) that Standing Order 9 (2) be amended by deleting the phrase 6.15 and substituting the phrase 7.30—in other words, it is proposed that the Council should work for another hour and a quarter for each day during the week which, in aggregate, would give us an extra working day.

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The third proposal is merely to give either the Government or, for that matter, the Opposition, the chance of reducing the time, or extending the time that is necessary on any particular day, and there is no more to the proposed amendment under little (3) than that.

Sir, I think many Members may have quite a lot to say on this matter, and I do not propose to enlarge on this report any further, and I beg to move.

THE MINISTER WITHOUT PORTFOLIO (Mr. Harris) seconded.

Question proposed.

MR. ROGERS: I beg to move the following amendment.

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THAT this Council approves the report so amended and hereby amends Standing Orders accordingly, such amendment to take effect on, and subject to, the approval of the Governor.

Sir, there are very few men in any position of responsibility who are not firmly of the opinion that they are overworked and underpaid, and during almost 30 years of my own labours I, personally, have always thought that, and I still think so today. No one in this House comes here for personal gain. We come here to work. However, I am sure I am speaking for that brilliance which sits behind me and on each side, and perhaps what I could call "the upper crust" which sits in the row immediately in front of me, and those others on the other side when I say that there is not one person in this Council who is not already today considerably overworked. They have to look after their own businesses, their own practices and the Official Members, and particularly our Ministers, have to carry a considerably heavy burden. What perhaps is not always realized by the public, and I am not blaming them for that in

[Mr. Rogers] any way, they cannot always realize these things, is that it is not possible, nor is it indeed desirable for any person to be a Member of this House without being considerably concerned in other public business, and by 6.15 even if we have not another meeting to attend, I maintain that most of us are pretty exhausted. I have heard this House criticized that our week-end for length even exceeds the celebrated old English week-end. I am afraid I, myself, cannot concede that there is anything in this argument. One might as well say that our working year of about 80 days is very much shorter than that of the average schoolboys. I think that is not argument at all.

Furthermore, I suggest that hon. Members of this House, indeed require relaxation as much as anyone else does. I think that we ought to beware that our councils are not the councils of tired men. Nevertheless, when we receive a call of duty and a call of economy from the Leader of this House, who, I am sure everyone will agree with me, is most certainly the hardest worked Member of it, and when we receive that, backed by the no means uncertain voice of his lieutenant, or perhaps I should say captain, the Chief Whip, I think we really must respond. I would, however, add one plea, and that is that we keep an open mind on this matter, and when the finances of our country are in a better state then we perhaps may be able to go back to our old hours which I thought in other respects, that is other than those of economy, were entirely satisfactory. I have no doubt that we who sit in this House are very expensive luxuries indeed, and I have also no doubt whatever that we are worth it, but I think we must set an example. I think we ought to let the public be able to say to themselves about us that we may be expensive; we are certainly long winded, but we are, at least, not only prepared to work, but even prepared to increase the length of our working week, and I trust this good example will be followed throughout all fields of employment.

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tain rather interesting proposition to put before him.

I beg to move.

COMMANDER GOORD: I beg to second the amendment, Sir, and strongly support the proposal that the House should sit on Wednesday mornings instead of extended sittings in the evenings, Sir, which I take it, is the intention of the hon. Mover.

Question proposed.

MR. MANGAT: Mr. Speaker, Sir, while I appreciate the intention behind this Motion which we all share with the hon. Mover, I regret that I am unable to lend my support to the first portion of it, and I oppose the amendment which evidently is so verbose and complicated, and which could be reduced to a very small sentence instead of this deletion and addition of figures and words which make is sound very confusing. I might also say that, indeed, is it not strange that the Leader of the House should move a Motion and then a Back Bencher comes up with an amendment, a Back Bencher who professes himself to be amenable to the Government whip. I cannot see the purpose in it. If this amendment was meant to be brought up by the Government then, certainly, the Mover himself could have tabled the amendment or incorporated the main purpose of it into his own Motion. I think it is only complicating things and probably keeping an Unofficial Member from moving his amendment first because Official Members are generally seen before, and Unofficial Members afterwards, by the Speaker.

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Now, Sir, even with the present hours of sitting we find that quite a few hon. Members of the Council prefer unstrained tea in the dining-hall to strained speeches in this House. I do not mean the same hon. Members, because they all go out alternately, but they do certainly leave the Chamber poorer in attendance.

The proposed era stretching between these hours, whether they are from 9.30

[Mr. Mangat] to 12.15 on a Wednesday, or between 18.15 and 19.30 at the end of an ordinary sitting in the week-days, certainly imposes a tremendous strain on the Members of the Council. And, naturally, Sir, most of the Members will find even more epicurean attractions during the late hours than they do now during the afternoons, and we will probably be left with a half-empty House to be addressed by those who wish to speak.

The hours of sittings, as they are now, are well conceived because they coincide with the change in the temperament of the day. We go out either into a beautiful sunshine or we go out into a sporadic splash. The strain on those who give the Council the attendance expected of them is not light, and 75 minutes more of it would certainly be cruel, and I can forecast that most of us would be speaking to a half-empty House, and naturally, Mr. Speaker, many speakers would be loath to cast away a speech to the very few Members who would elect to remain in the House during these long hours, and they will probably be addressing an inattentive House; and it would not be to the best advantage of the Council, for besides some of the speeches are excellently penned, great pains are taken to con them. I am aware, Sir, that speeches are made in this House which are neither penned nor coned; yet, there is something instructive in them and at least they are valuable speeches if from no other point of view, at least from the fact they cost us Sh. 1/50 a word.

Now, Sir, the general public, I submit, would also suffer from these extensive hours if they result in poor attendance, because those who congregate in our Press gallery, even in sober daylight, are incapable of comprehending anything unless it is spoken in basic English, so when the twilight would be descending they would have to sit here for long hours, or quit, involving a break for them at about 11 o'clock, and their note-books would be as blank as their minds.

We are effecting economies already. Sir. Most of the groups and committees are trying to meet as often as they can in the mornings when the Council is sitting, and the chairman of those groups

and committees could probably make that procedure more of a rule, and therein we are certainly putting in more time of the members of those committees and groups, and reducing the cost which might have to be met if they had been meeting on days when the Council was not sitting. You are a witness of this, Sir, that if we are inordinately pressed by business then certainly we have never shirked a double session, and one double session is worth the whole increased time suggested in this Motion. Therefore, Sir, instead of extending the hours suggested we should put up a blinking neon light visible only to the Members and not to yourself, somewhere on the top of the canopy of your chair which should read "Let thy speech be short, comprehending much in few words". Ecclesiasticus, XXXII: 8

Accordingly, Sir, what I say is not merely to obstruct the suggestion made by the Leader of the House. It is a genuine submission on my part that the Members will lose interest. They have already lost interest in many speeches, and they will lose more than ever if you impose upon them these very long hours.

I beg to oppose the amendment.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Do you wish to move the amendment of which you have given notice?

MR. MANGAT: I do not think that would be useful, because of the deletion of several words. I would not like to complicate the Motion by taking those words out.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I can put it in a way which would be quite in order, if you wish me to do so.

MR. MANGAT: That is very kind of you, Mr. Speaker. I have already given notice which says, Sir, that all words in the Motion after the figure "1959" be deleted and the following words be substituted therefor: "... except the first recommendation thereof and do make the second and third amendment therein recommended, such amendments to take effect on and subject to the approval of the Governor."

Now, Sir, since you have been gracious enough to allow me that, I would add only this—that the acceptance of the

[Mr. Mangat] third amendment in the recommendations of the Sessional Committee makes the first amendment unnecessary, because the third amendment seeks to bring into effect a change in that Standing Order which would allow the extension of hours whenever it is necessary to complete the business which is still standing on the Order Paper for the day. Now, if this House accepts the first as well as the third amendment then it would mean that the Council should sit up until 7.30 p.m. each evening and that thereafter the session should be extended in order to dispose of that business which is still outstanding on the Order Paper. I think that that is not the intention of the hon. Mover. Therefore, perhaps, my Motion would be acceptable.

LT.-COL. MCKENZIE seconded.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Before putting the amendment I would like to say this. I would draw hon. Members' attention to the fact that in this House, to my eyes, as Speaker, all Members are equal, and no Member has any precedence over any other so far as I am concerned. The reason why Mr. Rogers caught my eye first was because his amendment was tabled and placed before me first, and for that reason I asked him to speak first.

MR. MANGAT: I am much obliged, Sir, for this elucidation.

MR. SLADE: Mr. Speaker, I am opposed to this amendment, and also, if this is in order, to the amendment which it seeks to amend.

Now, Sir, my hon. colleague has urged that it is no use extending the hours during which we work every afternoon, because the attendance of hon. Members is so bad as it is. But surely, Sir, that is no argument, that if hon. Members are irresponsible in their attendance we should not try to make them realize their responsibility by giving them longer hours. I am fully in sympathy, Mr. Speaker, with the hon. Mover's reasons—the Sessional Committee's reasons—not Government's reasons—for moving this Motion as it stood. I do think that we have got to

try to give more time to the country's service at the same cost, and I do believe that we can all do so without exhausting ourselves.

If it is in order, Sir, for me at the same time to speak on the original amendment, I also oppose that, for the reason that most of us are busy people, as the hon. Mover of the amendment said, and that being so we must have at least part of the working hours of every day to get through our other business, whether we are civil servants, or whether we are active in other ways. If you cut out one day completely—morning and afternoon—you are putting people in very great difficulty and, I am convinced, certain members of the public in very great difficulty. If you add on to our working hours only those hours when normally we are disposed to refresh ourselves with social activities or in other ways, then no one is hit hard. It is true indeed that those hours are convenient for other kinds of work, but they are not so necessary as the morning hours.

So, Sir, I beg to oppose the amendment.

Question that the words proposed to be omitted by the amendment to the amendment put and negated.

Question that the words proposed to be omitted by the amendment put and agreed to.

Question that the words proposed to be inserted by the amendment be inserted put and agreed to.

Question that the Motion as amended be agreed to put and agreed to.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 26—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

MR. NGALA: Mr. Speaker, when the Council rose last Friday I had been talking about the African district councils training their own officers overseas and the desirability of the African district councils using money towards that end.

[Mr. Hillard] down to the derisive things that are said about them by satirists. This very day, Sir, we are faced with the same Mr. Bumble in Limuru, Langata and many other places.

According to my dictionary the word "bumble"—amongst other uncomplimentary things—means to "bustle about blunderingly" and I would like to suggest to my hon. friend the Minister that he should take a quick and serious look at certain draft-building regulations or draft building by-laws with which the law-abiding taxpayers and ratepayers of Limuru, Langata, Karen and other places are in danger of being bustled about blunderingly under the Local Government (County Councils) Ordinance, 1952. I have never seen, Sir, so much bureaucratic bumbledom contained in one document as there is in these 20 pages of by-laws. The pages positively vibrate with stupidities of which Stephen Leacock himself would have been proud to have been the author. I will cite two examples, Sir, but in case I shall be accused of giving a false picture to this House, I would like to say at the outset that there is an escape clause under which the County Engineer may—not shall—grant permission to any person to do anything of minor importance which complies generally with the intention and purpose of the by-laws. But you still have to pay five shillings to get that permission and only the County Engineer himself can decide whether your minor venture is in fact complying with the intent and purpose of the Ordinance.

Now, Sir, if I may take my first example. If you, Sir, are lucky enough to live in Limuru, Langata, Karen or one or other of these salubrious places and you also are lucky enough to have a bathroom in your home and you instruct the *shamba* boy to dig a channel into your canna bed to take the waste water from your bath, you will, Sir, be acting illegally. You will either have to write to the County Engineer and send him five shillings and beg him to use the escape clause in your favour or you will have to send him Sh. 35 for the greater privilege of forwarding plans in triplicate, or quadruplicate if he so requires, showing the size, gradient and

situation of the channel and, may I add, Sir, that one set of the plans—

CMR. GOORD: On a point of order, Sir, is not the hon. gentleman speaking in the wrong Council?

MR. HILLARD: I did not hear, I am sorry, Sir.

CMR. GOORD: I asked, Sir, if the hon. gentleman was not speaking in the wrong Council?

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The hon. Member is referring to a matter which comes under this particular Head.

MR. HILLARD: I do not belong to the other Council, otherwise you would not have things like this!

I think I was saying, Sir, that you have to send plans in triplicate or quadruplicate if the County Engineer so requires, showing the size, gradient and situation of the channel; and one set of those plans has to be on linen made from a tracing in indian ink.

Even that is not all, Sir, for under another section you have to give the County Engineer four days' notice in writing of the time and date when you are going to perform this amazing task of getting your *shamba* boy to dig a channel into a bed of cannas. If you say Tuesday, 7.30 a.m., Sir, and actually start at 4 p.m. on Monday you will be guilty of an offence and render yourself liable to a fine not exceeding Sh. 1,000 or to a term of imprisonment not exceeding six months or to both.

The same penalties, Sir, apply for other offences; and here I come to my second example. Last Christmas I had the joy of having four children in my house at Limuru and one of their presents was a tent. Now, they must have put up and taken down that tent at least 12 times during the four days that they were with us, but next Christmas under these draft laws, if they should become laws, that tent will no longer be a tent. It will be a temporary and movable erection. And if this family do come again I shall have to take very early action with the County Council to prevent them becoming juvenile delinquents. Each erection and each de-tenting—if there is such a word—will require an approval and a fee.

[Mr. Hillard]

Now, Sir, I raised these matters last Friday at a meeting of Limuru District Association, to which the Clerk to the Council and the County Engineer most bravely came to answer questions. And I would like here and now publicly to apologize for the rough handling that we gave them. But their general answer, Mr. Speaker, to these minor things was that, of course, such things would not be called in question. But the truth, Sir, is that if these draft laws do become by-laws, these actions that I have mentioned will be offences and no law or by-law can gain the respect of the public if in fact it is observed more in the breach than in the observance. Nor, Sir, can we happy citizens who live in these places be quite so sure that we shall always have such docile, sensible and helpful clerks to the Council and engineers to the Council as we have at this moment.

There is another point, Sir, which I would like to raise. These by-laws have only been available for 14 days to the public at the cost of five shillings a head and today I believe, Sir, though I am open to correction on this, I believe today is the last day when a formal protest can be made at the County Council Hall. There may indeed, Sir, be a case for application of all or some of these by-laws to parts of the 2,000-odd square miles of the county council area and it is to be noted that as long as you own 20 acres you can ignore these by-laws and do as you like. But it is outrageous that they should be applied indiscriminately in all areas to those of us who are not wealthy enough to own 20 acres. I would ask, Sir, that there should be a little more time for consideration of these by-laws and I would also like to ask the hon. Minister whether it might not be considered feasible to have a Schedule naming the black spots in those 2,000 square miles and limiting the application of these by-laws to those spots in the first instance. Thereby we shall all gain experience. I would ask the Minister to have a personal look into this matter, Sir, before these by-laws bring not only the county council but also his Ministry into disrepute.

One last point, Sir, there is the question of the expense to the ratepayers. Quite apart from the fees for approvals varying from Sh. 35 for the odd channel into the

canna bed up to Sh. 400 (or slightly more solid projects (and, of course, fees for chartered architects and engineers), the County Engineer, Sir, told us in Limuru that the implementation of these 20 pages of by-laws would not necessitate the recruitment of any more staff bar one inspector. Mr. Speaker, I am not in a position to query that figure and I must accept it. But I can only say that that one inspector will have to be a man of superhuman qualities and in particular endowed with the ability to be in five different places at the same time on the same day. I submit, Sir, that these by-laws—draft by-laws—are ilconceived, unnecessary for large areas and incapable of proper enforcement. I submit, even, that they have probably been lifted out of some other legislation which applies to high density areas. The county council also seems to have forgotten, Sir, that there exist already a mass of laws governing health and public nuisance under which we can even now be persecuted and prosecuted if we are dirty about the place.

The Minister, Sir, deplored the number of things that he wanted to do in the field of local government. I notice he is not listening so I will repeat it. The Minister himself deplored that there were a number of things he wanted to do in the field of local government which he could not do because he had not got the money. I suggest to him that here is something that it is quite unnecessary to do but which will cost quite a bit of money. I am not an Elected Member Sir, but in speaking as I have done, I feel I am voicing the feeling of quite a large number of people who live in the places that I have mentioned. Even anthropologists and curators of museums—the tamest breed of the human species—have been driven into protest!

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

COL. WILCOCK: Mr. Speaker, Sir, in view of the fact that I have recently arrived in this House and that certain of my remarks may conceivably be deemed to be verging on the contentious, I feel I should make it clear that I do not and I may not seek the protection of the shield which courtesy affords to those who rise for the first time.

[Col. Wilcock].

Although my ignorance is still unimpaired, my original pristine innocence I fear has been soiled for ever.

Mr. Speaker, Sir, with the greatest of respect I would like at the outset to pay tribute to the most able and interesting manner in which the Minister presented his report on the matters coming under the aegis of his Department. His portfolio contains a most challenging, important and extensive sphere of subjects and so competent to my mind was his summary thereof that it is with some trepidation that I rise at all to make any comment, I would, however, like to refer briefly to three points.

The first of those concerns the Child Welfare Society. In common with my hon. and learned friend, the Specially Elected Member, Mr. Slade, I have a particular and personal interest in this society; I would like to endorse everything that he said. It would be quite superfluous and indeed contrary to Standing Orders for me to repeat in different words what he did say but with your permission, Sir, and with his, I would like to associate myself with everything he said. I would like to add very briefly thereto.

During the debate last week on education it became apparent from practically every hon. Member who spoke that there is a very considerable interest in the future of the children of this Colony; I think practically every Member who spoke indicated that he was seriously concerned over the future of our children. The value of aims of this society, the Child Welfare Society of Kenya, cannot be in issue and it is clear, I think, that everyone agrees that it merits the utmost consideration and assistance. The Minister when referring to the financing of this society, used the very apt expression that there was a partnership of three, a partnership of the Government, local authorities and the public. A direct subvention to the headquarters is provided by Government but probably the most important contribution made by Government is the 45 per cent refund made to local authorities. Here I would remind Members that the Minister did emphasize that the initiative lay with the local authorities. The initiative lies with them to make the original approach and this leads me to

remark of the hon. Nominated Member, Commander Goord, who suggested that it might be possible for a local authority to agree to make a grant and then to find that the funds at Government's disposal had been exhausted. In other words it appeared as if he was fearful that the local authority might wish to help the child and then be left holding the baby. I do feel his mind should be set at rest, because I am confident that if the local authority decided to make a grant and then were to approach Government direct for confirmation that funds were available it would be given. I do know, from personal experience, of the very considerable interest which the Minister does show in this particular Society.

I would like, Sir, to emphasize the repeated reference that the Minister made to the local authorities taking the initiative.

Certain African district councils have accepted considerable financial responsibility in connexion with this society and I very much hope that their excellent example will be duly headed by the Nairobi City Council, and also that the remarks directed by the Minister to the Council will feature when this society is, I hope, placed upon the agenda in the very near future. On this particular point, Sir, I would like to conclude by reminding hon. Members of the Minister's appeal to the public—an appeal through every Member present to his own constituents, an appeal which, if passed forward by the hon. Members here should reach throughout the Colony for this is a matter which concerns everyone irrespective of race or religion, creed or colour.

Sir, my second point is one which is a little more difficult. I am most concerned over the abolition of the traffic licence grants to municipalities and townships and their replacement by a graduated road grant. The Minister, so far as I can recollect, did not make specific reference to this in his speech, but the proposals are clearly indicated in the Estimates. Hitherto, municipalities and townships have received 35 per cent of the traffic licence revenue collected in the area and the county councils have received grants in such proportion to the traffic licence revenue as the Road Authority may determine, and they are paid by the Road Authority. These grants

[Col. Wilcock]

have allegedly been free revenue, not tied to any specific service. Local authorities, however, have always contended that the traffic licence revenue is, in effect, assigned revenue and that this was seemingly the original intention.

I have in mind particularly the Nairobi City Council and the Nairobi County Council. The Nairobi City Council is, I believe, Sir, going to lose nearly £40,000 under the new proposals—drop from just under £83,000 to under £43,000, and the Nairobi County Council is going to lose nearly £10,000. According to the Estimates the net loss to local authorities throughout the Colony is going to total a little over £66,000, although I think it is possible that this loss will be even greater as the road traffic licence revenue is an increasing sum and may well be greater in 1960 than the Minister has estimated. This particular source of revenue has been enjoyed by local authorities for the last 30 years or so, and there is now an ever-increasing liability for road construction and maintenance upon the local authorities. I do submit, Sir, that it is only logical and reasonable that the local authorities should share in the corresponding increase from road traffic licence revenue.

At present Government is encouraging the local authorities to take over more and more activities and, in fact, the Manzoni Report, which figured in the Sessional Paper No. 98 of 1957, contains the recommendation that as much responsibility and work as possible should be passed over to the local authority. The local authorities will accept this increased burden, willingly accept the increased liability, but this proposed cut in finance—coming at this time—can, I submit, at its lightest, only be a very severe check upon enthusiasm and enterprise. I do most seriously ask the Minister whether this is the proper time for such a drastic cut: a cut which, in the case of the Nairobi County Council, is equal to nearly 25 per cent of its rate revenue after the deduction of Crown contributions.

The Minister in his speech made brief reference to the grants of municipalities.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): If the hon. Member

will give way. On a point of order, I said that I would not mention grants to Local Authorities as that is the next Head for discussion.

COL. WILCOCK: Mr. Speaker, Sir, I must have misread the Minister's first transcript. I understood that the Minister had said that the details of such matters would better be considered in committee, and as I accept that entirely, I will make no further comment under this Head but leave it to the more appropriate place.

In conclusion on that point, I do welcome the appointment as Deputy Chairman of the hon. Nominated Member, Commander Goord. I think that is a most satisfactory step, but I would remind the Minister that the establishment of the committee which was going to confer with the Government on all matters of local government and on finance and its adequacy was, I believe, first considered in this House on 2nd December, 1958, and that the committee has not, as yet, met. I very much hope that the first meeting will not be long delayed.

My final point, Sir, is on a slightly different topic. The Minister, in common with every Minister since the beginning of time, did deplore the fact that shortage of finance to some degree restricted his activities. I sympathize with the Minister. I am not going to sympathize too volubly lest I should encourage the Minister for Finance to interfere further with my evening whisky, but in an attempt to assist, I would like to suggest to the Minister a source of revenue which has been hitherto, I believe, untapped; I refer to lands within the townships. Here I hasten to anticipate the objections that may be raised by the Minister that the question of lands does not come within his portfolio. I am well conscious that there is another Minister who deals with lands, but inasmuch as the Minister earlier emphasized, when talking of the Child Welfare Society, the needs of local authorities to take the initiative, I would, with respect, suggest to the Minister that here he must take the initiative and make the approach to his colleague the Minister for Lands in this connexion. In townships, nearly all the land is leasehold. It is nearly all Crown land held on a 99-year term. Most of these leases are half expired.

[Col. Wilcock]

Admittedly, when there is a project involving very considerable costly development a new lease is issued which will replace the partially expired lease for 99 years running from the time of issue, but, even so, that is only a temporary stopgap, and I am suggesting to the Minister that he should contemplate, in consultation with his colleague, the sale of the reversion of these Crown leases to those persons who are presently in possession; that they should be given the opportunity of buying the freehold.

Sir, I do feel that in this day and age a leasehold tenure, particularly a tenure from the Crown, is a complete anachronism, and I would like to see all these leasehold tenures within the townships, and I would stress I am speaking of township land only, converted into freehold land. The conversion would mean no loss of control by Government, for there could be embodied in the new grants, or the freehold conveyances, covenants relating to user which would run with the land, and the method in which the property is dealt with could adequately be covered by by-laws.

There should be no appreciable loss in revenue to cover recurrent expenditure, for that could be dealt with, as, indeed, it is at present, by a levy by way of rates, but I do feel, Sir, that if arrangements could be made for the reversions to be sold, a very considerable amount of much needed capital would be raised. I feel also that this capital, when raised, should properly be allocated to the Minister to assist in the most important project of town planning, which is in hand at the moment. The buildings that are at present going up may well be flesh which, in time, will moulder, but it is the main skeleton which is being prepared now, and which will last, we trust, if the work is done properly, for many centuries to come. The planning of the City of London, conceived in the tenth century, or even earlier, still affects that city today, and it is far from beyond the realms of reason to suppose that the town planning which the Minister is conducting at the moment may well exist in this Colony for many, many centuries to come; it is important, to my mind, that he should have all the funds needed to enable him to conduct this work

properly. I do feel that this sale of reversions would provide those funds, and I think there would be an immediate response from the present tenants of these lands to purchase the reversions provided they could be given a number of years over which to pay. I do, Sir, in conclusion, most seriously encourage the Minister to consider this source of considerable, and presently untapped, revenue.

Sir, I beg to support.

MR. MULIRO: Mr. Speaker, Sir, I also join in with very many Members who have already spoken on this Motion, in thanking the Minister for the very able way in which he presented his speech. He is one of the Ministers of whom I have quite a lot of patience for, and a lot of sympathy with because most of the problems dealt with in his portfolio do not originate from his own fault—the problem is already created, and then it is handed over to him.

Now, firstly, Mr. Speaker, I will speak about the Distressed Persons' Aid Committee. I think committees of this nature should be thoroughly publicized throughout Kenya and everybody in the House should see that they become a success because we find more and more people now in Kenya in distress everywhere, but so far no help is forthcoming, especially if they find themselves living in rural areas. There are quite a number of people in the rural areas who have been disabled probably from getting a livelihood because of the Emergency—a number of them are in my own district—who cannot earn a livelihood now, and it is asked of them that they should pay their poll tax, or personal tax. Now, if these committees could have a representative in every district, things, I think, would be much better than they are at present, and that will go hand in hand with officers who are dealing with the probation service. One finds that many of these people who are dealing with the probation service have no transport. I found one girl in North Nyanza, who deals with North Nyanza and Elgon Nyanza, and this girl, who is an assistant probation officer for North Nyanza and Elgon Nyanza, has to wait for buses, and by the time she gets to places like Kimillili from Kakamega she has already wasted

[Mr. Muliro]

a full day, and probably she might not be able to deal with the case which she had to deal with in the other district.

And the second point deals with the juvenile delinquents. I said last year when I was speaking on the Estimates for this particular Vote that the main problem was with the Education Department, but at any rate; we cannot blame the Education Department for everything because once the juvenile delinquent is already created even with the education system or not we would still get these juvenile delinquents. We find quite a number, everywhere, not only in the urban areas but even the rural areas. In North Nyanza now we have a committee to see whether we can probably help in this problem of juvenile delinquency, but what I want to emphasize very much to the Minister is that when a problem of juvenile delinquency is found in urban areas like Nairobi or Mombasa, these children should not be sent to their respective districts in the countryside. The main reason why these African children run away from their own districts to come to Nairobi is that they expect to get some employment here in Nairobi, and therefore sending them back to their own districts to the areas where there is no committee or society to deal with this problem of juvenile delinquency would be rendering that child probably a victim of the police. This time he will get to the reserves, and then after some time he comes back again, and he will be taken back again, and then he will move backwards and forwards until he finds himself finally in prison, so I feel that in places like Nairobi whenever a child is found here who is a juvenile should be placed in whatever Child Welfare Society there is for proper remedy. When one deals with the question of child welfare again, the Minister in his own speech said that the initiative mainly lies with the local government authorities. I do not think that a problem which is so important as child welfare societies should be left to mere local authorities, because if this is to be left with the local authorities what we expect is that the local authorities have the necessary funds to create the necessary societies and the necessary facilities

to deal with these cases. One would find that many of the local authorities have hardly started child welfare societies, and therefore I think that it is the primary duty of the Government, and the Government should take that very seriously, without handing it over to the local government. By so saying I do not mean that the local government authorities should not be interested. It is a problem in which the Central Government, as the Minister has said, the local government, and the public should all be interested, but my feeling is that the Minister should not leave the initiative for child welfare societies to be primarily the duty of the local government authorities. The local government authorities should contribute so much and the Government could contribute its share, but I think the Government part should always be there so that the local government authorities will always contribute their part, also to get on to what we want to do, and with this I would say that I am quite pleased that the Minister contemplates bringing to this Council an amendment to the Prevention of Cruelty to and the Neglect of Children Ordinance and amalgamate that with the Probation of Offenders Ordinance into one comprehensive document or Ordinance for the whole purpose. I think like that the Child Welfare Society and the Probation Service in the Colony would be treated as one, and then officials would be more available probably because instead of employing people now we would employ one person who deals with both.

When that comes about I would also say that the Minister should create some form of inspectorate for the African children in the African areas. Heavy punishments are being administered by parents and some cruel people but there is no check in these areas. There are no officers to which one could report such instances, but if there was in every district some inspector of this service anybody could report cases to the particular officer, and the officer would take the appropriate steps to remedy the situation.

I also welcome the idea by the Minister that the adoption of the children should be mainly on a religious basis rather than on a racial basis. Well, when

[Mr. Muliro] one goes to adopt a child it is actually the person who is going to adopt the child who might naturally feel that he would like a child of his own race, but if that is not clearly put down in law it is a much better thing than making legal obligation, but I would say this, where there are children who require parental care, and there are people to adopt them—I know quite a number of people who would rather like to adopt one child—now, a child like that, I think, in a case of that nature one should not be very much worried about the child's former religion. If the child is taken to a new home it will be up to the parents who are adopting that child to give that child the religion which is their own if they are good Christians, rather than tell them that this child belongs to a certain religion and therefore the only persons who can adopt it must be of the same religion.

Also, with the inspectorate for cruelty to children, this particularly would be brought about in the settled areas. One point is that there are quite a number of small children in these areas probably, not through the employers of their parents, but through their own parents, who feel that by sending the children to work on the farms they will earn a bit of money. Now, those children also, if there was an inspectorate, I think they would not be working when they are so young, and above all, as far as child care is concerned, I feel still, as I felt last year, and as I shall still feel in future, that the final and best solution would be to give the best possible education to all the children in Kenya.

Now, Mr. Speaker, I will come on to talk about health. When one talks of health—on this I must say I am quite disappointed with the cuts which the Minister intends to make to contributions for providing health centres in African areas. I find these health centres in the African areas are doing a very good job in the absence of hospitals, because one would find, for instance, in any given province, one might find one or two big hospitals, but then in the remoter areas where there are no health centres with proper and well trained hospital assistants, many people die, and, in fact, even the very cause of death cannot be diagnosed

because there are no medical men around. There, I feel, Mr. Speaker, whatever cuts the Government wishes to make they should not make cuts affecting the health of the people of this country.

Also, as far as the hospital and health assistants are concerned in Kenya, I feel there should also be a body with the right of promotion. They should go in for promotion to build their own standard of living, and of course the Education Department and Police Department go in for promotion courses, but these people engaged in health services do not go in for promotion courses, and therefore one will earn the same salary when one has reached the top or limit for years and years.

The main reason why I say there should be facilities for promotion is that if one has no chance of being promoted, a hospital assistant of that nature will be inclined probably to use some of his time in doing some private practice to make a little bit of money for himself in some other way, whereas if he was given a good salary he would be very honest, I say this because I know, for instance, the Medical Officer for Health at Bungoma has ruled and sent a notice around the Health Centre that the hospital assistants or dressers sometimes seem to get some tips from the patients. Now I do not say this is factual but there are rumours of that nature. That is the reason why I say that if they were well paid they would devote all their time to their work rather than say "let me get a few shillings extra by doing something else".

Now, on this again, Mr. Speaker, I say there are very many cases in the country now of mental deficiency. There are very many mental cases in the country, and probably why there are so many is that many of them have been troubled mentally, and there are no proper channels through which they can get to Mathari or the mental hospitals and be treated. The course which is now open is that a person who is found to be mentally deficient must be declared so in a court of law by the magistrate. He has been prosecuted first, and it has been found that he is actually a mental case and not anything else before he can go

[Mr. Muliro] in for treatment. I think that when the relations or a given person report that this person is a mental case, and it is found by the people that he is a mental case he should go in and be treated. I found one who was in chains all the time—he was in the chains—but he was tearing off all his clothes and shouting "I was made by God". It was said that this person was a nuisance, and I asked the Chief why is this person not sent to Mathari, and he said it has to be proved in court that he is actually a mental case before he can go. Therefore, I feel that when these people are reported the Medical Department should take every step to see that they are taken to the proper place for treatment, and another point is the isolation of T.B. cases in very many of the African hospitals. Wherever I have moved in an African hospital—I have found this in quite a number of hospitals—one finds the T.B. cases are mixed up with the ordinary patients. I think, Mr. Speaker, it is time when the Government of this country should build a special hospital for T.B. cases because with the malnutrition which one finds among the Africans, when such an African is in hospital and he finds another one who is suffering from T.B. actually next to him in the next bed, it is very probable that the sick person contaminates the one who is healthy. Now, if we want to check the T.B. cases in Kenya, we should have a definite hospital for T.B. rather than mix them up with healthy patients.

Now, I come to another point, Mr. Speaker, and that is on the African district councils. I must say that the Africans were very disappointed when the Minister for Local Government, Health and Town Planning dissolved the Central Nyanza African District Council. That dissatisfied very many of us, and in particular those of us who live in Nyanza Province. We found that it was very harsh on the part of the Minister to dissolve the African District Council of Central Nyanza because the arguments which were advanced were not very conclusive and very adequate, and pleasing to Africans. The Minister argued that there were such and such services which the ratepayers of Central Nyanza wanted, and he ordered the Council, or instructed the Council to pass resolutions voting the money so that those

services could be met. Of course, the Council did not accept those instructions, and therefore he dissolved the Council. I find that the African has reached a stage where he should be treated as an adult. If this African has to be treated as an adult, then if the work is good for the ratepayers in Central Nyanza, is it the councillors of Central Nyanza District Council, or the Machakos District Council, or the Kitui District Council or the Kiambu District Council to deem certain essential services and there is no money then they will vote money, or move a resolution to that effect, but not what the Minister decides, and say: "This is what I think ought to be done, and if you do not do that I will dissolve this council."

I am pleased also to note that the same Minister is also looking forward to reconstituting the same African District Council in Central Nyanza again. We are all looking forward to that, but I hope he will never be in the same mess regarding the African district councils because the African district council is responsible for a very big area, and they are very representative of the Africans.

Another point I would like to raise also, and here I am also pleased to note that the Minister for Local Government says that the African locational councils are going to be statutory bodies. That is what I have been agitating for ever since I came to the Council in 1957. Mr. Speaker, and here, Sir, I must say it is quite gratifying to see that the Minister is going to regard the African locational councils as statutory bodies. Here I would say that quite a number of the powers of the African district councils should be delegated to the locational councils so that every location which wants to move ahead very rapidly can move ahead according to its own finances, and also here I should still say that when African locational councils are statutory bodies then these locational councils should be looked upon as organizations of African adults who know what they are doing and who know the best for their location, and not later to be told by the district officer or the chief, or the district commissioner that "You can do that, but not that". I have an instance in which I felt very disappointed when a location in my constituency, Wanga Location, had a grant

[Mr. Muliro] of £100 to give to a student who was doing law at London University from the location from their surplus money, and the district commissioner and the Minister for Local Government refused for them to give that money to that young man. To my greatest joy this student was most brilliant and he went through those studies and now he is back again in the country, but it would be of help if the Minister for Local Government would say that as long as the people insist and feel they can do that without prejudicing the other services in the locations let them be allowed to utilize the money in the way they want to, but not be told they cannot use the money and Sir, also, when I am talking about this African administration I would come again to the chairmanship of the African district councils.

I must say, Sir, that I am quite pleased that one of the districts for which I am a member have had the privilege of having the first African chairman in Kenya. Now, the issue is that all African district councils should have Africans as chairmen of their councils. We feel—and the Minister has said that there are 26 of them—that they are different. Whatever is brought forward should be brought forward by the members on behalf of the people they represent. It should not be said that there should not be African chairmen of these African district councils, and also I would say this—that the Minister for Local Government, in making the Africans as chairmen of the African district councils, should give them the full power.

I think that the Africans are making quite a good job of this whole thing.

Now, Sir, I come finally to the most irritating question of the representation of the Africans in the urban areas. In many of the municipalities Africans are not represented. They have to be represented, because it is their right and they are citizens of these areas. The Africans should not be treated as guests to towns. The Africans are full citizens of Kenya. Therefore, Sir, whenever an African is in an urban area he should be treated as a member of that urban area. Therefore he should have the right to elect his own councillors. He should be able to participate in the deliberations of that

particular town council or municipal council with other councillors in order to carry out their civic responsibilities.

The so-called municipal boards and advisory boards which deal specially with Africans are nothing more than merely advisory. When you advise a person or a body it means that your advice can be rejected. That is what is disappointing to the Africans. They have been advising all these years and their advice has never counted for anything. I find this because in areas like Eldoret, Naivasha, Nakuru and Kitale, when Africans come from the rural areas with some food to go and eat in these urban areas, in these townships, they are not allowed to carry maize or posho flour from the reserves to these urban areas. I think that should be dealt with, but very seriously and adequately, by the Minister for Local Government, because these Africans get some food in urban areas but the food they get from reserves is supplementary food. Whatever food they get through their own earnings, which is very inadequate, they supplement that by carrying food from the reserves.

Mr. Speaker, I beg to support.

MR. KIAMBA: Mr. Speaker, Sir, local government in some districts became known in 1955. This is the period of about 30 years—perhaps more than that—and by all this time they have been under the chairmanship of the district commissioners who are Europeans. We have come to see, Sir, that these authorities have no power at all over the departmental officers working within the districts in which the councils constituted. It would be very difficult for the decisions of the local government officers to be carried out by these officers. Sometimes there is conflict. We have one council with an African chairman, and it is my wish that all other councils should have Africans having the chairmanship. This is not because we do not want the district commissioners to be the chairmen of the African district councils, because they are able men, but the Africans want them to see that they can do the job—that when they talk about local government or self-government they could do something in that respect. They want the Central Government to see that at the local government level these same Africans can do

[Mr. Kiamba] something when they are elected to higher authority. Again we are told that in local government it is the place where leadership could be taught to African young men, and we hope that this will be the case in the future.

Now we come to the question of financial supervisors, or advisers who are sent to help the local government in the African districts. These officers are doing a good job with African district councils, but the African district councils—some of them—want to see that their staff can do the same. These officers have become full-time officers in the district councils. They do the jobs of the treasurers and do the jobs of secretaries of the African district councils. It is the wish of these African district councils that their African staff should do the job, not because they do not like the gentlemen who come to do the job, to teach them how to do the job; but at the same time because they want to see that they can do it and they think that the right approach should be for some of the African district council officers to be sent abroad where there are facilities for higher training, to learn the job in two years and come back to do the job themselves.

Now again we come to the question of the power that the Central Government have in controlling the local government. We know that the Central Government makes loans to African district councils, and of course they are entitled to come down and see how this money is being spent, but we see that in doing that, their financial advisers, and district commissioners as chairmen, have more power so that the councils themselves seem to have no power at all, and I ask the Minister to see that I am not criticizing the people who do the job, but the policy. They are doing the job properly, but the African district councils want to do the job themselves.

Sir, in some areas in these African district councils there are some schemes learned by the African district councils themselves. Now, because of these schemes, the African district councils have loans from the Central Government, and they think that these loans are not adequate. They want more loans to be able to carry on with the job they want to do.

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

[Mr. Deputy Speaker (Mr. Conroy) took the Chair].

I think in England a council is able to do all that it wants although its income may be limited. The African district councils are not the same as those in England, because they have got to do the job if they have got the money, and I want the Minister to see that African district councils are not jeopardized if they have not got sufficient money, for example when they come to the question of salaries we find that some poor councils cannot afford to pay higher salaries to their senior staff. They are told that they have got no money and I think that it would be the best thing for these senior posts all over the country to be unified because I know of a certain council which has some Makerere trained people and it cannot afford to pay them a salary appropriate to senior staff. There are other councils who pay very good salaries and I think there is justice in that. Then you should see that the salaries of seniors are unified.

Mr. Deputy Speaker, Sir, in conclusion I congratulate the Minister for Local Government for what he has done in this short period in trying to show the African district councils the way they should go about their own affairs. I wish that the Minister would constitute some of these councils. I think that the Minister has recently gone into that affair. All that we want to see in the country is that the local government should be the area where young people should come forward, have some learning, and then go forward to higher councils of the district. They should not be looked upon as the agents of the Central Government, because if the Central Government officials who are given the job of looking after these African district councils do have more power, of course the African district councils themselves will look as if they were the agents of the Government.

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

MR. NYAGAH: Mr. Deputy Speaker, Sir, I have a few points I would like to raise with the Minister—these will be mainly on the health side.

[Mr. Nyagah]

Sir, I do not know what I am going to tell the people in my constituency when I go back, especially now that the Minister has decided that in 1960 people will pay Sh. 3 instead of Sh. 2. There is general poverty, especially in the class of people that go for treatment. The outery has already been that they would like to see the fee reduced, and now I believe quite a number, or at least one of the two district councils which I represent, has gone up for increasing the fees both for maternity treatment and also for the hospital. There is also another thing I would like to bring to the notice of the Director of Medical Services, and that is in connexion with the shortage of staff, and also lack of adequate facilities in the hospitals in my constituency.

Last year, Sir, I tried to get the Minister's agreement to the development and extension of hospitals at Kerugoya and Karatina. I hoped that something would be done in the course of the year—I am not sure what the Minister and the Director intend to do. I am sure they are aware of the long queues that one finds in such places and the old type of buildings that you find there which need to be modernized. Particularly at Karatina: it will help the people a lot in that area if the Department were to consider posting a medical officer there.

The shortage of hospital assistants is another problem, particularly in the hospitals of Kerugoya and Embu, where one finds that at the key position of admitting people and prescribing the treatment is entrusted to a Dresser Grade I, to do this delicate piece of medical work. Not only this, Sir—a whole division is entrusted to a Grade I dresser, with more than 50,000, or perhaps nearly 60,000, people, with inadequate equipment in the hospital or health centre. This should be looked into.

When I speak of this, Sir, I refer to one of the backward areas in my constituency, which has got one ill-equipped health centre, with only one mobile unit, only one hospital assistant, and no nurse or midwife, and the state of affairs in that health centre is pretty bad.

Another point which ought to be made clear is what happens to people who

come to the hospital demanding or requesting to be treated and they do not have enough money to pay for the fees of admission. I know last year, when I raised this question, I was told that the administration had been told what to do. I still notice or come across cases where although that has been given as an answer, publicity has not been effective. Perhaps it is from the hospital side. You find a person coming merely trying to get admission to hospital, and because he has not got the money he is told, "I am sorry—you must go". Here I might be asked to substantiate this, but I would rather not do this publicly: I know of a case where a person came one night trying to get into hospital, but because he did not have Sh. 10 for admission he was refused admission and he went out. The following morning he was dead, and it was not until some time in the afternoon that the administration came and discovered where the dead body was. This was in a place where both the administration and the medical people were, and I do appeal to the Director and the Minister to look into hard-up cases like that more carefully in future.

There are a number of people who have come out of detention camps. I have been appealing for teachers and now I appeal for hospital assistants and dispensers in that category who have come out of detention camps and whose professional careers have been interrupted by their period of detention. The Department should do something to reinstate these people.

As regards the Red Cross workers, Mr. Deputy Speaker, it was good news to hear that the Government has made money available for another year for these workers to continue the work in the Central Province. They have done useful and wonderful work in that field, particularly in some parts of the Central Province. I would like to ask the people responsible for posting these Red Cross workers to try and look around and distribute them more evenly than they have done in the past. Today you may find a district with four of these workers, and at the same time you may find another one with only one worker. I think it is high time the authorities concerned with the distribution of these workers were to be more even and get them

[Mr. Nyagah]

extend the practice to some other African district councils. Also I would like to ask the Minister to try and define more precisely the duties of the so-called vice-chairman. I find that when the chairman is away, the so-called vice-chairman does not automatically step into his shoes, somebody else comes. District Officer 1, 2, or 3 may come and take the chair. I think it is high time these people were given practice in sitting in or taking the chair when the district commissioner, who is the chairman, is not present. Also it is high time, Sir, the other members of the council were allowed to participate in the election of such a vice-chairman.

Mr. Deputy Speaker, Sir, turning to the question of finance, I know there is a question of lack of money all the time, but again if I may be allowed to be more parochial, I would like to draw the Minister's attention to the state of affairs as that which exists in two hospitals of Embu and Kyani. Kyani is a Consolata Mission hospital—it needs help. After all, it is giving medical treatment to the people of this country, for they are working under very difficult conditions: It is high time—if they have not got a grant-in-aid—that the Minister considered them for such a grant so that they may be able to reduce fees and employ more people to look after the sick.

As regards the Embu Hospital, the overcrowding is terrific. You may find that when all the beds are filled, with one or two people, there are people also on the floor; people also in the waiting-room sitting on benches—mothers, sometimes holding babies, just to cover themselves against the cold and wait for the following morning. The following morning they find themselves going out to sit under trees so that the wards may be cleaned. I think conditions like those can only be tolerated if serious consideration were being given to providing a ward or two, and we know that our people will get the correct and modern treatment.

Turning to a request I made last year to the Minister concerning mobile X-ray units, I would still like to remind the Minister that people in the area where a unit is most needed still look forward to a time when it can come. It takes more than 400 miles from the end of Kitui to come to Nairobi for X-ray. It takes about 90 miles for a patient who wants to be X-rayed from the furthest-most corner of Embu to go to Nyeri and if the Minister made available quickly a mobile X-ray unit to those areas, it would help a lot.

Turning now to the African district councils, I do not have very much to say but I would like to congratulate the Minister on his beginning of appointing African chairmen, the first one for Elgon/Nyanza, and I would ask him to

extend the practice to some other African district councils. Also I would like to ask the Minister to try and define more precisely the duties of the so-called vice-chairman. I find that when the chairman is away, the so-called vice-chairman does not automatically step into his shoes, somebody else comes. District Officer 1, 2, or 3 may come and take the chair. I think it is high time these people were given practice in sitting in or taking the chair when the district commissioner, who is the chairman, is not present. Also it is high time, Sir, the other members of the council were allowed to participate in the election of such a vice-chairman.

As regards some African district council forests, which are now going to be managed by the Central Government the Minister should do all he can to ascertain and to make sure that people in those areas are not confused with the intentions of the Government in taking over and in trying to manage these forests.

There is a wide suspicion that when the Central Government takes over these forests that the future of such afforestation may be like that of the main forest around Mount Kenya, and the Minister should try to give an assurance to the people that the intention is only to look after these forests for the good of the people. Personally I do not have the slightest fear that that is the intention of the Government but there is still a wide fear, particularly in Embu, and people are thinking that these forests will be the same as the Crown forests.

There is also another point about which there has been some controversy with regard to one of the African district councils in my area about the African local land boards. I hope that the Minister will be able to define this more precisely when he answers the debate. I would like to know what part the African district councillors play in the local land board's decisions. One would like to wish that the African district council members were more closely associated and also given power to decide what should be done in the local land boards.

Mr. Deputy Speaker, in conclusion I would like to remind the Minister of what I asked for last year. I believe that

[Mr. Nyagah] to be able to do anything in this country, or in any country; you need a healthy society, and to do that, diet and nutrition play a very big part. Last year I asked the Minister to do all he could through his Department to encourage or to conduct experiments on trying to raise a simple diet which could be adopted to help in building up the health of the society in this country. I would also like to add that a lot of work is needed in the villages to improve the health conditions, and there is a big challenge to the Minister, and particularly to the Medical Department, in this connexion. I also mentioned to the Minister last year that more use of posters and films should be made through the African Broadcasting Service; through schools and to the villages so that more people who are not able to read can at last learn how to live healthy lives, by looking at films and listening to talks, and thereby, I hope, that a healthy society will spring up in this country.

Mr. Deputy Speaker, I beg to support.

MR. TRAVADI: Mr. Deputy Speaker, today I stand not to make any observations about the details of the local government system but to make a few general observations on the local government system itself.

I think, and all members of the public know this, that the local government system is a second arm of the State in Kenya. The present structure of the local government in existence over all of Kenya was put on a proper footing in the year 1927 when the Freeman Commission reported and action was taken on that Report. Really speaking, Mr. Deputy Speaker, local government is the foundation of responsible government. The aim of local government nowadays accepted in British Colonies is that there will be fully representative councils chosen on a complete adult suffrage—one man—one vote—always allowing for some residential or rate-paying qualifications. Now, this sort of system not only accustoms people to the idea of managing their own affairs but it also gives ordinary people, or to citizens or to workers, a sort of a sound training in the art and science of public administra-

tion, and in a democratic way, of carrying on the business of local government. In effect, Sir, even in the smallest bodies there is always an idea of give and take, and unless the minority is always willing to be bound by the decision made by the majority, accept a decision once it is made, and co-operate loyally in carrying it out, democratic government cannot exist. Unfortunately, Sir, in Kenya this is not so, because here the minority rules over the majority, and the majority in the past have never asked for any safeguards or security: that should be remembered. We here in Kenya nowadays want a democratic state of affairs based on parliamentary institutions.

Naturally, Sir, a beginning will have to be made somewhere or the other, maybe at this time or a little later on, to develop more powers on the local government and the institutions working thereunder. But unfortunately, Sir, in this Colony racialism is so studded in every walk of life, in every aspect of Government administration and in every legislation, it is not possible to make an overnight change without upheavals. It has been my experience that such big changes do take place and only take place after some upheavals. But the right way of doing this, Sir, in my humble submission, as has been suggested above, that each man and woman should have a vote, regardless of the colour of his skin.

As we are all aware, Sir, local government is run under the relevant Ordinances, the Local Government Municipalities Ordinance, the County Councils Ordinance, the African District Councils Ordinance, the Townships and Trading Centres Ordinance, the Rating Ordinance, and some such other Ordinances. Now, the institutions working under these Ordinances are so composed, the composition of them are so racial, not only European, Asian and African, but the Asians have been subdivided again into Muslim and Non-Muslim. If we take the county councils, Sir, unfortunately some of them are working, in the Highlands, and then naturally, as everybody is aware, the Asians have very little chance of occupation or ownership, and if there is any representation or any representative sitting on these county councils it is only

[Mr. Travadi] hardly one or two nominated Asian members. Under these circumstances how can more powers be devolved upon these local authorities?

Mr. Deputy Speaker, there is a suggestion made here that these local government bodies should have power to levy an educational cess. I think, to start with, this is for the education of the African children. If it is the suggestion, as has been made in the past by the Chief Secretary, Mr. Couitts, that the educational matters should be taken over or handed over to the local authorities, then this will happen as it does in England; Sir, this can be done provided the racial structure, the racial basis, is transformed into a non-racial one and the one-man-one-vote on common franchise is given to everybody so that each citizen has a right to choose its own local authority to administer the educational power to them, for these matters. Unless at least equal representation is given to each race, no further powers should be devolved upon local authorities. However, as it stands now, Sir, there is no possibility of such a thing happening, and if in spite of this clear warning—I am speaking on behalf of the Asian community—if it is insisted at a later date that in the near future Government will hand over the education of Asian children to the local authorities, and to start with, in the urban areas, then I should insist that it should be the duty and an obligation imposed on such local education authorities that they should provide schools and buildings sufficient in number, character and equipment, to afford for all pupils, opportunities for education, offering such a variety of instruction and training as may be desirable in view of the different ages, abilities and aptitudes and of the different periods for which pupils are expected to remain in school. It should also be an added obligation imposed on these local authorities that a child's heritage, traditions, civilization and culture should not be disregarded or, I should say, should be protected.

Now, Mr. Deputy Speaker, turning to the hospital relief scheme for Asians and Arabs, we all know the hon. Minister has very rightly asked for the observations of hon. Members, that they should give an undertaking that they will sup-

port this scheme which is in its draft stage. It is true, Mr. Deputy Speaker, that we had attended four or five meetings with the Minister to settle the details of the scheme.

Now, to give a direct answer to the problem before me, personally, is a problem, and on one side, rightly or wrongly, the foundations are being laid for the Kenya nationhood. On the other hand we are busy disrupting communities by creating racial compartments—a sort of mono-racial authority, like the one we have in Asian, African and European schools. I know that in 1951 the European community had an Ordinance passed that they would allow themselves to be taxed, racially taxed for such medical treatment. Now, in the case of the Asian and Arab medical treatment the Government have come forward with an annual grant of some hundreds of thousands of pounds—I do not know what the actual figure is, but that is a question of detail—and it appears that this scheme from the monetary point of view is a very alluring one, and if missed, we may not have it for another five or ten years. But unfortunately a great principle is involved here. The policy of racial taxation in a proposed welfare state—those who could afford it will have these social services at their disposal, but what about those who cannot? After the First World War, on a point of principle, if the Minister or some other hon. Members may remember, the Indian Government and the Indian community rejected the mandate over German East Africa. A year before the White Paper of 1923 it was proposed that low lands should be set aside for the Indian community as a separate reservation. But on a point of principle it too was rejected by—

MR. BOMPAS: Mr. Deputy Speaker, is the hon. Member in order in discussing land at this stage?

THE DEPUTY SPEAKER (Mr. Conroy): The hon. Member is wholly out of order. We do not want to go back to what happened after the First World War in connexion with German East Africa. We do not want to deal with education. We do not want to deal with land matters. We are dealing with local government, and I would be obliged if the hon. Member—

MR. TRAVADI: But, Mr. Speaker, I was just discussing the—

THE DEPUTY SPEAKER (Mr. Conroy): Mr. Travadi, it is not a question of "but"—it is a question of what I rule, and I rule that these matters are out of order. We are discussing Local Government. We are not discussing land and we are not discussing the history of what happened after the First World War with regard to German East Africa.

MR. TRAVADI: Mr. Deputy Speaker, I do not know whether I would be allowed to go into the details of the principle of racial taxation involved in the power to levy being given, which it is proposed to be given, to the Minister himself, because I am opposing the principle of taxation in a way which has relevance to racial touch.

THE DEPUTY SPEAKER (Mr. Conroy): I have ruled that you are entitled to deal with taxation matters which come under the jurisdiction of the Minister for Local Government—that is to say, rating and local government matters. I would ask you to restrict your illustrations to more strictly appropriate examples.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Deputy Speaker, Sir, with all due respect, on a point of order, I do hope that the hon. Member will be allowed to discuss the Asian Relief Fund which is a matter I did touch on, Sir, you merely mentioned local government.

THE DEPUTY SPEAKER (Mr. Conroy): I was not ruling him out of order on that at all, I was ruling him out of order on land; I was ruling him out of order on history about German East Africa; but I was not ruling him out of order on matters coming within your portfolio.

MR. TRAVADI: Mr. Deputy Speaker, I would refer to a report which was submitted somewhere in the year 1949 when the now Chief Secretary of Uganda, Mr. Hartwell, was the chairman. When that report was submitted, Mr. A. B. Patel, our present Asian Minister without Portfolio, Mr. Madan's predecessor, in his minority report, wrote as under: This is here, paragraphs are not numbered, but that is four on page 27 of the Hartwell Report, as it is known. "Certain quarters have continually advocated the introduction of communal taxation as a method of financing social

services such as education and hospital treatment." (I am referring particularly to the hospital-treatment.)

AN HON. MEMBER: It is about time you did.

MR. TRAVADI: "However expedient such a course may be found in view of the existing local circumstances, I think it is a step in the wrong direction if it is put forward as a long-range policy. It introduces taxation on a racial basis and ignores the principles which should govern the raising of public finance."

The report goes on to say, after leaving a line or two: "Such a racial method of taxation is wrong in principle and does grave injustice to the poorer sections of the population. It departs from the general principle accepted in all civilized countries that a citizen should contribute taxes according to his ability to pay and should benefit from social services according to his needs. To finance social services from communal contributions is to ignore economic considerations and the race of the person becomes the criterion. I have often argued in and outside the Legislative Council . . . and he goes on arguing further.

Mr. Speaker, I also oppose the racial taxation, and up to now there is no racial educational authority. Mr. Speaker, if this legislation is going to be on a long-term basis—the one the Minister proposed for the Asian and Arab hospital relief—then it is personally against my conscience, and I cannot support it. But, as I said before, in local government systems there are what might be called compromises—and I have got one to offer the Minister. If I can be assured by the Government that this will be a purely temporary measure, say for three or four years only, and that thereafter he will amalgamate it into one non-racial scheme, then I would in the present circumstances give my consent to it, reluctantly, and I underline the word reluctantly. Sir, I know that the present Standing Committee of the Kenya Indian Congress (constituted as it is now) had by a majority of votes voted for the scheme, and I do not want to add fuel to the fire by raising another controversial measure, thus widening the gulf amongst us further.

[Mr. Travadi]

With these observations, Mr. Deputy Speaker, I beg to support.

MR. MUCHURA: Mr. Deputy Speaker, Sir, first of all I must say that the Minister did very well when he was moving his Vote.

He did say a few changes were expected to take place and, of course, he asked most of us here to do something especially in the way of welfare and social services for our own people. There I must say that I can at least claim to belong to three or four such bodies which are free and voluntary.

Talking about the Medical Department which comes under this portfolio, I would remind the Minister of what I said last year, and that is in regard to the Medical School in Nairobi on the present site of Buller Camp and also expanding the present medical school to take a greater number of people who are needed by the country to work in the districts.

I, as a member of the Mathari Mental Hospital Visiting Committee, have seen very little provided for subsidiaries or smaller mental hospitals which might be attached to the district or provincial hospitals throughout the country. I do not know how many Members of this Council have seen Mathari Hospital itself. There are times when it is almost impossible to pass between the beds, and there are times when they have no alternative but to refuse admission of patients. The staff of that hospital are working under impossible conditions and I would very much like the Minister, when he replies, to try to tell us what he can do either by increasing the number of beds or starting some similar small units elsewhere in the provinces and also what he intends to do about the criminal lunatics.

The next point I wish to talk about is welfare. I happen to be a member of the Kenya Physically Disabled Persons' Association and the Nairobi Welfare Society and various others. Basically, as I said in the main debate, the question of the Edervale Trust should receive much more attention than has hitherto been given to it by the Ministry. It may be a bit of a problem because I think within this Ministry they have the Wel-

fare Officers dealing with Asian and European Affairs and the Community Development is supposed to handle African welfare and their development and so forth. I do not know exactly where they draw the line between these two Ministries, but there seems to be a clash. In this particular debate, I would like to stress the need for greater help for the Edervale Trust. There are two Sisters—Catholic nuns—who have volunteered to come out here and work for this Trust. They have wide experience and they have done this work in different parts of the world. They have offered to come out here to see what can be done with our young delinquents and with the weak and disabled and those who cannot afford something to eat.

I do not like the idea, for instance, of having an art gallery when we still have the poor and the needy without care. It may be because I am not an artist, but I would rather look after the needs of the people who cannot afford food to eat before I would look after an art gallery.

I would like to ask the Minister to consider seriously coming to the rescue of the African population in Nairobi because about a year ago the person who was called the City African Affairs Officer vanished and we now have somebody instead who is called the Director of Social Services and Housing. Some people may ask why we need an African Affairs Officer. Well, I feel that the weaker members of the population need protecting and looking after and that is why I ask the Minister—I do not know whether he has powers to order the City Council to reappoint a man—but I would ask him to sort out this matter with the Minister responsible for Provincial Administration and African Affairs. I think that African affairs in the city are neglected as there is nobody, and I repeat nobody, fully in charge of this. I may be asked to substantiate this and if so, Mr. Deputy Speaker, I will substantiate it, but in so doing I may stray to matters dealing with another Ministry instead of sticking to matters purely connected with the Ministry of Local Government.

There was a suggestion last year to raise house rents in Nairobi and various

[Mr. Muchura] representations were made to the Ministry. The Ministry in consultation with the City Council reviewed the suggestion. Rents did not go up probably, but they said: "Let us try to examine the set-up of the African Affairs Department." They asked two experts, two officers of the Organization and Methods Team—one of them a Government official and the other an official of the City Council—to go into the working of the African Affairs Department and its administration, especially of the houses, to see whether any saving could be effected. This two-man committee worked over a number of months and reported back. The City Council took it upon itself not to allow that report to be made public and they decided to change the designation of the City African Affairs Officer to what it is at the moment.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

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

What worries me is this. What benefits have the ordinary tenants got out of that report of the Organization and Methods Committee. True, it could not have been an all-round two shillings reduction in the house rent, but it could have allowed some money to be used for improvements, say, in roads, street lighting, the green places and the like. This ended with a change of designation without anything to help the African. The suggestion was that if it was the Director of Social Services and Housing it would cover all housing in Nairobi and all social matters. But, originally, that was not the intention and so I would like to know what the Minister can do so that African affairs in Nairobi can be looked after by a person fully responsible. At the moment we do not know whether one should go to the district officer or to the City Council official or to the police. The three authorities come round and inspect places at night, independently or jointly, and one cannot tell which one is dealing with you if you have three, four or five masters at a time.

I do not think there is any genuine desire on the part of the City Council to allow good co-ordinated African pro-

gress. I can produce two very good examples of this and I will give suggestions of what I think should be done in the City of Nairobi.

Firstly, I will recall the instance of the proposed tenant-purchase housing scheme—what I would like to refer to as medium-density housing near the King George VI Hospital—and I speak with some knowledge because I happen to have been a member of the Central Housing Board from the very beginning. It was in 1956 that the idea was mooted and certain people met and discussed with the Ministry and Central Housing Board officials and certain plans were drawn, a model produced, general agreement reached and it was almost at the point of going out to tender when something else cropped up. Before all this had been gone into the City Council were asked whether they were interested in the scheme, and their reply was that they were sorry but there was no money and they could not think about it, so in other words it was an O.K. for the Board to go ahead with the plans they had. When the plans were drawn up, general agreement reached, and the people interested in the project thought they would soon be seeing something being built, literally it is only when the local authorities were asked to make the roads and provide sewers and water that they said they were very sorry, they were then very interested and they would join the scheme by making available £50,000 if the Board could give them another £50,000 they could put up 60 houses, not six costing £15,000. That was fair enough, the more houses we can have the better, but was that really honest intention and sincerely in the interests of the African, I had my doubts, and then, of course, the scheme failed. It will be said probably that it failed because there was a poor response.

If you will allow me, Mr. Speaker, I will read a letter that was sent to the Ministry when these arguments were going on. It reads: "We understand that some members of the City Council are proposing the introduction of a racial restrictive clause into the leases for the houses to be built near the King George VI Hospital, so as to restrict the ownership of the houses to Africans. The reason for such a clause is said to be

[Mr. Muchura] that it will provide protection to the lessees against unscrupulous exploitation." It goes on to say: "We are heartily opposed to any racial restrictive clause. The inclusion of such a clause appears to us to be a veiled means of perpetuating the vicious practice of racial segregation which is bound to have adverse repercussions. Furthermore such a clause is repugnant to the current development of inter-racial harmony and the avowed Government policy to work towards the removal of all forms of racial discrimination."

Whatever else may be said, Mr. Speaker, Sir, that was one of the many things that caused the failure.

Once again I must ask you to allow me, Sir, to quote from the information sent out asking people to apply if they wanted to have one of these houses. I will read from the circular, undated, that was sent out with the plans and everything else. I will read 2 (d), which reads: "In the event of the lessee wishing to sell the premises he must, in the first instance, give the Council the option of purchasing them at an agreed valuation, and (e) "Not to charge, assign or sublet the whole or part of the premises without the previous consent of the Council". Then it went on that the Council said that the land will be leased by the Crown to the City Council for a term of 99 years, thereby making everybody else a sublessee.

Originally, before they jumped in with their £50,000, it had been agreed between the Central Housing Board and the building society that the Central Housing Board would put up the building, and the building society, with the agreement of the tenant purchaser, will agree and sign up the deeds, the purchaser putting down 10 per cent and the building society 90 per cent, which goes into a revolving fund and as and when there is more and more of a demand, more houses will be built—six, six, six and six—but this one of the City Council brought it to an end, and very quickly too.

Now, Sir, those people who wanted the permanent houses were not interested in being landlords; they wanted homes where they wanted to live, but because

of the action of the City Council that scheme would not work; so here are the people who wanted to have homes and to be permanent residents in the city of Nairobi, with homes and property, being stopped.

I know how it may probably fail, because I know for example my hon. friend, the Member for Central Province South, has got himself a place outside the city because it was not possible in the city. The failure was due to the fact that there were so many strings attached to this tenant purchase scheme.

They offered us a place on the old racecourse. That will be with their conditions and that scheme was there for years before this particular one was discussed.

The other one—if I may quote again—some of you may recall the question I asked the Minister for Commerce and Industry on this I.C.A. money to help businesses; I am convinced the Ministers concerned did not sign a contract or an agreement with the I.C.A. without prior consultation with the local authorities—without reaching an agreement more or less with local authorities as to what conditions are attached to this money. The Minister, I think, said there was still a balance of £70,825 in the central funds unused. Some of that, I am sure, is the £10,000 that was supposed to help the African businessmen in Nairobi. I am told that this money could not be used in Nairobi (a)—there are two versions of it—the Africans were told there was no security that an African could offer for the money that they wanted to borrow; (b) on the other hand, this is what I hear—that there was a difficulty as to whether this money should be used either towards buildings or putting up of shops, or both the putting up of shops and/or stocking the shops. The Ministers unfortunately somehow or other are not able to speak up very well on this particular point, but I am sure there is something of that, because the City Council, I understand, maintains and insists that it could only be used against buildings and not against stock and the like, and the I.C.A., according to the agreement, I suggest, said "All right, we will put it up for both".

A third one was interest on the money. The I.C.A. said it should go into a

[Mr. Muchura] revolving fund so that there is a fund created. The Nairobi City Council said no—the money goes back into the "kitty" of the City Council.

I wish that the Ministers were free to tell us exactly what the situation is. I ask the Minister to come to the help of the Africans in Nairobi. First, the two examples used, the very good scheme—the King George VI Hospital area for the tenant-purchase housing scheme. I am one of those who suffered as a result of the failure of that scheme, because I would have had a house by April last year, but because of the City Council's attitude it failed. Here is the money, from I.C.A. as I said last time; people wanting this; they want it; they want the money; they are prepared to do anything for it, but the City Council says no. My other point is why, after one scheme failing, the Nairobi City Council say, "All right, we will have a new tenant-purchase housing scheme on the old racecourse", and make available £10,000 to help African businessmen. Why was it difficult for them to co-operate with the Central Government and I.C.A. and create a much bigger sum in the fund for assistance if they really meant to achieve it? I do not think there is any sincerity.

Now, to come down to what I think the Minister should consider possibly to do and help the Africans. Local government is supposed to get more and more and more power as Central Government more or less disappears into external affairs, foreign trade, war and the like, whereas local government comes in in general administration in the field. I would suggest to the Minister, Sir, that instead of waiting for Nairobi to learn from Mombasa and Nakuru in their parish councils, it should start in Nairobi today and not wait for them to learn from Mombasa and Nakuru. Why? I say this is: I have been a member of the Nairobi African General Ward Council for three years prior to this House, so I am saying something I know something about, and, therefore, this is what I think the Minister should consider. The village committees or village councils, as we call them in Nairobi, should, if he thinks it right—and I think he will think it right—should have the sort of powers that he wants to give to

the locational councils in the African land units. I will tell you why—because although there may be no land, no cattle—there may not be anything—but they have their locational problems and things of that kind to consider; for example, the Kaloleni village council. There is no point in their appointing a council only to complain and have no means of putting the complaints right, so that they are only a body for complaints and not for constructive thinking. Let them have their own Kaloleni-by-laws so that the location knows what the people want there—say they may after decide that after 10 o'clock no talking or gramophones and no people in the street. They can have anything; it is their parish.

Secondly, the Nairobi African General Ward Council could, if you like, have a bigger say in certain of these things. What sort of things can these committees do? Take, for instance, instead of having one or two welfare assistants in Kaloleni, the village committee of Kaloleni can very well arrange programmes at the Kaloleni Hall, arrange for the hire of the Kaloleni Hall, arrange when dances are held, collect the money at the door and so on without employing someone and without someone coming and telling them what to do. When have they to get their responsibility? Another thing they can manage is to arrange for nursery schools. There are nursery schools in almost every village. Why can they not be allowed to try and run them themselves? Say: "We have so much per child; we will buy so much milk a day" and do all this. Let the City Council rent the halls for the village councils and let the village councils run them. Then what other activities can they have? They can have practically everything.

Then in another field, which of course is a bit difficult for the Minister—whether the Minister has got any say—we are very much concerned about rents. Reports. I wish I were able to steal that report of the organization and methods team—that report on this rent-structure and the African Affairs Department. We have got a feeling that they must have recommended something, but now although I did not see the report, this is what I would suggest.

First of all, Sir, there should be a reasonably paid estate officers in the

[Mr. Muchura] African estates. I do not mean these hundreds of assistant estate officers; I mean a reasonably paid man who is fully in charge of an estate or a location, who will at the same time, under my constitution, be the executive man on the village committee when they pass by-laws and be the executive man in carrying out some of these things, plus a small group of two or three—shall we say an office boy and one or two *askaris*. Then over all this we have a senior superintendent of locations, who will sit in that palatial building in Doonholm Road. So there will be estate officers in the estates, one in each, the senior superintendent of the locations—if you like to call them that—and of course a cash office with a cashier to collect the house rents and the like. The rest of them, as far as I am concerned, could go, and whatever salaries they are getting will go towards reducing rents or putting up some improvements.

It is obvious, Sir, I must admit, that up to the time of just before the Emergency, African affairs in the city were looked after by seconded officers or ones who had retired. The Government saw very well during the Emergency that they wanted peace here and they had to bring district commissioners and district officers to put the house in order. I do not know whether the Government are waiting for something serious to happen before they pick up a bit of common sense and try and put right what is going wrong under their very noses.

We know there are complaints about the allocation of houses. There was at one time a very good system of allocation of houses. A waiting list was properly prepared and they just followed the order. That has now gone. I am sorry that some of this, Mr. Speaker, may not be within the reach of the Minister because some of it may be the direct concern of the City Council, but I can tell him one thing for certain, and that is that the Africans of Nairobi are nobody's child as far as these affairs are concerned. And, of course, touching upon this question of the possible levy on education, please, Sir, if it has got to be done by the City Council, it will be very strongly opposed and objected to by the Africans.

Also, when it comes to the matter of elections, Sir, we recommend that the first person to vote is any person who lives and works in Nairobi. It is communal. I do not see why the fear. So long as a person is of the right age, he is working in Nairobi, self-employed or employed, he should be allowed to vote; all these other considerations are unnecessary; even the minimum wage earner is producing wealth in Nairobi; I mean, in fact, he is one of the most important in actual productive work. This should be possible.

But my greatest plea, Sir, is that I have justified my claim in claiming that in Nairobi nobody looks after the African; there is nobody to go to for his complaints. I have proved it by examples I have quoted and I have given you my idea of a constitution for running things connected with African affairs. I have suggested how we can reduce the overheads by putting a responsible man in the estates, having one superintendent and a cashier and dismiss the whole lot of others. Then, as I said, village committees like Kaloleni should hire the hall from the City Council, pay whatever moneys they get to the City Council, do everything, organize things, give them something to do, give them responsibility, and the Ward Council subsequently could do the same. I would not suggest that I would oppose, but I would strongly recommend to the Minister that he considers this very seriously and gives a reply to some of the suggestions I have made.

With those few words, I beg to support.

MAJOR ROBERTS: Mr. Speaker, first I wish to apologize to my hon. friend, the Minister for Local Government, for being absent during his introductory speech, because he may feel it most discourteous from one so interested in local government as myself not to be here, but I am sure that as an constituency elected Member he will understand that Friday is rather a difficult day for us, and up-country people have to get away in order to see our constituents.

Now, Sir, I am rather alarmed to understand that this committee which the Minister agreed to set up some six months ago now, to investigate the

[Major Roberts]

whole question of finance of local government, has not yet started to work, or, indeed, I do not believe has yet been nominated. Well, Sir, I feel that the wheels of Government—turn exceeding slow on this very important matter. I would like to ask the Minister if he would take the opportunity of telling us who he has nominated to this committee and to explain the basis on which he is selecting those people. I particularly ask him to do this because there has been some criticism about it levelled in the press and I feel he should take this opportunity to explain that situation.

At the same time, Sir, I would like to support one hon. Member—I forget who it was now—who mentioned this question of road licences. I do not want to dwell on that. He made it very clear that local government was most unhappy about it. I would suggest to the Minister that in future, when taking such drastic decisions, he does consult local authority before doing so as far as possible.

During the last 12 months or so Government have offered local authority the opportunity to take over many services and I believe that a great number of these services have been refused, and I believe they have been refused entirely because Government have not given them the finance with which to carry out those services. Now, Sir, it is quite useless devolving power to local government unless you devolve the wherewithal—the money—with which to carry it out. Some people talk of free revenue available to local government. I am not quite certain what they mean by free revenue. I can only assume it means power to levy local rates, which is only another means of increasing taxation. I have often said in this House that this country cannot afford any more taxation and the only way in which local government can carry out its duties is if the Central Government give them the finance to do it. They should be able to do so, because at the same time they should be able to run down the central control of the services which they are devolving. I believe that the whole system at the moment of the financing of local government is most unsatisfactory and I do ask the Minister to press

on with this committee to investigate the whole matter.

I would also ask the Minister if he could not investigate some of the services and some of the administration which does today appear to overlap between the Administration and local government. I think other hon. Members have already mentioned that particular fact. I feel the ideal should be now to move towards the abolition of the Administration, as it was known in the past, and move towards a control by local government. It obviously cannot be done in all areas simultaneously, but that should be the goal to be aimed at and I would like to see some measures taken to introduce that system.

Now, Sir, I would also like to ask the Minister if he would not consider it possible to take over, in local government, community development. I think I came into this Council just as the hon. Member who has just sat down was also mentioning this particular point. At the moment the Ministry of Community Development does cost the country somewhere in the neighbourhood of £60,000 and I think the whole thing should be devolved onto local government. Local authorities could undertake the whole of that work, and I would ask him if he would not consider the possibility of doing so in conjunction with the Acting Minister for Community Development. After all, the Ministry of Community Development was really created in order to find a Ministry for an African: the Africans have not accepted that and so I think there is no reason to retain the control in Central Government at all.

Finally, Sir, I would like to mention this question of European aliens, as far as local government is concerned. They are now, I gather, entitled to be on the voters' rolls for local government and I cannot see why, if they have that privilege, they should not be able actually to stand for election to local government. There may be some idea of introducing Kenya citizenship in the future, but I think Government should try and beat the pistol—we do not know how long it will take—and give these people the opportunity. After all, they have in many cases, been extremely good citizens. They have sat on our agricultural committees and subcommittees and various other public bodies, and

[Major Roberts]

taken a great deal of interest in the welfare of this country, and they have stakes—very firm stakes—in this country. I would ask the Minister to consider amending legislation in order that they can actually be elected to local government.

Mr. Speaker, Sir, I beg to support.

MR. ODINGA: Mr. Speaker, Sir, I have a number of points to deal with in this Ministry and, as usual, Mr. Speaker, this Ministry has not been exceptional in attacking Central Nyanza as a whole. I know that Central Nyanza is probably a district which is hated by many of the Ministers—(Cries of "No.")—and as such it is all the time subject to a lot of attacks. I, as representative of that district, will also reply in order to fulfil my duty.

Mr. Speaker, the Minister mentioned—and I think he mentioned it very lightly as if it is a very light question—the question of Central Nyanza African District Council. I do feel that this is a very big problem, and a problem which has not been solved and which will take some time before it is finally solved, and as such the Minister should have taken a lot of time to explain it a little bit more in detail to the Council to understand what had happened and what he has done. In fact, what he did was only to mention that he is very pleased that he had already reconstituted Central Nyanza African District Council. Well, he may be pleased, but I, as the representative of the people of Central Nyanza, and the people of Central Nyanza are not pleased and we know that we shall not be pleased until wrongs are adjusted.

Mr. Speaker, it is only a few months—probably in the month of January—when the Minister decided to dissolve this Council. Well, they had given a lot of reasons for it, but I think that it is now my duty to give this House the true picture of the causes of trouble and the root cause of the trouble in Central Nyanza, which later led to the dissolution of the Council.

Mr. Speaker, the whole trouble began with the afforestation of Kisiani Hill, and I think that most of you know that Kisiani Hill which borders the lake on

the northern side of Kisumu township. It is just, I think, about a mile from Kisumu township. The Government probably were anxious to plant forests in just a small portion of that hill and, as which it is in Kisumu location. The inhabitants of that area had already given a lot of land for the Kisumu township itself and also for the aerodrome as well and the Kisumu prison, and now at the present moment many of the people who live there only feed themselves by using that hill. That is where they get their millet and wimbe which they use for their day to day food. With the Government being so anxious to set aside that piece of land for afforestation, they knew that if they went directly to the people probably they would not be able to get a portion for afforestation, and usually what happens with the Government—the Kenya Government especially—they are never straight in dealing with the people; so they went through their usual way of going round about the whole thing. They went to the chiefs, and by the chief ordering the locational council they of course passed it by one vote in the locational council that the place should be made a forest without going to the local inhabitants who are the right-owners of the place. So when they referred the matter to the African district council, well of course in the first instance they could not succeed with the African district council because the African district council knew that they had not approached the owners of the land.

The African district council asked the district commissioner that the best thing is to go back to the people and ask their consent, that the best thing is to go back to the people and ask their consent. What happened of course, the district commissioner tried to approach the people and the way the people were approached was never direct. Later on the district commissioner himself went to the people and gave them some promises that we shall only need probably a small strip of that area of about a hundred yards wide. Well, the people, having known that it is only a small strip of only a hundred yards wide, they accepted, and that their animals which do go through the forest to the other side for grazing will also have access through the forest and at the same time

(Mr. Odinga) the people were promised that they will fetch firewood from the forest and at the same time thatching grass and other things which they used to get from that place, they will get. Well, later on, when the scheme was begun the Government abandoned their promises and never adhered to what their promises said, even to the chiefs. And as a result, the people became furious. Of course, the district commissioner had gone back to the African district council and had asked the African district council to pass the by-law, setting aside the land and the African district council also had done so. This, later on, Mr. Speaker, when the Government had not adhered to its promises the people became furious and even the district commissioner himself could not go back to the people. He could not go back because each time he is in that location he had to spend the whole day discussing with people about the Kisieni forest and therefore he was tired of it. Then later on, the African district council has only to return the whole forest to the people. And by voting the return back of the forest area to the people, the Government got annoyed. The district commissioner also himself got annoyed with the African district council. He was not pleased about it and I should say, Mr. Speaker, that that is where the whole trouble began.

And the whole trouble which later on went into the estimates of the African district council.

And if you could remember here last year when we were discussing about the relationship between the local government and Central Government finances, I mentioned that the formula which was to be used was levelling down the big African district councils and increasing the finances of the smaller African district councils. And I said that that was bound to bring a lot of difficulty in the big African district councils in meeting their estimates. That was said here perfectly well and later on suddenly the African district council of Central Nyanza being one of the big ones completely failed to meet their estimate. Despite their anxiety to meet it by increasing the local rates by four shillings to 18 shillings and even still they could not balance their budget. As a result

they approached the Central Government for help, to help them in a way in which they could balance their budget. Well, the Government turned a deaf ear as usual and the Government did not listen to them.

So, later on, when they went back they found that the only road which was open to them was to see if they had some service which they could dispense with for that year alone and they did their best in the Estimates. It is there and then when the trouble started. I think that such a council which was so anxious to balance its budget needed encouragement. The Government, on the other hand, had deprived them of so many sources of revenue—for example, the main source of getting something from the courts, the African courts, was taken. They got a lot of revenue from the African courts that had already been taken. At the same time you know that Central Nyanza is a district which has not got a lot of cash crops and as such even the cotton sector which is another form of revenue in Central Nyanza—that also had been reverted to a statutory board and was not going into the assets of the African district council. At the same time, about 80 per cent of the people of Central Nyanza do work in the lake and all the revenue from the lake goes to the East Africa High Commission. And as such these people, you know, are the district revenue. So the district is completely deprived of its main sources of revenue and as such they have got the difficulty because the only source which was open is to tax the people and with taxation you can only go so far. The previous speaker who has just sat down has said that there is a limit to taxation. You cannot go on taxing people endlessly; there must be a limit to it. And these people, having increased the rates by Sh. 4, they thought they had done something and it was only last year when the Government also increased the Personal Graduated Tax by Sh. 5 and as such these people were put in such a corner where according to the Minister they were considered irresponsible chaps.

Now, Mr. Speaker, I would only say that the Government, when finding the council in such a state, and also having returned the afforestation scheme of the

(Mr. Odinga) Kisieni to the people because they could not do otherwise, later on the Government jumped upon them and told them that the best thing that they could do if they had returned the afforestation scheme was to refund part of the money which had been used on the scheme. Well, where could the council get money and, you know, here the Government also had given the money to the scheme which they knew they had made themselves. The District Council had nothing to do because they knew they had got the Government on the one side and the people also, on the other side. They faced two spears pointing at them and they had to choose with which actually to be speared. They chose to return the afforestation scheme to the people and then the Government jumps on them that they should refund the money.

Now, they said to refund the money, we agree, but we feel that the Government were in the wrong in this particular scheme and, in fact, there should be an impartial commissioner of enquiry to go into the matter and see if they were wrong or the Government was wrong. They requested for an impartial commissioner of enquiry, particularly for that scheme. Already there were rumours going round that the district commissioner had already recommended to the Government to dissolve the council because he felt that the council was not doing its duties properly. Well, the Minister, instead of taking it that these people wanted an impartial commissioner to come and enquire into the whole thing, he took the man who is directly responsible to the local government—and that is the commissioner for local government—to come to do the enquiry. The people, of course, objected and they noted their objection in Central Nyanza. They said that they wanted an impartial man to come into this enquiry because they knew that the district commissioner had sent a lot of reports to the same man who is coming to enquire. Now, when he did that, the commissioner for local government came, did his enquiry and came and issued his report and his report was, you know, he did his enquiry publicly by inviting people to talk to him, but later on his report was considered confidential and that it would not be seen by any man.

And this was the reason which was given: "This report has not been published as the commissioner felt that if he indicated to those who gave evidence before him that their evidence would be published, he would not be likely to obtain such a free and unfettered expression of views as the circumstances of the enquiry demanded." Now, Mr. Speaker, this is very absurd. The commissioner had come and made his enquiry publicly by inviting people to stand before him and express their views and now, here it is said that if he indicated to the people that it would be published, it meant that the people would have not given the true opinion. Well, if people are only prepared to say things which they are not ready to be responsible for, I do not see if the Government is also going to be just. How the Government could accept the point of view of such people—people who could only speak behind other people and could not be ever ready to stand responsible for such things. These have been the root causes of everything in this country because the Government is only ready to listen to those people who will say what they are not ready to stand for. And I think that when somebody who stated that the Central Nyanza African district councils are very important institutions and, as such, anybody who makes allegations which later on resulted into such serious action as was taken he must be responsible for his insinuation. And I think that it is the Government's duty, and if the Government is going to get over all these troubles in this country it is time that the Government should only rely on truthful allegations which people are ready to stand for and be responsible for but not actually to depend on mere allegation.

Of course, the Government took action on this information which they were given to which the people probably were not ready to stand for and later on, just dissolved the council as they did.

Now, Mr. Speaker, when the commissioner had gone through the whole thing, then the commissioner had to express his opinion or he had to give his report by saying that failure of the Kisieni Forest Estate was mainly due to a person called Mr. Anton Obongo, an assistant district council councillor,

[Mr. Odinga] for the Kisumu Location. Well, you know, that Government always likes to take a person as a scapegoat and pin him down for their mistakes or faults which they have done. Now, the district commissioner was very clear about his faults in Kisieni afforestation and Mr. Anton Obongo who is also just an ordinary man in the country was not so important—more important than the district commissioner, more important than the chief in the location, more important than all the headmen in the location that he, one man, could turn all the people in the location to refuse the afforestation.

Now, his second allegation was that the estimate—failure of the estimate was mainly due to immature and irresponsible councillors who could not see eye to eye with the development in the district. And, Mr. Speaker, I have explained it very well how the councillors tried their best to see if they could make the estimates balance and, of course, they were still struggling. They rushed to the Government just as always our Minister for Finance here rushes to Great Britain when he is not able to meet his balance. They always rush to Great Britain and have never been treated so roughly as our councillors when they approached the Minister.

Now, Mr. Speaker, his third point was that elderly councillors complained of the conduct of the younger councillors and this I consider to be another method of divided rule. Now, then can it be in the best interest of the council that simply because some councillors probably sneaked through, that they said more and yet we all know that if the report could be published those people may not stand responsible for those statements. They could easily refute them, that they did not say them.

Mr. Speaker, I am mentioning this because it is a very serious allegation. In 1953 if we told the Government that Macharia was lying they would not have believed us, but recently they believed, simply because they would only like to believe the liars and not believe the truth and the people who say the truth.

The Minister's fourth point was on the conduct of the council and it gave

him a chance to say that that had prolonged the chances when the district councils would still be the chairman, but in this particular respect the district councils are still the same and even at that time when the council was dissolved the district commissioner was still the chairman. And if he was the chairman at that time and the council had failed during his time, how again is he to be qualified for chairmanship, Mr. Speaker, these are very hard problems and they are the problems which only the Minister can probably solve.

Now, Mr. Speaker, the African District Council of Central Nyanza has had a very good record. It is the only institution in Central Nyanza which has had a lot of good recommendations from both Government and other visitors who come to that area. Despite all this, and the bad names of the Central Nyanza the only good one has been the African District Council of Central Nyanza. We have in the past noted that members from other African district councils come to Central Nyanza to get experience in the work of the African District Council. I had a talk with the staff of the African District Council of Central Nyanza, and I learnt that it is one of those which is well recommended, and the work which in some other areas should be carried on by the Government, is being discharged independently. I thought that the action which was taken by the Minister should not have been taken so rashly like that because the African District Council having had all those difficulties which they have had, surely the Minister should have been sympathetic. These people were struggling to get themselves out of these messes some of which were the making of the Central Government.

Now, Mr. Speaker, I came to see the Minister when he invited me to see him, and discussed with him that any move which he meant to take for Central Nyanza, the best thing would be for him to go to Central Nyanza, see the people, and talk to them and express an opinion before he takes any drastic step as he was due to take. Of course he did not inform the people what he was planning to do and he told me that the report was so confidential that even myself I could not see it, and I did not see it. Well, later the Minister ignored

[Mr. Odinga] anything which I told him and he went on and through the district commissioner and the Provincial Commissioner he later on decided to dissolve the council, and even after he had dissolved the council I did not despair, but I went to the Provincial Commissioner and talked to him and told him that despite all these moves, which I think are very unwise indeed which you have taken, the best thing now for you to do is to institute the council at once. You have already imposed taxation, we can still persuade people to accept and pay the taxation although it is very heavy, and it would not properly be met—you will find that many people will go to the detention camps.

What you should do now is to go back to the nomination of members through the locational council. That should not be difficult because the people have been used to the practice now of direct election. Although it has not been properly constituted, it is the practice which has gone on for many years now, and remember that it has gone on for now over 15 years, and if you go back to the old method of electing or nominating these people through the locational council you will meet with disappointment from people. But despite all that, then later on even the people in the districts were dissatisfied, and the president of the district when he knew what the people said, sent an urgent telegram asking that he should see the Minister and discuss this, when the Minister said that he would see the Provincial Commissioner because he thought he was too important to see these people. And at the same time he compared it with Eldoret. Those people of Eldoret when they requested to see him he immediately received those people very well, and later on agreed to their demands. Now in Central Nyanza he thought he was too important to be approached and what should be done by the Provincial Commissioner and the district commissioner, and so he ignored the request of all those people, and even up to this very moment he has not seen them.

Now, Mr. Speaker, you can remember that the Minister is very happy that he has reconstituted the Council, but you can see that it has taken him four months to do so, and the reason is that

people were dissatisfied with the method of the present elections because we feel that we are going forward—we are not going back. We know that he argued that the locational councils are elected by the people, but even if they are elected by the people they are not competent to nominate the members of the African district councils, just as the African district council when it is elected it is incompetent to elect us people here or to nominate us for the Legislative Council. That is another thing altogether. And, Sir, we say "Let the locational councils nominate people as he wanted—probably he would prefer his yes men to be returned" and I asked him why he is so keen to nominate people through the locational councils, but he will not give me a convincing reason—it is simply because he says those people are elected by the people, therefore they can nominate those people according to probably the wish of the people they represent, and I say that it is not true. It is very easy for the chief, who is the chairman, to influence the members in the locational councils. The chairman and the district officers play a great part in those institutions. I think the time has come when the African people and the African leaders will only respond to the people whom they have elected, and let it be known that the African of today is not the African of 1920. Formerly you could go and say, "That is very good for them because they are still children and they do not know what to do, therefore we will do this and they will be satisfied"; but we are not satisfied. I say, Mr. Speaker, I shall bring it to the notice of the Minister, who is always very good when I go to his office—he is very good and he talks to me very sweetly, but he should stand by what he says. But now I have lost confidence in him because he only gives me sweet words but not deeds. It is always very easy to deceive us the first time, but the second time it is different. We need something concrete—more concrete than only words and sweet words.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Odinga, I am afraid your half-hour is over.

MR. ODINGA: Mr. Speaker, I would just say in concluding, one very serious thing.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I am afraid your half-hour is over. We cannot start on another serious thing now.

MR. ODINGA: May I just conclude with a word. I am considering something very serious. I will not say it now. I will say it later. Thank you Mr. Speaker.

I beg reluctantly to support.

MR. MBOYA: Mr. Speaker, Sir, I will in fact have to make my speech tomorrow, but taking the three minutes which are left over I wish firstly to say how very much I am in agreement with the Minister in his remarks as regards the work that is being done by various charitable organizations in various areas. I think that, to a large extent, some work has been done by these organizations which has not been sufficiently appreciated because there is very little publicity involved or accompanying the work which they are doing. Unfortunately I have not been able personally to take an active part in some of the work, but I happen to belong to a committee of one of these organizations and know that, especially in the urban areas, where we are faced with a lot of problems of juvenile delinquency and other problems, not only have they done some work, but there is a much wider scope and much wider field in which they could usefully take part. It is disturbing that due to lack of funds and an unco-operative attitude by other bodies—and I am referring, Sir, to the reluctance of the Nairobi City Council to give every effort to the activities of some of these organizations—that they have not been able to do as much as they ought to do. I think, however, that this is not just a question, Sir, of how much Government support is available, or how far the City Council is prepared to move, but I think it is time that the Government applied itself a bit more effectively to the social problems that are beginning to arise in the urban areas and also in some of the rural areas such as the villages in the Central Province. I am not, myself, very happy, Sir, that—and again, I see there is a reference of the Minister and one of my friends—the Member for Central Province North, as regards the distribution, the wider distribution, of the activities of these organizations to the various areas of our country. I think it is unfortunate

that they should be concentrated largely in those areas of previous Emergency situations at the expense of the other areas in the country. I think that generally the social problems of juvenile delinquency, the problems of children and other persons of this nature running around in the urban areas, is becoming a country-wide problem and not just an Emergency problem, and the Government ought to apply itself. I think, more effectively to this problem in terms of the country-wide social problem and also in terms of the problem that demands the activities of these charitable organizations, but also the activities of the Central Government. I join hands, Sir, to this extent with the Minister and his words of appreciation to these organizations. I think I might stop at that point.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time to terminate the Council. I would like to inform hon. Members that on Thursday, I understand for the convenience of the Council, we shall sit all day from 9.30 and again at 2.30. Tomorrow, the 27th May, 1959, we shall sit as usual at 2.30 p.m.

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

Wednesday, 27th May, 1959

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

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

PRAYERS

ADMINISTRATION OF OATH

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

William Henry Gunson.

NOTICES OF MOTIONS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to give notice of the following Motions:—

CEREAL PRODUCERS (SCHEDULED AREAS) BOARD

THAT this Council approves the exemption from income tax of gains or profits of the Cereal Producers (Scheduled Areas) Board resulting from any cess or levy imposed on the yield or output of any cereal.

SUPPLEMENTARY ESTIMATES No. 2 OF 1958/59

THAT a sum not exceeding £821,621 be granted to the Governor on account for, or towards, defraying the charges of Supplementary Estimates No. 2 of 1958/59.

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 2 OF 1958/59, PART I

THAT a sum not exceeding £1 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimate No. 2 of 1958/59, Part I.

DEVELOPMENT SUPPLEMENTARY ESTIMATES No. 2 OF 1958/59, PART II

THAT a sum not exceeding £18,008 be granted to the Governor on account for, or towards, defraying the charges of Development Supplementary Estimate No. 2 of 1958/59, Part II.

STATEMENT OF EXCESS, 1957/58

THAT a sum not exceeding £10,983 8s. 15cfs. be granted to the Governor

on account for, or towards, defraying the charges of Statement of Excess 1957/58.

In accordance with Standing Orders I beg to notify that the consent of the Governor has been signified for the introduction of these resolutions.

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

ENDING OF EMERGENCY

THAT in view of the importance of creating a democratic government in Kenya, this Council urges the Government of the country to bring the Emergency to an end, so as to allow the formation of National Political Organizations irrespective of race, colour or creed.

BILL

SECOND READING

The Land Control (Native Lands) Bill
Order for Second Reading read.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, I beg to move that the Land Control (Native Lands) Bill 1959, be now read a Second Time.

This Bill is complementary to the Native Lands Registration Bill and provides the machinery for the control of land transactions in areas to which the Registration Bill will be applied. In addition the Bill has been so drafted that it can be applied, if required, to any area in the native lands independently of the application of the Registration Ordinance.

The Bill, as published, is modelled on the Land Control Ordinance (Cap. 150 of the Laws of Kenya), and has been expanded from the legislation as proposed in the Working Party Report in Appendix D. Sir, the need for exercising control over land transactions after first registration of titles was discussed in paragraphs 28 to 36 of chapter 23 of the East African Royal Commission Report, and attention was drawn in those paragraphs to the dangers arising from individual ownership of land among the peasant communities—namely the emergence of a possible emergence of a chronic state of indebtedness, the continued fragmentation of holdings and the unproductive accumulation and holding

[The Minister for African Affairs] of land by a few individuals in circumstances of little alternative income earning opportunity for those who have parted with their land.

The working party in paragraphs 98/100 of their report considered that the control of land transactions in the native lands should be exercised by boards composed mainly of Africans under the chairmanship of a district officer with other members nominated by the Provincial Commissioner and the African district council of the area.

Clause 4 of the Bill establishes the lowest of these boards—the divisional board—which has in the Bill as published a majority of African members who will be elected since it was felt that as a matter of policy elected members of the boards would be of great value and the people of the area in question should understand and be closely associated with what is being done. It is considered that the board should be established at roughly administrative division level since experience has shown elsewhere in Africa that there is a tendency on the part of those who wish to transact business in land to neglect to bring such transactions for approval to a board if it means a long journey to do so.

Clause 5 deals with the control of land transactions by a divisional board. It provides generally that no transaction may take place without the consent of the board but in order that the board should not be overburdened with applications, clause 11 (1) (a) enables the provincial board to give a general consent without application to the divisional board in respect of any class of transaction. For example, this would mean probably that sales of land not involving any subdivision between Africans of the same district would be covered by a general application of this nature. Such sales have been going on for some years past and it would be quite unrealistic now to require the consent of a divisional board in every case. It should be noted also that in clause 11 (c) and (d) the Governor may, after consultation with the Trust Board direct that the divisional board shall not give its consent to any specified transaction or class of transactions or direct that any application for consent to any speci-

fied transaction shall be referred to the provincial board. There is a specific responsibility imposed upon the Native Lands Trust Board by section 7 of the Kenya Native Areas Order in Council to protect the interests of the African in the native lands.

Sir, in paragraph 104 of the Working Party's Report they envisaged that in accordance with paragraph 36 of the Royal Commission's Report a direction under clause 11 (1) of the Control Bill will be given that the sales of land between races will be forbidden. It also recommended that a further direction be issued in the early stages requiring that leases of land to non-Africans should be approved by the provincial and not the divisional board. The Government is in agreement with the recommendations of the Working Party and intends to see that such directions are issued.

The Working Party in its report, paragraphs 113 to 115, considered what positive action could be taken to put an end to the practice of uneconomic subdivision which it rightly considered one of the greatest obstacles to good land usage. As hon. Members will have seen from the Bill it has proved impossible to provide by legislation for the prescription of minimum size of holdings since any such measure of control must be elastic and capable of variation from time to time and from place to place.

The proviso to clause 6 (1) which prohibits the divisional boards from giving their consent in cases where they would infringe the direction of the provincial board under clause 11 (1) will provide this particular safeguard since it is the intention of the Government to issue detailed instructions to provincial boards in respect of subdivision below a minimum size in each ecological zone of the province concerned.

Similarly a direction will also be given as regards large accumulations of holdings for non-productive, speculative purposes.

Clause 9 provides for appeals against the decision of the divisional board in certain cases and clause 10 establishes the provincial boards. The powers of the provincial boards are set out in clause 11 and I have already indicated just now

[The Minister for African Affairs] that certain directions will be given to them as regards subdivision, accumulations of land and transfers of land between races.

Clause 12 (3), Sir, provides for an appeal to the Governor from the provincial board by any person aggrieved by the refusal of consent to any transaction relating to land or any right or interest in land being a transaction between persons of different races or of different tribes.

Four new clauses have been added to the legislation proposed by the Working Party in Appendix D of the report. Clause 13 (1) provides for the chairman of a provincial board to refer any consent or direction or any decision of a provincial board to the Governor if such consent, direction or decision appears in conflict with the general or special direction given by the Governor under clause 11.

Clause 13 (2) deals with the failure by a provincial board to comply with any general or special direction of the Governor. In either of these two cases the Governor can take action to give effect to the policy laid down.

Clause 14 provides for the carrying out of the duties of the board in the event of a lack of persons available for appointment to the board.

I have, Sir, made no mention of the question of unproductive indebtedness which may result from the indiscriminate charging of land when it has become a negotiable asset but the Working Party did draw attention to it in paragraphs 105 to 107 of their report and we have set up a small committee to examine and report on what special controls are necessary.

So, although it may appear in this Bill that we are providing for a very comprehensive system of control in land transactions, it is, Sir, the view of the Government that when such a radical change is made from customary communal tenure in the African lands to individual freehold, Government would be failing in its duty if it did not provide as far as is humanly possible a strict form of control which, of course, can change as circumstances dictate.

Sir, in conclusion, may I emphasize once again that this Bill is designed to

apply to those areas where registration will be applied and that the Control Bill has four main objectives. The first is to prevent uneconomic fragmentation by giving provincial boards the power to prescribe minima for subdivision. The second is to prevent large accumulations of land for non-productive speculative purposes. The third is to prevent widespread unproductive indebtedness. The fourth, Sir, is to prevent transactions detrimental to the landowner's family when the owner realises that he has a negotiable asset.

Sir, I have covered this Bill rather briefly, perhaps, but it has been, or most of its clauses result, from the Working Party's Report which has been circulated to hon. Members of this Council for some considerable time.

I beg to move, Sir.

Mr. WEBB seconded.

Question proposed.

Mr. TOWETT: Mr. Speaker, I rise not as usual to support, but to oppose. I feel that the Government is going the wrong way or is handling the native lands in the wrong way.

It has always been accepted by most African tribes in this country that the lands which come under the Native Lands Trust Ordinance are actually controlled by the African district councils; and because of that the Africans in those areas and the African district councils believe that the Government, the Central Government, has nothing whatsoever to do with the direction of the lands in the African land units, and the Government is starting the whole problem that is going to cause a lot of resentment from the Africans in the African land units when they try to legislate and to impose some legislation upon the Africans in the African land units.

Looking at the Bill, Mr. Speaker, I object to what has been put in and I reject and I oppose the whole thing as it is. But there are some more serious points in the Bill which should not have appeared in this Bill.

The first one is the word "native". The word "native" has outlived its time. The word "African" must appear in all Government legislation and not the

[Mr. Towett] When I come across this word "native" I feel that it has a South African opprobrious and sinister application. So not only in this Bill but also in future Bills the word "native" should be obliterated wherever it appears and that instead the word "African" should be put in.

Mr. Speaker, looking at this horrible Bill, one wonders what powers the Government thinks about giving to the district officers to be the chairmen of these so-called proposed divisional boards. I am not in a position at the moment to give a prognostication of the trouble that is going to be caused in the country, but I am aware that the presence of a district officer in anything to do with the African land, and that district officer does not know the sentiments of the people of the area, he might have their viewpoints, but when it comes to the feelings of the people concerning the way they are used to having land and how they handle land and land matters, then no district officers, and not even an African district officer unless he be of the same place, will ever know what it means to be a chairman of a divisional board. So I feel that while I am objecting to or rejecting this Bill, when I come to the Government to ask all the African district councils in this country to make by-laws controlling land, the problems or the ideas of having district officers in such divisional boards should be washed out of the Government's mind and everybody's mind. Instead of a district officer, when it comes to controlling land, and by-laws made by African district councils, we should have Africans of the area who understand the people and who know the customary land-rules of each particular tribal group. So the problem of district officers, and trying to bring in district officers in any form, to try to interfere with our land usage and our customary rules on land should be washed out now and in time to come.

Under clause 4, Mr. Speaker, Sir, subsection (3) says: "The members of a Divisional Board shall hold office for such period as the Provincial Commissioner may direct." Let us look at it from this point of view. Let us give the power or powers to make by-laws to the

African district councils and let them determine the length of time during which the members of the divisional boards are going to sit. I feel that when we give power or authority to the Provincial Commissioners to fix how long matters are going to wait it may happen that some of us, or of people with what I call dynamic ideas, people who want things to be modified and, say, at a quick rate, the Provincial Commissioner will say or will decide that the members who are there and who happen to follow, say, ten years ago, or 1918 principles of land tenure, should continue to sit there. I feel we should not, while rejecting this Bill, give the Provincial Commissioners any powers to have anything to do with the control of our land rules as well as the duration of the members who will be sitting in the divisional boards.

My next point, Sir, which is more terrible than all the others, is in connexion with clause 5 where it says: "No person shall, in respect of land situated in a division, except with the consent of the divisional board or of the provincial board, or by virtue of a general consent given by a provincial board in accordance with the provisions of section 11 (a) sell, lease, charge, exchange, partition, subdivide or in any way dispose of or deal with any such land, or any right or interest in such land; or (b) acquire any such land or any right or interest in such land (otherwise than by prescription) on behalf of himself or on behalf of any other person or of any company registered under the Companies Ordinance; or (c) sell, transfer, or otherwise dispose of . . ." I will leave it at that.

It is very unrealistic that we people who have been found by the Government in this country, the very same Government which is legislating here today, to be told how we should handle the land. We shall be refused from selling when we want to sell or from leasing when we want to lease or from exchanging when we want to exchange or from partitioning when we want to partition. Now, I feel that this Government which found us here should consult the people of each particular area and study the conditions in those particular areas and ask the elders in all those areas to tell the Government what those

[Mr. Towett]—people should be doing and not what the Government should think it should be doing to the people. Why cannot we look at things in a more realistic form? Why cannot the Government just say, "Now, we are trying to give legislation to these people and yet we have found these people here. What can we give to the people that will be acceptable to them? What can we learn from the people?" I feel we should first of all put this Bill somewhere far away from us and go back to the country and ask the people and establish the rules about the tenure of land and get customary laws from the people. For example, Sir, my friends the Masai across the border here. They have their own very intricate but extended system of land tenure. Their's is not like that of my friends the Luos in Nyanza Province. They have another elaborate system, but when you come to the Bantu group of tribes you come to the Akamba and the Kikuyu and their systems are more complex, more complicated, more intricate than even that of the Kipsigis or the Nandis. Now, Sir, what we want is not to make any form of legislation here which would be applied at the discretion of the Minister or of the Government to the people. We want to go and ask the people to make their own legislation in the African district councils and then to advise the Government. I feel, Mr. Speaker, that our Government should be more realistic, more practical in its work, and actually ask this House to withdraw this Bill.

Now, about the land tenure and the sale of land, the Government is trying, it appears, to pin us down. When I have got four or eight acres of land, like the eight I have at the moment, the Government will say: "All right, you will sit there. The divisional board says that that land is for your use. It will be enough." So when I want to purchase land from another location in the same district the divisional board chaired by the district officer will say: "Oh this man—he can live on his salary, and he should not actually be allowed to buy land." Somebody else will want to buy land from me and the divisional board will say: "No, you should not buy land." The system advocated here of you having to forward your application

or to go and see the divisional board and then from there you wait until they decide; when I sell a bull or an ox or a cow I want to go and purchase land with the proceeds directly. I will then have to wait for the decision of this wonderful divisional board and it will probably be two or three months before I receive a reply. I feel that we should not in any manner ask this House to give any form of legislation to the Africans in the African land units. Probably when it comes to the White Highlands or the African Highlands, as we call them, we can then ask the House to make some form of legislation applicable to those areas.

Coming to clause 6, Mr. Speaker, Sir, here we read, and I quote: "(2) Every decision of a Divisional Board in the exercise of its powers under this section shall be given in writing, and shall be signed by the Chairman; and, where the Board refuses its consent to any transaction, it shall give its reasons for such refusal." This, of course, should actually be worded in a better way when it comes to the African district councils rewording and readopting what you are trying to propose, and it should read as follows: "Every decision of a divisional board in the exercise of its powers under this section shall be given in writing in a language understandable to the addressee." My addition is: ". . . in a language understandable to the addressee". When the African district councils adopt these things they should write their decisions in a language understandable to the addressee.

I know that the Government has already known that this Bill is not acceptable to the African community—not to the Kipsigis, not to the Masai, not to the Nandis. We want the laws to come from them and not to drop them on to them.

Coming to clause 9, Sir, it says: "Any person aggrieved by the refusal of a divisional board to consent to any transaction relating to any land or to any right or interest in land may, within thirty days of the date of such refusal, appeal in writing to the district commissioner stating the grounds of his appeal against the board's decision, and, upon payment of the prescribed fee, the district commissioner shall—" And then you have clauses (a) and (b). Before I go

[Mr. Towett]

on to them I want to say something about the first part. Now, Sir, this is the beginning of another form of taxation, another thing from the Minister for Finance. You tax us everywhere. You tax the people even when they are used to their own way of settling their own disputes in their villages without anybody being taxed, and now you come and say, "... shall upon payment of the prescribed fee..." You are beginning to tax the people again because someone happens to be selling his land, and he has got to see a made up board somewhere and then that board will say "No" and then this man will want to see the district commissioner, but before this man goes to the district commissioner he has got to pay a fee. Well, if they are not going to see the *labans* and give them money as they used to do to please them or to placate their feelings, then why have this fee at all? But that is not exactly what I wanted to say there. There is something else.

It is said "... within 30 days of the date of such refusal, appeal in writing..." Well, Sir, why appeal in writing? Why not appeal in writing or in person? When you say appeal in writing, my father, although I can write, cannot write. Then when I am away, as I am here, if there are any difficult problems my father is expected to appeal in writing; instead of that my father should go in person and present himself to the district commissioner. That is being very unrealistic here. I am sorry, but I used to think that the Minister for African Affairs was always very careful and scrupulous in the way he looked at the written documents, but today he forgot to see that the phrase "to appeal in writing" cuts out a lot of the African people today. How many of them can appeal in writing? Or should they go and employ somebody, a clerk, pay another form of taxation, or go to an advocate's office and say "I want to appeal to the district commissioner" and then the advocate writes the letter for him in English and then a fee is paid. Now, I feel that the Government from the time it started drafting this Bill has really been very unrealistic.

I will now go down to clause 12, and there we have towards the end of the first paragraph, or, rather, subsection (1),

there is something very interesting. Let me quote the whole subsection (1) and then you will see how interesting it is: "The provincial board shall hear and determine all appeals referred to it by the district commissioner in accordance with the provisions of section 9, and, subject to the provisions of subsection (3) of this section, the decision of the provincial board shall be final and conclusive and shall not be questioned in any court." You will finalize things at the provincial level. Therefore we do not need to come to the Legislative Council. We could have the Legislative Council in Kisumu instead of coming here. Now, it is a very serious thing. Even with the proposed composition of the provincial board, Sir, it is given powers to hear some of the complaints brought to it by the district commissioner from the divisional board and then here to confuse the whole mind of the Government after hearing the complaints from the divisional boards it then concludes finally that what we have said is God-given and unalterable. It is nonsensical. When you give somebody powers to look at it and review it and advise you, you do not say at the same time, "Your judgment is final" if it is reviewing, advising and looking at it. Why at all if you want this body, the provincial board, to be final. You should not have given it any powers of reviewing what has been decided upon by the divisional boards, because it is just happening that you will go to the divisional boards and you do not agree there, and then you go and take your grievances to the provincial boards, and then you go to heaven, and not even through purgatory. It is not realistic. We should have to do something about it, say, the finality could come up to the Minister. I think that by the time we have got this finality of everything with the Provincial Commissioner the Minister should resign, voluntarily. If everything was finalized at the provincial level—what would then be the work of the Minister?

AN HON. MEMBER: He is going.

AN HON. MEMBER: Another one can come!

MR. TOWETT: Yes, I know that if this Minister goes another one will come.

Now, Sir, to conclude my very short speech I would give you a quotation on

[Mr. Towett]

how the Government should actually consider the affairs of this country, and I will just quote from a huge volume called *An African Survey—Revised, 1956*, by Lord Hailey. And with your permission, Sir, I will quote one of the pages thereof. It is page 811:—

"The Study of African Systems of Land Tenure"

Whether modification in the traditional system of land tenure holdings be due to the influence of economic change or to action taken to implement State policy, there will remain with the administration the obligation to make itself fully acquainted with the indigenous methods of land tenure. The obligation will indeed be the stronger if change is due to the determination of official policy, since it is only knowledge of the existing indigenous practice which can secure that the change shall be evolutionary and command the acceptance of the people most closely affected. There will remain, moreover, a wide field for study of land custom in order to provide guidance for the tribunals which have to deal with land issues. There are few matters which are more likely to inspire confidence in the goodwill of an administration than the knowledge that it is determined to give serious regard to a matter of such vital concern to the interests of the great majority of the indigenous population.

Governments have in the past, admittedly made serious errors for lack of such special knowledge. The reservation of a large area of land for the Buganda king and his chiefs in 1900 was an act of political expediency; but the decision that the rights granted over it should take a form which was practically that of freehold produced unfortunate consequences, not merely by overlooking the existence of clan rights in the soil, but, even more important, by neglecting to realize its inevitable effect on the traditional relationship of the peasants to the chiefs. In commenting on a study made of the Yoruba land systems, the Governor of Nigeria admitted that the failure to study existing land tenures had led to grave mistakes in the past; a similar admission was made in the official

report on the North Kavirondo tenures in Kenya.

The mistakes of the past have arisen mainly in connexion with rights over land of which the administration desired to take possession or with measures conferring upon African landholders titles implying rights not recognized by custom. There are now other spheres of action in which difficulties may arise through the absence of adequate information. Examples readily suggest themselves, as for instance measures designed for the creation of model holdings of an economic size, schemes for the colonization of irrigated areas, or the resettlement of Africans moved from overpopulated or teise-infested land. All such measures, if introduced without full knowledge of the rights existing over the land to which they are applied, may create such resentment as would seriously prejudice the proposed improvements."

I have skipped one paragraph, but I also want to finish it because I see certain Members are getting tired.

"In the United Kingdom the Secretary of State for the Colonies addressed in 1939 a despatch to the Governments of all British dependencies in Africa indicating the necessity of making a systematic study of the principles of customary tenures as a basis for the registration of titles if and when this was considered opportune. The suggestion was developed by an informal committee which met at the Colonial Office during 1943. This body recommended the establishment in London of a formal committee to advise the Secretary of State on land questions, and a panel of advisers was set up in 1945."

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): I think, Mr. Towett, we are getting a little beyond the practice of reading short extracts.

MR. TOWETT: I have just one more sentence, Mr. Speaker.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): One sentence—we have all read this book you know.

MR. TOWETT: "If included among its functions the provisions to the Colonial Governments of information on land problems and policies, and among its

[Mr. Towett] more immediate objectives arranged for the preparation of a bibliography of existing studies", and I conclude there.

Mr. Speaker, Sir, now we have had ample information about the need for studying the African customary law on land. What has the Kenya Government done? Has it initiated at any stage a committee to go and study and produce documentary evidence apart from this so-called Working Party which went out without any African going round with it and having a nice tea in the area, and I praise that because you know when you drink more tea you bring more revenue into the country, so that is what they did for the country. We do not have anything today which shows that the Kenya Government in its efforts to implement whatever policies it wants has done anything at all to study each tribal group of customary laws on land. That is as far as I am aware. Just a few days ago I was asked at Kericho to sit in a committee which was trying to investigate into the land registration methods and land inheritance. That was at Kericho, but that was not actually sponsored by this Government here, with people from here who have knowledge about land tenures. I know the land tenure officer one day visited Kericho, I never saw him, but he was there for a couple of days. We want him to go for months and study and know and come to understand these things, and then he is in the position to know what is placed on the head of the people when we know exactly what we have studied from their customary law.

Mr. Speaker, Sir, I seem to have been what you call "longwordite" in this, but it is a special point. I feel it from my heart, and I think we should not—and I repeat not, to the Minister opposite—we should not accept this until we have documentary information, and I hope my colleagues and everybody else who sympathizes with the African point of view from the customary point of view should actually support me in saying this thing is actually too early—I mean the Bill is too early.

With these few points, Mr. Speaker, I beg to reject the proposition.

GROUP CAPTAIN BRIGGS: Mr. Speaker, Sir, I have here a copy of the Carter

Commission Report. However, I do not intend to quote from it very extensively. I merely have it here for reference in case it is needed.

Now, Sir, it is not, I fear, possible for me to speak on the Bill before the House without considering the broad implications concerning the future of the European Highlands. I would therefore like to touch very briefly on some matters of history and of fact which it is necessary to bear in mind in considering this Bill. Now in 1933, the Carter Commission as one of its term of reference was called on "to define the area generally known as the Highlands, within which persons of European descent are to have a privileged position in accordance with the White Paper of 1923." The same commission also referred to Lord Elgin's declaration of 1906 and the White Paper of 1923, as providing the basic guarantees of the European position in the Highlands. Now I think this is rather important, for it was on the basis of past pledges that many Europeans came to this country, made their homes here, and invested their capital. Now the recent Government statement—

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Group Captain Briggs, this Bill does refer to native lands—you appreciate that.

GROUP CAPTAIN BRIGGS: I am aware of that, Mr. Speaker, but it did appear to me that having regard to the Government's statement, which I am coming to shortly in regard to other intentions, that what is decided in relation to this Bill may very well have an effect on future legislation. That is why I am making these points, Sir. If I am out of order I will do otherwise.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I am in some difficulty because a statement was made recently on general Government policy with regard to land, so I will allow you to proceed, but remember, please, that we are primarily discussing control of native lands.

GROUP CAPT. BRIGGS: Now, Sir, the recent Government statement to which I have just referred does suggest, or it did suggest, that those pledges and many subsequent assurances have been either

[Group Capt. Briggs] forgotten or to some extent ignored, and in such circumstances if it is Government's intention to make use of the legislation in the future, and implement their policy against the wishes of the European landholders, then I consider it would only be just that some form of financial cushion should be provided to stabilize farm prices, so that those European farmers who may feel that they were encouraged to settle in Kenya on the basis of those pledges can, if they so wish, dispose of their assets without grave financial loss. On the other hand, I hope the Government will reflect on the implications, particularly the future implications of the broad policy which they have given, and realize if they press their policy, against the large section of European public opinion, the net result can only be an outflow of European capital, skill and enterprise.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think, Group Capt. Briggs, this is getting a long way from the terms of this particular Bill.

GROUP CAPT. BRIGGS: I am sorry, Mr. Speaker, Sir. I will try and now get closer to the Bill.

Personally, Sir, I do not believe that the forcible breaking down of the land barriers as between the African tribes will work in practice, for I believe that they are as much entitled to preserve their own traditions and their own way of life and their own tribal customs as our own community are.

Now, Sir, it is quite clear, or it seems clear to me, from sections 12 and 13, that the Governor has the power to overrule decisions made by the land control boards. If those sections are read in conjunction with the recent statement of Government policy on land, it is clear that the decisions of those boards can be reversed at any time in pursuance of Government policy. To my mind, Sir, while I agree that it is necessary that certain powers should be reserved to the Governor, I believe those powers should be confined to the power of veto. In other words, if for some special reason, of which he is aware, a particular transaction should not be permitted to go through, then I think he should have the power to veto it, but I do not think

he should have the right to overrule decisions made by the land control boards otherwise.

Now, Sir, at the General Election in 1956 eight European Elected Members, including myself, were returned pledged to uphold the pledges in regard to the European Highlands and the Native Land Trust units, and I am still firmly of the opinion that the transfer of land in the African land units should be controlled by the Africans subject to certain safeguards in regard to exploitation and fragmentation and that sort of thing, and I am equally of the opinion that the European should have control, and when I refer to control I mean absolute control of transfers of leases of lands in the European Highlands.

Now, Sir, there is a great deal in the Bill which I could support, particularly the intention to provide the African with security of tenure, but unless the Government can see their way to amend sections 11 and 12, in the light of the pledges given by me at the General Election, I do not feel that I can support the Bill.

I must, therefore, beg to oppose.

DR. KIANO: Mr. Speaker, Sir, my hon. friend the Member for the Southern Area has dealt clause by clause, I believe, with this Bill in front of the House. Now, Sir, I am going to put some questions mainly from the point of view of policy issues implicit in this Bill, as well as some of the economic issues which are likely to arise as a result of the passing of this Bill or the failure of this Bill to pass in this House, my hope being that the Bill will not be approved by this House.

Mr. Speaker, Sir, I consider that the Land Control Native Land Bill is the wrong answer to very important issues which are facing the country today; these questions being, how best to utilize the land available for the people of this country, and secondly how to meet the problem of landlessness that will follow closely the issue of land consolidation and land reforms, and thirdly the question of how the African can use his land, as security, in search for loans in order to develop that land without, at the same time jeopardizing the land he holds or borrowing money which might lead to

[Dr. Kiano] his actually losing the piece of land he has, and fourthly, another issue which I think is connected with this whole question, is how to face the deep racial feelings that are connected with the land question and I consider that the other Bill presented to us as a predecessor of this Bill, which is the Land Registration Bill, was also inadequate, and in many cases giving an inappropriate answer to these major issues.

Now, Sir, the reasons given mainly for the land reforms taking place in the country, the reasons that are appreciated by all the people, are mainly economic. We are told that it is necessary, and I quite agree that the Africans must transform their agricultural practices from subsistence to more or less commercial and surplus production type of agriculture, and that is a very good idea. So long as the largest part of my people is engaged in subsistence farming we cannot speak of economic development at all, and we do consider that the economic arguments which could be forwarded to show that land changes or land reforms will bring about this transformation from subsistence farming to commercial farming such arguments will always find ready response on our side. However, Sir, since that took place, the type of views that we find in this House are not views that seem to be helping the people to really undertake economic farming or commercial farming, but Bills more or less concerned with sheer questions of control. We are told, for example, that security of tenure was not very appropriate or not able to be practised so long as we have the tribal type of land tenure. To that extent there is a point there. We have listened very carefully and we find this Bill even outdoes or "out-ribes" the tribal system of control of the people as far as the use of their land is concerned. We find, for example, that the Bill—I mean the Bill proposed—provides for power to control even land transactions among individuals within the same family. At least the tribal system did not go as far as that, and we see therefore that what this Bill has done is not really to prove to be a step forward but essentially a step just where we were and simply changing control from the tribal group to the Government group, but maintaining more or less the

same types of control and the same inabilities that were found in the tribal systems that we are asked to obliterate. We find that when a board is there to even determine whether a person can sell a piece of land to his brother, or whether a person can sell a piece of land to a fellow clansman, I think that we are taking this control a little bit too far almost to remind one of the types of life envisaged in a book by George Orwell called *1984*. We do nothing where the problem lies. The problem lies in how the people can use their land for security and where the money is that we can borrow in order to develop their land. I shall be coming to the economic section a little later on.

I should say, Sir, that this Bill is very much of a disappointment because we find that it is essentially aimed at protecting the African from the African. That is all that it seems to do, is to say we are going to control transfer of land between one African and another African. Now, I am not saying that Africans are most unlikely to exploit other Africans—far from that. I think the question of one person exploiting another is not a racial monopoly. It is something that can be found in all communities, but here we have a Bill mainly intended to control the transfer of land between the African people themselves. One of the excuses given by the Minister is to avoid, and maybe he has a very good point here, is to avoid the accumulation of a lot of land for speculation, but what I would like to know is this: Why is this Government always doing things in a piecemeal way? Why is the Government always looking at it a little way and not as far as the whole country is concerned? What have they done to see that land is not accumulated in the areas outside the African territories, and I think, Mr. Speaker, that if the question of accumulation of land is wrong, and I entirely agree that it is wrong, that what we need is a board that is empowered not only to deal with the accumulation of land by one African, but to see to it that no land is accumulated or that land which has been accumulated in that sense is reallocated and that we do have an accumulation of land unutilized by some persons in this country, and therefore, Sir, this means that we do need some

[Dr. Kiano] sort of Land Utilization Bill that looks upon the utilization of land not only in the African areas but also in the areas which have been so wrongly called the European Highlands.

Now, Sir, we come to why I find the Bill disappointing and inappropriate and untimely, and that is that this Bill still is not so much a question of the people who are going to be landless as soon as we finish land consolidation in my area, but mainly a Bill to try and stop fragmentation of land in the future years. Now, Sir, the Working Party's report did say that a problem is going to arise as to the question of inheritance of land, and inheritance would again lead to fragmentation of land in these territories. But this is the question, Mr. Speaker, are we going to pass laws in this House to tell people how they can will their property, how they can utilize what they have and to the extent that even one's private property becomes part of the legislative control of this House. Now, Sir, I see the dangers of fragmentation, but I do not believe, as proposed in the Working Party's report, and as indicated here, that this matter can be controlled by administration, because, Sir, what is necessary in this country is not so much to control the African but to enable him to do things for himself and one thing that the African requires to do in this country very soon is to make a will and a will that can be enforced in a court of law—not to simply say we must leave this also to the boards to decide what can be done, or as implied in the Working Party's report, to say perhaps a committee of elders might deal with the question of inheritance so that the fragmentation will be prevented that way. I think what the Minister ought to be thinking about is how the African can be enabled by the laws of Kenya to make a will and make a will which can be enforced in this country in the courts of this country, just like other persons can do, but the question of having a committee or board to tell me which of my sons will inherit my land, or how they will divide it between themselves, I think that, Sir, is a question which should be outside Government control. When we talk of democratic government we imply a limited govern-

ment—a government in which there are some areas of life that Government must leave free to the individual to decide for himself, and I think this question of inheritance is one that should not be so much a faculty of the legislation by the Government.

Now, Sir, we come again to the reasons given not only for this Bill, but for the various reforms in land that are taking place. Members of my group have asked why it is that this Bill and its predecessor which took place about a month ago, has to be passed now when only a very very small part of the Colony has really undergone some of the changes which are dealt with in this Bill. What I have in mind is this. We do have land consolidation which have been completed now in one of the districts which I represent—Kiambu, and I think also that it has also been finished in Nyeri. It is still taking place in Fort Hall. I do not think it is going to be finished this year. I do not think it has been properly started, if I may say so, in Embu. If they have they have not finished it. The Minister frowns, but at least they have not finished it anyway, but the question is this. There has been a lot of questions in the minds of many people as to the rights and wrongs of consolidation. The question of economic benefit has not been questioned. It has been mainly the administrative questions that have been raised, but, Sir, if we are going to show the rest of the country that there is something good, or economically defensible in the type of reforms that are taking place in the Central Province, the first thing to do is not to pass a law of this type, but to make the necessary economic facilities for those people who are going to have titles for their land, and then to pass the necessary regulations to show that they can borrow money within the ideas set down in this Bill. What I have in mind is this. Not a very long time ago the hon. Member, Mr. Slade, put up a Motion requesting that the facilities of the Land Bank be extended in order that they could provide borrowing facilities for the Africans who are now farming on more or less commercial, and an agricultural basis, and I think that Motion was accepted by Government, but since then we have not been told what is being done, or what Government intends to do to implement the ideas behind the

[Dr. Kiáno] Motion, and I think that if this Government was to follow what I call "first things first" policy, people would understand that something is good when they begin to see some economic results in their hands, and the people will begin to see good economic results in the kind of things that are going on in my province if we concentrate first and foremost on first where we are going to get the money to lend to these people, and secondly, how we are going to administer those great facilities which we shall start, and thirdly, how the people could utilize the land as security for these loans without, at the same time, jeopardizing the ownership of that land to non-African financial institutions. Those, Sir, are the questions which are uppermost in the people's minds, and those are the questions which would then have to be settled before we even move any further than what we have done at this stage.

Now, Sir, I come to another part of this Bill, which is a bit worrying, and that is some of the implications—some of the racial implications which would come up in this Bill. Now, when you are dealing with the question of land, particularly in the African areas, one has to be very, very careful not to turn this country into another strong racial strife lest, perhaps, misunderstandings or, perhaps, wrong policies occur. Now, it has been said by some people that what this Bill does is in addition to controlling transactions of land between people and one African and another, that also it implies that no Europeans or Asians, non-Africans to be quite frank, will be able to purchase land in the African areas, and to that extent, yes. But, Sir, one of the burning issues in this country is the utilization of land in the White Highlands. It has been heard by the people that as soon as this Bill is passed it will create a precedent for the people now in the farming areas wrongly called the White Highlands to come to the Kenya Government and say, "Now look here, chaps, you have now protected the Africans from any non-Africans in their areas, we want a Bill that will also make it clear that the Highlands will not be open for non-Europeans", and therefore we will have created a bad precedent. Government will be in a very weak position. They

will say, "Well we had to protect them, but not you", and they will be in a very weak position and the Government might give in. I say that this is the first step towards the freezing, as they call it, the freezing of the idea of the entry of the White Highlands by non-Africans—then, of course, we are not going to be a party to accepting a Bill of this nature, and it is going to be very, very important when the Minister is answering this debate to make it very, very clear what he has in mind in that regard, because we cannot accept a bill without the proper context of the issues that face the country, and one of those issues is the question of the entrance into the areas known as the European Highlands by the non-Europeans, and I feel that that is an essential part of this debate, and if Government does not come out clear on that part then I am afraid suspicions will continue in the air, and when they go to the country to try and sell the ideas in the Bill to the people, the people themselves will say, "Aha, this Bill is simply the beginning of making it impossible for us to have something in the European Highlands", and in this regard, Mr. Speaker—and I will be very careful not to go outside the scope of the Bill—in this regard I would say that we do not feel the issue of land as regards the Europeans is tantamount to being exactly the same as the issue of land to Africans. Until today most of the African people look upon land as the only one and sure piece of security they have, and the only kind of economic security they have. The level of education is such that most of our people are not educated enough or trained professionally or vocationally enough to be able to earn a living without feeling that it is necessary to have a piece of land in the country. Most of my people are not educated, and to that extent we feel that it is necessary to protect them from speculation, particularly from the more moneyed communities until such time as they themselves make up their minds what the future policy should be. And that is the one and only reason why we have said that the removal of racial barriers as far as land is concerned must not imply the jeopardizing of the African lands to go into the lands of non-Africans and at the same time we do say while this is the situation on the African side, it is not

[Dr. Kiáno] the same situation arising on the European side, because on the European side we find that in the first place most of those communities are not what we may call economically weak. The chances of a European landowner being squeezed out by a big wealthy African by offering him tremendous sums of money is a bit too far-fetched to consider. The European therefore is not so much in need of protection from the African in terms of speculation as the African is from the non-African. And it is to that extent, Mr. Speaker, that I do feel that we must not at any time try to say that the issue is one throughout the country. It is not. The Africans say that at present we cannot open up our parts for the other people, but they should very well open up for us. Because it is very much like a river which has a dam. On the African side you have landless people, you have overcrowding, you cannot very well say: "Let us remove the dam and have the water flowing upwards." You cannot do that. What you have to do is to reduce pressure by opening the Highlands way, but not the reserve way. Now, that has been our policy and we feel that that issue has to be again settled before we can accept Bills of this kind.

Now, one other issue I want to raise in this regard is that Kenya's economy as I have said again is always being dammed by a board here, a board there, a board the other place—I think the only solution, it is just like those organizations such as United Nations Organization and other organizations which when they fail to come to a conclusion, they always turn the matter to a subcommittee. Now, in the same case here, what we seem to be doing is always, "Well, we have an idea, let's have a board for it; let's have an idea, let's have a board for it!" What is required is not so much a board to protect the African from being victimized by his fellow wealthy African but a plan as to the land utilization in this country, one which in the first place says, "All right, if there is land in the Highlands of the country we do not need things like the European Agricultural Settlement Board or the White Highlands Board, those could go and instead have a Land Utilization Board doing the functions of the two as to how we can best utilize

the land that is under-utilized in this country; and secondly, it is not very intelligent for Kenya to try to attract into this country people to come and farm while at the same time you have a growing class of landless people here. We might have a look at it from another view instead of having a board such as the European Agricultural Settlement Board. And thirdly, Mr. Speaker, this Bill is a serious disappointment because when we look at the people who are going to control these lands we find the divisional boards and provincial boards and in one place there is even one provision which I do not remember the number of but it was at the end of the Bill whereby the Provincial Commissioner himself could with the people appointed by himself constitute the provincial board in case there are no people around who would fit the appointment necessary.

Now, Sir, that is a very bad thing, to say that a district commissioner could say, "All right, I have looked round and I did not find people who could really do very well on this board. Therefore I will arm myself plus a few people with all the powers granted to it. Now, Mr. Speaker, why do we all the time feel that the Government of this country must constantly surrender power more and more to administrative officers whose main job is to see that law and order is carried out and who can help in guiding development but who really must not be the Government of the country as the Member for Central Nyanza was saying in his more impressive way. He said that these people are so powerful that you go to the Governor and he says, "I cannot do anything, go to the district commissioner". What I am saying is that matters of land the people who really should have the major say are the people who own the land themselves. In places like Meru you do have the Muhiriga which are a very powerful group of people who do see to the utilization and sometimes the transactions of land. In the case of places like Fort Hall and Nyeri family units could very well be utilized as the major advisory group in the question of deciding the transaction. But I do feel that to say that this matter will rest in the hands of a district officer with a number of elected people is to give power to people

[Dr. Kiano] who are not themselves really too knowledgeable in the matters arising. I therefore feel that we must look again as to which bodies would best guarantee the protection requested. We cannot believe that the type of boards proposed in this Bill will be the best types of boards and we do feel that there again this is a question which could have been looked into before we rush again to this House to approve a Bill of this nature. I have always felt that when you are dealing with African land you have to be careful with this question because it is one of the questions not only economically significant but also racially most explosive and to try to hurry the matter is wrong because it refers to one province—the other provinces have not as yet even begun thinking very strongly about this. I see the Minister for African Affairs questions my saying that this is hurrying the matter but I can say it is hurrying the matter because my province is the only one concerned about it but more of the other provinces have not given thought to consolidation except perhaps Nyanza Province. And that is why I am saying why pass a Resolution when you are at the beginning of the changes from the old type to the new type of land tenure?

To conclude, Mr. Speaker, I want to say this: we are interested in any proposals which are going to increase the productivity of our people, agriculturally speaking; we are interested in proposals which are to enable us to utilize the sources we have more economically than we have done before; we are interested in proposals which are going to make it easier for us to either borrow or accumulate capital for further expansion of the lands we have; but, Mr. Speaker, we are not so much interested in the question of having a board mainly interested in control but one which seems to have forgotten the question of service. I have often thought that the Government of this country was very fond of the question of control but rather poor in sitting down and really coming with specific proposals as to how we can improve the services necessary, required of it. And that is why here again we have a good example of a Government ready to rush and prove to us that they can control, they can provide control machinery, but they have

not as yet told us what machinery they have to serve the people from the point of view of raising their productivity by helping with the question of capital. In other words, I feel therefore that the Bill is wrongly timed; that the Bill fails to deal with the strong racial issues placed in it and that cannot be ignored, and the Bill does not provide those urgently required services that the people in my area are now crying for. They are crying for a method to be able to borrow money, they are crying for a method whereby they could utilize their land and security without at the same time raising the question of transactions of lands between them and non-Africans. These are the issues we are worried about and not this type of Bill.

Mr. Speaker, from that standpoint, therefore I feel that the Bill has failed to meet as I say the most important issues in the country and to that extent we feel that we cannot support the Minister for African Affairs. We would rather say that these issues can wait—sit down and work out the whole land question first, the whole land question first in this country and then look at the various parts of it only later. And because of that, Mr. Speaker, I cannot support this Bill.

MR. MULIRO:—Mr. Speaker, Sir, I also now rise to oppose this Bill. One of the grounds on which I oppose this Bill is that in this very House in the last two weeks the Chief Secretary said that the Ministry of African Affairs or provincial administration was going to be transferred back to his own Ministry. And now one sees that the very provincial administration which we think should be eradicated completely is the one which is being given more and more power. This, Mr. Speaker, we feel is a grievous offence to the Africans of this country. The Africans are completely tired of being treated as a department of State, that anything African should be treated differently from the rest.

Now, if the Government is interested and today I must say this Bill, Mr. Speaker, as far as I am concerned it is a challenge to those people who signed this document of Kenya as a Nation on their land policy. In a few minutes I will be elaborating on that.

I feel, Mr. Speaker, that these boards, the final board to which someone would

[Mr. Muliro] appeal even if, say, it was granted that this Bill could go through, would be a proper legal organization with a magistrate rather than have a district officer or the district commissioner dealing with these matters. Well, the Minister for African Affairs and probably the Chief Secretary in his speech will say those people are very impartial. They are responsible Government servants. Nobody is saying that they are not responsible Government servants, but also the other aspect we have to bear in mind is the fact they are also human beings and as human beings they are liable to human weaknesses. The district officer probably—I do not say they do—might be biased against the same people. And therefore might rule that you cannot have an appeal anyway. We have known quite a number of cases sometimes when the district officer can tell someone that, "You cannot appeal in this case because I feel that it has been dismissed and you have appealed to the African Appeal Court and therefore appealing to the civil court is useless; stay away." Now, I think, Mr. Speaker, that those administrators should not be given magisterial powers which decide the fate of something so important as African land. In this House, Mr. Speaker, in the past African Elected Members have been accused that they do not like land consolidation. We said from the very beginning that land consolidation has also its concomitant problems, social problems which must be reckoned upon and today that is more clear than when we were debating this question of land consolidation, one, two or three years back when it came up in this Council for the first time. Today we see that the division of land is impossible, even to my own child I cannot divide my land to give my child some piece of security. As the Member for the Central Province South declared, it is very clear that every African has no form of security whatsoever except his land. He has nothing but a piece of land probably where his grave will be dug. Therefore, land consolidation, Mr. Speaker, has created a lot of social and economic problems in Central Province and is bound to create these problems increasingly throughout Kenya as more and more land consoli-

dation is carried out. One does not say that land should not be consolidated, but what is very clear, Mr. Speaker, is also the problem which arises out of land consolidation—social economic. The Government of this country should be prepared to fight such problems, prepared to fight such problems by probably creating some industry, by getting some land from the Highlands somewhere and resettling some of Africans. There are many letters coming to us in which various Africans from various places are being ordered by the African courts to leave the land which they have been utilizing for the last 20, 30 or 40 years. Now, those Africans are thrown overboard with no alternative source of livelihood and yet the very administrators whom now we are giving power to under this Bill say that "Well, one cannot do anything, *kwa shauri yo shamba yako*", they will say: "This is not your *shamba*. It belongs to so and so." Now, problems of that kind are very real and everywhere in African areas. In my own constituency I have heaps and heaps of letters from people who have been thrown out of land and more still are going to be thrown over because when one has two or three children he is not allowed to fragment his land. Neither has he got any recourse to which he can get more money to devote this small piece of land probably as a co-operative farm. Even if he would do that, how many of them have got sufficient land which they can develop and farm co-operatively. Many of them have only one or two acres. Now, those are real problems which we have to face before we talk of this discriminatory Bill in this House on land.

Mr. Speaker, here I quote the policy of the New Kenya Group on land. What they say is this, and I quote: "Land should be regarded as an economic asset available for any individual to develop not as a tribal or racial reserve. It must be recognized that today there are strong tribal and racial feelings on this matter. We recommend that all land tenure in Kenya should be progressively brought on the same basis. It is our hope and belief that the various races and tribes of Kenya will eventually develop such integration of interests, standards and traditions, that there need be no racial or tribal barriers. Individual rights of

[Mr. Muliro] property must be the primary consideration but generally our policy must be governed by good land management."

Mr. Speaker, when one looks at a document of this nature, one wonders whether today because of this discriminatory Bill which is before us whether the Government Nominated Members, whether the European Elected Members, whether the Specially Elected Members today are going to sign that because this is not putting the Kenya land on an equal basis. It is putting Kenya land on a discriminatory basis.

Mr. Speaker, I feel that whatever the Government of this country does, they should always do that with a view to creating one integrated nation in this country. As long as the views of the Government and the attitude of the Government are that of separating various interests and various racial compartments, we are not making headway in this country at all, Mr. Speaker, and I think all Members on this side and all those Nominated Members on the opposite side who have their signatures on this document should sign the African Elected Members for the first time will show the building of one integrated nation by rejecting this Bill.

I oppose it, Mr. Speaker.

Mr. NYAGAH: Mr. Speaker, Sir, I rise to make a few observations on the Bill before the House. I know that the African wants security but if we have got to have that security it must be built on a very sound foundation, and what I say today will be in connexion with trying to find a sound foundation for this security.

First of all I notice that in section 4 "Establishment of Divisional Boards": "I am not very sure what it means here, whether it means the consolidation area because during the land consolidation there were areas that were gazetted as areas for land consolidation and they were so selected because of the knowledge of the members of the particular area being consolidated. If we have a body covering a wider or larger area like a division, I wonder whether they will be able to do justice to the people that will be claiming for the transactions of their land holdings. Would it not have been

better to have a locational board instead of a divisional board? I also noticed that the Government has jumped from a divisional board to a provincial board. What about a district board? Was it a deliberate omission on the part of the Government in dropping this board or was it just something that they did not consider at all?

Mr. Speaker, you find in some districts where the divisions are not always on an equal type of standing. You may find a district with perhaps three or four sub-tribes in it and each sub-tribe has got its own form of land tenure. And if you do not consider the transaction of lands on a district basis before going to the provincial board, you may make a mess of the intended security.

Secondly, Sir, under the same section one notices that the chairman is going to be a district officer and also in a further place under section 10 in the provincial board the Provincial Commissioner will take the chair. And there are two appointments of at least no more than two members appointed from the rank of the public officers. Now, one can only presume that these public officers will be perhaps long-standing clerks in the offices of the administration or perhaps chiefs. We all know some opposition which has been levelled at the land consolidation because of the appointment of people connected with administration and if we are going to have again people like public officers in a control board we will find the same criticisms levelled at the control boards. I would suggest that seeing that this board or these boards are meant to try and settle disputes or perhaps sanction transfer or exchange or sale of land or lease, they should be absolutely free from every Government interference and the chairman of these boards should be one of the people in the area that constitutes the board. It was necessary to have such a chairman leading the land consolidation unit committees from among the people in the area that was being consolidated. I think it should be the same for these boards.

And a further section, section 4, Part 3: the members of a divisional board shall hold office for such period as the Provincial Commissioner may direct. I think that Government should define or set a time limit for which these members may serve. Even if it means that some of

[Mr. Nyagah] them will sit in rotation a definite time is necessary.

The next section, 5, deals with the quorum. I notice that the quorum during these meetings when deciding a case is put down as half the members if the number is even; or one over the half of the members present if the number is uneven. Deciding a land issue, especially among the Kikuyu, it should not be taken as an ordinary school debate or just a debate anywhere. The number of members to constitute a quorum should be raised from half to about two-thirds. I see one of the authors of this shaking his head but it is necessary to have a bigger number than half.

Section B is the chairman who according to this Bill is either a district officer or a Provincial Commissioner to whom one casting vote and another—original vote—is given. In my view I think as he is a member of the board he should have only one vote. It is no use if, say, in an even court you have five-five and the casting vote of the chairman makes one side six and decide an issue. That is a very dangerous thing. I do not think he should have any casting vote at all; he should have the original vote like any other member—and where you have equality during the voting, the case would be tried perhaps by a higher court than the divisional court as suggested here.

Section 5 (1) (a) deals with lease, partition, etc.

I should have said that it is easier for one holding land on a title deed to do the leasing through the Land Office rather than have to go to divisional or provincial boards for permission. Also on the question of partition, I am not very sure what it means here, but you may find that some Africans who have these lands and who are owning the title deeds who have more than one wife. Does the partition referred to here mean that a person having more than one wife cannot set aside one piece of his holding and say, "Wife A, that is your piece; and Wife B, that is your piece." Or what does it mean—it should be defined more. I know from experience, Sir, of a case that has come to my notice that it has been very difficult in some of the consolidated holdings for

a person to allow his relations—sometimes an old mother-in-law—to be allowed to have any cultivation in the land that has been consolidated. The reason given was that the land has been farm-planned or has been farm laid-out and therefore it would be difficult to partition or to give anybody else a piece of land to work on. If this partition is going to put hardship for people who are willing to be generous to their old and landless relations is going to be a very difficult proposition.

The next point, Sir, is in connexion with the Part 2 about the civil debts. There are people during the consolidation or just before the consolidation has been completed who have paid money to a person in the hope of getting a portion of land. This would refer more to the people who own land communally or perhaps by clans, much more than the people who have their own personal pieces. The clan sometimes decides, and often does, that they will withhold such sales until the consolidation has been completed and in which case then the person who had taken the money, although he was one of the clan, will pay from his allocated holding or a part of it.

Now, I notice here that it is going to be very difficult to do that. The Government should look into that, especially in areas where the land is held communally or by clan, to make it possible for a man like that to have a right to claim his money by getting land for which he originally set out to buy from a person.

Section 6, Sir, I am not very sure what are these general and special directions which have been given to the divisional boards. Perhaps the Minister in his reply would care to point out one or two examples of what he means by special or general directions.

Section 8 (3): "A divisional board may depute one or more of its members to visit and report on the land to which any transaction relates for which its consent is sought." I should have thought that perhaps the best man or the right man to be sent by the divisional board or by the provincial board is an expert who would be able to evaluate property or the standards of the quality of land rather than send one of

[Mr. Nyagah] the laymen from the board itself. Perhaps the Government would think of that and see whether they might think of changing it.

Right of Appeal: I think this is a most welcome feature of this particular Bill here, that appeals would be allowed. I should have liked to see appeals allowed more easily in the land consolidation, as we have here, but there is one rather disappointing part of this Bill. And that is in section 9 where you find that the district commissioner will have to be satisfied if an appeal has got to be made from the divisional board to the provincial board. I think the person should be allowed if he is not satisfied to go on to the provincial board. I wonder whether the district commissioner is put there to act as a kind of sieve to stop these people from going to the provincial court with their appeals. I know there will be many, and the Provincial Commissioners are already overworked. That is why I should also like to suggest still more that there is a need for district boards which could do this. If you remove the blame from the district commissioner, the board itself will have to appeal and you will deal with the question of appeals from divisional courts or locational boards and the district boards before it goes through to the provincial board.

Still in a further place, I would like to see the appeals going to the provincial board going through the district commissioner rather than being sent by the district commissioner, they should go through him. After all they are not the district commissioner's appeals, they are somebody else's appeals and the district commissioner is just a means to convey the view of the proper board or appellant.

Section 14, Sir, deals with election, appointment and nomination of members. If people are not available for election to the provincial boards then the district commissioner will nominate people and appointments may be made. I see no difficulty at all in getting proper people. If there were people enough for the land consolidation committees then I see no difficulty at all in getting people to serve on these boards, and therefore,

Sir, section 14, to my mind, is not necessary.

So far as the divisional boards are concerned we do not know how many will be there in a province. It is important if the provincial boards are going to be established that the number of members from each district should be stated. That is why the district boards should help, because a certain number from one district, equal to those of another district, will be able to go forward to the provincial boards, thereby having a state of equilibrium of membership so far as the provincial boards are concerned.

In moving the Bill the Minister said that one of the reasons for having this Control Bill was to try to stop people from buying too much land. I wonder whether you will consider this as applying. If a person has got money and he himself is not a good farmer, and he has land in different places, there are people who do not have any land—perhaps they are civil servants or perhaps they are working in the big towns or cities and when they retire they want to have some land. If a person buys land for a specific purpose of renting it to people who want to work as farmers then would the Minister have any objection to this?

I think that this Bill will be put into operation almost at once, once it is passed. Is the Minister aware that there is a danger of putting this Bill into operation at once? There are some areas which have finished their land consolidation, and these areas would be bound to follow what is stated here. What is going to be done to stop the man from such areas going to buy land in areas which have not been completed and to which this law does not apply immediately? You could get somebody trotting from Nyeri to Meru where this law will not apply, or perhaps he will go into Embu and will buy land there. Something should be done to make sure that, if this law is passed, it should only apply precisely to those areas which have finished land consolidation and not to those areas which have not finished their land consolidation and which are not developed.

Mr. Speaker, those are the reasons I have given why I find it very difficult to support the Bill as it is.

MR. KEBASO: Mr. Speaker, I rise to support this Bill. I have four comments to make about the allegations made by a few hon. Members on the other side. One of the objections was that they do not like the district officers to become divisional chairmen. As soon as this Bill was published, or as soon as it was read the first time, I went down to South Nyanza and I tried to get public opinion as to whether the Bill received the support from all the population or not. One of the objections was that people did not like a chief to become chairmen of the divisional boards, but the district officer, the reasons being if chiefs were allowed to become the chairmen of the divisional boards they would probably take or persuade other people or neighbours in those boards to endeavour to pinch lands from the unfortunate people in the reserves.

The second accusation which was made by the hon. Members was that there would be illegal land transactions. If this land is disposed of then the few people who have got money, they will have to lose their money when they bought land without any security. I remember one recent case which happened in my district. A certain man went with an amount of money and bought land and persuaded a man to give him money in exchange for land. He took the money bought cattle, married a woman, and because there was no witness to that particular transaction he had to evict the man who had given him the money from the land. Therefore, when the matter went to the district officer he asked for witnesses, documents, or anything of that sort, and as nothing was available he lost his money and the land.

Now, there was a question raised by one Member from the other side saying that the Minister for Finance is taxing the African population from every corner. Now, if the buyer of the land is to get some documents as a record of his transaction, who is going to pay for the papers? When they give the money, Sir, what security will they have? They must register their land in order to produce such a document that the land belongs to them so that they can get a certain amount of money for the development of their farms.

Now, Sir, one of our Members contradicted his own opposition. He said that the Bill as it was, it was wrong, and in his conclusion he asked the Government what happened to the Slade Motion which was supported by the Government. He said that the Motion which they supported raised the question that African farmers and traders should get more money to develop their business and farms. How will the Government encourage the loaning of money without any security. What security will the traders show in exchange for the money they want to borrow? What security will the farmers give if the farmers are given, say, Sh. 10,000; it is a big amount of money. The man will just file a case against the farmer and take the land away. There must be certain security if the farmers and traders are to get big amounts of money from the bank. If there is no registration there will be no security because the land belongs to the population.

So far as the divisional boards are concerned, Sir, there is a great fear in many parts, especially African areas, that if there is no registration the people will go to the banks or to the traders and say, "I have bought land; give me certain piece-goods for so much", and probably without the consent of his brothers the land will come before the court and it will be auctioned. The divisional land boards are essential so that each case can be considered before any man receives an amount of money, or puts this land in as security for a loan. So I can see no reason why African Elected Members should be against this very important Bill.

Sir, I beg to support the Bill.

MR. OLE TIPISI: Mr. Speaker, I would just like to say a few words on this Bill. The way I look at it is this: that first of all, as far as quite a number of the African tribes are concerned, there is something which is required urgently, which is not the control of land, because in the African land units some areas are very congested, and why control their land in those areas whereas we have ample land in other parts of Kenya which is unused completely. Why does the Government not step in in those areas and utilize the land for the betterment of the East African inhabitants?

SIR CHARLES MARKHAM: What about the Masai?

MR. OLE TIPS: I think what you call the White Highlands, and not the Masai. If it is a question of the Masai, Sir, their area stretches right up to Laikipia, and I thank the hon. Member for Ukamba for reminding me about the Masai. First of all, the Masai have lost more land than any other tribe in Kenya to the European settlers. Nobody can deny that. I think they are the only people who have signed an agreement with Her Majesty's Government. Sir, in this country, and as such now in introducing this Bill that agreement was made between the Masai tribe and Her Majesty's Government. Surely, the district officers or the district commissioners are the servants of Her Majesty's Government and now you push them on to our land to control our land without at least considering that the land previously in our hands has gone. It is quite illogical and we are not going to have it.

With those few words, Mr. Speaker, I beg to warn the Government to be very very careful. This is a very thorny question and it is not a thing to be rushed through in this way at all. We have all known the causes of many troubles in this country, all originating from having many thousands of landless Africans and unless something is done to alleviate this situation, no legislation, or any Bill which is brought into this House and passed without taking into consideration what is required, will do. It will only create more hardships and racial struggles and in the long run the Government will have nobody to blame but itself and must accept full responsibility.

With these few words, Mr. Speaker, I beg to oppose the Bill very very strongly.

MR. SLADE: Mr. Speaker, Sir, I welcome this Bill in principle as very necessary and timely, for the reason that we need now, just at this stage of the development of our Colony, something that will provide for two things and will hold the balance between two considerations which are to some extent conflicting; and that is on the one hand the need for the fullest possible economic development of all our assets of land, and on the other hand the need to maintain the public confidence and a feeling of security and to protect the less

sophisticated against exploitation. In many ways, Sir, those are two conflicting considerations.

We are very much helped in this consideration by the Report of the East Africa Royal Commission, which really gives us the foundation of the thinking behind this Bill. The great value of that report was that it came from entirely detached observers, who did not belong to this country but who yet were men of great experience in different walks of life, and who concentrated on advising from the economic angle. Indeed, their terms of reference were limited to economic considerations, as appears from page xi of the report, where they were required to examine the measures necessary to be taken to achieve improved standards of living. But, in making their report they did emphasize that it was made with an eye only to those terms of reference, and they warned us against hurrying too fast to give effect to their economic recommendations, without regard to other political considerations and various existing emotions and anxieties. Sir, I do think it is worth while spending a little time on what was said in this report, and I would like to refer very briefly to one or two passages which I think have a bearing on this Bill.

First of all, dealing with economic development, they emphasized the existing achievement in Chapter 4, paragraph 8, which is found at page 43. There you will find an acknowledgment that, considering its brief history, this country has made very remarkable progress. But they also emphasized that, in order to achieve further progress at a reasonable speed, there must be greater elasticity than there is today. That was made clear in paragraph 1 of Chapter 4, at page 41, and in paragraph 7 of Chapter 5, at page 50. Having done that, Sir, they made a reservation, right at the very end of all their recommendations of ways and means of creating this greater elasticity. That was in paragraph 66 of Chapter 23, page 367. I think that what they said there, is so important that it is worth quoting. The paragraph is quite a short one:—

"We are aware that present policy is supported in certain instances by treaties, agreements and solemn declarations. We have, however, been

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charged with the duty of pointing the way to improving the standard of living of the people of these territories and we have suggested the land policy which we consider is most likely to enable the achievement of this aim. We do not believe it to be part of our duty to consider how and when the barriers to the implementation of that policy can be removed. We would say however that in so far as they are not removed, to that extent will the possible overall prosperity of the peoples of these territories as a whole be retarded."

Mr. Speaker, this sense of security to which I have already referred is of course, to the knowledge of all of us, a very vital matter. It has been emphasized many times also by observers other than the Royal Commission—for instance, by the Carter Commission, to whose findings reference is made in paragraph 1 of Chapter 6, at page 53. It is still very important. It is indeed recognized by the Royal Commission in a whole chapter, headed "The Dilemma of Security". That is Chapter 5, and it covers seven pages from page 48 to page 53; and the whole point, Mr. Speaker, is that, because of this dilemma of security, in whatever we do, to follow the advice of the Royal Commission, we must carry with us the people concerned. That also is clearly stated by the Royal Commission in paragraph 49 of Chapter 23, at page 362. I would like to quote the opening passages of that paragraph.

"In every step taken in pursuance of the aims of land tenure policy it is essential that the people in the area concerned should understand and be closely associated with what is being done, for land tenure cannot be effectively changed and access to potentially productive land cannot be obtained against the overwhelming opposition of the local people affected, and as we have explained earlier in this chapter, land tenure in most of East Africa, has been in the past and is today left in local hands."

Mr. Speaker, I have not got with me, I am afraid, the despatch that was sent by our Government to the Secretary of State by way of commentary on this

report. But I did read it yesterday, and I noted that, commenting on that particular paragraph and paragraph 51 of Chapter 23, the Government emphasized again that, in following the advice of the Royal Commission, we must not move faster than public sentiment allows, Sir, it might seem obvious; but it is so important, so fundamental, not only with regard to land but in every other aspect where there is a question of existing so-called privileges, that it must never be overlooked. I have tried to explain it and to emphasize it in relation to the problem of mixed education. I say it again now, Sir, that compulsion in such matters begets fear, and that fear closes the minds of people to new ideas.

Now, Sir, that is not the only consideration. There is this other danger of exploitation. That is a danger which is quite obvious and it was recognized by the Royal Commission in paragraph 14 of Chapter 5, at page 52.

Now, what did the Royal Commission recommend in order to balance what I have called conflicting factors, or conflicting considerations?

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

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

Firstly, Sir, their recommendations are to be found in Chapter 23. In paragraph 29 at page 365 they give a warning against the possibility of inexperienced farmers developing a state of chronic indebtedness. I think it is important to quote that, Sir, because there is not very much evidence as yet of that danger being clearly recognized. I will not quote it, Sir, because the paragraph is too long. I would ask the Government to keep that particular warning very closely before them. The next warning is one which is very clearly recognized by the Government, as we know from various speeches which have been made in this Council as well as from the Report of the Working Party on African Land Tenure, and that is the danger of fragmentation, to which reference is made in paragraphs 30 and 31 in Chapter 23. Again, there is the danger to which the Minister referred in opening this debate, I understand, and that is the danger of the accumulation of

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large holdings, to which reference is made in paragraphs 32 and 35 of Chapter 23.

Then there is the burning question of transfer between people of different races or different tribes, and there the recommendation is contained in paragraph 36. I think I should quote that recommendation, Sir, because it is not reflected at present in the Bill that is before us. The paragraph reads as follows.

"We consider that it will be necessary to exercise control over transfers of land agreed between persons of different races. This control should be exercised by provisions in the law (a) to render null and void all transfers of interests in land other than interests which have been registered, (b) to ensure that transfers take the form of leases only and the reversionary rights remain with the seller, and (c) to ensure that all such leases of land are subject to the Governor's approval."

It goes on, "We consider the Governor's approval to leases of land as between persons of different races should be freely given", and so on. But, of course, that recommendation is subject to the qualification which is contained in paragraph 66, which I have already quoted.

Mr. Deputy Speaker, without apologizing for that rather long preamble, I want to discuss this Bill in the light of those recommendations, because although I do welcome it in principle I believe that in detail it is capable of improvement; and indeed, having heard various hon. Members speak on it, it seems to me that it must be modified to some extent in order to carry with it greater support from those who are most closely affected.

Clause 4 provides for the constitution of divisional boards. I believe that that does reflect exactly the right principle; that the first authority to consider any proposed dealings in land, whether dealings between people of different races or tribes or, indeed, of the same tribe, is the divisional control board, which will consist mainly of elected local people. The only point I would make there, Sir, which does not call for any amendment of the Bill, is that when the Provincial

Commissioner comes to direct the method of election of a divisional board, as he is directed to do by subclause (2) of clause 4, he should take the greatest pains to ensure that so far as possible the divisional board will be equivalent to the former traditional elders who held jurisdiction with regard to land matters according to ancient custom. I know how very deeply Africans feel about the authority of such elders, and it is most important that that authority should be preserved so far as possible.

Dealing with clause 5, again this clause, which describes the kind of transactions which will require the consent of a divisional board before they can be validated seems to me to be unexceptionable except in one respect, and that is that it does not purport at present to control succession on death. It does seem to me, Sir, that if you want to control all transactions to do with land *inter vivos* you must also control transactions, as it were, between the dead and the living, particularly so when the Africans are enabled to make wills, as they will be very soon if the recommendations of the Report of the Working Party on African Land Tenure is to be accepted. Otherwise you will have a very large loophole.

Sir, when we come to clause 6, we find the powers of the divisional board to consent or to refuse consent, but there is no provision that I can see for a qualified consent. It seems to me that it may be very desirable in some cases that the board should be able to say: "Yes, we consent to this transaction subject to certain conditions." These may be conditions as to the user of the land, or it may be conditions as to what is to happen to the land by way of future transactions. I am thinking, Sir, of charges. It may be desirable for an African farmer to borrow money from some stranger and charge the repayment on his land. But it may also be very desirable to provide that in that event the lender is not to be able to realize his security by taking the property for himself, but is to be limited in his ordinary rights as a secured lender to selling the property, for instance to somebody else in the same tribe. I think that that was specifically mentioned in paragraph 29 of Chapter 23 of the Royal Commission Report, which dealt with this question

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of chronic indebtedness *inter alia*. So, Sir, if only this clause could be modified a little, to provide for the boards to give their consent subject to conditions, I think it would make the matter more elastic. If they have not got that power, they may be disposed altogether to refuse to allow a transaction by way of charge, and the farmer will be deprived of money that he needs.

Clause 8, Sir—the procedure on application—seems to me to be very satisfactory, and also the subsequent clauses that deal with the procedure for an appeal to a provincial board. That is in clauses 9 and 12. But when you come to clause 10, which deals with the constitution of the provincial boards I think we are getting into difficulties, because you are establishing here over the divisional board a superior board which is not going to consist of the local people concerned. It is going to consist of a series of nominees. True, they come forward from panels put forward by the district commissioners, but I should have thought it was possible and much more desirable to have these provincial boards consisting of direct representatives thrown up by the divisional boards, so as to ensure the continuity of representation of those who are directly concerned.

It is not only a matter, of course, of efficiency or wise decisions; it is this continuing problem of how to bring with you the confidence of the people concerned. Then, Sir, when you come to the powers of the provincial board, I would suggest quite a large modification of the Bill as it stands. In the Bill as it stands, both by clause 6 and clause 11, the provincial board can sanction transactions which the divisional board has not approved. Now that is really reducing the divisional board to a rather humble status. It is reasonable enough, Sir, I think that where the divisional board wants to sanction a transaction, but in its immaturity does not see the dangers of the transaction, the provincial board, or the Governor above the provincial board, should have power to say "No", but that is a very different thing from the provincial board having the power to say "Yes" when the divisional board has said "No". So my suggestion, in effect, Sir, is the reconsideration of these powers of the provincial board,

with a view to limiting them to powers of veto only.

Then, when we come to the powers of the Governor, the same question arises to some extent, although there may be cases where the Governor feels that, in spite of the opinion of the divisional board and of the provincial board, that there is a transaction of such importance to the country as a whole that it should be authorized despite local objection. That would be a power, I am sure, which would only rarely be exercised; but it should be, I feel, in consultation with some very responsible body of people, possibly such as the Land Utilization Board to which the hon. Member for Central Province South referred.

There is a further point, Sir, which I mentioned just now, that there is no provision in this Bill at present reflecting the recommendation of paragraph 36 of Chapter 23 of the Royal Commission Report, which was that there should be no transfer of basic titles to people of another tribe, and that any such transfer should be by way of lease only with the reversion to the original holder. It seems to me, Sir, very important. I know that the Working Party on African Land Tenure on page 46 recommended that it should not be enshrined in the law, but should be the subject of administrative direction—it is in paragraph 104 on page 46 of that report: "With regard to transfers between races, we envisage that simultaneously with the application of the control Bill for any area, a direction will be given that such sales are forbidden. The effect of this will be that only leases will be allowed as recommended by the Royal Commission, and we recommend that in the early stages a direction should be given also requiring that leases of land to non-Africans should be approved by the provincial board." But I do not understand, Sir, why that of all matters, being such an important matter, should be left to administrative direction, instead of being embodied in the law.

Sir, there is another rather important matter, which perhaps would not come properly into this Bill, in fact I think it probably would not, but it is so relevant that I ask permission to mention it; and that is the recommendation in paragraph

[Mr. Slade]

27 of Chapter 3 of the Royal Commission Report, concerning compulsory acquisition of land for special productive purposes—that is on page 355 and the paragraph starts: "The problem confronting Government will be how to get access to land for productive purposes, which do not fall within the definition of public purposes", and they go on to point out how that must, in some way, be made possible. It seems to me, Sir, that the right way of dealing with that is to have, not a special Ordinance for each particular case, but a general Ordinance which does deal with compulsory acquisition for purposes other than public purposes, or else, Sir, enlarge the definition of "public purposes" in the Land Acquisition Ordinance, which I hope we shall have soon, which limits the scope for compulsory acquisition to special purposes such as religion, education, industry including processing, and any adjacent land necessary to grow the minimum required for a processing plant. I shall be interested to hear from the Minister whether any legislation of that kind is contemplated.

Of course, this Bill, is of great interest to us, not only because of its immediate effect on all the African land units, but also because of the implication, from what we were told by the Chief Secretary in a recent debate, that similar legislation will be applied in due course elsewhere, on the basis of avoiding discrimination wherever possible. I have discussed this Bill, Sir, with an eye on its probable application to other areas such as the European Highlands. I believe that, with the kind of modifications I have suggested, it would be basically suitable for application to the European Highlands, although there would have to be some modifications of detail, such as the constitution of boards, to make it fit circumstances.

Sir, the hon. Member for Central Province South made a rather important reference to what he termed a Land Utilization Board. I gathered that he was arguing that it was no good going about with little pockets of land under local control of administrative officers unless you are going to have a broad view of the best development of the country as a whole, and a board to advise the Gov-

ernment on that broad view. I am sure he is quite right about that, Sir, and I have no doubt that the Government is actually contemplating some kind of advisory board on how to make use of this legislation which is now creating greater elasticity, and on how best various corners of the Colony can be turned to advantage. But, of course, it is no use having that advice, unless you also have the machinery to give effect to that advice, and that is the purpose of this Bill. What I hope Government will establish is some sort of advisory board to the Governor, with the responsibility of considering all the requirements of the country, and maybe even the responsibility of encouraging these control boards to see the broad picture also, and to be broad-minded in the exercise of their powers. That, Sir, I believe is the key. I would say it again—that encouragement to be broad-minded, is the real key to the greater elasticity that we want to achieve. We must not force elasticity on people; because they do not then become elastic, they become rigid. But if you will make them feel that they have control of the situation themselves, and then seek to educate them by degrees and have the patience that goes with that, then we shall achieve what the Royal Commission advised us to achieve. But if we go the other way, we may be in danger of doing what the Minister for Education said in the debate on the Education Vote, "of destroying precisely what we are seeking to create".

For these reasons, Sir, and in view of what has been said by hon. Members on this side of the Council, I would ask Government to move very cautiously over the precise form of this Bill, particularly in the matter of the precise constitution and the precise powers of these boards. I believe it would be worthwhile to refer it to a select committee so as to make sure that all arguments of hon. Members on this side are fully understood and met as far as possible.

Sir, I beg to support.

MR. KHAMISI: Mr. Deputy Speaker, I rise to oppose this Bill very strongly.

In doing so, Sir, in the first place I should like to say that the idea one gets from this Bill is that land which the African people consider to be their greatest mother in this world, is being

[Mr. Khamisi]

relegated to a position of a commodity like maize or ghee or something of that sort. When maize was short, the Government introduced maize control; similarly ghee control and similarly other controls. Here, Government has embarked on trying to control land.

Now, Sir, up to now, the African has been quite happy in leaving the land as it is in the hands of tribal institutions and clan control and tribal control. We do not see the reason why that control, which is basic and which is acceptable to the Africans, should now be given up and replaced by the far distant control of the Provincial Commissioner, district commissioner and the provincial board or something of that sort. I feel that is a retrograde step. We must understand that all land in this country belongs to the Africans and the Government is holding it in trust for us, and anything which removes that trust from the African people and place it in the hands of other people must be very vigorously opposed by us, and we shall oppose it to the end. I know, Sir, that Government will use its steamroller as usual to steamroll this Bill through the House and pass it, but we want Government to be quite clear that Africans, and we represent the people of the country, will oppose this Bill and will oppose all the measures which are contained in this Bill.

We do not believe there is any necessity at all to consider land as an economic or a business transaction. Land belongs to us and we shall retain it as our property and we shall refuse to allow any particular person to have control of it. The intention behind this Bill is nothing more than to transfer the control from the present tribal institutions to that of a distant provincial institution, and we cannot see the reason why that should be so.

We believe, Sir, that if this Bill is made law, the loser will be the Africans because they will be at the mercy of the Land Control Board who will deal with their land in their divisions and their areas and even the court will have no more power as according to this Bill the decision of the board will be final.

I think, Sir, this Bill is premature. The Africans themselves have never asked for it. The accredited leaders of the

African people have opposed and therefore I hope that the Government will not steamroll it in order to give effect to its wishes.

With those few words, Sir, I beg to oppose the Bill.

MR. MUMI: Mr. Deputy Speaker, I rise to speak on this Motion with very much suspicion, and before I do so I would like to give the Kenya Government a warning which they should have learnt at this stage.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

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

The question of land has, in this country, been for many years a bone of contention, and there is nothing that the African would not part with sooner than his land.

Mr. Speaker, I have in mind a situation which arose in the Transvaal some many years ago, and I would like to quote a paragraph from the warning that the Liberal Party, which was the ruling party then, should have taken at that time when they had very little regard for the African interests in as far as this was concerned, and this is a warning which I would like the Kenya Government to take into account. I am quoting from *The Permanent Way*, by Mr. M. F. Hill, page 260, and this is what he says: "Nor was the doctrine of paramountcy of European interests peculiar to East Africa. It was, in fact, the keynote of imperial policy throughout East and South Africa. In 1906 Sir Henry Campbell-Bannerman's Liberal Government granted self-government to the Transvaal and to the Orange Free State. At that time a commission of great authority was examining native questions in the Transvaal. The Imperial Government did not wait for the report of that commission before they granted self-government, nor in all the negotiations and discussions which preceded the grant of self-government to the Transvaal and to the Orange Free State is there any reference whatever to native interests or to the native rights."

Now, Sir, Mr. Speaker, while this country is waiting for constitutional discussions within the next few months, I

[Mr. Muimi] feel it is very unfortunate that this Bill should have been introduced. We must, I believe, in this country agree on a constitution which would be acceptable to us, and I believe the question of the constitution cannot be separated from that of the land. I should have expected that the Government would have waited until we had at least come to some agreement on the constitution.

Mr. Speaker, I also would like to give the Kenya Government a warning given by the Prime Minister, the hon. C. R. Atlee in 1947. This is: "There is a forced demand for self-government which comes from ruling British minorities which seek to escape from the impact of public opinion at home and to realize their ambition of governing the native population themselves. The Labour Party will see that every native family is assured of sufficient land for its support and will regard all lands in the Colonies as primarily held in trust for the native inhabitants." I think that is sufficient warning that the question of land in Kenya must be gone into very carefully and not simply pushed onto the African.

I believe, as my hon. friends have stated on this side of me, that no African has asked for the introduction of this Bill. What is the hurry for it, and forcing something that has been opposed by the true representatives of the Africans? Only a few weeks ago another Bill was introduced in this House. Although the Africans recorded their strong dissent to the introduction of the Bill, nevertheless the Kenya Government did not heed the caution that we gave. We do not want, in this country, to create a situation such as was created in Transvaal and the Orange Free State, where the African interests, which the British Government must have safeguarded, were disregarded, with the result that the African in those states is the sufferer.

Mr. Speaker, I know much has been said that the reason for the introduction of this Bill is to try and improve the economies of this country, but you must understand in Kenya at the time of the partition of the country—this particular time I am referring to—the Government then considered the position of certain

tribes in this country and they knew that a situation such as it is today would arise; where those backward tribes then should be protected. I think I am right in saying, Mr. Speaker, and I remember a Member of this side of me quoting his flight over a certain area in this country and he said all that land is wasted. More especially, I think he was referring to the Masai Reserve. Well, the way of life of the Masai is very much different from the way of life of the other tribes in this country, and when this country was partitioned in this period I have in mind, surely the Government had in mind that a situation such as there is today would arise and that the interests of those tribes should be considered. Well, many people might have an evil eye on it—why should the Masai have so vast a land—but the time is coming when the Masai will also wake up and the position will not be as easy as they think today. Also the Wakamba are coming up and many other tribes. When you think of the amount of work that the Wakamba have put in on clearing of bush to develop grazing facilities of the tribe, and yet the Agricultural Department will stand here and support this Bill. Why, then, should they urge us and employ so many staff to teach the African to improve his land?

Mr. Speaker, when I come to the Bill itself I am also very doubtful because I do not know where the position of the district commissioners and district officers comes in, so far as the question of land is concerned. When my father held his land some many years ago, the district commissioner was not there and the district officer was not there.

SIR CHARLES MARKHAM: Nor were you.

MR. MUIMI: My father held it for me. Where would they come in? This reminds me of a case in my district during the Second World War, when many of our men had gone to work with the army, and a situation arose where the Government was making a profit out of their wives. I will not expose in what way. They now want to come into the question of our land which our fathers held in trust for us—to come in between, to make divisional boards and provincial boards—to do what? I simply cannot understand.

[Mr. Muimi]

I think what my hon. friends have stated on this side of the House is quite correct—that if you want to go about the question of land, especially where the African land is concerned, you must consult with the very old people indeed, not the young ones, and they will tell you the way the land was partitioned at the time I have in mind.

Well, African lands are held in the first place—and this is where you deceive yourselves—all on a tribal basis. When we say the "old tribal basis" we mean a big tribe like the Wakamba or, for that matter, the Kikuyu. Surely that is not the position today. In the old days a tribe was only a family which enlarged and became a number of say 100 people and then that became a tribe. Below the tribal group you had the clan. The clan is small—a family affair, which in after years expanded and became too big a family to live in one place and because of that it spread. Then you come to the question of the family. This is what is worrying the African today, because whether we like it or not, the majority of Africans in this country are polygamists; they have more than one wife; and they recognize the rights of every woman of every hut, and therefore in the distribution of their wealth and in the making of their will, whether verbally or in writing, they must recognize all the children in the family because after all was it the fault of the children of the second or third wife that they have then to belong to that particular family, and until such matters have been resolved we cannot get away from the idea of the African way of distribution of wealth, and of course consideration must be given to every family.

When we come to this question of distributing the wealth of any one father, it takes us far from the question of land to that of other property such as the money in the bank or, for that matter, any movable property. Now by introducing such laws you tell us we should forget all these and say whoever is born first should be the right owner of the land or the property owned by the father. Is it my fault that I was born the seventh in my family so that my elder brother should have the right to have the property of my father? That is

not in accordance with African law and custom and that must be pursued by the Africans until such time as we can meet at a certain point to sort of take a section of the African law and a section of your law and make it one. When you speak of integration of the people of this country, you have a number of social problems which you have got to face, and one of the most difficult ones that we would have to face is the question of how the land is going to be owned by the African. Let me sound another warning before I sit down. That is, I would like to live long enough to see it, but I say any legislation in this House which will enforce, for example, another tribe to go and live in Masailand; if you want to invite the Masai to another rising, I believe you should introduce legislation to enforce other people to go and live in Masailand. But this should not be the intention of Government. The intention of the Government should be to guard the interests of the Africans, as guaranteed by their predecessors.

Mr. Speaker, I beg to oppose.

SIR CHARLES MARKHAM: Mr. Speaker, I am very glad that for the first time one of the African Elected Members is supporting this Bill. I would also like, Sir, on behalf of the European Elected Members, to sympathize with him on being a seventh child.

Sir, having heard his speech, I wondered whether we were debating the question of the Government voting money for a history of East Africa or whether we were debating the Land Control Bill, because nothing in his speech, Sir, seemed to me concerned with this Bill in any way at all. I suggest, Sir, having heard also other speakers, that it might be a good idea if the Commissioner of Lands held a short course of instruction at the Land Office on the functions of a Land Control Board. Then, Sir, we might get some constructive criticism of exactly what does happen, and the criticism which could be made might be then more based on fact rather than a generalization as we have had this afternoon.

Sir, the point is this, that even if you like to be emotional on land—and I accept, Sir, what the hon. Member for Kitui said, that land is an emotional issue—the fact is there is nothing in this

[Sir Charles Markham] Bill, as I read it, anyhow, which involves any mention in the Bill of the taking away of land—from the Masai or the Wakamba or the Kikuyu, and I think, Sir, you can read into anything what you want to read into it, if you so wish.

I accept, Sir, that there are certain aspects of the Bill before the House this afternoon which are controversial and which have fears, not only for my hon. African friends, but for all of us on this side of the Council, I believe, Sir, the points made by my hon. Specially Elected friend, Mr. Slade, require an answer. Also, I understand too well that certain aspects of the powers and the functions of the divisional and provincial boards require clarification. I accept that, Sir, as the basis for discussion, but I cannot understand, in view of the fact that almost every Member who has spoken in this debate so far, has accepted the principle of land as being an economic asset, should then dispute the idea of controlling that asset, because when you get people suggesting—as has been suggested by the hon. Member for Nyanza North, that it is disgraceful—if I may use my own words in interpreting what I thought he said—disgraceful for the Government to control the African land, and yet suggesting in the same breath that the Government should take over other land and give it to them, I found his arguments, Sir, somewhat difficult to comprehend.

MR. MULIRO: On a point of explanation, Mr. Speaker, would the hon. gentleman quote what I said, rather than interpret what I said in his own way?

SIR CHARLES MARKHAM: Sir, I would have a little difficulty in quoting what the hon. Member said, because he was reading from the document of the Kenya Group and adding his own interpretation of it. I will correct it willingly, after I have seen HANSARD tomorrow, if I have misjudged the hon. Member.

Sir, the point of this Bill, as I see it, is that the Government desires to control the transfer of land. There has been a similar control in the Highlands for a number of years now, and there has been no outcry by anybody because the control existed. There has been an outcry about the Highlands, in fact, because

there has been a rigid control into the Highlands, but the question of this Bill is that it is a Land Control Bill, and there is no idea, as I read it anyhow, of any revolutionary change other than having divisional and provincial boards to go through the actual application for transfers and approve or disapprove them. I do not, Sir, personally like the rather woolly wording, if I may use the word, of the powers of the Governor, because I believe that it could be at a later date used, perhaps, in the wrong context or the wrong sense in the future. Perhaps the Government might consider amending those clauses—I think it is No. 13 if I remember rightly—to make quite certain there is no misunderstanding as to what is the intention of the Government.

Nor do I like, Sir, the wording in this Bill of "directions", because directions can be extremely vague, and also extremely explicit, and I believe if there are to be instructions they should be contained in the law and not contained by directions from the Government.

Sir, you have ruled from the Chair that the Highlands was not involved in this particular Bill. I find myself, Sir, in somewhat of a difficulty because certain Members have talked about land—all land in Kenya—belonging to the Africans, and certain other people, Sir, have alleged that this particular Bill means that all land has been got away from the tribal basis. I could not understand, Sir, the reasoning of the hon. Member for Mombasa area. He talked, Sir, about all land being held in trust for the Africans. I would remind him, Sir, that those of us who own land have paid for it, just the same as he has paid—or we hope he has paid—for his motor-car. I certainly do not believe that if this car is an English car it is held in trust for the English. I think, somehow, Sir, he would doubt the validity of that argument; or, Sir, if it is a German car, held in trust for the German people, I found, Sir, his argument impossible but, Sir, as illogical as we have come to expect of certain politicians from all sides of this Council.

I would like to ask, Sir, the Government to explain again their intentions regarding the land, not only of the land under consideration in this Bill but

[Sir Charles Markham] regarding the question of the land barriers—which was mentioned by my hon. friend, the Member for Nyanza North. None of us, Sir, I feel on this side of the Council, or on the other side, want to see any treaty abrogated, such as was mentioned by one speaker regarding the Masai. I believe the Masai, Sir, with all their other great habits, have at the same time produced into Kenya—certainly a friendship as far as I was concerned as a young boy in Kenya—and they have one blessing, Sir—again, as far as I am concerned—that they have not got themselves actively engaged in politics to any great extent. I cannot believe that it is anybody's intention to drive the Masai out of the Masai country or to drive the Wakamba out of Ukambani or the Kikuyu out of Kikuyu country, and I think, Sir, anybody who believes that will happen is really, I think, an optimist or a pessimist, whichever the case may be.

What we would like to see though, Sir, is that those people who are demanding that our land barriers be dropped, those people who say that the Highlands must be thrown open to the African people, should at the same time take the mote out of their own eyes and start breaking down their own tribal barriers before they start breaking down other people's tribal barriers, Sir, but that, I suppose, is too much of a non-racial approach to be practical today.

AN HON. MEMBER: What tribe are you thinking of?

SIR CHARLES MARKHAM: I am asked by my hon. friend what tribe I was thinking of. I was thinking particularly—I am glad he interrupted me—of the fact that the Maragoli have one of the areas with the highest population per square mile, yet their neighbours, the Luo, will not allow them into some of their land which is very sparsely occupied, which the hon. Member for Central Nyanza knows well. That, Sir, I would have said is tribalism to the extreme, and having themselves broken down those barriers, Sir, then is the time to look elsewhere, but I fear that politics will claim, as usual, the domination it does not deserve and they will not do so.

Now, Sir, finally before I sit down, I would like to make one plea on this parti-

cular Bill. Whereas I think most European Elected Members have their fears that this Bill may start a precedent, and particularly in the powers contained in this Bill, nevertheless we would like to see a system in this country where land is controlled by the people themselves, not by the Government but by the people, and therefore the system which involves the election of board members of your divisional boards is, I believe, a good one and I hope that as time goes by people will start to realize that the strength in this country will not rest on the overwhelming numbers on the other side of this Council, but on good sense and good land management. We cannot, Sir, in my submission continue to worry too much about issues which do not exist except in the imagination of people who are paid to have imaginations. What we have got to do surely, Sir, is to find a method whereby the national asset, as mentioned by the hon. Member for Nyanza North, is used to the best advantage. At the same time we must accept that there are certain tribal and racial feelings on this matter and I would oppose bitterly any suggestion made from either side of this Council that the tribal barriers as known to the Masai, the Wakamba, the Kikuyu, the Luo and all of them, should be disregarded and broken down by any vote or any rule of the Government, as I believe it is the people themselves, by education, who must deal with that field and nobody else. When that day does come, Sir, there will be no necessity to talk about tribal feelings. The wealth of this country is such that I believe we could, under proper farm management and proper land management, really find ourselves for the first time in many years agreeing with the Government when they produced a Budget of little taxation and a welfare state for those people who need it, but until that day does come—and it will be a long time, in my opinion—you cannot disregard racial or tribal fears.

I cannot oppose this Bill, Sir, because I feel it is in the best interests of the country to support it. I believe it is vital to have control for everybody's land, whether it be land belonging to the tribes or to the races. I believe that is essential, and we have no right as grown-ups—if we can call ourselves that on some occasions—to prejudice the future heritage of our children, and

[Sir Charles Markham] therefore, Sir, to my friends on this side of Council who have opposed this Bill I would say let us, oppose some of the detail in the Committee stage and ask perhaps Government to amend some clauses, but the principle behind this Bill we must accept. I hope, Sir, therefore, that when we do get criticisms, as this Council is designed to hear, and there are genuine fears, as I said earlier in my speech, that we can agree a principle or disagree a principle, but try and keep our remarks based on the Bill and not go wandering off into—I think I may use the words of the Governor of Tanganyika—Tom Tiddler's ground, which he used referring to the Minister for Finance, who is unfortunately not with us today. I believe, Sir, Tom Tiddler's ground is great fun, but on this issue it is too important to waste time and we should be trying to think how to control our assets.

I beg to support.

MR. MBOYA: Mr. Speaker, Sir, my colleagues have dealt and will deal with certain matters of detail in this debate. I rise mainly to make a few general remarks and observations, and I think my friend, the Member for Central Province South, gave a precise analysis of the Government's position in trying to formulate this Bill when he said it was the wrong answer in an attempt to produce a solution to certain specific problems. The whole question of land consolidation, the whole question of registration of land and this particular Bill is not unrelated; in fact this Bill flows out of the steps taken some years ago to introduce land consolidation.

Now, Sir, at that time it will be recalled that the African Members from time to time, while opposing some detailed aspects or even the methods that have been used, did in fact state that they had no quarrel with the principles. The doubt was in terms of the pace and also the methods used. Again in this sphere, Sir, we are faced not so much with matters of economic facts or factors relating to what might ultimately be the logical development in economic terms, but again with the question of whether the methods that are being used and the pace at which the change is

being forced, is in recognition of the general attitudes prevailing in the country.

Now my friend representing Kericho and Masai read an extract from Lord Haley's book, and I think that in it there were matters of general advice that could be useful to the Government in its present attempts. It is evident that the Government is in a hurry not only to introduce this legislation, but to begin applying this legislation, and may be the Government ought to stop and think in terms of the consequences of forcing rather than educating, or taking time and seeing certain changes take place. In the normal process of the changes in the social pattern and in economic patterns.

We are faced here, Sir, with a situation in which the Government is completely unconcerned, and I say this without any qualification, although I know that later on the Minister will say that the Government has taken full account of the attitudes—as we have always been told—full account of the attitudes of Africans—leading, responsible Africans—when they run into trouble in the various areas, then of course, the scapegoat, the man to blame, is the irresponsible African political leader who happens, Mr. Speaker, to be in this legislature, elected through a system devised by the Government to produce the most responsible people for the House—devised by none other than the Chief Secretary—to produce the most responsible, in his own words—not demagogues but the most responsible leaders.

If we are expected, Sir, to co-operate with the Government on various programmes and policies in the African areas, then it is necessary, not only that full consultation takes place on these matters; but that some measure of general agreement is reached, both on the principles involved, on the application of those principles, and the pace with which they are to be applied.

In relation to land consolidation—in relation to the previous Bill that has been debated here—and in relation to this Bill the Government has completely ignored this very important question.

Now, Sir, we have seen here an attempt—a very, very curious and sometimes I thought puzzling attitude—I happen to have toured the Central Pro-

[Mr. Mboya] vince last year with a number of Unofficial Members on this side, to look into the process of land consolidation in that area, and one point that the Government constantly impressed on us was that they did nothing that was not consistent with tribal custom and law. The Government constantly made a point of emphasizing that every change was related and was left entirely in the hands of the Africans—the local people—the land consolidation committees to administer according to tribal custom and law. Now, having used this argument very conveniently to apply their own programme, my question is why cannot we use that same argument now in relation to the objectives which the Government wishes to achieve by introducing this Bill? Why is it that it was so convenient, so useful when trying to get land consolidation, or trying to convince us of the Government's good intentions and motives during land consolidation, that they impressed us that everything would go according to the African customs—the African tribal feelings—and now that they want to introduce a new system, in introducing this Bill the Government has completely forgotten this very emphatic remark made at every stage during our visit.

Mr. Speaker, you can apply laws of this sort, and we have been told so many times on this side of the House that laws do not change attitudes—that you must wait for people to change, but it seems that this is only applied conveniently where some people are concerned. Where the Africans are concerned, if it is convenient laws are not the educating factor—when it is convenient the Government insists that the big hand must be brought to bear. Laws are the only answer. I am not here to contest whether or not African land tenure is not going to change—whether or not African attitudes are not going to change—I am not here to contest whether or not African custom is not going to change. On the contrary, I believe that in the normal process of education, of changing economic and social patterns, a number of things are going to change, but I am questioning whether Government can afford to ignore the fact that these changes must be related to certain very important factors

both in our economic life and in our social life, and I question very strongly whether, in fact, this is the time to apply legislation in trying to secure a change in our social and tribal customs. I am also questioning whether that change, imposed by legislation, will be in the best interests of the country, and especially if we know, as we do, that it may lead to some resentment, and possibly some friction in the various areas concerned. Of course the Government has got the might and the power, and probably the police support, not only to introduce but also to implement this legislation, but at what price? And that, I think, is the important question that does not seem to have been taken into consideration by the Government in trying to enforce this legislation.

There have been a number of points made by my colleagues on some details, or detailed aspects of the Bill. I do not wish to deal with any part of these details because I am completely opposed to the introduction of the Bill as such at this time. I am totally opposed to the imposition of changes in the social system of the people by legislation regardless of their attitude—regardless of the fact that a number of factors must normally and of necessity be considered. I have heard some Members on this side, and for the first—probably not for the first time—but this afternoon the European Elected Members must take full responsibility for introducing race into this debate. Our friend from Mount Kenya was so much worried, probably thinking about Mount Kenya at the time, and worried about what would be the possible consequences following from this Bill, not from Mount Kenya, but towards Mount Kenya, and our friend from Ukamba telling us that this had nothing to do with history at all, and yet when he started talking I thought if he did not speak of history, he spoke of nothing because he referred to things that have happened, things that may happen, things that may be related to certain boundaries, certain treaties, and if that is not history I do not know what history is.

The point, Sir, is this, by implication, and I do not wish to inject into this debate anything that does not concern the subject matter of the Bill, but in so

[Mr. Mboya]

far as certain implications have been made—certain references have been made to the possible consequences or relationship of this Bill to other issues, related issues, I wish to make just the following observations.

First, that the question of African land reserves or units—whatever you like to call it—has never been a bone of contention in Kenya politics. The bone of contention has always been, and will always remain, the White Highlands, which we have chosen to call the Kenya Highlands, and let us get that very clear. It is no use trying to equate the position because they have never been in any sense regarded as similar situations—nor regarded as the same problem.

My friend asked where did the Luo come from, and yet he stands here and talks of Europeans. Europeans should be in Europe probably. If he is here, and he accepts Kenya and wants to be a Kenyan let him call himself an African. Why be ashamed of it? They stand here and talk of European land. European land cannot be in Kenya. Kenya is not and could never be a projection of Europe whether the European settlers like it or not. And surprisingly enough this odd statement comes from someone who calls himself Kenya Group—as though he belongs to this country and we do not.

Mr. Speaker, this Bill was not intended to discuss the White Highlands, and I will accordingly refrain from discussing the White Highlands until some appropriate time—the proper time—and we hope it will be soon.

Now, as regards the Minister—not so much the Minister, but the Government. In his opening remarks the Minister used paraphrases or preambles, or quotations from the Royal Commission Report, and there is just one observation that I want to make here. As my friend, the Member for Central Province South has already stated, it seems that all the time, every year at least since I came to this legislature, the Government attempts to solve certain important problems of this country piecemeal. One little solution for one part of the problem, and when he quotes and uses parts of the Royal Commis-

sion's Report to support some of Government's action he forgets that the whole country, for the last four years, has been waiting to know just what the Kenya Government is going to do with the Royal Commission's Report. They have chosen to keep this report on a shelf—to refuse the country, the legislature and everyone the opportunity to debate it and discuss it, and yet Government feels free from time to time to resort to it as an authoritative document that they can use to justify certain action.

It is my submission that the Government ought to decide once and for all whether the Royal Commission's Report is going to be placed before legislature and discussed as a document so that the views of all parties involved on all the recommendations is made known or else abandon referring to it only when it is convenient because inasmuch as there are certain sections which the Government feels it is convenient to use from time to time, there are certain provisions, certain parts of the Report that some of us would like to raise them and see them discussed in this House and to see used as a basis for some Government action and policy. And I think it is unfair to the country, to the taxpayers in Britain that the Report which was awaited with such expectation and urgency has been shelved for four years and is conveniently used from time to time by the Government, refusing the country, refusing the representatives of the people, the right—at least the opportunity—to air their view or to discuss the various provisions: I suppose the Government's defence is that they have access to the document. They decide what policies they want to pursue and will accordingly do so regardless of what we on this side of the House think. And especially with the support of the Back Benches there is no hope that even if we had three Kenya Groups on this side, we would out-vote them and bring this Report on the Floor of the House. Well, it is the most unfair situation that I can think of that just because they have the votes the country should be denied an opportunity to discuss this very important document. And, in fact, Mr. Speaker, if the relevant section of that document, parts of which the Minister has referred to, were discussed as a whole he would

[Mr. Mboya]

find a number of contradictions, a number of sections that would in fact contradict the part that he thinks he can so eloquently and conveniently use in the House in support of the Bill before the House today.

I would like to conclude, Mr. Speaker, by saying this: that like many countries in the underdeveloped areas of the world, Kenya has her economic and social problems. To these problems some of us—or the Government—may think they have a ready answer. But it is recognized that most of these problems, the solution of most of these problems, cannot be tackled piecemeal. The imposition of legislation or action taken to meet one of these problems must be considered in its entirety in terms of the possible consequences in other areas. It seems to me that the shortcomings or the bankruptcy in the present Government's policy in trying to tackle some of its economic and social problems is the lack of foresight in recognizing that from some of the programmes or steps that they are taking flows a number of problems which must equally be faced. It is the same thing I accused the Government of when discussing land consolidation. It is the same thing, Sir, that I accused the Government of—today when discussing this Bill. Closely related to this whole question of some of the provisions in this Bill is the question of inheritance laws and African wills and so on. This cannot be treated merely in reference to a paragraph in the Bill as the Government seems to think is possible. The changing of this aspect of our social structure involves many other things that in so far as the foundation to a lot of our social structure lies in the system of land tenure and the disposal of land, I urge and appeal again to the Government to reconsider this whole matter afresh because the imposition by legislation of these changes will release a number of problems that the Government probably has not thought about. And if they have, they have deliberately decided to ignore them.

Mr. Speaker, Sir, I beg to oppose.

MR. NGOME: I do not know, Mr. Speaker, Sir, whether ten minutes will be all right for me, Sir.

Mr. Speaker, the question I want to put to myself and to this House is

whether the introduction of this Bill will be injurious to the African people in this country and my answer is No. Government is not trying to bring something to destroy Africans in this country and it is the duty of Government to safeguard the interests of African people in this country. And as far as land is concerned, Mr. Speaker, I have heard various criticisms and the facts, the true facts, are that the people have to go to the Government for some help. Say, two brothers are having a quarrel with a land dispute, they have to go to the Government after seeing that they do not agree; not Government to go to the people. That is my experience, Sir, with land cases for very many years. I have known two brothers having quarrelled over the land of their grandfather and they failed to settle their land problem and they had to go to the chief and to go to the district officer and the district commissioner—not officers to go to these people. They have to go and ask for Government protection. And my question today, Sir, is whether a Government's production of this Bill in this House is to safeguard the interests of the African people in this country as a whole.

If that is so, I am appealing to the Government, not only African people, but Government protection should be extended to all races about land in this country. Mr. Speaker, we should not conceal the facts, I am going to say something that people probably in this House or outside may not like and the danger that is going to happen in this country—I have my son, a grown-up son who is sooner or later going to get married and I fear, Mr. Speaker, what girl he is going to marry, whether he is going to marry a non-African or whether he is going to his own tribe. And if because I am not going to control my son about what girl he is going to marry, he may choose himself, he has a freedom, but if he is going to marry a girl not an African girl and children are born, now after 20 years in this country, Mr. Speaker, what would be the family of that marriage in this country and especially as far as the land problem is concerned. Now, why I am putting to this House this picture is it a danger to produce this Bill into this House about land or the danger if my son or

[Mr. Ngome] myself marry a non-African girl in this country. What will happen after 20 years if children are born? And I am sure there will be a land policy or land law discussed here in this House, very seriously, at that time more than it is today.

Mr. Speaker, I am not going to waste my time and the time of this House, but this is a fact that I say here in this House and it is a fact I have heard Africans discussing outside that what will happen if an African in this Colony is going to marry a non-African in this country and what will be the result about land after 20 years. I do not find any trouble with this Bill than I can find trouble after 20 years if, for instance, as I said, I am not particularly attacking somebody else, Mr. Speaker. I want people to understand that I have this example of myself and my family. I see the danger. I repeat that—I see the danger if my family is going to join intermarriage with a stranger in this country and some children are born and what will be the land policy after 20 years?

Mr. Speaker, I beg to support.

MR. ARAP MOI: Mr. Speaker, Sir, the previous Member spoke of marriages. We are not speaking about marriages. We are only trying to say that as far as the African land control Bill is concerned, we, the African Elected Members, are opposed to it. We are opposing it because—personally I oppose it because—I think Government brought this Bill or introduced this Bill because land consolidation has been brought about in a very small way in one district and this is merely a cover to cover Government's face.

Mr. Speaker, I fail to understand why Government in all problems tries to dictate or impose African problems. I fail to understand Government, why they think that control and restrictions should be applied to Africans without consulting the African community through their representatives. This is a very intricate problem in which Government ought to have consulted those concerned. The land question as far as Africans are concerned is controlled by tribal traditions, or tribal system, and I think the Minister brought two or three

points being reasons why the Government thought fit to bring up this Bill. He said that because of fragmentation Government thought it wise to bring this Bill so that the proper usage of agriculture and other farming problems can be effected.

Mr. Speaker, Sir, the same Minister pointed out that—quoted the East African Royal Commission on Land. The Member for Nairobi Area has already dealt with it, that if the Royal Commission has never been debated by this Council and that this ought to be delayed until such time when the African point of view has been put across. As far as this Bill is concerned there are many sections which to my mind the man who drafted this Bill did not think properly. And this led me to believe that whenever there is a controversial matter Government rushes immediately and asks legal draftsmen to draft a Bill about a certain problem without going into that problem thoroughly.

Why I say so, Mr. Speaker, is that in this Bill you find the Government says in clause 4 that divisional land boards should be set up. Well, divisional boards consist of so many locations. These locations do not have or do not understand problems of the other locations. It would have been fair for the Government if they thought of establishing a locational land board which will deal with problems affecting that particular location. Secondly, Mr. Speaker, there is no need for the provincial board. Why? Because in a provincial board you have so many representatives from various districts which have different problems altogether. How are you going to have these members decide a matter which is different from another district's point of view. It would have been, if I were a Government legal man or if I were a Minister, to think in terms of district rather than provincial boards where in the districts you have so many locations and the teacher is bred in that particular district where people have got a knowledge of that particular district. And a district, in my point of view, will examine these matters because the members understand problems of that particular district.

I have got more to say, Mr. Speaker.

ADJOURNMENT

Thursday, 28th May, 1959

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the interruption of business. I therefore adjourn Council until 9.30 a.m. on Thursday, 28th May.

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

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

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

QUESTION No. 85

MR. TRAVADI asked the Minister for Legal Affairs will the Government give consideration to appointing more Asians to the Bench and Judiciary of Kenya?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): It is against Government policy to make any appointments on racial grounds. Vacancies are filled on qualifications, not on race.

MR. TRAVADI: Arising out of that answer, may I know within the last 50 years how many non-Europeans have been appointed to the Bench and Judiciary of Kenya on such non-racial basis?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): I should be delighted to look up the statistics and supply the hon. Member with the answer.

MR. MBOYA: (Inaudible) and if so is there again, Sir, at this moment, referring to the number appointed since then, in which they did not agree that in view of the racial appointments made prior to 1955—

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think you are making a speech, Mr. Mboya.

MR. MBOYA: Mr. Speaker, this—

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I am afraid that I must rule that you are not asking a supplementary question, you are making a speech.

QUESTION No. 145

MR. KHAMISI asked the Minister for Internal Security and Defence what amenities and facilities, if any, have been afforded to Mr. Jomo Kenyatta and his colleagues in their exile at Lodwar?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Kenyatta and his fellow convicts at large on licence have been afforded at Lodwar the amenities and facilities available to other residents there, save in so far as these are necessarily curtailed by conditions imposed on them, under sections 14 and 20 of the Deportation (Immigrant British Subjects) Ordinance, 1949.

They are housed and receive subsistence allowances.

I have arranged for copies of the two relevant Orders under the Ordinance to be placed in the library of this House.

MR. MBOYA: Mr. Speaker, Sir, would the Minister be kind enough to tell us what is the size of the subsistence allowance?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The amount of the subsistence allowance is Sh. 120 a month.

MR. MBOYA: Is this amount, Sir, based on some order or regulation or is it assessed—could we be told on what basis it is assessed?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): It is assessed on the actual costs and needs of subsistence as Lodwar.

MR. MBOYA: Mr. Speaker, Sir, would the Minister tell us if these people are allowed to have their families at Lodwar and if so, the size of the family they are allowed to have?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, they will be allowed to have their families there within reason, and I say "within reason" because one of the restricted men has, I am informed, three wives and 18 children.

MR. ODINGA: Would the Minister tell us whether he does not consider, as he is looking after Jomo Kenyatta, whether he would not transfer him to a less strict place than Lodwar?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, deep consideration was given to the most appropriate place; the age of Kenyatta and other factors were taken into consideration, and Government is satisfied that it is a suitable place.

MR. KHAMISI: Would the Minister tell us whether the allowance is sufficient to maintain Mr. Kenyatta and his family at Lodwar?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): The sum which I mentioned relates to the detainees, and there will be a sum additional to the allowance for families.

MR. MBOYA: Mr. Speaker, Sir, would the Minister tell us what facilities exist for these people to bring to the notice of Government grievances or any other matters?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, they have to report daily to the district commissioner, which affords them ample opportunity.

MR. ARAP MOI: Mr. Speaker, Sir, arising out of the Minister's reply, since that area is not far from my constituency, can the Minister allow me to visit that area and see what the conditions are?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): If the hon. Member will apply in the usual way, I will give him the same consideration as is given to all other applications.

QUESTION NO. 147

MR. NYAGAH asked the Minister for Internal Security and Defence how many men from Nyeri and Embu Districts (figures for each separately) were detained under the Emergency Regulations from—

- urban areas while in employment;
- the farming areas of the "highlands";
- their original districts while in employment;
- how many in (a), (b) and (c) together have been released; and how many are employed?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Mr. Speaker, Sir, I beg to reply. The provision of the information which the hon. Member requests would involve the examination of the individual records of each of approximately 77,000 persons who have been released from detention. I regret that this is impracticable.

MR. MBOYA: The Minister states that the Government has no records of this request.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, the Government has records of all the necessary figures and facts. They do not include the rather odd details which the hon. Member has asked for as these details are really of no significance to the Government.

MR. MBOYA: Mr. Speaker, Sir, is the Minister suggesting that releases are really not being done according to districts and by certain teams from certain districts.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): No, Sir, I am suggesting nothing of the kind. All I am suggesting is that the ascertainment of these matters of detail which the hon. Member has asked for would involve an impossible task.

MR. NYAGAH: Arising from the Minister's reply, is the Minister aware that it is absolutely necessary to have these answers, especially in view of the fact that there are many unemployed.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I am sorry, Sir, I did not quite hear.

MR. NYAGAH: Is the Minister aware that these answers—the answers to these questions are very important especially when you consider the number of unemployed people there are.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): I would only like to add that I have not the staff to do it, nor, I imagine, would my hon. friend, the Minister for Finance, provide, or this House vote, the money to provide the staff.

MR. MBOYA: Mr. Speaker, Sir, would the Minister now tell us on what basis the Government issues statements about the position of unemployment in various areas?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, we have the statistics about that. The two matters are quite different. The hon. Member asked about the number of people detained in urban areas finding employment. Government has never issued a statement about that.

BILL.

—SECOND READING

The Land Control (Native Lands) Bill

Resumption of debate interrupted on 27th May, 1959.

MR. ARAP MOI: Mr. Speaker, Sir, when Council adjourned last night I was dealing with clause 10, the establishment of provincial boards.

I had suggested, Mr. Speaker, that these provincial boards were not necessary, and in place of them district boards would be suitable.

Now, Sir, I now turn to the crux of the matter. This question of land, Mr. Speaker, is one which has been controversial for many, many years, and this Bill has been brought in a piecemeal manner to try to satisfy perhaps a certain group of people who feel that land, if issued in their own names might perhaps provide a form of security.

Mr. Speaker, Sir, all along, the Government say that if Land Registration and Native Land Control Bill is introduced the Africans would have a certain form of security. The African is able or will be able to borrow money from any source without any difficulty. Here, Mr. Speaker, I do not see anywhere where there is a clause where an African is able to get a loan on credit. Furthermore, Mr. Speaker, I feel very strongly that there are already claims and land rights which have not yet been settled by Government, and yet it is bringing this Bill—the Government is bringing this Bill without giving us assurances that those rights which have already been claimed by various tribes have not been settled.

Mr. Speaker, I want the Minister to make a proper statement as to what will happen to claims which have been put forward by various tribes as far as rights and claims of land are concerned. I am saying this in particular and had pointed out that Nandi claims Tinderet, and am pointing out now that they will not rest until it has been settled. I do not think Government is going to brush it aside simply because this Bill is going to affect such rights. The Minister ought to tell us in a clear-cut statement whether native land unit as owned communally will now be difficult for Africans to

[Mr. arap Moi] claim land as their right outside the native land unit.

Furthermore, Mr. Speaker, I would like to find out what the Government thinks about the Native Land Trust Board. What would its function be if these provincial and district land boards are going to be established? I think it is not opportune; this is no time for Government to bring this Bill in, when the whole question of land in this country has not yet been settled. We are as anxious as anybody to see that land is settled in the proper manner and this Government should be told today that Africans' problems should be discussed on an equal basis—not as peculiar persons. We are as important as any other community and therefore, when matters of this sort are discussed, the Government should not dismiss the feelings of the Africans. So the Minister perhaps thinks that this is being opposed by the Africans because of their usual manner of opposing. But I think that the Minister suggested last time that he would be very happy if the Member for Central Nyanza would go to him and be rehabilitated. This time I welcome the Minister to come to us and be lectured on the mentality of the Africans, and at the same time be told what are the feelings of the Africans at heart.

This is very important, Mr. Speaker, because at all times all along matters of this sort which I feel that I should be in a position to explain my feelings and fears, the Government puts this matter in the hands of the administrators; people who decide the fate and the rights of the Africans in African areas. Further, Mr. Speaker, I should like to point out that the lack of any proper system of agricultural credit in this matter would be unfair and would be impossible for those who perhaps have enclosed their land. I do not think that this is the right time, Mr. Speaker, to have this Bill brought before this House; Government is telling us that people are urging that this Bill should be passed so that Government can go ahead in tightening up land control.

In my constituency there is no urgency in this matter. If there is no fear of urgency concerning land consolidation then I do not see any reason why this

matter should not be discussed properly even for some months, or even years, for that matter, particularly when the Report of the Royal Commission on Land has been discussed. After all, Sir, the East African Royal Commission's Report on Land is out of date now because of the events. Therefore we need proper evolution on land, and proper discussion. As I said, people outside Kenya, people in England or elsewhere, cannot come and dictate and say that Africans should be in that place. We feel that we have a bigger share in this country and as such we should say what we should do and what we should not do.

Mr. Speaker, with these few remarks I should like to warn the Government that if in case this Bill is put through Government must accept the consequences, repercussions are bound to come and we should not be blamed.

Mr. Speaker, I beg to oppose.

MR. SWYNNERTON: Mr. Speaker, Sir, I have been very disappointed in this debate in the opposition of the African Elected Members to the Native Lands Control Bill. Their opposition in the main in my opinion, Sir, has been entirely unconstructive. They have opposed for the sake of opposing. They have not in any way considered the needs of the African people of this country at any point at all. In opposing this Bill they could quite easily have put up constructive alternatives but, Sir, I have not heard one single constructive alternative to this Bill.

This Land Control Bill, Mr. Speaker, follows naturally from the Native Lands Registration Bill. The African Members, and all groups on the other side, have supported land consolidation because the people want land consolidation. Now, in this debate, Sir, the African Elected Members have said: "We now want fragmentation again." Now, we cannot go through this decade after decade—fragmentation, consolidation, fragmentation, consolidation. We will never get any agricultural development in this country and the Africans will go into even greater poverty than many of them are in now.

The attacks on this Bill, Mr. Speaker, have been related to a number of points. African Members have regretted the

[Mr. Swynnerton] departure from tribal law and customs. They have said that this Bill is premature and they have attacked it on economic grounds. As I say, they have called for refragmentation.

I would just like to deal with tribal law and custom as it affects agricultural development. Agricultural development in the African areas of this country is coming into the era of modern intensive farming. Now, Sir, we cannot get on with agricultural development on a tribal law and custom which suited the conditions which existed 50 years ago. Tribal law and custom must evolve with the economy of the country, and that, Sir, it has not done. The conditions created in the lands of the Central Province have arisen directly from tribal law and custom, and the tribes themselves have failed to evolve any means of getting over that difficulty. As we develop in this country, we have got to develop a national law and custom—a custom which will suit the nation and not one which will be held back by the backward customs and laws of the tribes of the country.

The Member for Central Province South asked why this Bill was being introduced when only a small proportion of the country in fact was undergoing land consolidation. Now, Sir, he was ignoring completely the work which was going on in a dozen districts in this country. It is not land consolidation alone which is going on. Land enclosure is even more important than land consolidation because it is tackling the land problem right from the start before it becomes a problem. It is not putting out the fire after the building has burnt down. Sir, land enclosure or land consolidation is going on in Kisii, Kericho, Central Nyanza, North Nyanza, Elgon Nyanza, Nandi, Elgeyo, West Suk, Machakos, and the Taita Hills. Now, Sir, I would not call that a small fraction of the African land of this country. It covers most of the potential development areas because in that list I have left out the five districts of the Central Province as well.

One progressive, tribal law and custom in my opinion, which was attacked by the Member for the Southern Area, was that of the Kipsigis. Until the war the land farmed in Kipsigis was largely

farmed on a pastoral basis with a communal grazing. During and since the war the people of their own volition have enclosed the land in their district. Tribal law and custom has progressed to meet the need for cultivation, stock improvement and stock limitation. Now, Sir, what is going to happen next? If the Kipsigis tribal law and custom does not continue to evolve, then on inheritance those enclosed holdings will be fragmented and fragmented and fragmented down to uneconomic levels. That, Sir, is one of the main purposes of this Bill—to encourage the development of units of a minimum economic size, not of a few acres which cannot be farmed properly—but to secure minimum economic acreages below which subdivision cannot take place and transfer an inheritance.

A number of Members, the Member for Nyanza North, said: "Where is the security if the land is unproductive?" The Member for Mombasa Area said that "the loser would be the African." Now, Sir, in land holdings you can hold it horizontally or you can hold it vertically. It is all very well to have a large holding or a small holding but that land is of little value to anybody if it is not farmed productively. Therefore, Sir, the output of the land is as important in any land development as is the size of the holding. A holding will become too big for economic farming if it is beyond the capacity of the farmer to farm it—his ability, his farming knowledge, his available capital. It may be too small, so small that the farmer cannot support his family on it. But there is an intermediate point, and if the land is farmed productively it will give a very good living to the people farming that land. Therefore, Sir, as I say, land owning must be considered in its vertical, its productive aspect as well as its horizontal aspect, its mere size.

Mr. Speaker, Sir, I am afraid that I want to repeat a few figures which I gave in the debate on the Native Lands Registration Bill because the African Members moved out of this House at a very early stage in that debate. We have had reference to landless people and the employment of landless people if the provisions of this Bill are brought into operation. During that previous debate I gave the instance of Nyeri District,

[Mr. Swynnerton] comparing the farming in the whole of that district in economic holdings with farming in subsistence units of four acres. Now, Sir, had half the district been in 12-acre holdings and half in six-acre holdings it would have provided employment for 50,000 families and also it would have given a total income, a cash income, if farmed at a reasonable level, and after feeding all the families, of about £8,000,000 a year. If it were farmed in four-acre units, Sir, first of all it would carry 50,000 people less than if farmed in the bigger units and secondly, Sir, it would only bring in a cash income of £1,250,000 a year—that is about one-sixth of the income were that district farmed economically.

Now, Sir, the Member for Central Province South approached this Bill substantially from economic aspects. From the way he made his points I would have expected him to support the Bill—and not oppose it. He in fact gave a lot of economic arguments for supporting it and few economic arguments for opposing it. He said that the Government had not said how capital would be provided to raise productivity and that we must make economic facilities available. Well, Sir, that is exactly what Government has been doing since 1946 and we have been doing it at a greater rate since 1954. We have created first of all the capital assets. Land consolidation has created capital assets for the African farmer by providing titles to land. We have been providing services for farm planning and farm lay-outs. We have been providing cash crops and water supplies, improved livestock, loans to farmers and co-operative societies. All that, Sir, has been the Government contribution towards the economic development of those areas.

In the debate on the Budget Speech the Minister for Finance announced generous financial assistance from the United States International Co-operation Administration of £100,000 for loan to African farmers to help them in their farm development. He indicated that further negotiations were taking place with the International Bank to continue the same process. We all know, Sir, that we need a lot more money but we must make the proper use of the money that

is available or that we hope to have available.

Now, Sir, I want to develop discussion on the economic aspect of this particular Bill. Section 11 (1) (b) says that a "provincial board may direct that a divisional board shall not give its consent to any transaction whereby any separate parcel of land would be created smaller than such minimum area as the provincial board shall specify." Now, Mr. Speaker, I was very pleased to hear the Minister in introducing this Bill say that the directions which would be issued under that section would aim to ensure that the holdings would not be fragmented below a minimum economic acreage suited to any particular ecological zone. That, Sir, is vital to the future of the productivity of farming in the African areas and to the fuller utilization of manpower. In this matter, Mr. Speaker, the provincial boards will have to act in a very responsible manner in considering what is a minimum economic unit. We, certainly the Agriculture Department, over the last 10 or 15 years have come a long way in finding out how intensively land can be farmed, and whereas in the old reports of Lambert and Humphreys they said that units in the Kikuyu lands would have to be 11 or 13 acres to be economic, we have now come down to a very much lower figure. We consider that with the development of cash crops in the most productive areas the African farmer can get a first class income out of as low as six acres—that is, feeding the family and getting a minimum income of £100 a year. We know of farmers, Sir, who do very much better than that out of that sort of acreage.

Mr. Speaker, I would like to quote some figures from West Germany and Russia on the size of holdings in those countries because it will give us some indication of what may well be considered to be economic units here in Kenya. In West Germany there are 2,000,000 farms and the average size of those farms is 17 acres. Very large parts of West Germany have been subjected to land fragmentation through inheritance in exactly the same way as in the Bantu areas of this country, and they are going through a process of land consolidation at the rate of nearly 500,000 acres a year. It is a figure which does not throw any

[Mr. Swynnerton] discredit on the work being done and the acreages that are being consolidated here in Kenya at the present time. Those holdings, averaging 17 acres, are in a climate having a severe winter, and so they would correspond to a holding in this country of eight or nine acres. In this country we are on the equator and we can in general get two crops in a year. We have got to allow for the fact that our short rains often fail but that gives some indication that if we are developing on the basis of around eight or nine acres as a minimum economic unit in land of high potential, with the cash crops available to us, we shall not be far wrong. In Germany on 17 acres they get some of the highest yields of any country in Europe.

In Russia, Sir, there are two lines of development—the large-scale collective farms and the State-operated farms. There are 76,500 collective farms, each averaging 4,200 acres with 250 households per farm. On that basis the land allocation is approximately again 17 acres per family. It is a remarkable coincidence as between Russia and Germany, Sir. On the State-operated farms, of which there are 5,900 each of 25,200 acres with 400 full-time workers, and that is where families are used purely as productive labour but without any interest in holdings themselves, the average unit per family is 73 acres. Now, the figures from the collective farms indicate that in Russia, with some areas being extremely dry and other areas becoming extremely cold, the area of 17 acres is about right for the capacity of a peasant family to work. Working on the basis which I gave just now, it corresponds again to about eight or nine acres per family in Kenya. That supports the argument that so long as we are dependent on individual farming we must ensure that in the subdivision the minimum economic unit does not drop below a certain level. In a minute, Sir, I am going to give figures as to the productivity of holdings at different levels of cultivation ecology.

In our land areas, Sir, we do reckon that we must divide them into ecological zones because our climate varies so rapidly. From sea level to 8,000 feet or 9,000 feet. In the high areas, the high bracken areas, 7,000 feet, we reckon

that a holding should be of the order of 8½ to 12 acres to give a reasonable production to the farmer. In the Kikuyu grass zone, between 6,000 feet and 7,000 feet, the minimum economic unit should be seven to eight acres. In the Kikuyu grass zones is the tea belt, the pyrethrum belt, the wattle belt, the potato belt. In the stargrass zone, 5,000 feet to 6,000 feet, the coffee belt, we reckon on a minimum of six acres. In the other areas of between 4,000 feet to 5,000 feet it goes up to 12 acres. In the dry areas we have got to consider the minimum economic units in very much bigger figures—of 20 to 500 acres, depending on the type of farming which is to be adopted in those areas.

Sir, I am now going to quote quite briefly the output of three different types of holdings. I will take the Central Province, Sir, because that is the area where land consolidation has gone ahead quickest and where the application of this Bill will undoubtedly come in first. In the high bracken zone with a family of eight, Sir, on a farm of 8½ acres, potatoes, legumes, grains, bananas and yams will be grown twice a year, they will probably have five acres under grass and productive cattle, one acre under tea or alternatively under pyrethrum or another crop. At a high level of farming, output from that area, with tea, could produce something of the order of Sh. 5,400 a year. At a moderate standard of efficiency of farming it could produce about Sh. 3,470 a year. With pyrethrum instead of tea, income will come down to about Sh. 4,800, and on a moderate farming basis it will be Sh. 2,800. On a grass economy with productive cows but without cash crops the income will be about Sh. 4,000 a year, and at a lower level of efficiency, with lower grade cows, Sh. 2,400 a year. Now, in all this, Sir, we have got to consider the average farmer who will advance later to a higher level.

In the Kikuyu and stargrass zones we can have a holding of as low as possibly six acres on the same basis, with coffee and wattle being the cash crops. With a high level of efficiency we can expect a gross income of about Sh. 3,600 a year, from which must be deducted expenditure on fertilizers, insecticides

[Mr. Swynnerton] and so on, giving a net figure of something of the order of Sh. 2,400. With a moderate efficiency, net income will come down to about Sh. 685 a year.

Now, Sir, if we go to four-acre small-holdings, that is a subsistence and not an economic level, the cash income from that holding would be of the order of Sh. 500 a year only, besides feeding the family. Now, Sir, that is a very dangerous level of income. It is the present level of income of large numbers of African farmers. But what happens in the years when the short or the long rains fail? The farmer will not have a store of crops nor will he have a cash reserve to maintain his subsistence. There will be no-hump to fall back on.

I have given those figures largely as the economic argument in support of the Native Lands Control Bill and in particular in support of section 11 (1) (b). I believe that that is the same conclusion which the hon. Member for the Central Province South would have arrived at had he taken the trouble to work these things out for himself, that it is most desirable under this legislation to develop holdings which are economic to the African farmer and offer labour the opportunity of good employment. Had he supported this Bill, had he put up an argument of that sort, then I am quite sure that not only would he have supported this Bill but he would have carried the African Members on the other side of the House with him.

Mr. Speaker, Sir, I beg to support.

MAJOR ROBERTS: Mr. Speaker, Sir, until the hon. Member for the Nairobi Area spoke yesterday, I had a deal of sympathy for some of the objections and the suggestions put forward by my hon. African friends, but the hon. Member's venomous and almost threatening speech convinced me that the need for stringent land control in all areas to prevent it becoming an even more volcanic and emotional issue than it is today is essential. I feel this land question must be settled once and for all, but the hon. Member must forgive me if I speak in very straight terms to him. I must make it clear to him that the Europeans have just as much right to their land as the Africans have to theirs.

MR. MBOYA: Question.

MAJOR ROBERTS: Sir, there is no question about it. It is a great pity that no history has been written of this country, which it should be essential to be taught in all schools. If it were taught, I think a lot of misunderstanding would be cleared up and a lot of ignorance would not be displayed.

Today in Kenya we Europeans are just as much a tribe as the Jalu or the Kikuyu, and in the same way as we respect their tribal rights, we expect them to respect ours. If my hon. friend thinks that for one moment the Europeans will agree to open up their land barriers whilst the other tribes retain theirs, he had better think again. Our tribe has given a great deal to Kenya, much more than any other tribe, and if it had not been for us there would be few Africans today who could read or write, let alone take part in a debate in this House.

Having got that off my chest, Mr. Speaker, I would like to deal with the Bill which is under debate. Sir, I support nearly everything that my hon. friend, the learned and Specially Elected Member said, including his request that this Bill should go to select committee, although, Sir, I do find it difficult to reconcile his views on this problem with the views expressed in the policy, statement issued by the New Kenya Group, of which he is a member, or, indeed, with the utterances on this matter expressed for some considerable time by the leader of that group.

I can sympathize with many of the points submitted by the hon. African Members, particularly in that they claim that tribal custom should not be ignored. Their request for this clearly indicates that they do look on the land in a tribal way, and I believe that they want the control of that land within their tribe in exactly the same way as we wish to control our land. It will be dynamite for Government to ignore this fact. The Working Party recognized it in their report, and that has already been referred to by my hon. friend, the Specially Elected Member, Mr. Slade. I, of course, refer to paragraph 104 of the report, wherein they advised—in the strongest possible terms that sales of land between tribes should be forbidden.

[Major Roberts]

It is astonishing that such a fundamental and vital recommendation should be ignored in this Bill, and I do urge most strongly that Government see their way to including a clause to that effect in that Bill.

I entirely agree with the recommendation of the Working Party that land could be leased subject to a control through control boards, which must be freely elected boards. In support of these tribal customs being preserved, I consider that those control boards must be completely elected and not nominated by Government; such members would then have the power to see that their tribal customs as far as possible are considered and Government influence should be completely removed, although the best legal advice should be available to those boards.

Now, Sir, when I say those boards should be elected, I mean really elected and not appointed from some panel of names submitted by some quasi-Government body. I would resist such a scheme in the European areas and I want nothing for the European areas that I am not prepared to give to the African areas. It may be argued that Government must retain some control in order to safeguard the interests of the Africans. Mr. Speaker, I believe the Africans are quite capable of watching over their own interests, but, Sir, in case some slip should occur there is the safeguard if the Governor has the power of negative veto, I repeat, negative veto. He can say "No" to a yes, but not "Yes" to a no. There should be no influence introduced into that control from outside.

The say must be with the people; the landowners themselves in their own tribal areas and must be free from any outside influence whatsoever. But, Sir, care must be taken that these controls do not become so cumbersome as to make transactions in land complicated and long drawn out so as to discourage sales or leases taking place. The system of control must be kept as simple as possible; appeal boards, advisory boards and other extraneous bodies should, if possible, be kept out of the system. If the lower board agrees to a transaction, that should be the end of the matter, except for the Governor's power of

negative veto. If the lower board refuses, then there should be an appeal to the higher board, who, if it supported the lower board, the decision should be final. If it reverses the decision of the lower board, then that decision is final, except again for the Governor's power of veto. I can imagine nothing more simple and clear and more acceptable to all tribes than that.

Sir, so much of this Bill's detail is contentious, that I consider it vital, in the interests of the African, that it is taken to select committee, and I do urge the Minister to concede to this request. As the Bill stands, Sir, I would reluctantly find it difficult to support, though the hon. Member for Nairobi Area succeeded in convincing me that the principle of control is essential.

Therefore, Sir, at this stage I am unable to state if I can support or oppose the Bill and I very much regret that I shall not be here to hear the Minister's reply as I am afraid I have to see a specialist at 11 o'clock.

MAJOR DAY: Mr. Speaker, Sir, this debate I have listened to with the greatest interest and I must confess that I find myself sharing to some degree the obvious apprehensions of most of the hon. African Elected Members on the question of any interference—no matter how unlikely in fact this may prove to be—with their traditional customs and land usages. I am however in my own mind entirely certain that economically speaking the case for control is—I emphasize—irrefutable. But, Sir, it is on exactly the basis of how this control is to be organized and developed that I feel the real apprehensions arise. I do not wish to re-emphasize what has been said repeatedly already in this debate but I would say this, that in regard to these boards it would appear, Sir, from the development upwards in the strata of these boards that the lower board will eventually become nothing more than purely symbolic. I am perfectly certain that that is not Government's intention. I cannot help feeling, Sir, that a lessening of the number of these boards would be beneficial. I consider, Sir, that where it is apparent that a decision taken by a lower board can be influenced or indeed reversed by one of the higher boards going up, it will cause the lower board in fact to become nothing more nor less

[Major Day]

than a farcical body which will feel intrinsically in itself that its decisions can in fact carry little or no weight.

I consider also, Sir, although this is detail but it is such important detail that I would beg the indulgence of the House to dwell a minute or two on it, I consider that when you are deciding as to who should produce the framework to support these boards you must, I feel, consider the rural district and county councils. Now, we have heard, Sir, one hon. African Elected Member fear to express an opinion which he thought might be dubbed racialism. I in turn am almost terrified to say anything in this House which may represent what I feel are the interests of my community because so often any expression of that nature is immediately called racialism. I sympathize, Sir, with the African Elected Members in general about not wishing their own particular land unit to be broken down but entirely fail to see the logic of their corresponding expression that although their land unit should not be broken down the European land unit should be, and indeed it would be salutary that it is broken down. I cannot see, Sir, how, under any circumstances, this would benefit the Africans—a measure such as this, nor can I see how it would benefit the average Asian or Arab in this country. It cannot, Sir, in my submission solve any problem of over-population or land hunger and to develop this I would like to say, Sir, that I think the solution lies in front of our eyes. There are, Sir, areas in this country known as the "D" areas. These have been set aside for the express purpose of allowing people of all races to develop this experiment of what you might call interracial farming partnership and to see how it will work and develop. It is here, Sir, that this experiment which is so remorselessly advocated by some politicians in England and by some politicians in this country, should be allowed to develop and expand without bitterness. Why, therefore, was the implicit idea of opening, as was said not so long ago—advocated in this House by the Chief Secretary—of the gradual opening of the land barriers stressed. I cannot see what useful purpose, Sir, it can serve.

I would like to finalize by saying that I also welcome this Bill because it is a sensible Bill, it is sensible to develop your land economically however small or large your holding is, because it contributes to the wealth so badly needed by any country and particularly this country. But until, Sir, I hear what is to be said by the Chief Minister I must associate myself with the final remarks made by the late speaker and say, I cannot, Sir, at this juncture support until I hear what is to be said in the Chief Secretary's announcement.

MR. WEBB: Mr. Speaker, I entirely agree with my hon. friend the Director of Agriculture in his remarks that the arguments which we have heard in this House on this Bill from our hon. friends the African Elected Members have been wholly unconvincing and have shown a complete lack of comprehension both of the facts and of the problems. Indeed, Mr. Speaker, the truth probably slipped out from the hon. Member for Kitui when he said: "I cannot understand."

This morning, Mr. Speaker, the hon. Member for the North Rift seemed to me to speak rather on the Native Lands Registration Bill which has been passed by this House than on the Bill now before us. And the reasons which those hon. Members have produced have seemed to me to be neither relevant nor cogent. Indeed, if the African Members really thought that this Bill was as bad or as unnecessary as they claim, one would have expected a coherent pattern of reasoning based on knowledge. But that, Sir, is not what we have heard and I should like for one moment to consider the illogical and inconsistent arguments which different Members have introduced and the vicious circles that they have thus spun.

Perhaps I might begin, Sir, with the hon. Member for the Nairobi Area. He pointed out—quite rightly—how Government had relied upon native law and custom in the whole process of the ascertainment of rights in native land and for the consolidation of fragmented holdings. He then, however, suggested that this native law and custom should be allowed to continue to govern that newly consolidated land.

What, Mr. Speaker, would be the effect of that? Well, in the first place,

[Mr. Webb]
we should return, as my hon. friend, the Director for Agriculture, has pointed out, to fragmentation. And the hon. Member for Kitui gave us a vivid picture of the native law and custom relating to the descent of land on the death of its owner and to the rights of wives and children even while the owner was still alive. The hon. Member for the Central Province pointed out—quite rightly—how extremely bad fragmentation was, how it militated against increased agricultural yield and was in every way very bad economically. The second result which the suggestion of the hon. Member for the Nairobi Area would have, would be on the tenure of land. Now, again, his colleague for the Central Province South pointed out—quite rightly—that security of tenure was absolutely vital. Now, there is no security of tenure under native law and custom, and one of the prime purposes of the Native Lands Registration Bill was to confer security of tenure of land, so that it could be properly and fully utilized for every purpose for which land can be used. And that, of course, includes the use of land as security for loans and other purposes. The hon. Member for the Southern Area pointed out—quite rightly, again—that native law regarding land tenure was very different in different areas and that it was extremely complicated. It is very difficult to see how he suggests that land held in that way is going to be of use to its owner for the purpose of raising money or any other productive purpose at all.

So much, Mr. Speaker, for my hon. friend from the Nairobi Area's understanding of what he called the hon. Member for the Central Province South's "precise analysis".

And now, Mr. Speaker, to turn to the hon. Member for the Central Province South. He pointed out, as I have said, that fragmentation was a very bad thing and he suggested that one answer to this problem was to give Africans the power to make wills.

With that suggestion, Mr. Speaker, I cordially agree, and I pointed out, in the earlier debate on the other Bill, that it is a matter about which the Working Party made a recommendation. The power to make wills, Mr. Speaker, will not stop fragmentation. It is just as pos-

sible to divide your land by a devise in a will as it is for it to be divided on intestacy by native law, or by any other system of law, and it would be necessary for legislation to be enacted, as this Bill does enact, to provide that, despite the will, land could not be fragmented below an economic holding.

The second point to which I wish to turn, made by the hon. Member for Central Province South, relates again to the security of tenure of land, and he expressed his appreciation of the need to use land as security for loans, and I think the phrase he used was that the Africans were "crying for methods of raising loans". But, Mr. Speaker, he expressed his fear of the loss of land so used to foreign commercial institutions. Well, Mr. Speaker, he cannot have his cake and eat it. Lenders of money are not stary-eyed philanthropists. It is not their money in the first place. It belongs to their shareholders or to other people who are interested in these concerns. In any event, Mr. Speaker, I think it is a great mistake to think that foreclosure, which is the possible remedy which he has in mind, is the last remedy which any reputable moneylender really wishes to exercise. The remedy which he wants is the power to sell the land to a willing buyer, and that is, of course, the principal remedy for which the Native Lands Registration Bill makes provision. Foreclosure is the very last remedy; and it is practically never exercised in modern days.

The third point, Sir, which the hon. Member for Central Province South mentioned was the fear of speculation and exploitation of African land, and he therefore desired to see control of some sort of land transactions. In this he was joined by the hon. Member for the Southern Area, who suggested that African district councils were proper bodies to exercise such control, and I would point out, in passing, that in clause 4 of the Bill, which provides for the constitution of divisional boards, two persons have to be appointed from amongst its members by the African district council having jurisdiction in the particular division.

The hon. Member for the Central Province South went on to say that the people who should have the major say

[Mr. Webb]

in controlling land transactions are the people who own their land and, indeed, clause 4 of that Bill provides precisely that, since the vast majority of every divisional board must be people elected from amongst inhabitants of the division. The minimum possible composition on a board would be three Government officers and eight Africans, so that the suggestion that the Government officers might in some way influence—and influence in some sinister fashion—applications for land transactions in the circumstances is really, I think, not tenable.

The hon. Member for Mombasa Area pointed out how very important was the clan or tribal control of land, and here, Mr. Speaker, I venture to think, is precisely that control written into this Bill.

Now, Mr. Speaker, I want to turn to a different matter, and to comment on the general approach of the African Members of this House to this Bill. They do seem, Sir, to me to be completely divorced from the practical realities and necessities of the everyday life of their constituents, a point which I think has been made by other hon. Members on the other side of this House. They seem to me to be far more interested in the heady wine of politics than in really looking after their constituents, and I might, Sir, perhaps refer in this regard to a remark made by my hon. and gallant friend, the Chief Government Whip, in the debate on the Native Lands Registration Bill, where he said at page 50 of HANSARD, that the Government was carrying out a measure of great benefit to the African, but that the African Elected Members had come out of retirement because they saw a political defeat in front of them. It is precisely the same here, Sir, and coupled with that is the suggestion that has been made by certain hon. Members that they have not been consulted in regard to this legislation. Mr. Speaker, this suggestion verges on being dishonest. In November of last year the Ministry of African Affairs—Mr. Homan, the African Land Tenure Officer—wrote to the hon. Member for Nyanza Central as the Chairman of the African Elected Members' Organization, and requested that he and his organization should meet. Mr.

Homan and myself, and possibly also the hon. Minister for African Affairs, to discuss this Bill. That letter, and three subsequent letters, brought no reply. Copies of that letter were sent in addition to various people who had been particularly interested, such as the hon. Member for the Central Province South, and those African Members who are also members of the Native Lands Trust Board. After a long period of evasive and temporizing replies, in fact four hon. African Members, Nyanza Central, Coast Rural, Central Province North and North Rift, met Mr. Homan and myself on 12th December of last year to discuss this Bill. At that time, they said that they had no comment to make upon it. They suggested that it might be improved if the members of divisional boards were elected, and that suggestion we adopted, because in the Bill as originally drafted all the members of divisional boards were appointed. It is therefore, I suggest, Sir, empty to criticize Government for not consulting them, when they had been given every opportunity to be consulted and to express their views, and they have failed to take that opportunity.

Mr. Speaker, I should like just to deal with one or two small points of detail which one or two Members have raised. The hon. Member for Nyanza North suggested that this was differentiating legislation because Africans were not being treated in the same way as members of other communities. I think my hon. friend, the Member for Ukamba, has already pointed out to him that, in fact, the control of land transactions in the Highlands under the Crown Lands Ordinance and the Land Control Ordinance is just as tight, possibly even more tight, than anything suggested by this Bill.

The hon. Member for Nyeri and Embu asked a question about partition in the context of a man who has more than one wife. The answer to his question, Sir, is that the provisions of the Native Lands Registration Bill about partition, and the consequent necessity to get permission under this Bill to a partition, is that it only applies where it is actually desired to subdivide the land and to issue new titles for the subdivided fragments.

[Mr. Webb]

My hon. and learned friend, Mr. Speaker, the Specially Elected Member, Mr. Slade, raised three points with which I should like to deal briefly. He suggested that the transmission on death should require consent in the same way as the transmission to survivors. Basically, Mr. Speaker, there is merit, if I may respectfully say so, in this suggestion, but as this particular Bill refers to native lands, it is unnecessary, for the reasons that Africans, at the moment, cannot make wills. There is therefore no need to secure consent to transmission on death which takes effect by operation of law. We have, however, written into the Bill that consent to transmission on death is required if the transmission involves the subdivision of land, and the reason for that, Mr. Speaker, is, of course, precisely the reason which has been so applauded in other quarters, namely, to stop fragmentation because, if you allow free transmission by native law and custom, fragmentation is the immediate result.

The second point which the hon. Member made was to suggest that, in giving consent to transactions, divisional boards should be empowered to give a qualified consent. I think he gave two examples—a consent subject to a condition as to user, and possibly a consent subject to a condition that a charge might only be entered into if the proposed lender was willing to forego his right of foreclosure. Mr. Speaker, it seems to me to be wholly wrong that conditions of this sort should be imposed by this sort of board. Conditions as to user, in particular, are matters for other legislation—for agricultural legislation in the context of the native lands. It is quite wrong that the mere accident of a land transaction enables a board to step in and impose conditions of user, whereas if there has been no transaction, no such condition could have been imposed. If it is desired that land should be used in particular way, or up to a particular standard, then the way to deal with that is under suitable legislation, and indeed the Agriculture Ordinance, 1955, makes exactly such provision.

The third point which the hon. Member raised was the question of directions to be given by the Governor after con-

sulting the Native Lands Trust Board, in clause 11 of the Bill. Well, Mr. Speaker, this provision is exactly similar to section 8 of the Land Control Ordinance and it stems from the fact that the Governor must, in the last analysis, maintain full control over land transactions and land policy. In the same connexion, with regard to directions, the hon. Member for Ukamba suggested that the word was too vague, and that something much more precise should be written into the law. Well, Mr. Speaker, by itself it is vague, but, of course, the directions, if they are to have any effect, would necessarily have to be very precise, but it is just because directions may be given to cover a multitude of different circumstances, different boards and in different contexts, that it is necessary that a vague phrase should be used in the Bill so as to enable the Governor, in controlling land policy, to give particular and precise directions in every imaginable circumstance.

Mr. Speaker, I would just end by recalling one further remark of my hon. friend, the Member for Central Province South. He, in commenting on the constitution of divisional boards, suggested that "elected people might not be too knowledgeable". Mr. Speaker, that may be a very true remark in another context also.

AIR COMMODORE HOWARD-WILLIAMS: Mr. Speaker, Sir, I cannot comprehend the care taken by African friends of anything which refers to the use of the word "native", as expressed by the hon. Member for the Southern Area yesterday. Native is surely the finest title which anyone can bear, notably where it applies to the land in which he was born. I am, indeed, very proud to proclaim myself as a native of Cornwall, where, as in Kenya, as you know, men are men and the women are constantly reminded of the fact. I would like our hon. African friends to know exactly where I stand in this matter of land, in that a number of rather provocative statements have been made. I gather that the hon. African Elected Members will not countenance, under any circumstances, that their land barriers will be lowered. Surely that makes the issue quite clear: Nor shall ours. Let me make that point. They may be able to frighten the living

[Air Commodore Howard-Williams] daylight hours of the Colonial Office, but they can never frighten me. What is more, no one can possibly proscribe me for saying so. I am anxious, Mr. Speaker, not to refer to the Highlands, save very briefly indeed, and only in so far as they have been repeatedly mentioned in context by the African Elected Members.

To guide them may I quote from Sir Winston Churchill in that this must represent the Government policy on the land: "We consider that we are pledged by undertakings given in the past to reserve the Highlands of East Africa exclusively for European settlement and we do not intend to depart from that pledge."

The late Lord Altrincham—not the present one—and Sir Edward Grigg, the best Governor the Colony has ever had, said on page 32 of his book: "No pledge could be clearer or more positive." As I understand the policy of what I believe is called the New Kenya Look, it is that the African and the other reserves shall be equally open to all, one fine day. What a pious hope! Frankly, there is the answer—one fine day. Albeit, I agree with the hon. Member for Nairobi Area who in an excellent speech virtually said: "Why the hurry?" I thought he made a good point when he said that this House had never debated the Royal Commission Report. Surely we should do that at some time, or we are implementing its provisions before we have agreed on them, notably over the land about which some among us are patently not agreed.

I like the Government's effort with this Bill which I see is designed to safeguard the African, to stop him losing his head, his land to the wide boys. Let the African make no mistake. He is not going to have our land without we agree a well regulated system of lease on both sides. That is not the purpose of this Bill, nor is common education or the common roll. Frankly, Sir, I have now been long enough in this Council not to believe in fairy stories any more. I am tired of seeing ourselves exploited by African politicians. May I offer an olive branch? Lord Lugard, who I believe was once the Governor of this Colony, or who was not once of the Governor of this Colony, said: "The

true conception of the interrelation of colour is in matters social separate, each pursuing his own inherited traditions, preserving his own race purity and race pride—equality in things spiritual, agreed difference in the physical and material." That includes the land. May I quote another Governor of this Colony, more recently, Sir Philip Mitchell: "We shall have a black race managing its own local affairs almost completely. There will be schools for all their sons, and hospitals, clinics, dispensaries for the sick and the mothers. They will be cultivating their own land on a simple form of tenure involving complete security." What else does this Bill mean? He was right, I say, as was Sir Edward Grigg, and this is important to my argument as it is developing, that we must find some system of confederation which enables the essential common services to be adequately managed in the general interests without infringing the equal rights of self-government demanded by the tribes. With due deference, Sir, I offer this solution to all our land problems, in that it could be adapted to suit every one of us and to give our friends the Africans a far greater measure of control over their own land and people, over their own politics and administration. For heaven's sake give them none over us or we shall have Communism here as sure as God made little dictators; witness Lord Altrincham in his book and Ghana if you like.

Finally, may I plead that this whole affair of land and politics is not really a Kenya business at all, it is an East African problem, witness the present Uganda nonsense. The Constitution Subcommittee of the European Union unanimously agreed over the land, with these Governments I have quoted, and for that reason we should visualize some nine separate states politically controlled, each with an ever-increasing measure of self-government, with one man one vote beloved of our friends the Socialists, under a benign multi-racial authority. Why else the High Commission? We have in the Council of State the embryo authority. What would that do to this land? I say that to Kenya it would bring peace and prosperity. To the African it would mean political progress. To the Asian it would lead to trade. And to

[Air Commodore Howard-Williams] the European it would spell security. Peace and prosperity, political progress, trade and security. Surely there we have something? I commend a close study of this prospect to our hon. African friends. They need not collaborate; they should, however, co-operate. That is the basis of all parliamentary government. Anything, Sir, is better than an annual conference on the Constitution, which gets us literally nowhere.

I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I would draw the attention of hon. Members to the fact that, as circulated yesterday, there was an intention to move the closure of this debate at 11 o'clock in order to enable the House to deal with business that has become urgent. I would therefore appeal to hon. Members who still have to speak to be as short as possible and to adhere perhaps a little more closely to the provisions of the Bill under discussion.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, I rise mainly to deal with one of two points which have been made in this debate on this Bill and largely, using a word which has already been used, and that is the "implications" of this Bill.

First of all I would like to answer certain criticisms which have been made from the other side of the House regarding the haste in which this Bill has been brought before this House. I do want to remind hon. Members that there was a very carefully thought out report which was published on this whole subject which contained also this Bill as well as the Native Lands Registration Bill. Sir, before this matter was ever considered in this House and before the Bills themselves were published.

The first instruction which was given to that committee was given by His Excellency the Governor to that committee. I think I am right in saying, in March, 1957. It is now therefore two years since this matter was first investigated and it has taken almost two years for the Government carefully to consider everybody's points of view before bringing to this House either the Native

Lands Registration Bill, which was passed through this House recently, or the Bill which we have before us.

The second point that I want to make, Sir, is that the hon. African Members appear to be confusing the whole question of African customary dealings in land with the proposals which were put forward in the report to which I have referred. African customary dealings in land in those areas where African custom still prevails will continue. The hon. Member for the Rift Valley North in his speech this morning asked about the Native Lands Trust Board. The functions of that Board in so far as the African lands are concerned where native customs prevail will continue as before. This Bill is designed for completely new circumstances, that is, the new circumstances which have arisen out of land consolidation and all those circumstances which my hon. friend, the Director of Agriculture, dealt with so ably in his speech regarding the economic progress which is being made in the African lands.

I have felt also, Sir, for these reasons and for others which I will mention, that the opposition of the African Members has to a large extent been unreasonable. They have not examined this Bill in relation to the circumstances for which this Bill has been designed. For instance, may I draw their attention to the fact that there already exists for land other than African land a Land Control Board which carries out functions very similar to those which are proposed in this Bill, and the Land Control Board has been continuing and has been carrying out these functions for quite a long time.

I now turn to one statement which was made, I think, by two African Members, but notably by the Member for Nairobi Area, when he described this Bill as dealing with the problem of land piecemeal. The hon. Member for Nairobi Area in a very eloquent speech—I forebore to interrupt him and remind him that this was not the Carnegie Hall—virtually hinted that the Government in bringing in this Bill for native lands had not considered the whole question of land in the Colony. I would like to inform the hon. Member that the Government has given this particular problem a very great deal of thought

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over the last five or six months, because the introduction of a new system of control over transactions in land in areas to which this Bill, the Native Lands Registration Ordinance, will apply, must also be considered in relation to the declared policy of the Government—that is the policy which I enunciated here when we were considering the Native Lands Registration Bill—to ensure the basic tenure and the management of agricultural land will be similar throughout Kenya regardless of race and tribe as far as both economic and ecological factors will permit. Hon. Members will remember the statement I made in this House at that time.

In relation to the areas affected by the Highlands Order in Council and possible other Crown lands leased for agricultural purposes, it is the intention of the Government to seek the agreement of the Secretary of State for the Colonies to the introduction of legislation to amend both the existing system of tenure and the prevailing machinery for control over transactions of land. The Government hopes, and I think this is important, to provide machinery to make possible leases between races in all areas, and as regards control over transactions, if we are going to have control, a system obviously of the same sort has been set out in this Bill—divisional and regional boards will have to be set up very much on the same lines as those proposed for the African lands. We also propose that there should be a Central Advisory Board which would exercise its functions in respect of all land in the Colony. In view of the fact that that Central Advisory Board would have all land under its purview then naturally it would represent all points of view.

Now, Sir, these are the general intentions of the Government, and if they are going to be approved there will be need for a great deal of further work on this matter, particularly in detail, and with respect to any legislation which we may wish to bring into this House. In view of the fact that there will be detail, then I myself would suggest that the best way of dealing with the matter would be to produce on our side a White Paper with the Government's

full intentions in it and let that White Paper be debated in this House. But I do not propose to say any more at this stage than to say that the Government has given this matter a great deal of thought and has a very great number of ideas on the subject and we will bring the whole matter before the House when we are ready to do so.

In conclusion, Sir, the hon. Member for North Rift in a statement which I frankly did not quite understand, talked about consequences—and repercussions. I do not know what consequences he is referring to, or what repercussions, but I sincerely hope that with the passing of this Bill the main consequences and the main repercussions will be that those people in the African lands who have now turned over to individual tenure will find that their daily standards of living will improve yearly, will improve from year to year; and that will be the main and the best repercussion from the introduction of this legislation.

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

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

MR. TRAVADI: Mr. Deputy Speaker, Sir, I rise to join with my hon. African friends in opposing this Bill. I was thinking after reading the Bill that the Bill does not set out the intentions of the Dow Commission as explained in chapter 23. Realistically speaking, this Bill ought to have gone first for prior approval to the Commissioner and then brought up here. I strongly feel that the power given in this Bill under clause 5 is very much dictatorial and interferes with the day to day ordinary life of a man, of an African I should say, and those powers are not in accordance with the intention as explained in the Report of the Commission.

Well, the Working Party was empowered to go into these details, and the first thing that it was to do was to consolidate those fragmented pieces of land into consolidated holdings, and thereafter, after having consolidated the pieces—it naturally deprived the African elders of the ownership and title of the land—but after registration of the titles

[Mr. Travadi] it gives an individual its ownership, but thereafter this present land consolidation as it appears here does not contain or does not incorporate the intention which was to be.

Certain hon. Members have raised the White Highlands issue and touched upon certain alleged promises, the investigation and many other things particularly, hon. Members on my left have referred to Sir Winston Churchill and have said that these are the White Highlands reserved for Europeans. I have nothing more to say about that, Sir, because it would require a book to write a reply to it, but I will confine my remarks in two and a half words. I would say that "a great fraud" was perpetrated in this country by the British Government over its Empire. A great fraud—two and a half words only. There was also promise to the African community that no legal disadvantages or obstacles would be raised against Asians holding land in the Highlands. But they have all disappeared in a moment. When a recent statement was made here we were expecting that these tribal barriers of land were going to be loosened, but we find in the Bill here that it appears that day-by-day the grip is made so tight that I do not think that this loosening will ever materialize; it will probably take a century or more before this disappears. I think that these barriers will never come down automatically unless they are forced to do so.

Mr. Deputy Speaker, the model of this Bill has been Chapter 150. Now, Chapter 150 says that the powers are given to the Board there, but here the Board itself is a Board made up of district officers from here and there. In cap. 150 the Commissioner of Land is there, the Financial Secretary is there, another big officer is there, and quite apart from these there are half a dozen European Elected Members on that Board. If such a provision had been incorporated here that would have been something. Here it is merely district officers and so on, and it will be very costly that, as was said yesterday, it is a sort of indirect taxation and the people will have to pay for it.

Now, Sir, in that particular Chapter 150 which has been referred to by the

Working Party there is no such thing as subdividing the area into some other subdivisions and so on and so forth. There the whole big body controls all the land in the Highlands and here too we have got a sort of provision where the African areas have been subdivided into various small districts to be governed by small land boards. I mean that, that too is also a departure from the objective contained in the Report.

Mr. Deputy Speaker, Sir, I prefer the word "African" instead of the word "native", and there are reasons. Native means born here—this applies to the people, actually the Africans—I mean to the natives but not to the Africans. If the people who are born here are natives then I am very much pleased to retain that word so that I can go into the native reserves and become a native. Then whatever is the definition, but if the Africans want the word "African" to be substituted for "native" then my family and myself and hundreds of thousands who are here in Kenya as permanent residents and who have adopted this land as their own, can all become members of the African community.

Mr. Deputy Speaker, I do not want to waste much of the time of the House by bringing in more matters, but I would like, before sitting down to remind the House that Europeans were invited to this Colony, invited as guests and invitees and now they want to carry away the hosts' whole house and everything, and that is the position of Europeans, Mr. Deputy Speaker, and I beg to oppose.

MR. ODINGA: Mr. Deputy Speaker, Sir, this Bill raises one of the most important questions to which I believe that Government has never been straight with the African people, and before I actually remind them of the most important questions which have not been faced squarely by the Government, I would like to point out to the Director of Agriculture that while I appreciate very much his zeal and his enthusiasm to build a middle upper class of Africans in this country as landlords, I would still ask him to consider that the African tribal laws and customs are bound to the African people at this time, and at the same time there are good points

[Mr. Mboya]

those mistakes but let us not be asked to guarantee perfection, because even the present Government has a hard time producing a perfect system.

MINISTERIAL STATEMENT

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, under clause 31 of the Standing Rules and Orders I beg to move that the debate be now adjourned.

I apologize for intervening like this in this debate on local government and I apologize generally to all Members of the House if I am creating for them inconvenience. But it is, I hope, generally speaking for the convenience of the House, in that the next item on the agenda is concerned with Information and Broadcasting for which I am responsible. Due to circumstances which are beyond my control I will not be in the House probably for another fortnight, in which case the Supply Days will have ended and we will therefore have to decide whether we will take Information and Broadcasting now or not take it at all. I suggest to the House that we might conveniently take it now. Therefore I beg to move that this debate be now adjourned.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Under Standing Order 19 I have some latitude in dealing with the order of business. Nevertheless, as this is interrupting an important debate I think it wise to put the matter to the vote under Standing Order 31.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 8—INFORMATION

VOTE 9—BROADCASTING

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, I beg to move that Mr. Speaker do now leave the Chair in order that this House may examine Votes 8 and 9.

First of all I would like to thank the House for their courtesy in allowing me to take these Votes now rather than later.

In considering the Information Department to begin with, hon. Members will notice that there have been some reductions in the amounts which were provided during the previous year. I cannot, Mr. Speaker, say that these reductions are welcome to me hon. Members will notice that the figures have been reduced by £18,500 on the approved Estimates for 1958/59. The actual reduction is shown as £16,250 because of the increase in the Appropriation-in-Aid. These reductions will be made, Mr. Speaker, in accordance with the general feeling of all Ministers during this year that reductions should be made as far as possible throughout all Votes, but naturally in priority, as has already been explained in this House.

There was certainly no desire on my part to reduce a Vote which I think is extremely important and I would like to compliment the staff of the Information Department particularly because they have been trying to get to a large extent a pint out of a half-pint pot and have been doing so very successfully. On the other hand, with the reduction in provisions this year it means that in fact the staff will now be trying to get less than that pint out of the half-pint pot.

Now, the Information Department has, up until now, as everyone knows, continued to try to ensure that all races are kept informed of Government's plans and policies. It has also tried to build up public opinion, in other countries, informed on Kenya affairs, and those are the two main objectives of this Department.

I would like to turn and give a brief résumé of certain sections of the Department during the year. I will then come to the question of policy for the future arising not only out of what I have said about cuts in expenditure but out of what I personally feel might happen after one year of experience of dealing with the Information Department.

I turn first to the Press Section. There was a substantial increase in the number of newspaper correspondents and photographers visiting the Colony during the

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last year. This came largely because of a special visit which we arranged for 30 journalists and photographers for the opening of the New Nairobi Airport. They included representatives of leading British provincial newspapers, aviation and travel journals, and television teams from the B.B.C. and from Independent Television News. After they had covered the opening ceremony and described the Airport facilities the visitors were taken on a series of conducted tours to see for themselves development projects in various parts of the Colony including the agricultural revolution going on in the African areas, and substantial publicity resulted from the tours, particularly in the United Kingdom. Also, in collaboration with the recently formed Ministry of Tourism, the Press Section arranged for the preparation and the world wide distribution of 100,000 copies of a brochure called *Kenya, Land of Sunshine*, and not, mark you, *Kenya, Land of the Lion*. This Section has also produced a special tourist issue of a quarterly magazine called *Kenya Today* which ran to 10,000 copies and a colour poster advertising Kenya's tourist attractions. There were many Press representatives of leading newspapers from all over the world and I have noticed that there has been very considerable interest taken in leading newspapers, particularly in the United States of America.

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

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

I feel that it is important that we should keep such leading people informed of what is going on in Kenya and I usually make a practice of trying to see as many of these people myself as possible. If that is not possible then they are taken under the wing of the Press Section of the Information Department and shown as much as possible.

Publications during the year also included a brochure on the new Nairobi Airport and a booklet, *Introducing Kenya*, which was prepared for the Ministry of Housing in connexion with an international conference held in Nairobi. That was a particularly good booklet in my view. It was published in

three languages and the people who attended the conference expressed great appreciation of it.

There was also an increased demand for the illustrated *Kenya Today* and copies have been sent to all parts of the British Commonwealth, the United States of America, to Europe, and to countries as far removed as Hong Kong and Borneo.

There was also an increase in the number of recipients of the weekly news summary *Kenya-Calling*, and the monthly publication for Kenya students overseas, *Students' Newsletter*.

As regards publications generally, the provincial newspapers continued and finally replaced the old district news sheets. Regional magazines were also continued. The monthly magazine *Habari ya Radio*, devoted to the interests of the listeners to the Department's African Broadcasting services continued to gain popularity, and the monthly circulation has increased to 10,000 copies during the year. A fortnightly news-sheet *Habari ya Radio* has been replaced by a weekly newspaper *Habari*, designed mainly for distribution in Nairobi and in other urban areas. Over 600,000 copies of 28 leaflets and pamphlets were produced and distributed covering a wide range of subjects and in various vernacular languages. The production of two special pamphlets, one on land consolidation for the Central Province, and the other one on the prevention of forest fires in the Coast Province, was also undertaken. Seven booklets were produced of which a total of 117,000 copies were distributed. Two of these, the subjects of which were the Budget and the Kenya Commonwealth Games team, were more than usually elaborate. Another high-standard publication was produced on behalf of the Kiambu African District Council to publicize the Dagoretti Development Scheme. Other booklets published included one on the subject of the treatment of tuberculosis and one for the Coast Province to support a medical campaign against bilharzia, tapeworm and hookworm.

As regards films, 1958 saw the introduction of a form of film-making new to the Department, the use of fully-synchronized sound. Four films were completed using this technique. These

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were a comedy, *Bahati ya Wahumi*, starring the Nyanza radio comedian Chokotei, and I believe that the hon. Member for Ukamba and the hon. Member for Nairobi West have asked in this House in the past that they should do more to sponsor local comedians (this had dialogue in Swahili); *Crossroads of Africa*, which was a colour record of the new Nairobi Airport; *Effendis of the K.A.R.*, dealing with the *effendis* training course; *Gharano ya Kenya*, which was a colour film explaining Kenya's Budget including in addition to the Swahili dialogue simple animated diagrams. A 20-minute film intended for showing overseas was *Kenya, 1958*, a review of the year. Filmed in colour, it pictures many events which crowded the Colony's calendar. Amongst the items were the International Geophysical Year's Mount Kenya Expedition, the Coronation Safari, the African elections, the Airport opening, British troops leaving for Adu, the opening of the power line from Uganda, and the arrival of the Legislative Council's new Mace. Personalities featured included the Aga Khan, Charlie Chaplin, the M.C.C. cricket team, Field-Marshal Sir Gerald Templer, Sir Roy Welensky, and Kenya's champion jumping frog "Vesta". I would particularly like to commend the Film Department for the value of their film on tuberculosis which was used here in Nairobi in order to show Africans the value of coming forward and bringing themselves for X-ray treatment. I might add that the film library now contains 1,165 films and this was revised during the year.

The Photographic Section's photographs received very wide use during the year and were printed in newspapers, magazines, and travel books. A library of colour transparencies was built up and these were used by the Kenya Public Relations Officer in London for the preparation of a colour film strip for use by lecturers and educational institutions in the United Kingdom.

I now turn to the subject of vans which was one of the items which suffered a severe cut in this year's Estimates. Apart from the Department's publications and broadcasts, Sir, its main impact on Africans living in the remoter areas was through information

and cinema vans. At the beginning of the year the fleet consisted of 12 cinema and 11 information vans. But this was reduced during the year to 14 combined units—that is, making the vans into both information and cinema vans; and they have been distributed throughout the Colony. The vans, supported by broadcasts, pamphlets and posters, were used largely in collaboration with the administration and the Social Service Department in instructional and betterment campaigns. Amongst such campaigns listed in this way during the year were anti-measles in meat in the Rift Valley Province, cotton planting and better agriculture in Nyanza Province, rabies, artificial insemination, grazing schemes, plague and better housing and building in the Central Province, cotton planting, bilharzia and intestinal infection in the Coast Province and tuberculosis in Nairobi, which I have already mentioned. It is estimated that during the year some 2,000,000 Africans saw such cinema shows. It is of very considerable regret to me, therefore, Mr. Speaker, that we have had to cut down the number of vans.

Now, Sir, that is a brief review of the work which the Department has undertaken during the last year. With the cuts, and even before the cuts, I think we were perhaps too thinly spread out on the ground for the work which we were trying to do. I think that with the present set up in the Information Department we really needed perhaps twice as much money as has been voted up until now for what the Department was trying to do. After very considerable thought therefore I propose a reorganization of the Department to concentrate on a few things only and to draw in our horns and not to be, as I have already said, quite so thinly spread on the ground.

The aims which I have, Sir, are roughly these: that we should first of all have a reduction and a concentration of our newspapers. This would be to a large extent a Press operation which would mean that we would probably have to strengthen the Press section and also get into the districts people who have had Press experience because part of that operation would probably involve the collection of news, not only for the newspapers but also to feed into what will shortly become the Kenya Broadcasting Service. Secondly, I would like

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to concentrate on the making of television films for showing in the United Kingdom and in the United States of America. It seems to me nowadays that visual entertainment is the thing which the populations of the United Kingdom and the United States of America are now largely dependent upon and I feel that if we are going to represent what goes on in Kenya in the best way possible then the making of films of our achievements in this country for showing on television should be able to reach a far greater number of persons in both of these countries than we have so far been able to do. Thirdly, I think we should improve our own present film service and also the making of film strips for our local audiences. I feel that the work which is being done now by the Films Section could be improved and could also be assisted by allowing persons in districts to make film strips of a topical nature so that they can show them to their own people. Fourthly, Sir, I would like to encourage visits of leader writers of the United Kingdom weekly newspapers to come to Kenya to see for themselves what is going on here. I feel that daily newspapers are inclined to feel that unless the news is sensational it is not news at all and therefore as it is sensational it is usually or will only last for a day or two, but if we want to make a lasting impression of what is going on in Kenya I feel that we ought to get those people who are mainly responsible for writing articles in the leading weekly newspapers to come here. The fifth point is the point which was raised on my own Estimates and that is the improvement of the Public Relations Office in London. If indeed we are going to carry out what I have proposed in the four points which I have made then obviously the co-operation of the Public Relations Officer will be paramount and he will have to have the necessary staff and facilities for pushing across to the people, both visually and by television films and also by any publications or printed material which we have, our own viewpoint here in Kenya. So really the objects are two-fold—first of all to improve distribution of visual and reading matter to persons locally; and secondly, to make an impact on what appears to me to be the appalling ignorance of the United Kingdom

and the United States public, and in so doing by using the most modern propaganda medium, that is television.

As yet I have not worked out the details of this scheme and having regard naturally to the staff position it may take eight or nine months to do. However, I would at this stage like once again to thank the staff very much for what they have done and to assure them that there is no question of this organization just throwing them out, and we will do our best to reorganize within the Government service. Therefore, Sir, what I am doing in so far as Information is concerned today is to present to you Estimates which within the next eight or nine months may well be changed. But I would ask the House to agree to vote the total sum which has been shown under Head 8—Information, and I will promise the House that the reorganization will take place within that total. Perhaps at a later stage—possibly in the Speech from the Throne later this year—I might be in a position to give the House greater details of what I have proposed in broad outline today.

I now go on to broadcasting. I would like just to give the House a résumé of what has happened in broadcasting up to date, as I have no doubt they will be interested in the new scheme. With regard to the transmitting station in Nairobi, a site of 60 acres was purchased at Langata for the Colony's main transmitting station. Hon. Members will remember that it was proposed in the Sessional Paper that this transmitting station should be built on the main Mombasa road. We discovered later, however, that the D.C.A. had grave doubts as to whether or not the transmitting station might not interfere with messages—transmitted to aircraft—and therefore it was found necessary to change the site. The building, which will house the transmitter, has been completed and actually taken over.

With regard to transmitters, the first of the four new Marconi 10-kilowatt transmitters—that is three short-wave and two medium-wave—were shipped from London last week. The last of the four is expected to arrive in Mombasa in mid-July. Four small transmitters which will be used as standbys have been purchased from International Air Radio in Uganda, but have not yet been installed.

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In due course six additional transmitters will be taken over from Messrs. Cable and Wireless Ltd.

As regards the aerial arrays, the four medium-wave masts have already been erected at the site at Langata, and work is in progress on the erection of the short-wave aerial arrays. As a matter of interest some 62 of the short-wave aerial arrays are gumpoles averaging about 45 feet each in length and have been brought from the Uasin Gishu plateau and specially treated.

A site for a new Nairobi studio centre has been chosen near the National Theatre. The preparation of the plans and detailed drawings for the studio centre have taken longer than was expected. The finishing touches are now being put by the Ministry of Works to the detailed drawings, and tenders are likely to be called for about the end of this month. It is hoped that the construction will commence not later than July and the studio centre will be completed and in operation by June, 1960. This is the only part of the programme which is not up to schedule. Hon. Members will remember when I moved the adoption of the Sessional Paper it was hoped that this studio centre, although not ready for the take-over from Cable and Wireless, which is scheduled for the 1st October, would be ready sometime about the beginning of 1960. Unfortunately, due to preparations and plans, that date has been extended. It is hoped that the actual building will be completed about March, but thereafter there is quite a large amount of installation work to be done, and that, it is hoped, will be completed about June.

In the meantime negotiations are in progress with Cable and Wireless to rent their studios at Kabete for the English language and Asian national programmes. The African national programmes will continue to be broadcast from the existing African broadcasting services studios in Information House. The Mount Kenya station at Nyeri will continue to broadcast for the time being until we are in a position to start the Nairobi regional programmes from Nairobi for Africans.

Now, I thought hon. Members might be interested in the staff position. The

new Director, Mr. Patrick Jubb, is expected to arrive in Nairobi on 5th or 6th June—that is next week. He was, until 30th April, head of the external administration of the B.B.C.—a post he has held for several years. Recruitment of other staff has been progressing steadily over the past year against the financial provision made in Vote 9 of the current year's Estimates. The chief broadcasting engineer joined the embryo organization in March, 1958—and at this point I would like to pay him a tribute as well as his assistants for the work which he has done in installing the new transmitters and being up to date, in fact, with the work which we propose. The three superintendent engineers—one for development and training, one for transmitters and one for studios, were all recruited last year. A number of other technical officers have also been recruited. The majority of the junior technical staff who will be required for the operation and maintenance of the transmitters and studio equipment will be included from July onwards if these Estimates are approved. An officer of the existing African Broadcasting Service has been seconded to carry out the forward planning of programmes. A number of the programme staff will come over to the Kenya Broadcasting Service from the existing African Broadcasting Service and from Messrs. Cable and Wireless staff, terms of their transfer to the Kenya Broadcasting Service of those of the staff who wished to transfer have formed part of the overall take-over agreement to that company. If they were on pensionable terms with the company the staff of Cable and Wireless were transferred to the Government service on permanent and pensionable terms. None of them would transfer on terms which are disadvantageous to themselves. Thereafter they will have an equal chance of promotion within the new organization in competition with other candidates in selection and promotion will be through the normal machinery of the Civil Service Commission. This applies to engineering and technical staff as well as to programme staff. There has been a certain amount of criticism, I have noticed, in the newspapers about this being a Government service and, in fact, a technical service is being run by ordinary civil servants. I hope that this

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outline of the staff, all of whom are not only qualified, but practically all of whom have had long experience in their own professional lines of broadcasting, will reassure any members of the public that, in fact, this is going to be a professional organization.

I would also like to mention for Members who come from Mombasa and Kisumu, of the progress which is taking place there. In Mombasa the two new redifone transmitters—one a five-kilowatt short-wave and one a five-kilowatt medium-wave were installed last year, and after some initial teething troubles have been in full operation for nearly five months. As far as studios and offices are concerned, premises have been rented in Mombasa and most of the staff have now moved from the provincial information offices to the new accommodation, and the new studios are in process of being equipped, sound-proofed and air-conditioned. The regional organizer for the Coast has already been appointed in the person of the assistant director of information, who has been seconded for the time being. In Kisumu, the two new redifone transmitters—one five-kilowatt short-wave and one five-kilowatt medium-wave have already been installed in Kisumu. As soon as the aerial array system has been completed the transmitters can be brought into full operation. As in Mombasa, premises have been rented in Kisumu for the new studios and offices of the Kisumu regional organization. Work is now in progress on equipping and sound-proofing the new studios, which should be ready for use by the end of June. A regional organizer has been appointed on contract. He was due for overseas leave on the expiry of his previous contract from the Ministry of African Affairs, and the opportunity has been taken of his visit to the United Kingdom to send him on a B.B.C. course. I would at this point, Sir, like to do, what I think I have already done in this House, but I may not have done, but which I should do, and that is to pay a tribute to Cable and Wireless Ltd. I think, for a firm who are mainly concerned with cables in all other parts of the world have given up their wireless commitments, I feel that the public of Kenya owe them a debt for keeping the present system of wire-

less broadcasting going and being so patient with us in our endeavours to take over from them.

There is one further point that I would like to cover before I sit down, Mr. Speaker, and that is the vexed question of television. I feel, and I think it is also the feeling of the Government, that television is the biggest propaganda medium which anyone can use in the modern world. It has shown that people now, who have television sets and a television service, spend quite a large number of their hours in the day watching television and possibly deriving some benefit from it. But as—does the hon. gentleman wish to interrupt—

AN HON. MEMBER: Interjection.

THE CHIEF SECRETARY (Mr. Couets): But as this is a medium which can be used either for great evil or for great good, I feel that it is absolutely essential that there should be a very firm control both of the people who use it, and of the particular programmes which are put out on television. Therefore, the Government has not jumped into the question of setting up the television service in Nairobi because that is where it would start, I think, and possibly also in Mombasa, without extremely careful consideration. Many people have said that certain commercial firms are ready to put in television, and they wonder why we have not agreed to their particular terms. I think we have got to consider, amongst other things, and there are a great number of difficulties in television, the question of viewing by masses of the people. I know it has been said that it is possible to provide communal viewing screens so that quite a large number of people can watch television at once, but I am advised that communal viewing screens have not been tried out with any great success, but with any great success—and, therefore, it is a medium which has still got to be tried before we can be quite certain that they will work. That means, therefore, that at the present time, at any rate, the cost of the actual television set, unless, of course, one also considers the question of wired television, which is another problem on its own, the cost of television sets will preclude a large number of people from, in fact, viewing the programmes. In fact, Mr. Speaker,

[The Chief Secretary] there are so many imponderables in the whole question of television that the Government decided that the best thing to do would be what we did with broadcasting and institute a commission to go into all these factors and give us the results of their investigation. I have, I think, promised that I would give the names of the commission, and I will do so as soon as I can. I am in contact not only with the Colonial Office, but also with other people in the United Kingdom, and I hope to be able to do that in the not too distant future, and I would add, Sir, that it is proposed that probably two members of the commission will come from the United Kingdom, including the chairman, and that we would probably have three members from local resources—three people from Kenya—to sit on that commission. I hope, therefore, that when the commission is set up that we will get as sensible a report as we did in the case of the broadcasting commission, and on that we will be able to make up our minds what we are going to do about what is a most important matter, and I have already said, but which is also a fairly difficult and complex one, from the Government point of view.

Sir, I beg to move.

Mr. WEBB seconded.

MR. MBOYA: Mr. Deputy Speaker, Sir, I will not be long this time, but I am particularly happy to be able to say that I have not got any major criticisms of either the Department or the Ministry this time. I think it is encouraging to see that at last some attention is being given to the Film Section of the Department, and my hope at the express moment here is that more local talent will be discovered and encouraged in the process, and not only confined to producing documentary films, but also some films of entertainment in the local setting that could be used and distributed in our various social centres and so on.

I have, however, two observations that I wish to make, but which mainly seek some, either explanation or statement from the Government. The Information Department is a very important instrument—a very important Department in the Government, as it is in charge of the

relations and conduct between the Government and the public. I am concerned, Sir, with—and I am not going to discuss the Hola incident—but I am concerned, Sir, with the information that was given by the Department in the initial period when the death of the detainees was reported, and I would like to have a statement from the Chief Secretary to explain the circumstances in which the Department first produced a statement alleging that the deaths were because of water or drinking poisoned water. It would be interesting to know whether this was based on any facts reported to the Department from Hola Camp or based on any desire or decision—and I do not wish to impute any motives to hide the actual truth or whatever it was. I think the public is due for some explanation of this very gross—very, very gross, miscarriage, I think, of the trust and confidence that the people have in this instrument—this Department—and I would like to have a clear—I hope that there will be a clear statement explaining the reason why such gross misreport should have occurred in this Department.

[Mr. Deputy Speaker (Mr. Conroy) left left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) resumed the Chair]

Now, Sir, the only contact between the people and these areas that are closed to the public, and even to the Members of this legislature, is through the Information Department. If we are going to receive the sort of treatment which suggests that we may not have confidence in the truth of the news or the statements put out by the Department, we will have done a great disservice to the work that is being done by officers in this Department. I hope that a clear statement will be made today explaining the circumstances of this situation, but since then there have been a number of equally disturbing reports—again emanating from the same source—and we are left wondering whether to believe these ones, or to wait another discovery by somebody else and another enquiry before we can have confidence in the source of these reports, and it is very, very important that the public should have this clearly explained in this debate today.

[Mr. Mboya]

And the second point I wish to raise, Sir, is in relation to the Kenya Public Relations Office in London. Firstly, I feel that the time has come when this office should reflect the complexion of the populations constituting our community in Kenya. I feel that it should be an instrument which all of us can feel confident that it handles all the new—all the relations relating to the various groups effectively and fairly, and I know there is an officer there who is doing some good work, and I am wondering whether an expansion in this office reflects the composition of the various races, the various communities, the various points of view cannot be found by expanding its base a little bit more than it is today. Now, Sir, I would also like a statement from the Chief Secretary today to explain the circumstances of reports, that the office and the Kenya Public Relations Officer have been used in the last few months to promote a political point of view from this country in the context of making available services and facilities to a Minister of the Kenya Government in an effort to sell the New Kenya Group. The Minister either visits London as a Minister or as a politician. If he must use the office at public expense I would have thought he would confine himself to matters relating to the Ministry and his Government work. If reports are true, and there is enough evidence, Sir, that facilities and personnel at the office have been used not for promoting Mr. Blundell's work as Minister for Agriculture, but as leader of the Kenya Group, then I would like to know why we, when we visit London on official delegations do not get the same facilities and services. Why all the political points of view would not get the same facilities if they wished to put forward their point of view in London. My own view, Sir, would be that it would be totally wrong that a public service in London or here for which all of us pay regardless of our political views or racial grouping should be used by any group politically for their own efforts, and I would expect that the public relations office in London would not be used even to convene a conference—a political conference—for a visiting Minister—even to be used as the contact

point for a Minister if he is acting in his capacity as a leader of a political group in this country. I hope, Sir, that the Minister will either clearly state that this has not been done, and if so we shall bring to him some pieces of evidence that we already have. If it has been done, I hope he will explain the circumstances in which public funds have been used to promote the New Kenya Group, unless it is suggested that the New Kenya Group is the child of the Kenya Government, sponsored by it and financed by it, which, if it is, should be made clear today so that we know with whom we are dealing.

Mr. Speaker, I beg to support.

SIR CHARLES MARKHAM: Mr. Speaker, when the hon. Member for Nairobi Area started his speech I found myself in agreement with him, and then, at the end, Sir, I found, as has happened in the past, I regret, I started to disagree, but, Sir, I think I will deal first of all, Sir, with those items with which I disagree before we come to the other items on which I think we are in full agreement.

To begin with, Sir, I do not know whether he was present during the debate in which we discussed the various Heads coming under the Chief Secretary—one of which was the Information Office in London. I thought, Sir, I said from this side of the Council that I believed all Members, regardless of their political thoughts, should use the London office for their own visits. And, Sir, I cannot understand the reasoning of the hon. Member who criticizes the fact of the present holder of the office in London assisting Mr. Blundell when the same gentleman, Mr. Granville Roberts, offered assistance to the colleagues of my hon. friend, the Member for Nairobi Area, but some of them preferred the African Bureau as a better source of information. I would have thought, Sir, that it is perhaps unfortunate that as we are the taxpayers of Kenya, not to use our own office, and although it sounds quite good, the way it was put by the Member for Nairobi Area, I can say categorically as I was in London at the time, that his own colleagues were offered similar facilities, but preferred to use elsewhere.

[Sir Charles Markham]

I think that is perhaps a red herring on the Vote we are discussing today, but could I first of all, Sir, now go back to agreeing with my hon. friend, the Member for Nairobi Area, when he talked about the fears he had and the disquiet in his own mind about the release of information which came from the Hola Camp inquest. I believe, Sir, that all of us, regardless of our race, are equally concerned that information which does come from Government should be accurate, and there should be no bias on that information. We are concerned that in this instance the information, through no fault, I may say, in my opinion, of the Information Department, was inaccurate, with the result that some of us now tend to doubt what has issued from the Government. That is unfortunate, and I do hope, Sir, the Chief Secretary can take urgent steps to make quite certain that if we are to have a machine which is a monopoly machine as far as the Government is concerned for information, that machine must only turn out information which is impeccable, and cannot be charged with being inaccurate. We naturally, from this side of Council, do doubt when we see things appearing from "a Government spokesman" as to exactly what it means. I think, Sir, my hon. friend the Nominated Member, Mr. Webb, who had great experience of the desert in the Middle East, will remember that whatever a Cairo spokesman said during the War—you often took exactly the opposite and then you were pretty near the truth. That is why today, even now, I have considerable suspicion of what comes from "a Kenya spokesman", and I think it is unfortunate in the modern world of propaganda, that anything emanating from any Government is always open to suspicion unless that Government can prove that it is absolutely reliable the whole time as to its sources of information.

Now, Sir, I was glad to hear the Chief Secretary tell the House of the five—I think it was five, I wrote it down anyhow—the five items on which he was doing a reorganization of the Information Department. I think, Sir, that it is

a fact that this Department has had a lot of very unfair criticism over the years, particularly as it had to expand quite considerably during the Emergency, but I think the time has now come for the reorganization which was mentioned by the Chief Secretary. I do not wish, Sir, to comment on all his five points because there is not time, but I only want to discuss two of them, and the first concerns, Sir, the question of encouraging the visits of leading writers of the various weekly Press in England. That, I believe, Sir, is a first-class idea. Although, Sir, I have some doubt as to what he means by the words "weekly Press"—because with some of them, Sir, it would be a waste of time giving them even a coach class ticket to Kenya because they have made their minds up and they have written their articles before they even leave England. Sir, if we are thinking of *Reynolds News* as a weekly paper, and I suggest a Member of another House back in England, Sir, we need not waste time bringing him out. At the same time, Sir, with other people it is very important that we should, and I am very glad the Chief Secretary has mentioned this, because I believe the greatest benefit that can come to this country is not only by the Press visiting this country, but also by the people of influence. While one might spend what might be quite a considerable sum of money in bringing out the Press to Kenya, I think as well we might think of giving a handsome donation to the Kenya Government for the C.P.A. to bring out Members of Parliament because I believe that as far as information is concerned, the recent visit of Mr. Williams and Mr. Thomas was certainly of more value to Kenya than perhaps a fleeting visit by a person writing for a magazine in England or America, particularly, Sir, as everything is coloured today by politics. It is no good writing in the Press what your readers do not want to read, and I hope, therefore, Sir, that before spending a large sum of money on this particular item, the Chief Secretary will be very careful not to waste our money, the taxpayers' money, on a wasted cause.

On the other hand, Sir, I accept that we must get a better contact with the

[Sir Charles Markham]

Press and I hope, Sir, that it will be possible for the Government to give the Press all the facilities they want in this country. When I was in England I did take the opportunity of seeing some friends of mine who were connected with the Press—I even went and saw the editor of a famous paper who is not particularly fond of the settlers in Kenya. But having spent, Sir, an hour and a half or two hours with him, I came to the conclusion that some of the complaints of his correspondents were justified. And those complaints were that they could not receive in Kenya the facilities they wanted in order to get an unbiased picture. I believe that this is an important subject that must be tackled by the Chief Secretary in his capacity as being the Minister in charge of this Vote. I do not want to refer to Hola again, Sir, except in this context, that nothing is more likely to arouse suspicion that attempts are being made to hide things away because the Press cannot see it. And I believe that the finest thing we should do today is to give the Press complete facilities to have what you might call the Chinese-English expressions for—a look-see. Because what is written in the alcoholic atmosphere of a hotel in Nairobi compared to the perhaps hot atmosphere of Hola might be very different. And I think it is important that if we are to get people on our side, forgetting about their political opinions, forgetting also that they may wish to harm us, then we must give the Press the chance of seeing all the facts and let them write their story. Because, Sir, I believe even if five out of 20 are determined to make political capital from the story, the other 15 will give the world the truth. And I do hope, Sir, that Government will not shy away from allowing the Press all facilities to both overseas and our home Press so that there can be no question of anybody alleging in this House that facts are not being allowed to be made public.

I am also understanding, Mr. Speaker, that there are security risks, but the greatest security risk to this country is if the people—the vast majority of people—start to have fears that things are being hidden from them.

Now, Sir, my second point regarding the reorganization is the question of the

Public Relations Office in London. I did mention briefly when I opened my speech various aspects about helping Members of this Council. But forgetting that aspect for a moment, I would like to suggest to the Chief Secretary that if he is thinking of this expansion in activities in London, he should, despite what Sir Arthur Kirby wrote to the Press a few days ago, still consider very seriously the suggestion of moving the Kenya Office away from Grand Buildings. When I raised this in the debate before, Sir, the Chief Secretary promised to look into it, but I believe if we are going to expand, it is essential and vital that we should get away from Trafalgar Square. And, in case, Sir, Sir Arthur Kirby thinks I am attacking the East African Office, let me say straightaway now, Sir, that except for that moment ago I have not mentioned the subject. I do hope, Sir, that he will understand that point at last.

At the same time, we are going to have this office in London; I imagine on a system such as the United States Information Service—its equivalent, on a less lavish scale, I hope—in London which does mean facilities for both your library, your films, your television films coupled with of course photographs and various publications. But I cannot believe, Mr. Speaker, that such a venture would be of any success at all sitting on the first floor of a dingy building in Trafalgar Square. Again I apologize to Sir Arthur Kirby for mentioning the building.

Sir, that is about all I have upon the question of information except that before I turn to broadcasting to mention one final point. The Information Department have produced many documents over the years and I think *Kenya Today* is of first-class publicity value. The Chief Secretary mentioned the Photographic Section. I believe that some of the photographs which have appeared in these Government publications are of outstanding quality and it is nice to see that such a standard is being maintained in Kenya. On the other hand I am sorry that the Chief Secretary did not tell the House what he meant by the reduction in the newspapers. Up to about six months ago, it may have been nine months ago, I received every month from the Information Department a

[Sir Charles Markham] summary prepared of the Press opinion in England—or the United Kingdom. Somehow that just suddenly stopped but I do receive every week a massive bundle of vernacular papers which my office boy enjoys. I have read some of them, although my Swahili is not up to the standard of either the Member for the Coast or the Chief Secretary, but I do think that perhaps some of those publications could be improved in the quality of newsprint. I know it is a question of money, but with the advertising today it is surely worthwhile considering the subject. Last year, Mr. Speaker, I made an allegation against the quality—I do not mean the newspaper print quality—against the quality of the production. I would like to withdraw that accusation this year and to say that there has been a great improvement although I do hope we will not cut down too much on the information coming out from England to Kenya which is of great value to us.

Before turning to broadcasting I have one final point on information which is perhaps a personal one. During the last year I have had quite numerous contacts both with the Director of Information and also with the Chief Press Officer and the Public Relations Officer and particularly I was involved with them over the visit of Her Majesty the Queen Mother to Eldoret. I would like to say, Sir, how grateful I am to them for the very great assistance that they gave me, I being very difficult and they being easy, and also, Sir, for the considerable assistance they gave us at the show-ground at Eldoret in making certain that the public were not hampered in any way by the considerable Press from overseas. I would like to take the opportunity once again, Sir, of thanking the Director of Information and his staff for their very great co-operation on that particular occasion.

Now, Sir, I shall be fairly brief on broadcasting; I only want to ask the Chief Secretary certain questions. First of all, Sir, is he satisfied that under the new scheme whereby the Kenya Government takes over broadcasting, that reception up-country will improve or indeed become possible, because, otherwise, I feel that we are ignoring a vast proportion of the African and European and

Asian populations who are interested in listening to the programmes put out, particularly on the European network.

At the moment there are criticisms that it is impossible to receive Nairobi at many places up-country. We had a slight discussion on this matter, Sir, with the Chief Secretary's predecessor on very high frequency and high frequency and all other sorts of frequencies, but I still did not understand whether we shall ever receive the programmes up-country. So I ask him, again, Sir, being a layman on the subject, could we please know if it is the intention to expand the service on the medium wave, particularly to up-country reception.

Secondly, Sir, I was interested to hear his remarks about the studios in Nairobi being or due to be completed in March of next year. In view of the fact, Mr. Speaker, that this aspect of our national way of life—broadcasting—is now going to come under the Kenya Government, presumably at some time or other, this House will get an opportunity of debating the policy of broadcasting. In other words, I do not mean the question of the policy of whether to have broadcasts or not but of an annual report of the various activities intended for the future. In other words, Sir, in case I have not made myself clear—I do not think I have, either—not too many of the gramophone records playing Vera Lynn or rock 'n' roll—I understand, Sir, that the Nominated Member for National Parks likes those sort of records. Certainly it is a great deal more attractive than the noises some of his own animals make, but at the same time, Sir, could we try and ask the Government to encourage live broadcasts and live entertainment in so far as it is possible with studio facilities.

I was thinking particularly, Sir, how much better it would be rather than have a rather poor reception from London of Jimmy Edwards, if we had a little more Kipanga, who I believe is one of the finest comedians who has ever been in this country, and yet I doubt if hardly 10 per cent of the Europeans have heard him. Certainly some of the Asians have heard him, Sir, and taken offence at some of his remarks. I understand, Sir, that he did quite a clever parody on the Legislative Council but the Department thought it

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would be unwise to allow it to go over the African network. But I do think, Sir, if we could have more of the live humour of people in this country, it would be a great benefit to us. And I hope, Sir, that when the policy of what is to go out from the Nairobi Studios is decided by the Chief Secretary with the Director of Broadcasting, we will achieve something more human rather than the Kenya Police Request Programme of "you know who or you know what" or something similar like that which is almost the lowest form of life I have ever heard.

Now, Sir, finally I want to talk about the question of television, but I did not quite understand the Chief Secretary's remarks about what was going to happen regarding the commission which he said he had appointed or was trying to appoint. There seem to be, Sir, two aspects of television—the commercial television and the ordinary television such as we get in England, through the British Broadcasting Company. Is it the intention, Sir, of Government to appoint a commission to look into both aspects or are they still frightened of the commercial angle which might pay the entire cost? I believe it is always difficult to control something which is on a live-picture basis, but if we could have something which would result in the taxpayers paying less, I believe it is a great benefit to Kenya. It is a waste of time in my opinion, Mr. Speaker, to talk about television unless we are going to talk about television in the commercial sense of the word. But I believe the Government must not become too much of a prim and proper prude—that is an awful alliteration!—Misses Prisms if you like, Sir—about commercial broadcasting. Quite frankly in England it is almost equal whether it is Independent Television or the British Broadcasting Company in so far as quality is concerned. But, it has been proved by the various balance sheets of the companies who are going on to the independent network that there are vast fortunes to be made. I do hope, Sir, that the Government will accept the principle of commercial broadcasting as well as television. Then this Vote might well be an appropriation of more value to Kenya than the whole cost of broadcasting.

I know from personal experience that the various listeners in England are critical of what they have to watch, both during the afternoon and early evening and indeed the daily Press—almost all of them—have what they call a kind of television review of what happened the night before. But what was interesting in England, Mr. Speaker, was seeing an article or a report in one of the daily papers which was criticizing a British Broadcasting Company programme which they described as dreary, nauseating and typical. It said: "I wonder how many people who are complaining about this programme have paid their licences?" I felt rather good at that remark, Sir, having paid mine in Kenya a fortnight before, but I do wonder, Sir, whether the Government are taking this matter of licences seriously. I know, Sir, that it can be said that it is not collected by the Government, it comes under the High Commission through the Posts and Telegraphs, but the figures given by Cable and Wireless are so ridiculous that I wonder, Sir, on a secret poll of this House how many Members would have to disclose that they have not paid their wireless licence. That fact, Sir, that people say it is not worth it, is nothing to do with it, but I believe, Sir, the Government should take active steps to enforce the collection, particularly as from next year we, the taxpayers, are going to be responsible for this Vote and the biggest amount of money we can get in for the appropriation aid is going to be to our benefit.

Although I was not very popular among some of my African friends, I did appear on television when I was in England last time and although a certain amount of people must have switched off, I understand the programme I was on appears every night from 6.45 p.m. to 7.25 (or something like that) and has an audience of 12,000,000 people per night. It may have dropped very quickly after that, I accept, but up to that time it was fairly considerable. I believe that is the finest source of putting over what you want to do rather than sharing out—I was going to use the word "paper", Sir; you called me to order for using another word last year—paper and films. I believe television is the secret, but it must be controlled and I accept what the Chief Secretary said

[Sir Charles Markham] on the dangers of allowing this to get into hands which could use it for other purposes.

Sir, that is all I have to say except to ask the Chief Secretary, through one of his own Back Benchers or Front Benchers for that matter, if he would tell the House about how long he is going to be available because it is getting near 4 o'clock now and if it is going to be finished tonight—I think he is shaking his head, it will not be finished—there are one or two details I would like to ask in the Committee stage. That presumably does not matter so much because he can always get one of his own Ministers who have collective responsibility to answer it for him.

I beg to support.

SHEIKH MACKAWI: Mr. Speaker, Sir, I would like to thank the hon. Chief Secretary for his excellent speech which he has given to us on Information and Broadcasting, Votes 8 and 9.

Sir, I have one point to raise, referring to the remarks made by the Chief Secretary about the officers of the Department. I would like to point out that the officers of this Department are treating their staff very badly, the same as animals. Sir, if there are any officers like these who cannot get the confidence of the staff and the public, why does the Government not change them and get efficient people? I am always hearing in this House that good officers and the efficient people are changed or transferred from one place to the other, but I do not hear of any change of the bad people.

Sir, I beg to support.

MR. NGALA: Mr. Speaker, Sir, I am very glad that the Minister concerned has given instances of some very encouraging future developments in this Ministry. I would like to touch on the Mombasa development.

Sir, we are particularly pleased that the five-kilowatts medium is going to be installed in Mombasa, but I hope that the Minister will make some facilities possible so that the African languages in the Coast could also be installed and could be used in that station. Last year, Sir, I mentioned the need for using

Kitaita as one of the languages that are there. Sir, the position in this district, the Kitaita District, is completely ignored as far as broadcasting is concerned. In the past I have been told that the machinery was not powerful enough to transmit any news from Mombasa to the Taita Hills. I hope that the Minister will now make this change as apparently there is stronger machinery available. The Taita District has well over 50,000 Africans who are completely cut away from the modern world because of the nature of their country. Now, they are comparatively more progressive than any other people in the location in the Coast Province. I feel that they should not be overlooked or be neglected in this matter of broadcasting.

The other languages, Sir, which I think should be incorporated into that station at Mombasa is Giriama and the third language, Kipokomo. Now what has been happening in the past, I think, is that the officer in charge has forgotten and ignored the fact that the station is catering for the whole of the Coast Province and not only for Mombasa. Now, this is a very serious mistake and the local people that do use the three languages do not understand Swahili very well and at least they would not appreciate the matter put to them in Swahili, but they would understand the matter put to them in their own language. Therefore I hope the Minister will look into this matter in a very careful and very sympathetic manner, particularly as far as the Kitaita is concerned.

I am also pleased to note that there is going to be a regional organizing officer. Now, I hope this will bring a fresh picture as far as the outlook of the Department of Broadcasting is concerned in relation to the whole of the Coast Province. As I have already indicated in the past the emphasis has been on Mombasa alone and forgetting the other districts or doing very little to the other districts.

Three months ago I visited one division called Kasigau where there has been no van visiting that place for the last six years and no publications have reached that place at all for the last ten years. Now, I think this is a very hopeless position because I think a division as

[Mr. Ngala] big as Kasigau which is not in contact with many other places through the nature of the people there, I think this should not be ignored.

As far as the organization is concerned, I think although there is a cut of staff in the Vote, I hope the Minister will consider the Coast Province as a special case because there are very many districts that have completely been overlooked as far as broadcasting and information services are concerned. Take the van and the facilities for the mobile van. I think—if I am not correct, the Minister will put me right—I think the whole of the Coast Province has one cinema van. Now, large as the province is, I think it is impossible, however much good will the officer has, it is impossible for him to cover these huge areas in one van. I would like to hear from the Minister what he is doing to at least cover the province more efficiently in connexion with the mobile van. The number of officers in the headquarters at Mombasa, if I am not wrong, I think we have only one officer and perhaps four or five assistants for the whole province. Now, I think it should be remembered that some other provinces have more stations, but in Mombasa we have only one station catering or supposed to be catering for the whole province and for that matter I think that station should receive special protection.

I should like to know from the Minister concerned whether the officers appointed as head of these departments really know their business, particularly as far as that station is concerned; because the programme in Swahili particularly is very discouraging and we get a few musical things, we get a few songs, but we do not get the stuff that people want. Local news, for example: people would like to know what is happening in their own district at different places. They would like to know what has been discussed in various locational councils or what has been passed in various African district councils or what the results of football matches between important schools in the district or in the province. Nothing of that kind: all that we hear is a bit of some songs and most of them are either in Swahili or in Arabic which is not understood by the bulk of the people in the Coast Province.

I think this is quite unfair and I would like to know from the Minister what are the qualifications of the officer in charge in that station.

As far as the British Broadcasting Company in London's programme in Swahili is concerned, I have been listening to this programme which comes out, I think, once a week and I would like to point out one weakness in the programme. There is quite a lot of East African stuff lacking in the programme. I wonder whether the Minister would consider the possibility of including some of the important political events or social events or economic events that are happening in East Africa to be included in the London British Broadcasting Company's programme. This is very useful, particularly for overseas students who would like to know what progress is going on in their own country and would like to keep themselves up to date as far as the local affairs of this country are concerned.

The cinema vans in connexion with schools: now, many of the African schools do not get sufficient attention as far as the cinema vans are concerned. I think a special van or a special projector should be made available for schools. Now, when I say for schools, I would like to see a programme that serves the subject, or some of the subjects, that are taught in schools. In intermediate schools, for example, geographical projects, or projects that have to do with history, or projects that have to do with other things that are mostly shown in these intermediate schools, though I do not think that it is bad but I think it should be accompanied with more things. What is mostly shown, Sir, is soldiers fighting in the Second World War or movements of royal families visiting different places, and so on. This in itself is not bad but it is not as educative as including something which is in the school curriculum to emphasize something that has been taught or will be taught so that the children in the school can enlarge their experience so far as different subjects are concerned in the school.

I would like the Minister to consider this very important item particularly as far as the fitness of equipment in African schools. This would be another teaching

[Mr. Ngala] said that would be very much appreciated by the teachers and pupils as well.

With these few words, Sir, I would like to support the Vote.

MR. TOWETT: Mr. Speaker, the previous speakers have said some very interesting points on information and broadcasting, and I do not plan to say anything interesting in connexion with broadcasting this afternoon, with the exception of one point. I would say that the Department of Information and Broadcasting actually do a lot of good for the Government propaganda, but not for the public education, and that one point, which I called an exception, is that the broadcasting officer has agreed to announce our political meetings when we are meeting in the districts, and that is very good. If we get some more gestures of that kind we would speak very well of the two departments.

Mr. Speaker, Sir, the Chief Secretary, who is the Minister for these particular departments, said there were so many newspapers or publications and what you call brochures—well, all of them, of course, emanated from the Government side of things, and I should say that I am not very happy in connexion with what the Government did to ban some two newspapers some days back. We want some people in this country to think or to be let to think freely. We want them to produce, put on paper, what their views are and some fanatical people to read those fanatical views. We should not try to stop people from writing and reading what they fancy. They should read. I think that the Government did a very wrong thing to ban two newspapers, say two or three months ago. I hope that that state of things will never, never be repeated again.

If it is the intention of our Government to canalize our views and to sort of direct us to think in the way in which the Government is thinking, I think we are going the wrong way with the Government. We do not want to be told to think along these lines: we want to think and do things provided we do not cause any destructive violence in the country. We should be thinking and doing things the way the people would like to see things done and thought in

this country. So, unless the Government changes its policy of dictating some line of thought to the staff in the Broadcasting and Information Department, and unless the Government changes its policy of directing the departments to follow the Government's policy, I feel that the Government should not actually be supported and should not be given the money for these two Votes.

Going to broadcasting in particular, there are so many radios in the country—side and most of them today are not in full use. We do not have in this country what I call many expert radio repairers. People in the reserve were encouraged some days back by the very same Government to buy some very cheap radios. Well, those cheap radios were cheap at the time but now they are not in use—they are no longer cheap. What I am trying to say, Sir, is that the Government should see to it that they try to appoint some specialist officers to visit African areas and try to sort out those people who have got useless radios, to look into their sets and see what went wrong, and to help these people to make use of the radios which they have already bought. Unless we do that the work of broadcasting is wasted, all the afternoons are wasted by the expert officers from the broadcasting stations. All those things are just mere waste because nobody in the reserve is listening to what most of our officers are trying to put across. So I hope the Government and the Minister will see to it that we get some officers to be going round touring the African areas and asking people to bring radios to be looked at.

AN HON. MEMBER: You want it done free?

MR. TOWETT: Another Minister from the opposite side has asked whether those things should be done free of charge. I should say yes—or for a small token fee—because what is the use of giving officers a lot of money to broadcast and nobody is listening? It will be better to get rid of some of the officers and ask them to go and get those radios at home working before they come to the office to broadcast. That is simple thinking.

Now there is another very interesting point about the broadcasts which come from Great Britain in Swahili. Of course those people broadcasting from England

[Mr. Towett] do not know that our radios are not in good order at the moment, otherwise they would have abandoned the whole thing there. You see, what is being broadcast from Great Britain is what you call "world news", general world news. What we want is news from East Africa. I do not see why we should send people to Great Britain to go and broadcast in Swahili, the language we condemned some days back in this House, from England, general world news. The ordinary man who speaks Swahili, in my own district or in the Northern Frontier District, is not interested in what you call "world news". World news is for people who are trying to aspire high and to know what is happening in Russia, Germany, and what you call America. Now what I am suggesting is that the Department of Information or Broadcasting should be sending news to those people who are broadcasting from Great Britain in Swahili and then we hear news as East African news; or alternatively bring those people home here and let them broadcast from Kenya where Swahili speaking people are. Bring them here to East Africa and if you want to put over the world news that can be done very nicely from Nairobi.

Then I come to a very serious point—it is a terrible one. The Department of Information has actually planned to give us broadcasts in Swahili between 7.00 and 9.30. That is the same time when we are, some of us, listening to news in English from Cable and Wireless. Now I do not think the Cable and Wireless people plus our Department of Broadcasting did plan to try to cause disharmony and discord and eventually divorces among families. You see, just for example, my friend's wife speaks Swahili and her husband speaks English. Now when it comes to 7 o'clock the wife wants to listen to Swahili, and the husband wants to listen to English. Now they may start quarrelling there. That is not good for the welfare of the people nor for the good of the family, so if these two broadcasting stations planned originally to cause discord and eventually divorces in families, they should reconsider doing something better. I hope the Minister will go with that piece of information to the Department of Broadcasting this afternoon because tomorrow we

may have a divorce case because of what is broadcast this evening.

Then the people who are actually not in the concentrated areas like Nairobi, Mombasa, Nakuru, Eldoret and Kisumu, people who are in the reserve have Swahili broadcasts at 1 o'clock and news, and then the next one at 7 o'clock—news. The same news is repeated. Now 1 o'clock, when you are supposed to be working or to be at home; you cannot walk to your neighbour's home five miles away to go and listen to the news, and then 7 o'clock p.m. it is too late for you to walk five miles to your friend's home to listen to the news. Now this poor man who has no radio usually depends on his friend's radio. He is actually made, or put in a position where he cannot make use of his friend's generous offer, and he cannot listen to the news. Now what should happen here is, that we should have a better time for news in Swahili—we should have news at say, 4.30, so that people can walk to their friends' houses, and listen to the news, and have time to get home. I am saying things which are very simple and which should have already been dealt with by the Department, but they need constant looking over; what one calls surveillance, so that they are looking after their work, and I will tell them exactly what they should have done.

Regarding Government's policy, I will not say much on this. We must allow the people to hear news and as news comes; not news sort of modified by the Government, and I should say this to quote what happened the other day, when we talked about what was going to happen in Kenya during the Queen Mother's visit. When we did some certain things the Government just came with their wonderful policy of education and said: "Now, here is Mr. X, quite a good man, always supporting the Queen Mother's visit." Now that was not necessary, to praise the man who was supporting something. If the Government would realize the harm it causes when it tries to comment on such events. Why comment on this? Just let us have news. May be, if the Government chooses—once a week we should have broadcasts concerning Government policy, not all the time when somebody policy, not all the time when somebody does something, should they say he is a good boy and he has done something good. That is not proper and I hope the

[Mr. Towell] Minister together with his assistants who are in the House will go and talk about it. We want the news—we do not want the news modified.

Mr. Speaker, I said I would not say much this afternoon and with those very few and simple and elementary and primary points I beg to support the Vote very unwillingly.

MAJOR DAY: Mr. Speaker, having heard the elementary words of the last speaker, I would suggest that Government might consider very carefully this question of introducing television in this country. It has been suggested, I think humorously, possibly, that free service should be provided for second-hand radios that were distributed some years ago. If this is the prospect which is going to face developing television industry in this country, I should say that no matter whether it is sponsored by private enterprise, as was suggested by the hon. Member for Ukamba, or by any other private enterprise, it will almost certainly prove uneconomic and well before its time.

I should also like to stress the fact, which is obviously recognized by the Government, that although much good can be done from the propaganda point of view by television, there is the other side to it and perhaps more important side. In a country such as this, at its present state of development, that is the immense harm it could and might do unless it was properly controlled, and I do feel, Sir, that it is fundamental and basic that the control of any such introduction must be first and foremost. That is to say, the reasonable control which I think was intimated by the Chief Secretary.

Now, Sir, just very briefly to turn to one other point, and that is the question of Press relations. I would like to support again, and here I am sorry if I am reiterating what was said by the hon. Member for Ukamba, and that is this. That in a country which has nothing to fear and with a Government that is conscious that it is doing its duty justly to all races, that they should have nothing whatsoever to fear from the Press. They should in fact go in and court

the Press and I am perfectly certain that if there is misunderstanding, as we know there is both in Europe possibly and in America, it is a misunderstanding which is based largely upon ignorance. I feel that the more we can let reporters come and see, and I mean see, what is going on, that is to say go and see what is happening where these settlers live, see how the settlers are treating their labour force, see how they are attempting to develop their way of life and attempting to live in harmony with the Africans on their farms, these sort of things are vastly important, far more important than going and seeing what one might call development schemes, show-piece schemes. In that way, Sir, I think a lot of the ignorance and misunderstanding and possible bias through this ignorance will be removed.

That is all I have to say, Sir. I beg to support.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, in the debate this afternoon the hon. Member for Nairobi Area said this: "I am concerned with (and I am not going to discuss the Hola incident), but I am concerned, Sir, with the information which was given by the Department in the initial period when the death of detainees was reported, and I would like to have a statement from the Chief Secretary to explain the circumstances in which the Department first produced its statement alleging that deaths were caused by water or drinking poisoned water." Mr. Speaker, I should like to intervene at this stage of the debate to deal with that very single isolated point before it becomes too stale in our minds.

Mr. Speaker, if I could deal with it wholly factually, I think the first thing to do is to go to the Press hand-out and see what was really said, and what was said was this: "Press Office Hand-out No. 142. Death of ten detainees at Hola. An inquest is to be held into the death of ten Mau Mau detainees which occurred yesterday (March 3) at Hola Irrigation Scheme Camp on the Tana River in the Coast Province of Kenya. The men were in a group of about 100 who were working on digging burrows in the Hola Irrigation Scheme. The deaths occurred after they had drunk water from a water cart which was used

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by all members of the working parties and by their guards. Two of the men collapsed and died at the site of work, and the European officer in charge immediately stopped all work on the site and returned the other detainees to camp, all who were suspected of being ill being taken in a lorry. Eight more detainees died either in the lorry on the way to the Hola Hospital or very shortly after arrival there. The matter was immediately reported to the European medical officer who is regularly stationed at Hola, to the police, and to the local magistrate." So, Sir, there was no question of an allegation that they had died after drinking poisoned water.

I am anxious to limit this particular debate to this particular issue raised by the hon. Member for Nairobi Area, as we are concerned only with the Information Department Vote and therefore we are concerned in this debate to see whether the Department was guilty of misreporting. Sir, whether the Department was misled by other officers is the subject of another enquiry at the moment, and it would therefore be wholly wrong for me to comment on matters which will be raised in that other enquiry. But, Sir, I think it is proper for me to deal with the allegation which was quite properly raised on this Vote by the hon. Member for Nairobi Area as to whether the Information Department misled the public.

Mr. Speaker, this is the factual question. Ten deaths occurred at Hola on 3rd March. Government immediately wanted to find out factual information of what had happened and so they sent to Hola from Nairobi by air, forthwith, three senior officers, and their purpose was to be the eyes and ears of the Government at Hola and discover for us in Nairobi what had happened in Hola. When they arrived at Hola they interviewed the District Commissioner, the District Officer, the Officer in Charge of the Camp, the Second-in-Command of that Camp, the Medical Officer and the Assistant Superintendent of Police of the C.I.D. from Mombasa, who had already moved in to start his C.I.D. investigations into these deaths. Sir, as a result of the interviews that these three officers from Nairobi had

with these officers, and in particular the interview which they had with the Medical Officer at Hola, they understood that the Medical Officer's preliminary opinion was that the cause of death of two of the deceased was aspiration pneumonia and he was not yet in a position to say how the others had died. Sir, if I may explain in simple language that I can understand, aspiration pneumonia means that if you have drunk a lot of water and you vomit it up again it comes up your swallowing pipe and it goes down your breathing pipe into your lungs and you drown yourself. Once that starts the process may go on and result in death. Mr. Speaker, on the other corpses, with one exception, the doctor said that there were no obvious signs of violence. Mark you, this is a preliminary assessment on that day. No autopsies had then been held. The one exception was the corpse that had broken teeth and black eyes. I think in fairness to the doctor he said the same thing when he gave evidence at the inquest. He said: "The six were dead in the lorry. I just examined them for life and pronounced them dead but did not stop to examine them. I examined the living ones on the floor of the operating room. One died before I had been able to examine him. All the living had some sort of injury, bruises, abrasions, fractures and suspected fractures. Some of the bruises were of linear nature and possibly caused by sticks. I did not get the impression at that time of serious injury. When I examined them closely I found three were unconscious, and one of them died a quarter of an hour after admission. I got him to bed. He had black eyes and broken teeth. I formed the impression that he had died from internal head injury. There was no external sign of head injury. The two other unconscious ones I diagnosed as having aspiration pneumonia. I diagnosed this from my examination and the history I received. I was told by prison officers that the detainees had been out working in the *shamba* in the very hot sun and when water bowlers arrived they had started to drink excessively from water bowlers. I was told that a lot of them had regurgitated water. I thought the two unconscious ones had probably got water in their lungs. I treated them by trying to suck out fluid from the lungs. I gave them

[The Temporary Minister for Legal Affairs]

penicillin. I got put some fluid which was rather thick. There were no blood stains. One died at 2.45 p.m. He had a swelling on his left knee. He had also an abrasion on the lower right leg. I saw no other injuries. I queried a fracture of left patella. The second man died at 3 p.m. He had an abrasion on left lower leg, an abrasion on right knee and a large bruise overlying the left scapula. I did not form the opinion that he had any fractures. I did not think that any of the injuries I saw would endanger life. The second two I formed the opinion died of aspiration pneumonia."

Now, Sir, on those facts I trust that hon. Members will agree with me that no accusation can be made that the Information Department had deliberately distorted news. Sir, the Press hand-out was factually correct on the information available, particularly the medical information available, on that day. Sir, Press hand-outs have to steer between speed on the one hand and accuracy on the other. If Government pauses in order to check and double check its facts, then it is immediately accused of concealing information. We are told that we should get the information out faster. If, on the other hand, we try to get it out with speed and it is only based on the information which we have been able to get up to that time and which we have been unable to check, then, Sir, we are accused of misleading the public, and it is the task of the Information Department to steer between that Scylla and this Charybdis. The Government was most anxious not to be accused of hiding anything and they made the hand-out on the basis of the information available at the time.

I might just finish by going back to the hand-out in which it was alleged, by the hon. Member for Nairobi Area and I must repeat his actual words, that death was caused "by water or by drinking poisoned water". I should like to draw attention to the following matters in the Press hand-out. It started off by saying: "An inquest is to be held." Now, if the Government is anxious to mislead the public it is a very extraordinary thing to start the Press hand-out by saying that an inquest is to be held. What we are saying is that this is interim information based on the information

available to us at the time. Nothing is going to be hidden. The whole thing is going to be dealt with in an inquest. Then, Sir, it goes on to say that the deaths occurred after they had drunk water from a water cart which was used by all members of the working party and by their guards. Mr. Speaker, that is not an allegation that deaths were caused by drinking poisoned water. That is a statement of fact that the Government is really puzzled as to these deaths. We had the medical evidence that the excessive drinking of water had resulted in aspiration pneumonia which had caused two deaths, so factually what we have said there is right on the information available to us at this time. The Press hand-out goes on to show that the Police had been called in—that is, the C.I.D.—and they had already been conducting an investigation; and it was a very odd thing again for the Government to attempt to mislead when they already had the C.I.D. on the spot to conduct a full investigation. Sir, it is clear from the terms of this Press hand-out that it was intended only as a speedy temporary measure, and in fact as soon as the events clarified themselves by the holding of autopsies the Press Department issued another hand-out which clarified the matter and put it right. Sir, in view of all those matters, those practical matters to which I have drawn attention, I hope that the public and Members of this Council will note that the Information Department in no way attempted to mislead, that they never published information that the deaths had been due to drinking poisoned water, that the Press hand-out was based on the information available to them at the time and that it was the quickest dissemination of news of which they could be capable. It was a dissemination which was made before we had an opportunity to check again and was based on the information which was available to us then.

Sir, I beg to support.

MR. NYAGAH: Mr. Speaker, I would like to congratulate the Chief Secretary on a report which gives a steady progress of the two Departments, the Department of Information and Broadcasting Department. Last year at about this time when we were debating these two Votes there were several criticisms,

[Mr. Nyagah]

particularly at the personnel side. This year no one can see anything wrong. I should like to congratulate the authority in making it possible for some of its staff to go overseas to gain experience with the B.B.C., and also for those who have had experience given more responsibility in the working of the two Departments. I say this because the two Departments we are discussing, Information and Broadcasting, in my opinion constitute one single powerful medium of educating the masses, and if handled with care it can bring a lot of progress in this country. Perhaps the Chief Secretary is not aware of how many people today among the Africans, especially in this part, listen to the news or listen to the broadcasting that comes out from the African Broadcasting Service. Last year at this time, when I was discussing this Vote, I suggested that there was too much on the music side. I would like to say that that side has not quite gone down—there is more music than actual news, topical news and instructive news, for the masses to receive. I would ask the people responsible for seeing the material for the programmes to make sure that more news is made available and also to be very selective in the wording, particularly of some of the records that are played out.

Mr. Speaker, the music that comes out of the African Broadcasting Service has some very lively and popular tunes, and the wording can sometimes be—I do not know how to describe it—not always desirable, especially for the young. Sir, if I may just give an example of a record—*Wanawake ni wabaya sana*—and the words that follow. I know the words that should not be listened to by the youngsters particularly. The people responsible should be very selective in the type of wording that is to be given.

The other point I raised last year and that has not received attention is in connexion with Mount Kenya broadcasting station. A slight improvement has been made but I would like to remind the Minister once again that from this station we need a slight improvement during the year. A lot of its work has gone out unheard by the public for whom it was intended; times when the programmes were going on happen to be times that

the reception in some areas is not good. There are times when I have tuned my fairly powerful radio set only to find that I could not get Mount Kenya broadcasting station programmes. I am, however, able to get news from Kisumu, even from Mombasa, but not from the area the station from which I think I should have liked to hear more. Something ought to be done. I was hoping that when the station moved to Nairobi a remedy may be found, but now I understand we may have to stay there for a few more months. If we are going to be there the Minister should say what can be done so that the many profitable programmes that come out of that station are not so wasted.

I am grateful that the Government found it necessary to give concession to the Africans for paying their licence for radio. I hope that this will continue in order to encourage more and more people to buy radio sets and be able to keep in touch with the world and the events of the growing Kenya.

I would also like to say that at the same time perhaps it is accusing the people; the Government should be more strict in checking possession of radio licences. I think there are far too many people, or at least a few people, who own radio sets without licences.

Another point which I would like to bring out here is in connexion with the source of news. The African Broadcasting Station has been accused of trying to get its news from the same source as Cable and Wireless. I presume the *East African Standard*. I for one do not think very much of the type of news that the *East African Standard* supplies for broadcasting to the Cable and Wireless. It is often biased and too extreme, and if this Government's broadcasting service too have the same news put out it sometimes gives a bad picture to the people. I think an independent officer for news collection should be appointed particularly for the Kenya Broadcasting Service. Then we should not rely on the *East African Standard* as one of the chief sources for the production of news.

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

[Mr. Deputy Speaker (Mr. Bechgaard) took the Chair]

[Mr. Nyagah]

Another thing is in connexion with the public. It should be worthwhile to introduce more and more public personalities, experts, into the working or into the programmes that are emitted from the Kenya Broadcasting Service. I welcome the improvement that is envisaged in the coming year in the filming and photographic section. It is gratifying to hear that the Minister realizes that visual propaganda has a very big part to play. I would ask the Minister while he thinks of producing such propaganda for countries like the United Kingdom and United States of America not to forget this country. I hear that a number of vans have been cut down. I should have liked to see more of these, so that they can go out into the remote parts of this country and give out the news in these visual propaganda methods to the people who need it. Most of our people have been very lucky in that they have not gone through schools, to be able to learn how to read and write, and so the only way that is left for them to acquire any knowledge of what goes on in the world is through visual aids, and these vans have played a big part in promoting that kind of knowledge. I should like to see more and more put into them so that we can educate our people. It is one way of aiding the adult education.

Before welcoming the idea of reducing and concentrating on the newspapers, I should like the Minister or Chief Secretary, when he replies, to give us an idea of what he means by this. Which papers does he think, for instance, he wants to combine or to concentrate, and what language does he propose to use for that?

On the side of educating the young I have said this before on the Education Vote, and also last year. In this very Vote I mentioned the possibility of finding out a way of introducing broadcasting for schools. I do not believe I heard the Minister say anything about it when he was moving the Motion. I would remind him again that it is necessary to have a broadcasting section for schools. The police have been very good in introducing into their school at Kiganjo an education officer, and so I think this Department should also make available

the services of an education officer specially for broadcasting to schools.

Finally, Sir, it is a programme feature in the African Broadcasting Station which is quite a worry. It comes very early in the morning before people go out to work. It comes out under the name of "Mwangalizi". This can be very destructive to the listeners. I wish I could freely give an example of one programme or two. On one occasion this "Mwangalizi" praised a person very much—how good he was, and all the rest of it. A few days later, in the same programme—"Mwangalizi" was tearing the same person into pieces, and it is not only that programme which has tended sometimes to be one-sided. The Director of Information, Sir, ought to look into that and see that the "Mwangalizi" is something a little more in the middle and not something which can make people criticize the African Broadcasting Service.

Mr. Deputy Speaker, I welcome the points which the Chief Secretary has put down as his aim for the coming year, particularly the first four points on his list, and I hope that the good work and considerable progress that has been set out this year will continue and I hope that in the coming year we shall have even better information and broadcasting services in this country.

With those remarks, Sir, I beg to support.

MAJOR ROBERTS: Mr. Deputy Speaker, Sir, I just want to deal with one particular aspect of the Information Department—that of the film library of the cinema service.

Now, Sir, the present service is in my opinion deplorable and of very little value. Now I am sorry to use such strong criticisms in this particular matter, but I am speaking from experience because on our farm we do give regular film shows to our labour and the standard of films which have been supplied to us from the film library of the Department of Information is very poor indeed. Normally, out of some six or seven reels which are sent to us, there are only about two worth showing and as a result the programme has to be made up of films obtained from one of the petrol companies.

[Major Roberts]

Now, Mr. Deputy Speaker, the object surely of the film service is to provide propaganda, education and entertainment. I would like particularly to stress entertainment because unless you show, in a programme, an entertainment film you will find that your audiences will dwindle. The object of that entertainment film is to attract them so that they do come and see the other type of film. The number of entertaining films in the library is very small indeed.

We receive some newsreels and I think much more care should be taken in the choosing of those films. For instance, on one occasion we had about a quarter of an hour of Sir Anthony Eden sitting behind a table, opening and shutting his mouth, speaking of the Suez crisis. There was not one single member of that audience who could have had the faintest idea what he was talking about, or even where Suez was if they could understand him.

Now, Sir, the existing grant to that particular service—the cinema service, I believe is under £20,000 a year, which is quite hopeless for that Department to make a success of its job. But I am quite convinced that that Department could to a considerable extent become self-supporting, if not actually a revenue-earner. I understand that there are between two and three hundred people and firms who have registered themselves as members of that film library and who receive films regularly to show on their own equipment. Now these films are provided free. The reason, I understand, that they are provided free is to ensure that those members do not show the film making a charge for admission, thereby exploiting the service. I think that can be overcome very simply. I think most of us who want those films as an amenity for our labour would be quite willing to pay and to subscribe to become members of that film library and at the same time it could be made a part of the contract between ourselves and the Department of Information that no charge would be made for admission. I feel, Sir, that we would not object to paying as much as £20 or £25 a year to subscribe to that library, in which case this would bring in some £6,000 a year.

Beyond that, Sir, I feel there is a much greater source of revenue earning

by that Department in the fields of advertising. There is a big circulation of these films and if firms were asked to subscribe to advertising through that medium, I am sure quite a lot of money could be earned.

Furthermore, the cinema service could make films in this country which could be shown overseas and would attract tourists and in that way bring revenue to this country.

This is a most important service and I do not think that Kenya is giving the attention to it that it should. Malaya and Rhodesia have spent a great deal of money on their film services for propaganda and information and indeed, quite a number of the films which the film library in Kenya sends out are films which have been made in Malaya and Rhodesia, and I feel a greater effort could be made in Kenya to do the same thing.

What I think this really comes to is that the film department of the Department of Information should become semi-commercial. It should be supported by Government rather than be a department of Government and I would most sincerely ask the Chief Secretary to consider that point of view.

Mr. Deputy Speaker, Sir, I beg to support.

MR. OGUJA (Nyanza South): Mr. Deputy Speaker, Sir, I am very grateful to the Minister and his Department for having improved their radio station in Kisumu and I hope that in future the services given to people in that part of the country will be more satisfactory than they have been hitherto.

I have just a few points, Mr. Deputy Speaker, which I would like to bring to the notice of the Minister and the Head of the Department concerned.

My first point is in connexion with the language used by the Information Department when showing films in the African reserves. Last week-end, I had the pleasure of attending one of these cinema shows given by the Information cinema units in my own district. Much to my dissatisfaction all the talking during this show was in a language which was alien to the people to whom the information was supposed to be imparted. The languages used at that show, and they were used simultaneously,

[Mr. Oguda] were English and Swahili. It is well known that the generality of the people do not understand either English or Swahili, in fact there are very few Africans who are able to follow the African Broadcasting Service when it is in Swahili. I would therefore appeal to the Minister and his department to use the languages of the people in the African reserves, or where possible the local dialects.

The second point I would like to deal with, Sir, concerns the system of broadcasting which I understand has now been adopted in the West Kenya Station in Kisumu. Formerly, broadcasting was done in all the African languages of that area each day of the week. Recently, that Department, for reasons known to itself, and I should like to know what those reasons are, has decided to reserve particular days of each week for particular groups of people and they broadcast news in one particular language of the area on each day of the week. I would rather think that instead of devoting the whole day, or evening, to, for instance, the Luo, the time should be apportioned in such a way that each tribe in the Nyanza Province would hear fresh news, as it were, in their own language every day, and not every other day or even after every three or four days in the week. That would help to improve the service there, and nobody would then be placed at the disadvantage of hearing stale news.

Lastly, Mr. Deputy Speaker, I would like the Minister and his Department to do something, either through the Information Department or the Broadcasting Services to try to preserve what is good in African culture, custom and tradition. I do not consider the very well known films of Charlie Chaplin to be very educative, and I think it means very little to the ordinary African. If the Minister and the Department mean to give films which would provide amusement and provoke laughter to the Africans I would suggest that such films as Charlie Chaplin should be Africanized and we should have an Africanized version of this film.

With these few remarks, I beg to support.

MR. COWIE: Mr. Deputy Speaker, I would also like to pay tribute to the

Information Services of which I am a great supporter. I think their handling of the last two Royal visits was quite outstanding. In this way, what they contribute to general information in this country and overseas is remarkable.

I do think this, Sir, and I have said it before but I must say it again, that not enough use is made of the film as a medium and I do hope that the Chief Secretary will take heed of what I think was a very constructive suggestion put forward by the hon. Member for Rift Valley.

Now if it were possible, Sir, to issue films that could be shown explaining the reasons for preservation of forests, water, soil, wild life and everything that constitutes, in my opinion, the real values in this country, I think it would do a great deal to change African opinions. All these subjects are very difficult to handle, because they are somewhat intangible. The film is a medium which can impress people, even though they cannot read or write. I hope that it may be possible in the coming year or two to expand the facilities for educating people to realise the true use of land. But it has the danger, Sir—and it has been voiced already in this debate—if films or radio programmes and now television are to be highly controlled by Government, the listeners and viewers are apt to say this is a "potted" kind of programme of the Government propaganda machine and therefore not particularly interesting.

Quite obviously, if the Government Information Services issue a Press hand-out or make a film, it is logical and right that they should convey what is the Government's point of view. I have noticed over the years that there are many Government projects which have been much criticized by people because they do not understand the reasons for them. Once they can understand why a thing is done, it is nearly always possible to support Government in that particular measure. A lot of it is due to ignorance. Therefore I think these propaganda films and programmes should be carefully arranged so as not to be too "potted".

What I would suggest, Sir, is this. I am also a great supporter of the B.B.C., partly perhaps because I have had the

[Mr. Cowie] privilege of taking part in a fair number of programmes, both radio and television, over the last few years; I have seen their working from both sides. If the arrangements, Sir, for the new broadcasting service, both for radio and television, could be done in such a way that we could make use of some of the programmes which are available from the B.B.C., I do think that they are of enormous value. Quite a lot of interesting programmes put out by the B.B.C. have an entertainment value; they even have a provocative sense; but they do put over to the nation the point of view which is most constructive, and a lot of those programmes are available in a sort of "canned" form. If the arrangements could be such that the programmes, or some of them, could be imported to this country, and used wisely, I think we might hit the middle line between the rather dull Government statement and the more interesting and constructive film.

Now, Sir, that we are going into the province of television, the power of the film itself becomes even more powerful. I do hope that it will be possible to expand the facilities for putting across good information.

I beg to support.

MR. MUCHURA: Mr. Deputy Speaker, Sir, talking about this Vote, here I would like to re-emphasize what the Member for the Coast Rural Area said. He appealed for something to be done for the Taita. I remember living in that district quite some time ago—over ten years—but I know how excluded that district is with the barren land between Voi and Samburu station, and on this side from, say, Kibwezi down to Taita itself. I know it is one of the most progressive areas in the Province and Taita is well spoken down to Taveta itself, and from what I know of that country, Taita district needs a great deal of attention from the Information Department, and a broadcast in Kitaita.

Now talking about broadcasting again, I would like to suggest to the Minister that the papers printed and programmes like "Kengele" are very much missed in places like Nairobi. It is easy to estimate the value, or how much people like the present programme, by how much they

ask "about it." "Kengele" is missed in Nairobi programmes. Two, much more use could be made by programmes like "Wagogo" on Sundays, and of course our well-known comedian, Kipanga. Not only that, but we need some of these, primarily for the entertainment of the young, and for the light entertainment on a Sunday or a Saturday afternoon. This, I think, makes it a bit more lively than listening to a series of record after record, day in, day out, morning, afternoon and evening.

What I would like, and I think this is true of most people, I would like a mixture or variety. I know it may be out of place (I suggest serious play reading on this one, but you could always have a simpler and a lighter type for the people like, for instance, "Gogo"—they can improve on their programme and make it something lively to listen to.

Another thing, I do not know how much has been done, but I wonder whether the Government has taken the trouble to try and assess how many people read this *Pamoja*. It was started during the war, it ran during the Emergency, and I think they still publish it. Has the Government tried to assess how much this pamphlet is read? With *Pamoja* go something like the *Jaluo* plus all the district papers produced by the Information Department. Are those papers really worth printing at this time, or are you only providing papers for the grocer to wrap his goods in the shops? I suggest that *Pamoja* and probably *Jaluo* can give way to some of these district papers, but, as I said, in our broadcasting we need variety. As I mentioned, the Gogo programmes, "Kengele" and Kipanga are missed. We have a lot of active producers and players among the Africans. I can very well remember the last winners in the last Drama Festival were the African Dramatic Society of Nairobi, so we have got the talent; it is only the question of bringing them in and using them more and more in our broadcasting and also filming.

Then, as I said at the beginning, I would like to re-emphasize what the Member for the Coast Rural Area said about Taita. That, I think, should be borne in mind, and I hope when the Minister replies to the suggestion made by the hon. Member, he will tell him

[Mr. Muchura] definitely that something will be done about these people.

MR. NTIMASIA: I want to pay tribute today to the Minister and to the Department of Information for the nice services they have been providing for this country in publication and broadcasting, especially in the troubled years—the worst troubled years of this Colony.

Mr. Speaker, Sir, many tribes in this country, even small ones, would of course want to hear their languages being broadcast. But I reckon it is an impracticable job. But, Sir, there is one thing I wanted to say on this Vote, and that is about visual education—films and cinemas—especially among the illiterate people. Of course it is very simple indeed to hammer anything into an illiterate man's mind when he sees a film, which he cannot, of course, understand by reading or anything like that, and, Sir, I am particularly talking of backward areas, especially the southern area of this Colony where very, very few people can read. Of course it is very difficult for them to know what the Government is thinking, and it is only through cinemas and films that these people can get something that can help them to understand Government propaganda or even simple things like hygiene or simple agriculture and things like that. I am referring particularly, Sir, in this case to the Masai, because our provincial headquarters is Machakos; I do not know the number of vehicles—the number of cinema vans—they have, but as far as I know I think a cinema van visits Narok almost once a year, and it is only very few towns or villages they visit in the district and then go back to their headquarters.

I would like to request the Minister—to see that these people who cannot read books get some sort of visual education. Those people who cannot read the publication that the Masai have now got, *Homon le Maasae*, should at least get something they can see with their own eyes, and I think they would get more education in that way than any other.

With those few words, Mr. Speaker, I beg to support.

MR. ZAFRUD DEEN (West Electoral Area): Mr. Deputy Speaker, I have a few points to make. I have been wondering if the Asian Community is above the benefits which the Information Department bestows on the general public. Of the variety of subjects which were enumerated by the Chief Secretary, I do not remember one which was used for the benefit of the Asian Community, and I hope that in future the Information Department will find some subjects such as education, recreational matters or even family planning, which would help the Asian community. It appears, Sir, that the main object of the Information Department is to cater for only one section of the population, and, as it has been revealed in this debate, some people have used their personal influence to use the services of the Information Department.

Now, Sir, with regard to broadcasting, I would like to draw the attention of the Chief Secretary that the Asian Members on both sides of this House have requested him from time to time that the question of Asian broadcasting should be investigated, and I would appeal to him that a very thorough enquiry should be made into this as the public is completely dissatisfied with the way this broadcasting takes place.

[Mr. Deputy Speaker (Mr. Bechgaard) left the Chair]

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

I do not accuse any member of the staff of the Asian Broadcasting Section of inefficiency, but certainly there is something very seriously lacking in the Asian broadcasting, and an investigation must be made to find out what the public requires and what has been wrong in the past in the broadcasting section of the Asian community. I hope the Chief Secretary will try to look into these two small points which I have made, and that the Asian community who, I believe, own the largest number of wireless sets in this country, will be given the service which they desire.

I beg to support.

MRS. SHAW: Mr. Speaker, Sir, I rise to support this Vote and to congratulate the Chief Secretary on a very good survey in his speech on the future of

[Mrs. Shaw] broadcasting and the Information Service. I feel greatly reassured that the director and the staff are going to be technicians and experts in their own field, with a great deal of experience, because although civil servants, of course, are jacks of all trades and masters of many, I do think that broadcasting is a very specialized field and needs a wide experience.

I would like also to associate myself with the thanks to Cable and Wireless, because I do think this Colony owes a debt to them for having stepped into the breach and having given us a very good service in the meantime.

The Information Office—perhaps it is an anomaly to call it the Information Office as sometimes very little is known of what it actually does in Kenya, and I must say I found the Chief Secretary's review very reassuring. However, there is one small point on which I join my hon. friend the Member for Ukamba, and that is that I sometimes think the Information Office could be more factual in their handling of the visiting Press. I am sure the adverse publicity that Kisumu, which is my provincial town, received after the Queen Mother's visit, was largely due to the bad handling of the visiting Press by our Information Office. I know that one reporter was so angry that he wrote the report about the Queen Mother's visit before her plane had actually touched down, and it was sent back to Nairobi for forwarding to London.

As far as the vernacular Press is concerned, I am perfectly certain that to increase its circulation it will have to have more popular appeal; I am not advocating that it should go to the full length of the Sunday papers in Britain, providing murders and "what have you", but I do think that it certainly will have to have a more popular appeal because often—and I would point this out—it has to compete against an embargo, and a very strong embargo put on it sometimes, by local politicians and various African interests, and the Press Office will have to compete against that in certain parts of the country.

Again, I fully endorse the Chief Secretary's cautious approach to television, and certainly representing, as I

do, an outlying province, I agree with every word that the hon. Member for Ukamba said about better reception up-country. Broadcasting has tremendous power in the propaganda field, but I am afraid it will fail entirely if reception is as poor as it is at present in some parts of the Colony. Certainly Cairo and Ghana do not neglect, in this field, to spend money on their broadcasting to the outside world, and I think we could, with advantage, take a leaf out of their book.

I beg to support.

MR. HASSAN: I rise, Sir, to congratulate the Chief Minister for so clearly and completely giving a review of the Information and Broadcasting Services in Kenya, that there is no need to read the annual report on broadcasting to see what they said about it there. If the Information Service and the Broadcasting Services were to put their programmes before the public in the same clear manner in which the Chief Minister reviewed the whole position, I believe they would be the most popular department in Kenya.

I would like to support the hon. Arab Member of Mombasa, although I have not had the honour to meet the Information Officer of Mombasa, because probably he does not like to be known to everybody; if he is one of those who has been punished for having bad manners and inefficiency, I hope Mombasa should not be given priority in appointing such gentlemen there.

The other matter of which we received a complaint in the Press only the other day was that the Broadcasting Services have certain broadcasting units such as the vernacular Indian broadcasts and the English, if a person has permission to give a speech or talk on the vernacular broadcasting, he is not permitted to talk in English, and they are told: "You do not know the English language, therefore you speak in vernacular." I do not know how far it is true, but I hope now that the Government is taking over this service in the near future, that such complaints will not be forthcoming.

Another matter, now that the Government is establishing a very decent broadcasting station in two or three different places, also in the coast. I would like

[The Chief Secretary]

He also mentioned the question of local news, and the fact that the programmes, particularly in Swahili or the vernacular, people are very anxious to know what is going on in their own districts. Well, I probably did not put over to Council as clearly as I might have done my ideas, but when I spoke about trying to make my first point a Press exercise what I meant was that I hoped to be able to collect more and more local news from districts, and feed it into our newspapers and also to feed it into our broadcasting system, so that therefore people will have more interest, not only in our broadcasting, but also in the newspapers.

Now, turning to the remarks of the hon. Member for the Southern Area. I was very glad to hear his praise of the department. He did say that a lot of good work was done for Government propaganda, but it was not done for the public. It emanated from the Government side. Well, I must impress upon the hon. Member that this is the Government department and, naturally, whatever is going to be put out is going to come with whatever the Government feels about the particular points on which it is commenting.

He also said that many of the radios were not in full use and suggested that we should reduce our staff in order to produce some radio repairers, so that they could go round the country and repair radios, and that we should have specialist officers for them. Sir, if we found uranium tomorrow I should be delighted to appoint half a dozen specialist officers on the proceeds in order to repair the hon. gentleman's radio, but in the position that we are at the moment, I really must suggest to him that those people who wish to listen to the programmes, and I think there is a great deal in the programmes which will help them, that they should make an effort on their own to keep their radios repaired themselves.

There were quite a number of remarks about the B.B.C.'s Swahili programme, and one person, I think it was—yes, it was the same hon. Member for the Southern Area, said people were not interested in world news. They were interested only in what went on in their districts. Well now, that links up with

what I have just said. We hope to be able to produce the local news for you on our K.B.S. network here, but you cannot expect, for instance, those people in London, to report the fact that the Kipsigis second team failed to rout the Central Nyanza second team in the local football derby. In fact, we must expect the B.B.C. to put out their programmes in Swahili much as they do in English, and although I think that there is improvement possible in the Swahili programmes we must, to a large extent, recognize that the B.B.C. is an independent corporation and will, in fact, put out their programmes as they themselves feel inclined. I would like to tell the hon. Member that I have recently held discussions with the person who is responsible for these programmes, and given him some ideas as to what he might do on them.

Also, the same hon. gentleman criticized the fact that there were broadcasts in Swahili between 7 and 9.30 at the same time at which Cable and Wireless produce an English broadcast, and he said that we were causing disharmony between families. If a husband wished to listen in to the Cable and Wireless English programme and the wife wished to listen to the Swahili programme on K.B.S. Obviously he has not learned the great secret of marital life, which is that he should compromise, and do what his wife wants!

He also suggested that we should put out news at 4.30 in the afternoon, but I do suggest to him that many people would not be at home then, and we must do our best to choose what, in the jargon, is known as the peak listening hours, and to use that time to get over to the people what we consider to be the things which they ought to hear.

He also mentioned that there apparently is news and also there is a commentary on the news. I think one other person also mentioned this particular point, that is the programme which we call "Mwangalizi", which is, in fact, "a commentary". Well, I feel, Mr. Speaker, that when we put out the news we must put out the news completely objectively as it comes in to us, and that is what is done, but I think in all radio programmes it is open to anyone really to comment either on the

[The Chief Secretary]

news or to comment on any matters which may be going on during the week, and if the hon. gentleman does not agree with the commentary, then there is one thing which he can do in his own home, which he cannot do here, that is he can switch it off, and not listen to it.

The hon. Member for the Aberdares referred to Press relations, and suggested that we should go out and court the Press. I would like to give him a solemn undertaking that that, in fact, is what we do all the time. I did mention it earlier when I was talking in introducing this Head. The Press Office, and we spend a great deal of our time talking to influential members of the Press, particularly those who come from overseas, and we do not neglect our own Press men here either. We spend a lot of time in talking to them and trying to give them background information which will be useful to them. Incidentally, I did not, I think, cover the point of the question of the Press, I think, which was raised by the hon. Member for Ukamba, when he said that we should not hide anything from the Press, and I think he was referring to Hola. Hon. Members may like to know that a Press party is going to Hola tomorrow to look at Hola, and I, personally, am going to brief them before they go, so I would like to assure the hon. gentleman that we spend a lot of time courting the Press, and giving them background news.

I am sorry that the hon. and gracious lady for Nyanza felt so obviously upset about what happened over the Queen Mother's visit to Nyanza. I do feel that her criticism at the Press Section of the Information Department was a little unwarranted because it seemed to go very well elsewhere, and indeed the Press were very appreciative—the foreign Press were very appreciative—of everything that was done for them during the Queen Mother's visit, and all I can say there is that there must have been some unfortunate factors which happened to come in between the two parties concerned.

The hon. Member for Embu and Nyeri stated that last year he had a number of criticisms which appear now to have been met, but he does point out that broadcasting, particularly is one of the

single powerful mediums of educating the masses. With that I agree entirely and I can assure him that we will do our best to use it for that purpose in the future. He stated that along with a number of other Members that there was too much music which was used on the programmes, and that, I can assure him, I will ask the persons who are responsible for preparing the material to look at the present programmes and see whether or not there can be less music, perhaps more talks and more plays, etc.

With regard to Mount Kenya broadcasts I can only say this—and I have already said it in this debate—I hope that when the regional programmes for Africans start up in Nairobi, and it will not be many months now, that in fact they will get a good reception. I am not certain why they cannot get a good reception from Mount Kenya, but as he knows himself, the station was set up with a half kilowatt only during the Emergency for a specific purpose, and it is not geared really to put out the type of programme for which he himself is asking now.

He also mentioned that he was grateful for the concession of wireless licences, and I am glad he was able to say that. I think the Government must do its best to encourage people to get as many wireless sets as possible, and as I have already explained to him, we are going to be stricter in checking those people who have not got wireless licences.

He also made a strong plea for not forgetting this country when we are producing films or visual materials, and indeed, I must have explained that very badly, when I introduced the head because that, in fact, was one of the points on which I am particularly keen myself. In having a look at my revised Estimates which we may produce I hope that we might be able to make as many as 20 or 30–30 local films a year from our own material—that is local films with sound tracks. But when the hon. Member for South Nyanza talks about having films in the vernaculars, he has got to remember that this question of making the films is a tricky business anyway, and it is going to be far more complicated and expensive if we have got to

[The Chief Secretary]

produce sound tracks in a number of vernaculars as well as in Swahili and English.

I am grateful to the hon. Member for the Rift Valley, who talked about the film library. I am also very glad that he uses it and that he has some very constructive criticisms to make about it. I think that the remarks which I have just made apply equally well to what he was talking about when I said it was very difficult indeed to get good material unless you make it yourself. As far as entertainment material is concerned we are, to a large extent dependent on overseas sources, and these overseas sources, unless one is prepared to pay a very large amount of money, are not always very reliable, but I have certainly taken note of what he said, particularly as regards propaganda films combined with entertainment, and in the new look which we are giving to the Department I hope that we will be able to meet him and the request which he has made.

He did mention the question of people being willing to pay. We will look into that, but we are a little diffident about a matter which, after all, is of very great educational value in asking people to pay money for things which I think we should provide as a Government service. We have actually looked into the question of advertising, and it may well be possible to pick up some money for this coming year by taking advertising on the cinema vans, and that is already in hand.

I am glad the hon. Member for Nyanza South said that the Kisumu station was more satisfactory. I have already replied to him regarding the language which is used in films. He said that in the system of broadcasting one language is used each day of the week, and he wonders whether it is not possible that everyone should have fresh news for part of the time in his own language. That is a matter of detail which I will look into. I notice that he wants us to preserve what is good in African culture, and I agree with him that it is a good thing to try and produce films with local colour which are entertainment, but I do not think we should let the immortal Charlie Chaplin

die, even though we call him "Kali Chaplin".

I still have a number of people to answer, Sir.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us then to the hour for the interruption of business, and I adjourn the House until 9.30 a.m. tomorrow, Friday, 29th May, 1959.

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

Friday, 29th May, 1959

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Hon. Members, in accordance with the requirements of Standing Order No. 95A (2) I yesterday received from the Chairman of the Council of State a Preliminary Statement on the Legislative Council (Constituency Elected Members) Bill, and this was duly circulated to Members yesterday evening.

PAPERS LAID

The following Papers were laid on the Table:—

Department of Agriculture Annual Report, 1958, Vol. I.

The Castor Seed (Export) (Amendment) Rules, 1959.

(BY THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt) on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources)

The Public Health (Milk and Dairies) Rules.

The Meru Township Rating (Graduated Rate) Rules, 1959.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock))

ORAL NOTICE OF MOTION

LAND REFORM

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

THAT in view of the facts—

(a) that land reform in African areas is aggravating the problem of landlessness, despite the economic benefits arising therefrom;

(b) that some farms in the area generally known as the "White Highlands" are uneconomically and unreasonably oversized;

(c) that such farms are held on a leasehold basis and therefore not essentially the private property of their occupants,

this Council urges Government to reject any moves to convert such leases into freehold title deeds and instead—

(A) to re-examine those leases with a view to reducing the oversized holdings into economic sizes keeping in mind the limitedness of agricultural lands in this country;

(B) to initiate immediately a programme of settling some able African farmers in the lands obtained by reducing the acreage of the oversized farms in the so-called "White Highlands".

COMMITTEE OF THE WHOLE COUNCIL

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]

The Land Control (Native Lands) Bill
Clauses 2, 3, 4, 5, 6; 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 agreed to.

Title agreed to.

Clause 1 agreed to.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, I beg to move that it be reported to the Council that a Committee of the whole Council has considered the Land Control (Native Lands) Bill and agrees the same without amendment.

The question was put and carried.

Council resumed.

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

BILL

REPORT AND THIRD READING

The Land Control (Native Lands) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Contoy): Mr. Speaker, I have to report that a Committee of the whole Council has considered the Land Control (Native Lands) Bill and approved the same without amendment.

The question was put and carried.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, I beg to move that the Land Control (Native Lands) Bill (Bill No. 25) be now read the Third Time.

THE CHIEF SECRETARY (Mr. Coutts) seconded.

Question proposed.

The Bill was accordingly read the Third Time.

COMMITTEE OF SUPPLY

Order for Committee read.

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

MOTION

VOTE 8—INFORMATION

VOTE 9—BROADCASTING

Continuation of debate interrupted on 28th June, 1959.

THE CHIEF SECRETARY (Mr. Coutts): Mr. Speaker, Sir, when I concluded speaking yesterday evening I had just dealt with the speech of the hon. Member for Nyanza South. I would like just to retrace my steps a moment to the question of the possibility of giving a better broadcasting service for up-country listeners, which was raised in debate yesterday, and to which I gave a reply which I think was substantially correct, but I would like just to enlarge on it a little.

Hon. Members will remember in the original report made by Mr. Weigall, who came from the B.B.C. It was proposed that in order to help up-country listeners there should be half-kilowatt relay stations at various places, such as Nakuru, Kitale, Eldoret, etc. but these

were cut out subsequently on the grounds of expense, and it was felt, as I tried to indicate yesterday, that up-country listeners would have to depend very largely on the short-wave ten-kilowatt transmitter from Nairobi rather than the medium wave which will only have a limited radius, probably of about 60 or 70 miles. As I indicated yesterday, short-wave is a very chancy matter, and at times reception may not be too good on the short-wave transmitter, but I do hope that, generally speaking, the service will be better than it is now.

I now turn to the speech of my hon. Nominated friend Mr. Cowie, who asked about films regarding forests and water in order to educate people in the use of land. I would like to tell him that a film on forests has already been completed and I hope will be in circulation soon, and as he, himself, is particularly interested, it is proposed that there should be an educational film on game prepared during this coming year.

The hon. Member also said that we should make use of programmes partly from the B.B.C. Sir, I think everyone uses programmes from the B.B.C. and in the Estimates this year amongst programme charges, there is a figure of £2,000 for the use of B.B.C. material. In discussing films the hon. Member said that by the proper use of films a dull Government statement could become an interesting film. Perhaps the hon. Member would like to see our film on the Budget. I can think of no duller subject, and it is an extremely interesting film.

Turning now to the Specially Elected Member, Mr. Muchura, I have replied to his point regarding the use of vernacular languages at the coast. I have taken note of his point regarding serious play-reading rather than music or in addition to music on the African Broadcasting Service; but he, together with another African Member, questioned the circulation of *Pamoja* and some of the other provincial newspapers. I think he ought to be interested in knowing that last year when we set a competition, a quiz competition in these provincial newspapers, out of a circulation of 100,000 we in fact got 23,000 answers. And I think the hon. Members must realize therefore that assuming that more

[The Chief Secretary] than one person reads a copy that does indicate that a journal like *Pamoja* has got a very considerable circulation.

The hon. Nominated Member, Mr. ole Ntimama, raised the question of vans for visits to the Masai and I would like to answer him in exactly the same way as I answered the Member for the Coast. Naturally we would like more vans if we had more money and in those provinces which only have one van allocated to them such as the Coast Masai, we will consider whether it is possible to increase the number of visits at least of such vans. But he, together with the hon. Member for the Coast (Rural), rather indicated that vans were expected to educate the people. I must say quite firmly that it is not the function of the Information Department to step into the field of formal school education and all we can do is to educate both young and adults in the broadest sense.

The hon. Member for the West Electoral Area raised two points; the first being the benefits to the Asian community from the Information Department. The Information Department, as he knows, is run for all races and the benefits that he should get from it are particularly from the Press section because we do keep Asian newspapers very fully covered with a lot of material which we turn out, as indeed we keep other newspapers fully covered. He also raised the question of Asian broadcasting. The hon. Acting Member who was in his place while the hon. Member was away raised exactly the same point and I was sorry that I was not able to answer him on this point in the main budget debate but I said I would do so during this debate and the answer really is that Cable and Wireless do the best they can within their limited financial resources. I hope however that when these plans which you see reflected in these Estimates are fully implemented that there will be an improved Asian language service for Asian listeners. I would like to mention to him that we are having a little difficulty in recruiting at the moment someone who will take over the *Path* Asian programmes and we may have to go outside this country to get one. Whether it will be to the British Broadcasting Company or All India Radio I do not know, but we will certainly do the best we can in order

to produce the best programme that we can.

I think I dealt with the words of the hon. and gracious lady the Member for Nyanza yesterday. I have noted the points she made about being a more popular appeal in the newspapers and I hope perhaps to produce that popular appeal by getting more local news in the newspapers. The hon. Member for the East Electoral Area whilst joining hands with the hon. Arab Member regarding a matter about staff, which I say I noted, also made the point that there should be English as well as Swahili and Arabic on the regional programme in Mombasa. There again Sir, it is purely a question of cost. The original proposals were that all of the regional stations should carry three languages but in view of cost it has been necessary to centralize these particular programmes in Nairobi and I hope that the hon. Member will get good listening in English from the English National Service. That is why it is called the English National Service because it is meant and designed to cover as far as possible the whole country in the English language.

The hon. Member for the Mombasa Area talked about free radio sets and it is perfectly true that in the past the Government, particularly to encourage listening, did issue free radio sets mainly for communal listening in places such as community halls. But I am afraid that it is a rule, or it is a practice in life, that people who get things for nothing very often do not look after them and the result is that many of the free radio sets were never properly looked after and it became such an expensive matter that the Department had to drop this idea. And therefore I am afraid I have to ask the hon. Member to do his best to keep his radio sets in slightly better condition than those of the hon. Member for the Southern Area and do his best to listen to the programmes that we provide.

He also made the point about there being too much music. A number of Members in this debate have said that there is too much music in the programme and I hope that this is a matter which we can look into but I would like to mention that if you examine our programme content, particularly on the African Broadcasting Service, and look at the percentage of time which is

[The Chief Secretary] allocated to various matters, it approximates almost to the same as the British Broadcasting Corporation. Therefore, the percentage of time given over to music is nothing more or if anything very little more than that given in any well established broadcasting arrangement.

I think that covers all the points which have been raised by hon. Members, but there is one which perhaps I had better mention. I had intended, because of my proposals for reorganization, to keep off the question of staff because I have not yet worked out the details and I do not wish to let the staff feel that in the reorganization their position will be any worse than it is now. But there is the question of the personal position of the Director of Information.

As hon. Members know, when I introduced my own Vote of Chief Secretary—Head 7—I did say that we were looking towards a general integration of departments into Ministries in the Government, and in this reorganization part of this scheme will be to have a complete integration so that both the Director of Information and his Assistant Director will disappear and the Department as at present constituted will come under the Deputy Secretary in the Ministry. This does not mean, Sir, any reflection at all on the Director who has given us 15 years' very faithful service, and although his post will be abolished, I am quite certain that he will go to other fruitful work elsewhere. I do not want people to think that merely because we decide such things as integration in Government it is a reflection on people who have given us extremely valuable and loyal service in the past.

I beg to move.

The question was put and carried.

[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]

VOTE 8—INFORMATION

MR. MACKENZIE: Mr. Chairman, Sir, I beg to move, that a sum not exceeding £156,500 be granted to the Governor in

defray the charge which will come in course of payment for the year ending 30th June, 1960 for Vote 8—Information.

Question proposed.

Heads A, B, C, D, E, F and G agreed to.

VOTE 9—BROADCASTING

MR. MACKENZIE: Mr. Chairman, Sir, I beg to move that a sum not exceeding £123,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 9—Broadcasting.

Question proposed.

Heads, A, B, C, D, E and F agreed to. Resolutions to be reported.

The House resumed.

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

REPORT

VOTE 8—INFORMATION

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I have to report that the Committee of Supply has considered the Resolution that a sum not exceeding £156,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 8—Information, and has approved the same without amendment.

Question proposed.

The question was put and carried.

REPORT

VOTE 9—BROADCASTING

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to report that the Committee of Supply has considered the Resolution that a sum not exceeding £123,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 9—Broadcasting, and has approved the same without amendment.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY Order for Committee read.

VOTE 26—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

VOTE 27—LOCAL GOVERNMENT CONTRIBUTIONS

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Continuation of debate interrupted on 28th May, 1959.

MR. OLE TIPIS: Mr. Speaker, Sir, I rise to say a few words on this Vote, and I can only hope that whatever little I have to say will not fall on deaf ears.

Mr. Speaker, Sir, I think the local government institutions in this country as at present constituted leave quite a lot to be desired and I am just beginning to wonder whether what we have been told and asked to believe, that is true, that the local government bodies ought to be a training ground for the various communities living in these various areas to work together with mutual understanding and tackle the various intricate problems facing them in an understandable and amicable way, because why I say this is because I think I am going, Mr. Speaker, to concentrate a little on the settled areas and by doing so it happens, that these areas are occupied and represented in this House by the Big Four, and if I may include myself also, we can call it the Big Five now.

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

Now, Mr. Deputy Speaker, you know how difficult it is for the Big Four or the Big Five to negotiate, not only in Kenya but even between the west and between the east. As I have said before, Sir, these institutions according to my way of looking at them, do not seem to be moving in the right direction and I believe and feel very strongly that there is something wrong somewhere, and I hope that it is high time we got into the roots or the causes of the troubles in this area, because un-

less we do so we shall not get much further at all if one part of the country is not well.

It should be remembered, Mr. Deputy Speaker, that last year I moved a Motion in this House urging an increase of African representations in the local government bodies in this country and especially in the constituency which I have the honour to represent, because it is really rather annoying, Mr. Deputy Speaker, when you go in such county councils where you find only one African representative member who is nominated as such in a very big area—just a single African member and no more; and as such he is nominated by the authorities that be. When you go to a municipal board or a municipal council you will find that there are three African representatives, nominated by the authorities that be who have no mandate whatever from the people they are supposed to represent. On the other hand, you can go to a certain urban district council and you will find just one African, and on the other hand in these small towns the majority of the rate-payers in these small towns are Asians, and the Government and the local government bodies as such usually advance a very weak argument that the Africans are not rate-payers in these townships. Well, if we admit that as the reason, then I do not see why the Asians who pay more in these small townships in the way of rates should not at least have equal representation with the Europeans. Well, on the other hand you can go to a certain rural district council. We are told that the matters concerning these rural district councils do not affect the African very much and as such he ought not to be represented there. I am entirely at a loss and no one can convince me on this because after all are these places only isolated to the Africans? The majority of people inhabiting these areas are Africans, and in all fairness I think they ought to be given at least a fair and effective say. I am not claiming that they should have equal representation with the Europeans in these areas but just imagine one African representative member in a county council—what say has he? It should have been far fairer and far more logical of the Minister if instead of trying to beat round about the bush he had said, "Well, no representation for you", because, Sir,

[Mr. ole Tipis] after all, the one who is supposed to represent us is nominated. Sir, by the Government or the other local authorities. When that happens, Sir, what mandate has he got from the African people?

I do not want for one moment to imply that the county councillors or the municipal councillors who happen to be nominated and represent the African interests in these boards are bad. No—far from it. I am sure that if given the chance most of them would be returned happily and then they can stand on their feet knowing full well that they have the backing and the support of the people they are representing. This is a very serious state of affairs and I can only hope that the Minister will move with the times.

Mr. Deputy Speaker, I now come to another point here, and I think, if I remember rightly, that I did once mention it to the Minister. It has been causing me a great deal of uncertainty, and is still causing me worry at this moment. The point I am coming to is this. It seems to be a tendency by the municipal boards and councils and by the county councils to have the sole monopoly of the beer trade as it affects the Africans, and I think this is a very, very distasteful state of affairs because, are we to believe that we are, in this country, going to cut right across the private enterprise, as such, when it only affects the African people? Why I say this is this. I know very well that in some areas, before the county councils stepped in, a number of Africans were running their own small beer shops or beer halls, and as soon as the county councils stepped in or the municipal council, well they were told "No, you cannot have it any more." The argument there is this: that by giving these councils the sole monopoly of the beer trade, the profits accruing therefrom go to financing various social activities for the Africans.

I entirely agree with this, but on the other hand, why should the small man, who financially cannot in any way compete with a local government body which is financially strong in all respects and which has all the facilities for borrowing any amount of money, if so required, to squeeze him out of business if it so wishes. Why should they? After all, it

is really annoying, Mr. Deputy Speaker; you go to a township such as Nakuru, in the centre of the town you can hardly see a single bar owned by an African and yet all the bars in this town are catering for the Africans. What is there to prevent them from having one?

I know I will be told that the local government authorities are not liquor licensing courts. Fair enough. But they are the main opposers and their influence on these liquor licensing courts cannot possibly be under-estimated.

Now, Mr. Speaker, if I remember rightly, I think the argument here is that any profits accruing from these beer halls go towards financing social and welfare activities for the Africans. It will be remembered that I did raise a Question in this House—I think it was Question No. 50—and the reply given by the Minister was not really satisfactory to me, because he really said that the municipal authorities and county councils in the settled areas are not educational authorities and have not contributed directly towards the cost of African education in the settled areas during 1957. At certain social centres operated by county councils schools are maintained, the cost of which is met in part from the local authority African Trust Fund and in part from the Africans themselves. The primary school system in the settled areas, for which both missions and individual ratepayers have been largely responsible, is considered to be comparable to that found in the adjacent African Land Units.

Now, Mr. Deputy Speaker, when the Minister was moving the Motion on this debate a few days ago, he had this to say about education—that farm schools for county council areas are very numerous and of a better standard than is strictly recognized. I entirely fail to see how I can, in a way, give a credit to the Minister and his various departments, for I think that whatever little has been achieved or done in these areas towards African education, cannot be credited to his Ministry at all. If anything can be credited, it will be only very, very little.

Now, when he said that profits accruing from these beer halls go towards social services, is not education one of those social services and a number one service as such? I hope that the Minister will go into this question thoroughly and

[Mr. ole Tipis] use his authority and influence so that something could be done. If it is a question of having a sole monopoly, why only when it affects Africans? Why not stop all the bars and other drinking places throughout the country and let these local authorities run them? Why only stand in the way of the Africans?

Now, Mr. Deputy Speaker, I come to health services. Last year I was a bit unfortunate to clash with a certain European lady in charge of an African hospital somewhere in my constituency. It so happened that I had to take a sick boy there for treatment, and before I took the boy in, I just wanted to go somewhere to pass water. I called one of the dressers and asked him gently whether they had a W.C. or a latrine in this place, and then he told me that there was none. As I was walking back this lady saw me and she came running at me uttering all sorts of words; I exchanged words but I had a last to give in and tell her I was sorry to have stepped into the hospital, but I had a sick boy; I did not know it was out of bounds at all; and then I had to take this child to a private doctor.

Now I think I did bring this to the notice of both the Director of Medical Services and the Minister, and I think they told me they were looking into the matter, which I hope they did, but the last thing I heard when I passed through that area after a month or two was quite a number of chaps, who are really responsible, trying to make all sorts of enquiries into what I was out for in the hospital and that kind of thing, and eventually they did not find anything wrong on my part, and even up to now, if my information is correct, this hospital at least treats roughly, say, about 1,000 patients a month, and up to now not a latrine has been dug in this place. So one begins to wonder what is going on. I mean, you cannot possibly expect—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Would the hon. Member say whether he means roughly 1,000 patients had been treated, or 1,000 patients roughly treated?

MR. OLE TIPIS: I think it was 1,000. Not roughly treated! What I had in mind is the rough figure—approximately

—not that they were roughly treated. The rough figure. Now surely I should have thought that something should have been done by now, and I hope the Minister will take note of this and help to provide the money.

Now, the other things I am referring to, Mr. Deputy Speaker. I was surprised and perturbed to hear that maternity case fees in Government hospitals are to be increased to Sh. 40. Now, Sir, surely, I know in some hospitals run by the local government bodies the maternity case fees are as high as Sh. 60. Now, are we really helping or providing the necessary health services for the most needy women—African women—in this country, or are we out to hinder them from taking advantage of these services. Why I ask, so, Mr. Deputy Speaker, is this. We all know very well that the wages in these areas are really very, very low, and when you charge a poor labourer Sh. 60 to take his wife to the maternity home to get help and assistance, considering the wage of this labourer is only Sh. 30 how can he afford it? Just tell me, in simple arithmetic. On the other hand, I should only be too glad to hear from the Minister and the Director of Medical Services the number of African women in the settled areas who have taken advantage of these maternity homes in these areas considering the number of the population of Africans in those areas? They simply cannot do it. A clerk, perhaps, but not a labourer whose wages are only Sh. 30; he says: "All right, I cannot get help for my wife because I have no money." Surely these people are needy, and it is up to the Government to help, not to hinder.

Now, Mr. Deputy Speaker, on the whole, I think there is room for improvement as far as health services are concerned in the settled areas. To my knowledge, I would like to know the number of health clinics, or health centres and dispensaries throughout the settled areas, and I know that the farmers—some of them—have been very, very helpful to their labourers. In serious cases you find a farmer driving at midnight a very sick patient for over 30 miles to the nearest hospital, and yet we call these places the best places we have—the settled areas—the services there should at least be second to none throughout the country. If you go to places like Timboroa the nearest hospital you see is Eldoret,

(Mr. ole Tipis)
 Londiani or Eldama Ravine and I can only ask that the Government should at least be generous in expanding the health services in these areas because this is where the majority of our workers in this country are stationed, and you cannot expect sick people to do a good deal of work.

Now, the other thing, Mr. Deputy Speaker: I would like to ask the Director and the Minister to at least try and expand the Nakuru General Hospital a bit, knowing that this hospital serves a big province—the whole of Rift Valley—and in some cases sometimes from beyond the province, and I hope he will go into that. I know the staff there are a bit overworked, and I am very, very grateful for what they are doing. I had the privilege of going round and the P.M.O. was very very helpful, and I was satisfied in the way that he and his staff work under very difficult conditions. Before I drop that one, Mr. Deputy Speaker, I would also like to remind the Director or the Minister for Health, that there are some difficulties in some small hospitals as far as the isolation wards are concerned. You find that some cases of infectious diseases are put in the general ward with only a curtain or a sort of very small partition, and I hope he will go into that to help.

Now, Mr. Deputy Speaker, I come to another interesting point, and that is that I had a word last year with the Director and also with the Minister about the difficulty or the sufferings of the Masai people through venereal diseases, and he told me he was looking into it.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

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

He was as much concerned as I am, but the difficulty there according to him was that you cannot alter the customs of a people—I mean they have got to change their habits and customs. I agree. Only yesterday we were told before this House, in this House, that the Government cannot allow for one moment any out of date laws and customs to stand in the way of economic well-being and

stability. Surely this could as well apply, and more so, when it comes to health services. I know it is a difficult one, but you should not underestimate at all the sufferings of these people. Unless something drastic is done and done urgently too, the whole tribe might easily die out, and I hope the Government will really do something to help. Failing that, then, of course, what the Government was trying to make us believe yesterday will have no meaning whatever, and why I say this is that I know you find a man with five or six wives—most of them sterile due to V.D. If he is lucky enough he has only one child. Just imagine. This is very, very serious, and I honestly and sincerely ask the Minister to go into it and help as much as he can.

Now, Mr. Speaker, Sir—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Mr. Tipis, you have had your 30 minutes.

MR. OLE TIPIS: Yes, Sir, let me just finish it now. I am not talking any more, now. I have quite a number of points left, but I am sorry I have to obey the ruling and the timing. So, Mr. Speaker, in conclusion there are a few points which I have in mind. I hope I can talk them over with the Director, and the Minister, outside the House and I will bring them to their notice. There are quite a number of loopholes in that area occupied and represented by the Big Four.

I beg to support.

MR. SMITH: Mr. Speaker, Sir, much was said by the Minister in his opening remarks on this debate on the subject of Kenya's charitable organizations and I would very much like to associate myself with what he said and also to congratulate my hon. and learned friend, Mr. Humphrey Slade, on his support of these organizations and particularly of the Kenya Child Welfare Society.

The Minister in his remarks on this subject also mentioned that Dr. Barnado's Homes might possibly be bringing a home to this country of Kenya which I think would be a most excellent thing to do and even if they found that they were unable to do that at present, I do hope that they will leave their two representatives who are in Kenya and who have been working so very hard in co-operation with the Child Welfare Society and

[Mr. Smith]
 who have been doing so much good amongst the children here, amongst the children of all races, and the children of mixed parentage.

Now, Sir, turning to social welfare centres and what I hope will be the increasing duties of the rural district councils in this respect. I do hope the Minister will support me in perhaps not only asking but perhaps pressing that some of these rural district councils do go a lot further into this question of building social welfare centres in some of our own county districts, in some of our trading centres, particularly in the scheduled areas because I think they will do an enormous amount of good. In certain areas, Sir, we are very lacking, in our trading centres, in all the sorts of things that can be provided by such services. And I would mention recreation as one. It is often that the local farmers have to get together in order to get a football ground. In some of these centres, Sir, there is no proper housing or place where the *Mundeleo* clubs can do their normal work which is again a very essential part of the work in small areas of getting these women together and I would like to congratulate the many honorary workers who do the *Mundeleo* club-work in our up-country districts. And another particular thing, Sir, which I had in mind, and here I am afraid I must disagree with the last hon. speaker, I believe that the local pub or *hoteli* is probably better run by the rural district council from its community centre than by private enterprise. I really feel that, Sir, and I have seen quite a lot of it. It often happens that in private enterprise that the money, I think, goes into the wrong pocket.

The question of finance for these centres, Sir, I do not think really arises. I am sure in most of the trading centres you can find some building which would be suitable to start with which could be obtained at a small lease and of course all the profits made and all the bulk profits made from very well run centres which would indeed be of great advantage, do go back into social welfare. I think that is a very important thing to remember. In many of our trading centres, Sir, at the moment they are usually situated on the side of the railway and on a main road and I am sorry to say

that a lot of them are a disgrace to us when we motor through them. They look anyway, as if they might come under a Bill which is shortly coming before this House called the Scrap Metal Bill.

Sir, turning now for a moment, I would just like to mention the subject of town planning which has come up, and which the Minister mentioned and I think he was referring in one instance to the Riruta Town Scheme, which is not very many miles from here. Some of us hard-working Back Benchers, thanks very much indeed to the Minister for Housing, were able to visit this scheme last week, Sir, and get a great deal of information from it. Some of us had also visited it nine or ten months ago when it was merely a plan on a piece of paper and we were amazed and very pleased indeed to see just what was going on there, and on this town planning: I think that the Minister must be very sincerely congratulated on that housing scheme. The houses are excellent. They are well built, they are attractive and they are suitable to all ages—I believe that at least two Members of this House—one on this side and one on the other—probably have obtained their quarter-acre plots on which to build their large mansions.

Sir, that is an important thing and I believe it is an outstanding example of co-operation between the Minister and his local authorities with the Kiambu African district council which I think is a very important point too. There are, of course, a hundred or more of these satellite towns to go up in due course as part of the land consolidation plan and if they are all as successful as Ruruta would appear to be at present, then I think that we are on a very good wicket indeed.

My hon. friend for Nairobi Area I think, Sir, mentioned the question of the houses in the City Council area and rather thought—if I can interpret his remarks correctly—that they were not quite up to standard. Sir, on that I do not think I could agree with him. I think that they do provide down at Ofafa are some very good houses and I think a lot of the accommodation at present offered, Sir, is probably a good deal higher than the inhabitants have been used to in the past and particularly for those who come from the rural areas. But

[Mr. Smith]
I would say this, Sir, that these houses—I think an awful lot depends on the tenant himself. I was very impressed looking at the foundations and the floor, the raft, which is the first part of the building to be laid down, to see the very fine workmanship in those floors. They are very smooth indeed; they are exceedingly well done. They are far better than the concrete floors in my house. And if one took, a little trouble, Sir, and used just a little paint and a little elbow grease, I think these houses could be made most attractive. I do think it is up to the tenant to help in this respect to make his own house, his personal property, and make it attractive. Where I do agree with the hon. Member, Sir, very much so, is in connexion with a housing scheme, particularly in a place like Ofata which is entirely built on black cotton soil, the development of roads and drains and other facilities, that all go to make happy homes, must be completed I think at the same time as the houses. I think it is wrong as the hon. Member pointed out to have to track across miles of very wet mud and black cotton soil in order to get into your house, and I think, Sir, it would improve the whole amenities situation if this could be remedied. I shall be told, no doubt, that it is a question of finance.

Sir, I beg to support.

MR. FARAH: Mr. Speaker, Sir, having just returned from a 1,700-mile trip from my province I am glad to have come back to the House to join the hon. Members of both sides.

Mr. Speaker, Sir, first of all I would like to associate myself with the previous speaker in congratulating the Minister for Local Government, Health and Town Planning.

Mr. Speaker, Sir, I would like to deal with two points in the hope that the Minister will consider them favourably. First of all comes the question of medical needs of the people of the Northern Province. Secondly, Sir, is the question of medical officers for the Northern Province.

Sir, we have only one medical officer in the whole province, that is six districts. Sir, it is very hard for only one medical officer to cover such a large area as my province which is populated with nearly

500,000 people. Mr. Speaker, Sir, with this in mind it is not so very surprising to see here how we were forgotten people. Mr. Speaker, Sir, I would like here to add a few words to explain my point of view. The facts are that recently a very regrettable tragedy has happened concerning a loyal Somali chief of Garissa. While he was travelling on official duties—he was one of the party chiefs who recently visited army camps—he was suddenly involved in a motoring accident at a distance of about 30 miles from Garissa township. As there was no medical officer in Garissa the patient had to be brought back from the town all the way to Thika where he died.

Mr. Speaker, Sir, I am not ungrateful to the very people upon whom our life and health is so much dependent. Sir, I am a devotee of the Moslem faith who has been brought up and taught to be kind and grateful to those people who help you.

Mr. Speaker, Sir, the other thing is that I should like to see the number of doctors increased, hospitals, dispensaries and—if possible—medical mobile units in most remote areas. That I am sure would be a very great help to the people.

Mr. Speaker, now I come back to the other point which I wish to deal with. It is one of clean water, especially in Moyale and Mandere districts, for it is very difficult for the people to go long distances to fetch their drinking water either on camels, lorries, donkeys or on their heads. If water supplies could be provided, Sir, then such a scheme would help, to a great degree, the work of improving health and avoiding unhealthy living.

With these words, Sir, I beg to support.

DR. ADALJA: Mr. Speaker, Sir, I have only two points. One concerns the control of medical auxiliaries such as laboratory technicians, radiographers, physiotherapists and others. These auxiliaries are doing a fine job of work. In my opinion they are doing an essential job of work but they are likely to degenerate into quacks if there is no control over them. The law as it stands today provides no such control and I do wish to draw the attention of the Minister to the need to do something in the matter. I may say here that the law does provide control so far as doctors

[Dr. Adalja]
nurses and midwives are concerned, and I see no reason why these medical auxiliaries should not be controlled.

The second point I wish to raise is that concerning the need to establish an Asian and Arab Hospital Treatment Relief Fund. Now, Sir, the establishment of such a fund is overdue. The need is great; the need is real; and in my opinion, Sir, it is urgently required. As a medical man I come in contact with all sections of the community—rich, poor, not so rich, not so poor. Therefore, I can say from experience and from first-hand knowledge that the fund is a necessity, a real necessity and will prove a boon just as in the case of the European community. I might say that there is also a demand for such a fund, and here, Mr. Speaker, I would like to remind the hon. Minister of a warning which he gave at a dinner organized by the Indian Medical and Dental Association when he said that the Bill was being contemplated and that the fund would be inaugurated soon. This warning was particularly addressed to the rich section of the community. Imagine the reply I gave at that time. I said that the warning had misfired and that the community was already ready for it and was awaiting the introduction of the Bill. I might add here, Sir, that quite a number of the guests present were not medical practitioners, and as such this might be regarded as an approval from the general body of the public.

I might add here for the information of the House that the Kenya Indian Congress at the last meetings of its Standing Committee passed a resolution supporting the inauguration of the fund.

I might here refer very briefly to one argument that is being advanced from some quarters against the establishment of this fund. The opposition is based on the argument that the fund will be a racial one. Mr. Speaker, I must admit that I cannot understand that argument. I do not want to anticipate the debate on the Bill but I would like to say this, that there is a fund for the European community, and there are hospitals for the African community which are well run and which charge very low fees for the treatment provided. The only two communities which are not catered for are

the Asian and Arab communities, and the fund will cover both of these communities. I would submit therefore that the fund is as non-racial as it can be under the circumstances.

As I said, Sir, I do not want to anticipate all the arguments and therefore I will not advance further points, but I would like to say one thing categorically and unambiguously and that is that I myself am no admirer of racial set-ups in these services. As a matter of fact I would like to see all our services organized on a non-racial basis and I believe, Sir, that that will come. I have no doubts on that score at all. But it will take time. Meanwhile what?

Our difficulties at the moment are with the poorer sections of the community. And why is there this imaginary and supposed character, racial character of the fund? I do submit that ultra extremism is no good. It can do harm. I will give an example. Antibiotics are wonderful drugs. They cure diseases and they save life, but use them wrongly and use them in over doses and the patient dies. The same is true of extreme extremism in other fields. I for one, Sir, would say very plainly that I would not be prepared to pay this price of the supposedly racial character of this fund. It is a wrong viewpoint and I would like to impress upon the House that it is wrong. I do sincerely hope that there will not be one single person in the House who will support that view. I hope that everyone will support the idea of the Fund. If that does not happen, Sir, then I, for one, will be disappointed. I do hope, Mr. Speaker, that this will not happen.

With these few words, Sir, I beg to support the Motion.

MAJOR DAY: Mr. Speaker, Sir, I was not present unfortunately when the Minister started this debate. However, I have not had an opportunity of reading HANSARD, but I have been given to understand that he made a jocular reference to the absence of myself and my colleagues who are members of the Progressive Local Government Party. I would like to assure the Minister, if he can spare some of his ministerial time, that I had a very substantial reason for being absent that day.

Now, Sir, I am deeply interested in local government. I know that the

[Major Day] Minister is deeply and sincerely interested in local government also. He has many times given proof of this. But we are constantly hearing that local government must develop but that somehow or other local government is very laggardly, and it is of course attributable, as everything else is always attributed by all the Ministers in this Council, to the lack of money. That is true, Sir. It is this old bogey of a lack of money that probably will do more to harm the development of this country and the race relations of this country than any amount of extremist talk which generally speaking passes over the heads of most sensible people.

Now, Sir, this must have an effect upon the mentality of the people who engage in local government to be constantly told that it is the deep and sincere desire of the Minister to delegate powers or to devolve powers to the local government and to find that time after time these powers are offered but the money with which these powers are to function is not devolved, and the suggestion made that the money should be produced by, presumably, further rating, is not calculated to inspire confidence in the sincere purpose of the Government in truly desiring to develop this local government. I sympathize very much with the position but I think the time is fast coming when money must be made available if the sincerity of purpose is to be proved.

At the moment the general feeling among those people who are prepared to give up their spare time and do this largely voluntary work is a feeling that they are nothing more or less than a poor relation of the Central Government, and in connexion with this, Sir, there is one particular point I would like to ask the Minister about. It is perhaps rather parochial, but I would like to have information as to what has happened to the quantity sheep alteration in my constituency.

Another point I would like to emphasize is the fact that this local government is so important that the calibre of the people who represent their constituents, because they do represent their constituents, must be high and they must be people of knowledge. It goes without saying that they must also be people of integrity. Now, Sir, I have come across

a number of people who would have been prepared—and I am speaking now of the settled areas—to take up this voluntary work if they had felt more confidence and had more knowledge of what precisely their function would be. I know that the Minister has much to attend to, particularly in the last three or four weeks, even more, and, Sir, I hesitate to suggest how this knowledge could be imparted, but I would suggest, possibly, that if potential local government candidates could be given a clear knowledge of their duties to their constituents, a clear knowledge of their responsibilities, in fact the actual functioning which they may be called upon to perform should they be elected, it would be a good thing. This is no attempt to cast any aspersions on their intelligence but this is just merely practical. If you carry out a job you normally have to have some training for it. Possibly some form of pamphlet explaining all these duties in detail might be useful.

Now, Sir, we did hear one of the hon. African Elected Members stating, I believe, that he felt there was a need for more knowledge and for more training so that the people in the African areas could take a progressively fuller part in this local government. This, I think, Sir, is a sincere and honest need, and I hope that the Minister will take cognisance of it.

During the course of this debate, Sir, one or two hon. Members have stated, or have been misinformed in their minds, that certain problems could be dealt with in this Council which could more readily have been dealt with in their own councils, that is to say the county councils. I think that there is a general lack of knowledge of the functioning of county councils.

I would like to conclude, Sir, by reiterating again that this root of all evil, this lack of money, is the thing which is besetting this country. I believe, Sir, that in the successful evolution of local government in this country is the sure solution, partly at any rate, of the racial problems in this country. I believe it should be given a priority in the first flight of all priorities and I would reiterate again that it is insincere to talk about devolving powers to local governments unless you give with those powers the means to run these extra services.

[Major Day] I beg to support.

DR. ISMAIL: Mr. Speaker, Sir, I just wanted to raise one or two points on the health side of this Ministry. One is the very serious position that exists about the ambulance services in places particularly like Nairobi.

In a rapidly growing city like Nairobi with its increasing population, rapidly expanding industrial ventures, and the road traffic that is assuming dangerous proportions, it is really a matter of great concern to the medical profession that Nairobi is so poorly supplied with ambulances.

It may come as a surprise to hon. Members to know that in the whole of Nairobi there is only one ambulance available to the public. There are a few other ambulances which are located in Nairobi but all these are reserved for specific purposes. The hon. Director of Medical Services has supplied me with a list of ambulances that exist in Nairobi. There are three run by the City Council, one each for the health centres, but these are for African patients and they work only during the working hours of these health centres. There are two reserve ambulances which are used by the Police, and there is one for the railway and one at the airport, then there is one at the Infectious Diseases Hospital and one at Pumwani Maternity Home reserved for African maternity cases only. Now, Sir, all these ambulances are laid up at night. They cannot be used by the general public and one can see the seriousness of the situation when one considers that for a population of over 200,000 there is just one ambulance which can be hired by the public and it is easy to imagine that most of the time this ambulance is out on some other work. Sir, recently one patient had to be lifted bodily by neighbours and brought down from an upper-storey bedroom, bundled into a lorry and taken to the hospital in the middle of the night. I am told by one of my colleagues that after ringing up about half a dozen places he was unable to get an ambulance and he threatened to wake up the Minister for Health at two o'clock in the morning when he did get an ambulance, and I am happy to say that probably a possible constitutional crisis was averted.

Sir, Nairobi is having an increasing number of beds in hospitals, and the Asian public is getting more hospital-minded, but I am sorry to say that the means to use these hospitals in an emergency does not exist sufficiently. I do not know what the position in other places like Mombasa and equally the position in the rural areas is, but from the perusal of the estimates it seems that there is no provision at all for proper ambulance service and I am sure that the Minister will look into this.

Another point that I wish to raise this morning is a plea on behalf of the Government servants. These people are entitled to free hospitalization, free investigations at the laboratory, and so on, including X-rays. But, Sir, as soon as these people go under the care of their private doctors they are deprived of these rights. These people have got a right to get these facilities free of charge when they are under the treatment of Government doctors and I do not see why the same rights should not be extended to them when they are under private doctors.

Sir, there is a very important principle involved here, the principle of the free choice of doctors. Many of these civil servants have got their family doctors because of certain likes and certain ties that they have, certain family ties, and it is a great hardship for them that they do not receive these free facilities when they are under the care of their own doctors.

Sir, it has been said that there is a great pressure on these services and that if these are extended to them while they are under their own doctors there is a pressure of work on these services. But, Sir, it is equally true that if you give them rights to have a free choice of doctors then I am sure that a lot of pressure on the medical side of this service will be relieved.

Sir, with these few points I beg to support.

DR. KIANO: Mr. Speaker, Sir, I do sympathize with the Minister for Local Government, Health and Town Planning for what he must have been going through the whole of last week. It started last week and it is still going on. I think that we might well go on until next week.

[Dr. Kiano]

Now, in general, Mr. Speaker, I would like to point out that it is generally agreed that the local government set-up in this country is lagging far behind the Central Government set-up and this has been a general difficulty when these very important institutions of local government continue to lag behind when already some major reforms are taking place or are being contemplated with reference to central government. Now, some of these reforms have been mentioned by my colleagues and I will not repeat them except to emphasize that in the field of elections, in the field of representation, and even organization of local government institutions there is an urgent need for immediate reform, especially in the way the elections take place, the way the various communities are represented, and the way the councils are organized, usually under district commissioners and so on. These matters do require urgent and immediate reform.

Now, Sir, when he was speaking the Minister referred to some of the proposals he has recently published and then has had to amend with reference to elections for city councils. While appreciating the response he made to the plea made particularly by the African Members of the Nairobi City Council, Sir, nevertheless I would say that the response did not go very far. As the Member for Nairobi pointed out, so long as there is a limitation of representation in these places there is no reason why there should be any form of qualification. Already the idea of one man, one vote has received support even from the most unexpected quarters in this House and I see no reason why the Minister could not extend it also to local government. Now, Sir, the Minister said that he would be very glad if he saw Africans showing interest in welfare organizations in this country. I think that call is an important call and just for his information I would like to let him know that this has been taking place to a considerable extent. I am sure that the Minister knows, for example, the children's playground in Starhen which was started on the initiative of some African people in this City and then they were assisted by the African Trust Fund. I would like to say incidentally that that is the only one in the City of Nairobi

for the African children and I hope that others are being contemplated for establishment very soon. He also perhaps knows of the existence of such things as the African Women's Service Club which again is showing interest in the question of children's welfare, particularly in the African areas. I could give a few other examples, Mr. Speaker, like the African Welfare Society which is an organization in which Africans and the administration have been co-operating together but I will not go too far into that. I just wanted to show him that the African Elected Members and their colleagues have shown considerable interest in this matter and will continue to show interest in matters concerned with welfare activities. I do not think I could forget, however, the Dagoretti Children's Centre which I think has been a very, very fine example of what could be done for children who have been orphaned during the Emergency or who have otherwise suffered during the last troubled years. The Dagoretti Children's Centre has been an excellent job and we can only hope that such centres could be possible in other areas where similar children who are either orphaned or who are undernourished or who are suffering from serious malnutrition, as in the case of the children admitted to Dagoretti, could be set up also in other districts, because it is a very, very useful thing.

Now, Sir, we leave the question of welfare and come to the problems of local government in the various African areas. The first thing I would like to point out is the situation in Nairobi. This Government of ours is so complicated that sometimes I fear that I might be addressing the wrong Minister on the wrong topic, but I did take some trouble to find out which Minister I could talk to in regard to roads in Nairobi and I was told that it had something to do with the Ministry of Local Government, and the Minister for Works told me that that is outside his province. I would like to say this—that there is a road in Nairobi known as the Doonholm Road and that road has become a sort of a murder street for the simple reason that most of the Africans living in that area have to travel on bicycles and there are many of them, and I mean that there are very, very many bicycles, particularly in the afternoon and early morning, and at the same time it is a straight

[Dr. Kiano]

road which sort of encourages car drivers to go somewhat fast and the bus drivers to be somewhat careless. The number of cyclists getting killed on that road is getting alarming and I would urge the Minister for Local Government to ask the City Council to build along that road a bicycle track in order to avoid these constant accidents taking place there. It is a very, very serious situation. I know myself how many times I have avoided colliding with a cyclist. I am not praising myself for being a slow driver, but the main trouble is that most of the Africans living there have to go on bicycles to get to their work and for that reason they do need a special track in order to avoid these constant deaths which take place.

Again, Sir, with reference to Nairobi, I would like to ask the Minister in his reply to tell us just according to what type of agreement or what kind of Ordinance the Kenya Bus Service operates in the towns, not only in Nairobi, but also in the other townships. I raise this question because I would like to know whether it is a legal agreement or some contract between the City or between the Government and this company with reference to transport in the towns. There has been considerable interest from African people to operate buses in places like Mombasa and in Nairobi. Only recently a number of Africans asked me why it was that they could not operate a bus, let us say, from Makadara to River Road. Now, since it appears that there is a monopoly of this service held by the Kenya Bus Service I would like the Minister to inform us of the nature of that agreement. I have seen the situation where some Africans are quite willing to give lifts to their friends coming from down-town to the African areas and charging them 30 cents for giving them the lift. Objections were vigorously raised and up to the present time it is not allowed.

It has always been my complaint in this House that we seem to be always afraid of some sort of competition. I see no reason why a person who is quite willing to assist others in this regard should not do so, particularly when it is raining. I do remember one time, when this special car was going, it was raining, and the police officer in charge insisted

that they go by the Kenya bus. I think that is going a bit too far and I would therefore like to know the policy on this matter.

We move from there to the question of family welfare housing, not because the Minister was the Minister for Housing, but because he is interested in the question of health. I feel that the type of housing available—not Ofafa; Ofafa was sited here and most people would say Ofafa is an improvement—but in many other places the type of housing available for Africans is practically impossible for good and decent family life. Sometimes they are only bed spaces. Regulations attempt to say "Do not bring your wife to Nairobi if you have just a bed space." What you create is a situation whereby you are destroying the family institution of the African. You are insisting he lives away from his wife and family; that he lives in the town and visits his wife and family once a year or twice a year. But where the wife comes to Nairobi, there again you offer them a bed space in which, again, family activities are difficult to carry on—situations as in Kariokor, and so on. I know they who try to say Kariokor is bachelor quarters, but we know there are many men and their wives living there. I think, especially if the Minister is thinking in terms of family welfare, he will think in terms of how not to continue jeopardizing the stability and respectability of the African family, through either bad housing or bad regulations. It is a very, very serious problem and it is going to be very, very bad for the Africans to see their society disintegrating because of urbanization. We have nothing against urbanization, but we are interested in making the urban areas places where we can create a stable African society, but the present facilities available do not encourage that, and we therefore continue to have very, very unstable society in towns. So I do want the Minister to keep that in mind very seriously.

Now, Sir, we come to the question of shopping areas and planned towns, particularly in the Central Province. In the first place, I would like to remind the Minister that last year I had this question of shops in Limuru which had been scheduled to be removed as there is a lot of new town planning in the area. I am glad to say that it appears that this

[Dr. Kiano] move now has been abandoned and that these shops will be saved, which I consider a good change of mind on the part of the Government, of course under some pressure, I must confess, not from me necessarily. Nonetheless, I was quite happy about it.

I do want to raise the question, however, of why, in the distribution of plots in the new planned Limuru area, why so few Africans have been successful in getting those plots. I would like the Minister to sort of give us an idea about it.

We come now to another township—Riruta—in which I am interested. One Member from the Back Benches talked about two Members of this House building mansions at Riruta. Of course, his definition of a mansion must be different from mine. I can never see how a three-bedroomed house is a mansion. Nevertheless, I think the project has very, very great hopes. My major disappointment—which I think it is not too late to correct—is that although we are very close to Nairobi, it has not been possible to provide water-borne sanitation for the houses that are there. Now the cost may be, again, the great deterrent. However, I would like to know whether this was ever contemplated, because we do not want to have apparently decent looking homes, while at the same time, since these plots are very close to each other, right in front of one man's house is a pit latrine, and so on. It becomes nice to look at, but not so nice to live under those circumstances. Of course, some of us are going to be able to afford septic tanks, but it is not very much improvement if you do have your septic tank and your next door neighbour has got a pit that he is not looking after too well, and I hope now that Government is thinking that this measure of the present pit latrines is simply a temporary measure and that they do hope eventually to bring water-borne sanitation there, and incidentally, in this regard, to do similar work for the African areas in Nairobi itself. We must begin considering the question of sanitation, not only in the new town, but also in such places as the African locations in the city.

Another point I would like to bring to the notice of the Minister is that in the planning of the villages in the Kiambu

District, particular points are not neglected. One is that some villages will contain a certain given size of population. They are planned more or less using the figures of the size of the present-day population. What plans are being made for the expansion of these villages? What provisions are being made to make sure that health standards will be maintained? Finally, what about the accessibility of the various homes within the village itself. We do not want people to live in a place where they think it sort of reminds them of a war camp. We want them to feel that they are living in a home where there is a direct road to the house where there is sufficient room around. The major problem is what to do when the population grows. We have a ruling, that is going to be rather difficult to follow, which says that people with less than four acres of land must live in the planned villages. Well, if that is the case, then the position is going to arise when their families grow—within the next 10 or 15 years—what is going to happen? Are they not going to get out still and build their homes on the small units? It is a problem which I do not think was given much thought when these villages were being considered, and I would like to know from the Town Planning Ministry what their answer is in this respect.

I would also remind the Minister to advise his colleague, the Minister for African Affairs, that people should be given sufficient time to build these villages because if they are planned to become permanent, then they do want to make sure that the houses built there by the people are houses that they have taken time to build and for which they have invested a considerable amount of time and money. It was thought when these areas were planned there might be a rush to them, but we would rather make sure that if we are going to have planned villages, that people be given time to accumulate the necessary amount of money to come up with a decent little house, without pressure to get out of the old hut. This is a request I have been asked to bring to the notice of the Ministry by various persons in my constituency.

Now, Sir, when we come to the African district councils, one thing I would like to point out is that they could

[Dr. Kiano] be one of the great agents in the economic development of these areas, and to that extent I am aware of the major thing that the African District Councils of Kiambu and Fort Hall have been trying to do for the economic development of their areas. However, sometimes I think they have followed courses which are highly questionable. In the first place I am appalled by the various taxes—if I may call them that—that the people of Kiambu have to pay separately. In the first place, it is very annoying for a citizen to have to pay, in some many different ways, contributions for the funds of the African district council. I have always felt, as the Secretary to the Treasury at one time told me in this House, that the more consolidated the contributions from the citizens to the Government, the better the situation. I have in mind, for example, in addition to the African district council taxation, there are things like, if you want to take a bunch of bananas to sell at Kangangi Market you have to pay what almost amounts to some sort of what I would call "export fee". I spoke to the district commissioner the other day about it. In addition to that, when you get to the market you have to pay 10 cents to get inside the market to be able to sell. Now there is also the possibility that you do not sell it, and I look round to see what facilities these people are given for the 10 cents they pay or for what I call the "export fee", and I do not see it. In the market, all you have is barbed-wire around the area.

All you have is barbed-wire around. It is not designed to improve the facilities in the market, but simply to get revenue for the African district councils. Again, there is the question of tea plants from Nyeri to Kiambu. The difference in price between what is paid in Nyeri and what is later paid by the person after the African district council have transported it to him, is again a rather fantastic difference, which again the Minister should look into. All these things—and I could give more examples—make me wonder where do they think the money is coming from, and I feel that although I would agree with the District Commissioner of Kiambu that it is good to build a treasury for the African district council, on the other hand, it is not so

much a question of building a treasury that is important, but checking the taxation, so that once the farmer has paid what he has to pay, he forgets it. I know, for example, there is also the Sh. 2 for water and so on. I wish the African district councils would consolidate the charges for all the services they give and give the farmer a bill at one time and let the farmer be free till the end of the year, and stop charging so many little things here and so many little things there. I could give an example on this policy of trying to build a treasury for the African district council. Sometimes this is what may appear to be questionable. There is, for example, a case where the land consolidation officer and the district commissioner again in their desire to build a treasury, and I agree that building a treasury is good, made an arrangement whereby they practically induced a person to lease a piece of land in which they were interested to the African district council for Sh. 4,000. He was really not very happy about it, but he did not know what to do, and he made the arrangement with a lot of uneasiness in his heart. Then, the district commissioner, in the name of the African district council, and that confuses us because the district commissioner is acting in the name of the African district council without prior agreement, but still being the African district council Chairman he turned round and leased the same portion of land for about Sh. 90,000 to Caltex and it was at that stage that these people came to me and said, "We offered Sh. 4,000 for leasing this portion of land to the African district council for 33 years, and now the African district council, through the district commissioner himself, has acquired about Sh. 90,000." What has happened? Sh. 86,000 profit. Well, I went there in my economic indignation to the district commissioner and other people and said, "How could you do that?" and so on, and they said, "It is too late, the agreements are signed—the only thing you can do is to talk about it to Caltex and discuss it with these people and yourself."

Now, that created a very, very bad impression in the area. It created a very bad impression because it appeared that due to the fact that private industries want to get inside the African rural

[Dr. Kiako] areas, and they cannot directly do that because of the existing land bars, it would appear that here the African district council was taking what would appear to be an unfair advantage, and when I investigated the matter I found it was not the African district council really, but it was the district commissioner acting in the capacity of chairman, but it is a move that even quite a number of members of the trade committees of the African district councils have been very, very unhappy about. Now I am not saying that this should be reviewed but I am saying that matters must be taken up, not utilize the powers of the African district council in that type of transaction. It raises the eyebrows of people who believe in business integrity. It also creates lack of confidence. I could go on and say also in these attempts to control the economic activities of the people that an issue I raised that was not answered in the previous debates has to do with the shopping centres.

Now, while I believe that good standards must be maintained, at the same time I believe that realistic rules must also be provided. I see no reason why we insist that practically every shop built by Africans in rural areas must be of stone. If we could say it should be of this type of standard of cleanliness whether you build with bricks or whether you build actually mud-bricks and there is a coating of cement for a village shop—it would be quite a help to start with. I am not talking of lowering the sanitary standards, but I am saying let us be realistic about these things, because, when you have to insist on building in stone every time for people who cannot have credit to borrow that money it sort of discourages the people's enterprise in commerce.

Lastly, I see the clerk of the House reminds me of my obligations with regard to time—lastly, I would say that in Nairobi there are different days for different races in the inoculation centres, or sometimes different hours for different races. Now, I see no reason why they should not say this is a day for inoculation for people who want to get their "yellow fever" certificates, this is the day for people who want to get smallpox. We had difficulty the other day because

they could not one day determine whether my wife was an African or a European or what, he had difficulty in knowing on what day he ought to go there. Well, I happened to be around and said she is going to be dealt with now irrespective of what day it should be. This was before they moved into the new and beautiful premises at the City Hall—when they were a little nearer the River Road area. But the point is why this kind of nonsense? We do not require it at all. We simply want different days or different hours for different types of inoculation and forget this racialism that continues to linger around this country, and one must point out, for information, the question of African medical services in the African areas.

Now, we are happy to see that clinics have moved into the African areas, but sometimes we do have difficulties of sometimes lack of communication at night and sometimes we may have an emergency case, and I have wondered whether it is at all possible to have a sort of emergency wing or emergency department or emergency clinic there with a full doctor because most of the clinics down there are manned by very well trained nurses, but not doctors, whether one or two doctors could be somewhere in the African locations of Nairobi for emergency purposes because of difficulties of communication and transportation when an emergency case is involved.

Lastly, regarding nursery schools, which again are one way of promoting children's welfare, we are happy that some nursery schools have come up in Nairobi, although the standards of some of them do require much to be done to improve them. In the case of rural areas I was wondering whether the Minister would consider a suggestion of seeing whether the locational councils could support some nursery schools for the African children in the villages, particularly in those areas where people live in close proximity in the rural areas. I have seen one or two good nursery schools in Kiambu which are being supported sometimes by the local village, and the teachers being voluntary teachers using their own time, without being paid, and I think such a manifestation of the spirit of service could be extended and locational councils urged to support nursery schools in practically

[Dr. Kiako] every village and some provision to be made for money for this purpose, and may I remind the Minister that there is one nursery school on the way to Karen, which requires a lot of welfare supervision. The Community Development lady there has done a lot, but I would ask the Minister to go there and see the type of life of people in the village on the way to Karen—the forest village—hidden from the main street, but life there is one that greatly requires something to be done.

Now, Sir, again, I must emphasize that if the Minister wants his Ministry not to be a weight in the neck of the country, he should quicken the pace of reform, particularly in the local government aspects—he should quicken the pace of reform in the representation of the people—I think it is ridiculous that Africans in Nairobi are at present represented by three fellows, and the question of their increased representation must be paramount in any type of reform. In the case of the voting we think that the representations made cannot be defensible at all, and so long as he is maintaining communal representation in the cities he must give the people one man, one vote, and lastly, we say, that in the case of African district councils we feel we should look forward to the day when the members of the district councils will be all elected directly, not through electoral colleges. We appreciate the advance made particularly in the Fort Hall elections last year, and we do hope that there will be extended also in Kiambu and elsewhere the one-man-one-vote for the election of African members of the African district councils.

I beg to support, Sir.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, I did not expect to have to speak in this debate, but there were certain matters raised by the hon. Member for Nyanza Central which I cannot let pass without comment. I regret that he is not in Council this morning. In his endeavours, Sir, to justify the actions of the Central Nyanza African District Council he stated to begin with that the whole trouble was due, was started with the afforestation of Kisiani Hill, and it is that point and his fur-

ther remarks on the subject that I wish to deal with.

He went on to give what I can only term a "garbled history" of the scheme, which must have given hon. Members an entirely false impression of what actually happened. He started by describing the area, and he indicated that it was the agricultural area used by the inhabitants to produce their day-to-day food. Well, Sir, many Members of this Council will know the particular hill. It is a steep and rocky area, which under no circumstances, from the point of view of soil conservation, should be cultivated. At the time when it was proposed to take it over for afforestation there were, in fact, very few small patches of cultivation. There has been great difficulty in afforesting it because afforestation has meant looking for a hole between the rocks here and there, put in a tree, and there are only a few patches of land on which crops can be grown, probably not exceeding in area the area of this Chamber.

He then went on to say, Sir, and I quote what he said: "With the Government being so anxious to set aside that piece of land for afforestation, they knew that if they went direct to the people probably they would not be able to get a portion for afforestation, and usually what happens with the Government—the Kenya Government especially—they are never straight in dealing with the people." Now, Sir, before anything was done towards the afforestation of this area the Assistant Conservator of Forests of the area held a number of meetings with the locational council—not the district council—the locational council of that location, and explained Government's proposals. At those meetings there were a number of the local landowners, so that the local people were brought into the discussions before anything was done whatsoever, and later, after agreement had been obtained that this hill should be afforested, the forester concerned endeavoured to consult every single occupant of the land in that area. He did not actually contact everyone because some were not available, but he contacted everyone that was there, and representatives of the Kisumu Locational Council were also present at the time the area was demarcated, so it is quite incorrect to suggest that the people

[The Minister for Forest Development, Game and Fisheries] concerned either did not know about what was proposed, or were not given an opportunity of making representations.

He then went on to say, Sir, that the district commissioner himself went to the people and gave them promises that we shall only need probably a small strip of that area, of about 100 yards wide. Well, Sir, that is not a correct statement either. The statement was that the area was a long narrow strip from 100 to 1,000 yards wide.

He then went on to say that their animals were not allowed to go through the forest for grazing on the other side, and the people were not allowed to get firewood from the forest. Well, Sir, the first thing—one of the very first things that was done, was that 23 cattle tracks were cut through this area to enable the cattle to pass from one side to the other. Furthermore, the people were allowed to take dead wood, and they were informed that when the agreement was reduced to writing that would be put into the agreement that they would have rights of collecting dead trees for fuel without any payment of royalties.

Now, Sir, the general lines of the scheme. It was what is known as "a Swynnerton scheme", and that meant that initially the funds provided were provided by Government, and that the African district council would eventually obtain, free of charge, all the equipment, and that the Forest Department would do the work and provide the afforestation. This was explained to the people, and the scheme was accepted first of all by the locational council, and then by the African district council. In 1956, in October, the African district council agreed unanimously to seek sanction to borrow money to put up their share of the cost, and agreed that the forest should be set aside as a locational forest reserved under African district council by-laws. The scheme was then started. However, after a few months there were certain complaints made and they were investigated by a subcommittee of the Local Land and Agricultural and Veterinary Committee. This committee went into the complaints on the spot, and found that a number of them were actually untrue. Subsequently, there were some alterations of

the way in which these schemes were financed, these applied not only to this, but to all these schemes, but, however, this was fully explained to the people concerned in February, 1958, and it was pointed out that it would be to the advantage of the location if they would agree to the slight change that the area would be gazetted as an African district council forest rather than as it had been before under African district council by-laws. The Local Agricultural and Veterinary Committee then went into the question, and they put forward their proposals under various heads and said that they wished to continue the scheme under certain conditions—the conditions which they laid down were firstly that the African district council should ask Government to take over the scheme, and gazette the area under the Forest Ordinance as a forest under development.

Secondly, that the Forest Department should operate the forest.

Thirdly that the District Commissioner, the Agricultural Officer, the Forest Officer and the Kisumu Locational Council Boundary Subcommittee should review the area and see if it was reasonable to make small boundary adjustments, and it was agreed also that a list of the right land owners should be prepared and a sum of £300 put aside, not in compensation, but as an ex gratia payment to these people. Under those conditions this subcommittee recommended that the scheme should continue. The matter then went to the African district council, and the African district council by a majority turned it down and said they did not wish to continue any further. It was made clear to the African district council in discussion before they came to this decision that there were three alternatives facing them. Either the area should be gazetted and handed over to the Forest Department, in which case there was to be no refund of any expenditure asked for. Secondly, it could be gazetted as an African district council by-law forest, in which case the district council would have to run it at their own expense and they would be called upon to bear the cost of that expenditure which had been wasted on the scheme owing to this action. That expenditure was, in fact, the building of a certain number of houses which would not be

[The Minister for Forest Development, Game and Fisheries] required. The third alternative was that they could abandon it, in which case they were informed that they would be called upon to refund to the Government such money as had been expended on the scheme up to that time. Sir, they chose the third alternative. By that decision there is no doubt that the people of the area have lost a scheme on which Government had spent money and was prepared to spend more money, and a scheme which would not only have protected that rocky escarpment against further erosion, which would have increased the water supplies of the area, and would have provided economic development for the country, but would also have provided a profit to the African district council and timber supplies to the local people.

I take it, Sir, you will agree that that is a very different picture from the one presented to us a day or two ago by the hon. Member.

Now, Sir, there is only one other small matter which arises from the same speech. In commenting on the difficulty the Central Kavirondo District had in raising money for taxes, he said this: "At the same time about 80 per cent of the people of Central Nyanza do work in the lake and all the revenue from the lake goes to the East Africa High Commission." Now, Sir, if he means what I think he means I find it very difficult to express my opinion on that statement in parliamentary language. The fact of the matter is, Sir, that the East Africa High Commission collect licence fees on behalf of this Government and pay them over to this Government. The licence fees for the last full year for which we have figures—1957/58—amounted to £784. Now, Sir, the latest estimate of the value of the fishery in the lake to Kenya, based on the retail prices which the fishermen receive is £1,160,000. That is the gross revenue made by the fishermen of Kenya, very many of whom live in Central Nyanza, out of Lake Victoria.

Sir, I beg to support.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Sir, on a point of order. Having heard the Minister, Sir, I wonder whether there is anything that you could suggest this House could do to prevent Members from misleading,

very badly, Members of the House. I was surprised when the Minister said just now that after a Member had said that cattle could not go through a certain forest area, in fact the Forest Department made 23 cattle tracks through the area. It does seem to me, Sir, that the hon. Member for Nyanza Central is guilty of misleading this House very seriously.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I have repeatedly tried to draw the attention of hon. Members to the fact that once they are elected to this House (a) they are regarded as responsible persons and (b) they are in a privileged position. As such they should be more than usually careful to refrain from those vague generalizations often used at political meetings and when they speak in this House they should be certain that what they are saying is accurate.

MR. COOKE: There is nothing to indicate the hon. Member is deceiving this House. There is a conflict of facts which only an enquiry could resolve.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Cooke I have said nothing that can cause offence. The fact is that on occasions some of our Members are guilty of being somewhat careless in statements they may make in this House.

MR. COOKE: The Member in question who is absent should be given an opportunity to answer.

MR. BOMPAS: Are we proceeding with the debate, Sir, or still dealing with the point of order and your ruling, Sir?

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): We are proceeding with the debate.

MR. BOMPAS: Mr. Speaker, I would like to thank the Minister for Local Government, Health and Town Planning for the very lucid and comprehensive account he gave us of the many facets of his Ministry. I do not propose, Sir, to take much of the time of the House, but I feel that I must refer to and support the views put forward by the hon. Corporate Member for Commerce and Industry, acting Corporate Member, with regard to the proposed model by-laws, Sir, I realize that many of the people who are the first to complain about by-laws and probably lead opposition to such forms of control, are very

[Mr. Bompas] frequently the very first people to complain that their neighbours are misbehaving themselves or destroying local amenities. But this apart, Sir, there is undoubtedly a very strong opposition to the by-laws. Most of the people who have elected to live in the peri-urban areas have done so to escape regimentation, and they are now finding themselves enmeshed in the march of so-called civilization. I have been told, Sir, that it is not legally possible for a local authority to introduce by-laws and then to apply them only to a portion of the area which they administer, and if I am wrong on that, Sir, I am open to correction, and I hope that I am indeed wrong, because otherwise I do urge, Sir, that the law in that respect requires very early amendment.

Sir, I do submit that the present model by-laws require quite considerable further simplification to remove such things as fencing from their scope, and indeed such things as were pointed out a little facetiously by the Corporate Member when he spoke, and told us about his tent and the trench he might wish to dig to irrigate his cannabis. I would suggest, Sir, that once by-laws have been agreed with the greatest degree of simplification, they should then only be introduced progressively to areas within the local authority following a clear demand, possibly even as a result of a referendum. Applied progressively, only to the areas who actually want them; it was suggested that they should only be applied to the black spots. I would be inclined to leave the black spots, Sir, to simmer in their own troubles until such time as they become alive to the fact that they need some form of control. I believe, Sir, that by-laws such as these should be the servants of the people and not their masters.

I am not at all confident, despite the assurances we have had to the contrary, that the local authorities have either the personnel or the funds to enforce the proposed by-laws, and I think most hon. Members would agree that laws, or by-laws, that are incapable of enforcement are anathema.

Now, Sir, on another point, as a ratepayer in this City I can sympathize with the desire of our City fathers to try to

force development within those voids and the sparsely developed areas of the City before they countenance such things as planned neighbourhood units close to the City, but outside its boundaries. Nevertheless, I find it very difficult to agree that City or Town Councils should be allowed to delay desirable development in areas for which they are themselves not responsible. Now the Minister mentioned the necessity for joint planning by town and county councils, and I would urge that an early solution—an early achievement of a practical formula to this is most essential.

Sir, I would like to thank the Minister for his reply to my comment during the policy debate, that Government all too frequently disregards by-laws of local authorities.

I was a little disappointed that he did not outline the mechanism which is applicable to Government development. I understand it is that, whereas Government is not susceptible to local by-laws, departments or ministries proposing to carry out development are required to submit their proposals to the Minister, presumably to the Minister for Town Planning, for approval and one assumes, that that Ministry satisfies itself that the proposals are in general accord anyway, with the parallel or analogous by-law. But, Sir, it is very clear that departments frequently overlook their responsibility, or their liability, in this regard, and proceed without planning permission. Now, if a member of the public does that, he is liable to be called upon either by the local authority or by the Public Health Division of Lands Board; in certain circumstances, to demolish those buildings. Now, that is a very severe penalty, Sir; one would hardly expect the public to countenance orders for demolition of buildings erected at their expense, but I do suggest that when individual officers are guilty of neglect and proceed with development without the permission of the Ministry, those individuals should be subject to very severe penalty themselves. And I would like a categorical assurance, Sir, from Government—perhaps not from the Minister concerned because it is his concern—but I would like a categorical assurance from Government, Sir, (1) that the necessity to carry out the proper procedure is fully understood and

[Mr. Bompas] (2) that it is made quite clear to officers who do not submit to the necessary procedure that they themselves will be held responsible for their actions.

Sir, I beg to submit.

Mr. TOWETT: Mr. Speaker, Sir, I am proposing to speak for about 20 minutes. But before I go to the main point of what I want to say I would like to ask the Minister for Local Government to see to it, that in order to avoid some of the misrepresentation of facts from some of us that we should have minutes from all the local government bodies in the Legislative Council library. That will help us to be able to look up accurate information of what is being done by the different local authorities.

Now, Sir, my first point is on what I call synchronization of the local government bodies. Up to the present time we have got different types of local government bodies, not different in what they are supposed to do, Sir, but different from the point of view of the Ordinances. You have African district councils, county councils and below the county councils you have urban and rural district councils and all those local bodies have different Ordinances. The diversity is greater when it comes to county councils and African district councils.

Sir, George Bernard Shaw classified mankind into three types: there are the supermen, the submen and those who come between the supermen and the submen. I do not want the Minister, Sir, to believe that what Mr. George Bernard Shaw said was correct. I do not want him to classify us in Kenya into about five categories. I want him and the whole Government, Sir, to realize and to appreciate the fact that this country is for us all and we must live together. And if we accept that fact, it follows that we have got to use one system of Ordinance for all the local authorities in this country; so I hope, Sir, that the Minister will see to that and will speak to the Government and press the Government to see that the different Ordinances which are operating at the moment are made more uniform. If that is done, Sir, I will be very pleased with the work done by the Ministry of Local Government, Health and Town Planning; but before that is done, Sir, I say that we should move a

Motion of no-confidence in the Ministry at the moment.

Now, one other point arising out of what I have said is that in some African district councils it happens that some public officers or the Government officials—take, for example, the agricultural officer or the veterinary officer—sit on some committees of the African district councils. I feel that the Minister, Sir, has got to instruct all the African district councils to the effect that no public servant or Government officer—apart from the district commissioner who is the chairman—should sit on any of the committees of the African district councils. I feel a bit perturbed when I realize and learn that in places like urban district councils or the rural district councils or in some local government authorities in Great Britain the procedure is that members of the council concerned are elected to take the chair in the committees of such councils. But when it comes here, say, for example, in agriculture and then you have marketing matters and agricultural matters and the officer who is supposed to be the employee goes and sits as chairman of the committee which should be trying to direct and criticize his own work, I feel, Sir, that that is not a very good procedure and the sooner that is rectified the better for us all.

Now, Sir, I come to my second point which concerns education. My hon. friend, Dr. Kiano, has referred to nursery schools. I would like to say that in small towns we should like to have some kindergarten schools. I think I mentioned that previously, last year. In several towns some of the mothers and parents of children go to work and their children are not well looked after; now if we could, Sir, ask all the local authorities responsible for small towns, to see that they have nursery schools—not necessarily to teach the children to read and write—but where the children could play and pass the time until their mothers come back from work. I feel, Sir, that if we had townships or urban district councils doing that sort of thing we should be very, very grateful indeed.

My second point under point No. 2 is in connexion with what local governments or what the African districts councils, vote or decide to set aside some Narok, Sir. We have always said that

(Mr. Towett) The Masai are not susceptible to civilizing forces; I think that should be refuted. Sir, I feel that the Government is not doing enough, say from the local government point of view, to try to civilize the Masai. We should try hard, or the Ministry should encourage the Narok and Kajiado African District Councils to vote some money for further education overseas for the Masai youngsters—both boys and girls. If that could be done, Sir, I know there would be some Masai young men who could go abroad for higher education. And if that were done, Sir—if the Minister could encourage that sort of thing—we shall not be very far away from influencing and civilizing my friends the Masai.

It sometimes happens that some local authorities, some African district councils, vote or decide to set aside some money for further education of the young men and young women from their district and it has happened on one or two occasions that the Minister has had to say, "No, I cannot accept that such amounts should be set aside for further education." I think, Sir, that when an African district council decides to set aside some money—if it can raise the money—the Minister should not oppose what the African district council is trying to do.

Now, Sir, my third point concerns what I call Charles Dickens' roads in the urban areas. I have said this previously, but I want to impress upon the Minister the need for urban district councils to look into the terrible state of affairs in the urban areas in connexion with all or most of the roads leading to the African residential and shopping areas. I do not know how often I am going to repeat this to the Minister. I hope that after today's repetition of the same thing he will write letters and instruct urban district councils to look into the abominable state of affairs of the roads leading to the African residential and trading areas. It is no use, Sir, from my point of view, trying to encourage Africans to have shops in different places from the other shops and then not constructing roads for them or asking them to give money for the construction of such roads. What usually happens is that the persons concerned in the urban district councils say that there is

no money even before seeing the people concerned to ask them whether they could subscribe some money for the construction of such roads. I know that there are some people who would be willing to subscribe money to put the roads into a useable form. It is no use saying all the time that there is no money without trying to do anything to get the money.

Now, Sir, I come to my fourth point. This one I have called "Medical and Health Deficiencies". There are teachers who are employed by the district education boards and the regional education boards and those people do not know whether they are civil servants or not. They do not know if they come directly under African district councils or under a local government body or what. But, Sir, their main complaint is this: they say that they do not get what is called hospital treatment free. Some civil servants, I think, are entitled to go to hospital and get medical attention freely. Some or most employees of African district councils get medical attention without having to pay a cent, Sir. Now, when it comes to teachers who are employed by district educational boards or regional educational boards, they do not get this free medical attention. I would like to ask the Minister to define the state of these people. Are they in the Central Government or in local government? If they are in local government, are they not entitled to free medical attention?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Sir, on a point of order, the particular people the hon. Member is referring to do not come under this Head at all. They have nothing to do with it.

MR. TOWETT: I do not think so, Mr. Speaker, because I know that the African district councils give some money to the district educational boards and also the Government gives some money to the educational district boards. I would like to know whether that money which we give to district educational boards for the employment of these teachers does not come under local government.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): The African district councils do contribute towards the district

(The Minister for Local Government, Health and Town Planning) education boards but they have no control over them at all nor any control over the terms of service of their employees.

MR. TOWETT: I am satisfied, Mr. Speaker, and I think the teachers also when they hear that will be satisfied.

My other point, Sir, is in connexion with what I call "fatherless" children. There are some children who have no fathers who are not treated freely when they need to go to hospital. It is my belief that the mothers—the husbandless mothers—cannot clothe and feed and educate their children and at the same time afford money for the medical attention of such children. So maybe the Government could consider from the local government point of view, from the health and medical side, that any child under the age of 16 who is half an orphan may be given free medical attention, so as to relieve the mothers from this burden of having to look after their children, medically as well as feed them, clothe them and educate them. That is only a suggestion, Sir, and I hope the Government will consider that.

My other point under the same heading of my point No. 4 is in connexion with what I call the plague of private practitioners. They try to cure plagues but they themselves have caused some plagues. Now, what happens, Sir, in some towns is this: some places are very good for health purposes, especially when the doctors consider the climatic conditions of the country and private practitioners tend to go and work in one area. You may find five, or four, or three in one township—in one urban area, Sir. I feel that the local government authorities should try and ask or instruct these private doctors to try and spread over the country so that not all of them form a plague in one area. What happens, Sir, is this, when there are about four or five doctors in one residential area they seem to compete and when they compete, it is good for the patients but it is not good for the reputation of such doctors. They try to undermine each other privately, and I feel that if we are to have good doctors—reputable people—we should try to ask them not to go and work in one

area all at once. I hope the Minister will look into that and when we next have any doctors from Great Britain or from Asia they should advise them to places like Kajiado or Narok and the Northern Frontier District.

My fourth point under point No. 4, Sir, is in connexion with something which is more interesting than what I have said previously. We have been told that some Africans have qualified abroad and from Makerere and have become doctors. Now, I do not know what the Government's policy is on this. Does it mean that the Government is trying to concentrate to send all these African doctors to special places only, without sending them to other places? Since Makerere College started qualifying people as doctors and also other doctors have come from abroad—all Africans—we have never had one, Sir, in Kericho District. The Africans in this district have never experienced the services of an African doctor there. So I wonder, Sir, whether the Government is trying to discourage the Kipsigis from taking up medicine because unless—yes, from taking up medicine—unless my Kipsigis see an African doctor working in Kericho District they are discouraged, they do not realize that an African can take up medicine and qualify as a doctor. So I appeal to the Government to see that at least one is sent for one month—one month will be enough, Sir, because then the Kipsigis Africans will see.

Now, I would like later on, when the Minister answers all the questions that he has been given—and I think it is quite a documentary volume now—I would like him to explain to me the meaning of the difference between Health Inspectors, Health Assistants and Assistant Health Inspectors. I would like to know the difference, Sir.

My fifth point and the last one—I think that everybody is pleased to hear that it is the last one!—concerns what I call Ministerial bureaucracy. We are being told all the time about the British tradition in the sense of, "You must grow and stabilize and then attain adulthood or manhood and then you will come of age. Then you are accounted for this or that." Now, the Elgon Nyanza African District Council was created or formed in January, 1956 and in 1959, Sir, we were told that that new council had

[Mr. Towett] grown from childhood up to the age of 21 and it was stabilized and it was now capable of having a chairman. I feel, Sir, that in this instance the usual procedure of the reputable British tradition has been violated by our Minister. It cannot sink into my brain—I cannot accept it—I cannot sympathize with the creation of a chairman in an African district council which has been in existence for three years. It is inconceivable. And here we have the Minister telling us how much good work has been done by the Elgon Nyanza African District Council. I cannot accept it; it has never grown, never been stabilized and yet you come and appoint a chairman leading the other African district councils which were started 1924/25. That is quite illogical and it is not in the British tradition and I will keep on saying that until I grow old.

My subterminal point is in connexion with another form of Ministerial bureaucracy and this time with the Central Nyanza African District Council. Most of the African district councils in Kenya were shocked, Sir, when they heard about what had happened to the Central Nyanza African District Council. They realized immediately that the African district councils did not have much power and did not matter much or were immaterial from the point of view of the Minister for Local Government.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Question!

MR. TOWETT: I am coming on; you just question and keep quiet! It proved, Sir, that the Minister is almost supreme and omnipotent as far as the African district councils are concerned. It proved, Sir, that what happened in Central Nyanza African District Council reflected the inefficiency of the Provincial Commissioner who was in Kisumu at that time or in Nyanza Province at that time and the district commissioner who was under the—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Question!

MR. TOWETT: I am coming on . . . and the district commissioner who was in charge of that African district council at that time and the staff of that African

district council, Sir, because if the district commissioner and all the senior members of the staff in the Central Nyanza African District Council had been very careful in their work they would have seen beforehand what was going to happen and whatever happened would not have happened.

Now, Sir, I would like to quote from the annual report of 1957 something about Central Nyanza African District Council:—

"This council is the first to have appointed its own qualified engineer. He devoted his time mainly to roads and bridges and the result has been a general improvement. There has been a serious reduction in revenue from cess of agricultural products, partly due to the loss of cotton cess and partly due to a lower agricultural output. As it was the council's policy to earmark the proceeds of cess revenue for capital development the capital improvement programme has had to be retarded. Rate collection is made the more difficult as between one third and one half of the ratepayers are resident outside the district.

The council appointed a special officer to assist in the development of locational councils, and courses in accountancy and secretarial practice were held for the staff of locational councils during the year."

That is the annual report of the Central Nyanza African District Council at the end of 1957, Sir. The report was quite nice and this council should have been the first to be given a chairman but instead, Sir, to everybody's surprise it was dissolved. So, Sir, I hope that in future we shall not have reports of this kind which show or promise a lot of things which are going to happen and just before we see them happen the councils concerned are killed in the bud by the Minister.

Sir, with those very few and very brief points, I beg to support.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I therefore adjourn Council until 2.30 p.m., Tuesday next, 2nd June, 1959.

The House adjourned at thirty minutes past Twelve o'clock.

Tuesday, 2nd June, 1959

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

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

PRAYERS

COMMUNICATION FROM THE CHAIR

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Hon. Members, I have to report that I have received a letter from His Excellency the Governor acknowledging receipt of the report of the Sessional Committee of Legislative Council on the subject of the amendment to our Standing Orders, which report was adopted by the Council, with amendments, on 26th May, 1959, and informing me that His Excellency approved the amendments set out in Appendix A of the report as amended by this Council.

PAPERS LAID

The following Papers were laid on the Table:—

The Report on the Kenya, Uganda and Tanganyika Savings Banks for the year 1958.

The Control Management, Produce Control, Rice Control and Maize Control: Balance Sheet and Accounts as at 31st July, 1958.

(By THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))

ORAL ANSWERS TO QUESTIONS

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Members will note that on the Supplementary Order Paper there are several questions on HOLA. I have ruled these questions, and also a question asking for a written reply, as admissible because, as worded, they seek factual information and neither the questions nor the replies thereto in any way suggest prejudgment, comment or reference to any considerations which might be held to prejudice or affect any decisions which the Council of Ministers may be called upon to take in the matter of the conduct of certain officers of Government.

As the question addressed to the Minister for Legal Affairs for written reply regarding the Attorney-General's decision has no precedent in this comparatively young legislature, I must stress that I have ruled this as admissible in that it seeks information in regard to a decision made by the Attorney-General in his official capacity in respect of which he could, to some extent, be regarded as responsible to Parliament; it does not in any way bring into question advice given to the Crown by law officers—that subject would be inadmissible. Nor does the reply, as given, refer to any matters or considerations which could prejudice the enquiry or any decision based thereon other than such as have been referred to and are generally known from the published proceedings of an inquest.

I would take this opportunity of also referring to the Notice of Motion given by the hon. Dr. Kioko on the same subject, and I would say that I propose to allow this Motion in due course but not at present, because, in my opinion, to do so would prejudice cases which this very week are about to be considered by a special tribunal. In arriving at this decision I am guided by a number of precedents from *Erskine May* and also by *obiter dicta* of Mr. Speaker Morrison delivered as recently as 7th June, 1957, and reported in HANSARD of the House of Commons, Volume 571.

QUESTION No. 130

MR. ARAP MOI asked the Minister for Legal Affairs, when the Kenya National Union of Teachers is likely to be registered?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): The union in question was registered on 14th May, 1959.

MR. ARAP MOI: Mr. Speaker, Sir, arising out of the Minister's reply, would the Minister inform us whether teachers of other races are eligible for membership?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I would be delighted to look at the constitution of the union and tell the hon. Member accordingly. It does not arise out of this question, and I am not familiar with that particular information at this stage.

Mr. Arap Moi: Mr. Speaker, arising out of the Minister's reply, would he tell us whether the Teachers' Union is registered under the Trade Union Ordinance?

THE MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Yes, Sir.

QUESTION No. 142

MR. KHAMISI asked the Chief Secretary:

- (1) How many Arabs have entered Kenya by *dhows* illegally during the last five years?
- (2) How many have been prosecuted for illegal entry?
- (3) How many have been repatriated?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, 29 Arabs are known to have entered Keaya by *dhows* during the last five years, 59 Arabs have been prosecuted for illegal entry during the last five years, 37 Arabs have been repatriated during the last five years.

DR. KIANO: Mr. Speaker, Sir, would the Minister tell us the places to which those Arabs were repatriated?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): That, Sir, is a long and detailed question. I am prepared to give the answer in writing if Dr. Kiano would like to ask the question.

MR. ALEXANDER: Mr. Speaker, Sir, so far as this question relates to entry into the ten-mile strip has the Sultan of Zanzibar any rights on the particular subject?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): That, Sir, is another question.

MR. KHAMISI: Arising out of the Minister's reply, Sir, would the Minister tell us what steps have been taken to see that these people do not enter Kenya illegally.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, with all due respect to the hon. Member he will see that where we have found out that they have entered illegally we have taken steps: where we have not found out that they have entered illegally we have not been able to take steps.

QUESTION No. 146

MR. NYAGAH asked the Minister for African Affairs what was the status of the African chiefs in the Kenya Government organization.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, I beg to reply that chiefs are the direct representatives of the Government within their own locations. They are appointed by Government, but nevertheless are not quite the same as ordinary Government servants because they are regarded to some extent as the representatives of the people, in that they do provide one of the channels through which public opinion can be assessed and reported.

I should like to draw the hon. Member's attention to the record of the debate on the Native Authority Ordinance—on Thursday the 20th February, 1958—and to the debate on Vote 20, African Affairs, on the 7th June, 1957, in which both my predecessors and I defined the functions and responsibilities of chiefs.

MR. ARAP MOI: Mr. Speaker, Sir, arising out of the Minister's reply, in what sense are the chiefs regarded as representatives of the people?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, I thought I had already explained that quite recently on Head 19 in the Estimates.

MR. NYAGAH: Arising out of the original reply, Mr. Speaker, would the Minister be prepared to state categorically whether these people are civil servants?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): No, Sir.

THE SPEAKER: (Sir Ferdinand Cavendish-Bentinck): I think I must point out that the continuation of a debate by means of questions put subsequent to the debate is quite out of order. However, Dr. Kiano, bearing that in mind, you may ask a supplementary question.

DR. KIANO: Mr. Speaker, Sir, arising out of the original reply could the Minister tell us what part of the Civil Service codes do not apply?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I should have to have notice of that question, Sir.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think we might go on to the next question.

QUESTION No. 149

*MR. COOKE asked the Minister for Local Government, Health and Town Planning if the Minister would please state:—

(a) The number of detainees injured in the incident at Hola on 3rd March, last?

(b) The number admitted to hospital?

(c) The number, if any, still in hospital?

(d) The number, if any, who received permanent injury?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir: (a) 81, including the 11 who have since died; (b) 41 admitted and treated; (c) nil; (d) nil, save one still in plaster from what appears to be a previous disability.

DR. KIANO: Would the Minister tell us whether any compensation is considered for any persons injured under part (a) of the question?

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, I submit that that is a separate question and should be put down separately.

QUESTION No. 150

MR. NYAGAH asked the Minister for African Affairs:—

(a) How many members of the K.E.M. tribes (per district) and how many of other tribes (if any) also per district are still detained in Hola's:—

(i) Irrigation Settlement Scheme?

(ii) Open Camp?

(iii) Closed Camp?

(b) Would the Minister categorize the nature of crimes of those in (i), (ii) and (iii)?

THE MINISTER FOR AFRICAN AFFAIRS: On 19th May, 1959, there were the

following persons detained or restricted at Hola:—

Kisumu	Fort Hall	Nyeri	Erabu	Meru	Masai	Nyanza	Kamba	Kilifi
(i) Settlers on the Irrigation Scheme								
92	2	61	31	1	—	2	—	—
(ii) Open Camp Villages								
227	24	99	47	—	1	8	1	1
(iii) Closed Camp								
25	9	81	2	2	3	15	2	—

Emergency regulation 2 confers on the Governor, for the purpose of maintaining public order, the power to make detention orders, and if he thinks fit, to suspend such detention orders subject to conditions as to residence. All persons at Hola are detained or restricted by virtue of these powers.

MR. TOWETT: Mr. Speaker, Sir, arising out of this reply, is the Minister aware that Nyanza is not a district and Masai is not a district?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I did say Nyanza Province.

MR. TOWETT: Mr. Speaker, Sir, the question asked for K.E.M. tribes per district.

MR. NYAGAH: Mr. Speaker, Sir, arising out of the Minister's reply, section (b) was not answered. Would the Minister care to tell us how many people have been detained for various crimes?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, all the detainees, the numbers of which I have read out, are detained at Hola because they are active in the furtherance of the aims of the *Mau Mau* Society.

QUESTION No. 151

MR. NYAGAH asked the Minister for Education, Labour and Lands what sort of teacher or teachers are employed in the Irrigation Settlement School at Hola and what is the standard of the school?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS: Mr. Speaker, I beg to reply: One T3 and two T4 teachers are employed in the Hola Settlement School which is an African primary school.

MR. NYAGAH: Mr. Speaker, arising out of that reply, would the Minister tell us whether these three teachers were detained or whether they are ordinary teachers who have never been detained?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): These are teachers who are on the settlement by virtue of their history as detainees. They are, however, fully qualified teachers who have taught previously in schools.

MR. NYAGAH: Arising out of that reply, Sir, if the Minister thinks that these teachers can teach would he care to tell us what is the future of the other detainees who have been teachers before.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): That, Sir, is a considerably wider question which I am afraid does not arise from the question put by the hon. Member.

QUESTION NO. 152

MR. NYAGAH asked the Minister for African Affairs what is the future of the Hola irrigation settlers' children?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, settlers' children at Hola are there because their parents or guardians so desire. They may return to their homes in their districts at any time.

MR. NYAGAH: Arising out of that reply, Sir, is the Minister aware that some of these children, although they are there because of their parents' presence in the irrigation scheme, that when they grow up they will be a social menace and that the four acres of land allowed to each settler there will not be enough for them as well?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I am not aware of anything of the kind, Sir.

QUESTION NO. 153

MR. NYAGAH asked the Minister for African Affairs:—

(i) How many settlers (at Hola immigration settlements) are married and how many are unmarried?

(ii) Of the married men, how many have been joined by their

families or aged dependent relatives?

(iii) Of the unmarried—what facilities are there for them to do so if they so wish?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, the answer to this question is:—

(i) 103 settlers are married and 86 are unmarried.

(ii) There are now 100 families living with their menfolk at Hola.

(iii) The opportunities for unmarried men to enter the married state are, of necessity, somewhat limited.

The real answer to this question must surely lie with the men themselves. As soon as they show by their behaviour that they have renounced *Mau Mau* and their communities are prepared to accept them they may return to their districts for release.

MR. NYAGAH: Arising out of the Minister's reply, Sir, to part (ii) of my question—the last point the Minister did not reply to properly and, if so, I did not hear his answer. He gave the figure of 100 as being the figure for the families. What about the dependent relatives?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): The figure of 100 families are those persons that the detainees themselves on the irrigation scheme have asked to be sent down to them.

MR. NYAGAH: One further question, Sir. According to the Minister's reply, is he aware that it is a social menace to allow these people to stay like that?

MR. HILLARD: Mr. Speaker, Sir, arising out of all these questions and all these answers, may I dare to suggest that this House should deplore the waste of time involved in—

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): To my regret Mr. Hillard, I cannot permit you to intervene during question time with a speech. If you are raising a point of order I must overrule you in that I cannot interfere with the right of individual Members to ask admissible questions.

QUESTION NO. 155

MR. COOKE asked the Minister for Internal Security and Defence with regard to the *pombe* and weapons stated to have been found in the quarters of the detainees at Hola, will the Minister state:—

(a) Whether these quarters were searched immediately after the events of 3rd March?

(b) If not, why not?

(c) On what date were the *pombe* weapons found?

(d) Have any detainees been punished for these offences and, if so, the nature of the punishment?

(e) Will the Government have a judicial enquiry into the causes of the hunger strike?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): (a) The detainees quarters at Hola were not searched after the events of 3rd March.

(b) There was no reason to search them then. The tragic events of that day were not connected with either concealed weapons or concealed *pombe*.

(c) The *pombe* and weapons were found on 12th May.

(d) No detainees have been punished as it would be impossible to prove in disciplinary proceedings that any individual detainee was guilty.

(e) No enquiry into the cause of the hunger strike is necessary, as the cause is known. The detainees themselves have made it clear that they went on hunger strike because, as the result of the discovery of *pombe*, made from rations, in their huts, they were refused further permission to take food there, and were required to eat under supervision in a dining shelter.

MR. COOKE: Mr. Speaker, with regard to (a) it was announced at the time in a communiqué that the prisoners were probably trying to escape. Would it not have been natural then to have had a search at once for offensive arms and so on if indeed that communiqué was true?

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

not think that that arises in any respect with regard to the *pombe* and weapons stated to have been found. They were found, as I said, on 12th May.

MR. COOKE: What I am trying to say, Sir, is this: that in the communiqué issued early in March it said or at any rate alleged that the prisoners may have been trying to do a mass escape. Would it not then have been natural to have searched for weapons then?

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Is the hon. gentleman responsible for the facts on which he bases this question?

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): I have already ruled the hon. Member's supplementary question out of order.

MR. COOKE: I understand that *pombe* has got rather a pungent smell. Can the hon. gentleman say why this was not discovered before that?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, I would bow to the hon. Member's experience in these matters.

DR. KIANO: Mr. Speaker, would the hon. Minister tell us whether the *pombe* was made from rations given to the detainees.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Yes, Sir, the *pombe* was made from rations.

DR. KIANO: Are the rations given to them cooked? *Pombe* is not made from cooked flour.

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Rations are issued to some detainees to cook for the rest of the detainees. I am not aware whether *pombe* is made from cooked or uncooked material.

SIR CHARLES MARIKIAM: Sir, is it not a case of too many "Cooke's" cooking the broth?

MR. COOKE: Are we to assume then, Sir, that the Minister has not yet enquired into the making of this *pombe*?

THE MINISTER FOR INTERNAL SECURITY AND DEFENCE (Mr. Cusack): Sir, I have not enquired into the various recipes about which the hon. Member seems so concerned.

BILL

SECOND READING

The Criminal Procedure (Amendment) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. CONROY): Mr. Speaker, Sir, I beg to move that the Criminal Procedure (Amendment) Bill be now read a Second Time.

The Criminal Procedure Code, Sir, as hon. Members will be aware, is a very detailed and exact Code which governs the practice and procedure in every criminal trial held in every subordinate court and in every Supreme Court in this country. It is in daily use. Because of its exactitude, and because it is so constantly in use, we, from time to time, find that there are practical difficulties which arise from the wording of the Ordinance. We therefore make a note of these difficulties as they arise and when we have got enough suggestions for amendments together we produce an omnibus Bill. We do that every year or two and we come to this Council to make the necessary practical amendments to the Criminal Procedure Code.

Sir, we are dealing today with the Second Reading of this Bill, and the Second Reading is to deal with the principles of this Bill. I suppose that 98 per cent of the Bill does not deal with principles; it deals with comparatively minor detail—it deals with wording, it deals with procedural detail. I think, therefore, Sir, that the way in which I can present this Bill most usefully to hon. Members is to deal just with the two major matters of principle which are contained in this Bill. If any hon. Members want to raise any questions of detail then I shall be delighted to do my best to answer them, either in reply or in Committee according to whether they are raised on the Second Reading or in the Committee stage.

I have already said that there are two matters of principle in the Bill, and they are both contained in the same clause. If hon. Members would turn to page 238, clause 39, they would find that the clause seeks to repeal and replace section 378 of the Criminal Procedure Code. Section 378 of the Criminal Procedure Code lays down the rights of appeal which citizens

who have been convicted by the Supreme Court enjoy to the East African Court of Appeal. That section in its present form is based on the Criminal Appeal Act, 1907, of England, and it was described by the then President of the East African Court of Appeal as "antiquated, cumbersome, and impracticable and quite unsuited to East African conditions". Mr. Speaker, the present law, which is contained in section 378, says that you enjoy a right of appeal to the East African Court of Appeal, or you will not enjoy it, as the case may be, by reference to the issue that is involved in your appeal. If you wish to appeal on a question of law alone then you have a right of appeal. If you wish to appeal on a question of fact or mixed law and fact then you have to get leave to appeal.

If I might quote Sir Newham Worley, who was for many years a member and latterly the President of that Court, he said of this section, and he was pointing out how difficult it sometimes is even for a lawyer to discover whether the point in the appeal is a point of law or a point of fact or a point of mixed law and fact. "Some advocates do their best to comply and others do not. Where a convicted person is imprisoned and unrepresented the prison officers generally do their best, but it is really too much to expect them to distinguish the cases where leave is needed and where it is not. That is the root of the trouble. Prison officers cannot be expected to distinguish; applicants often present memoranda which include both questions of law and fact and from time to time some unexpected and unforeseen points emerge in the course of the argument. I would like to see these cumbersome and ineffective restrictions removed while retaining some check on frivolous or vexatious appeals." Sir, the reference to prison officers arises in this way. Prison officers very often assist a convicted prisoner to draft his notice of appeal and, as the learned President has said, it really is too much to expect a prison officer to work out the niceties of whether it is a point of law, a point of fact, or mixed law and fact, and so on. So, Mr. Speaker, we propose to move to an entirely different principle in deciding whether a man enjoys the right of appeal to the Court of Appeal and that is contained in the proposed section 378, where we lay down

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this principle which certainly prison officers will be able to follow and I hope that all advocates—Crown Advocates and those in private practice—will be able to follow them, too.

If I am convicted, Sir, and I am sentenced to more than 12 months imprisonment, or I am sentenced to a fine of over Sh. 2,000, then I shall have a right to appeal against conviction without leave. If I wish to appeal against sentence in those circumstances I have to get leave. If I am sentenced to 12 months or less, or if I am fined between Sh. 200 and Sh. 2,000 then I have to get leave to appeal against my conviction. If I am sentenced to a fine of less than Sh. 200 then there is no right of appeal unless the court certifies that the case involves a question of law of great public importance, of great general importance, in which case I can appeal, with leave, to the Court of Appeal.

Sir, a suggestion has been made by the Law Society of Kenya for an amendment to this section, to this proposed new section, and with that suggestion the Government is in agreement. I have already given notice of the amendments which I will deal with in Committee.

Sir, that is the first principle involved.

Now, the second principle is also contained in this section and that is in the new subsection (5) of section 378 which is at the bottom of page 239. That allows the Crown to have a declamatory appeal from an acquittal and declamatory judgment in cases involving points of law of exceptional public importance, and in cases where it is desirable in the public interest that the point should be determined by the Court of Appeal.

Sir, judges have been known very occasionally to err in law, and cases have arisen where an accused has been acquitted on a ruling on law by a judge which may be of very great public importance. If that case should stand by itself then no real harm would be done. But if that ruling, Sir, bound, as it does bind, all subordinate courts dealing with that point subsequently, then the only way in which that point of law

can be put right, at the moment, is to come back to this Council and enact legislation, even though the true point of law is already, as the legislation would have it, made. Therefore, the purpose is in such cases (only in cases of great importance and only in cases where a point of law of exceptional interest and public importance arises) there will be a right of appeal to the Court of Appeal. But I must hasten to add, Sir, that if the appeal is successful the person who has been acquitted will remain acquitted. The only purpose of this declamatory appeal is to put the point of law right and it is not to set aside the acquittal of the person who was charged and found not guilty in the Supreme Court.

Mr. Speaker, those are the two matters of principle with which this Bill deals, but before I sit down, I should like to express our thanks publicly to the Law Society of Kenya who have been through the Bill with very great care. They have suggested a number of amendments to this Bill, three of which, I am happy to say, we can accept. The other amendments to this Bill I have had the opportunity of discussing with the chairman of the Criminal Law Subcommittee of the Law Society and I think he sees the reasons why it is not possible to accept other amendments for which he asks.

There was a third type of amendment for which the Law Society asked, Sir. We should have liked to have accepted many of these, but we felt that they fell outside the scope of this Bill. We therefore made a note of them and the next time we come back to this Council with an omnibus Amending Bill to the Criminal Procedure Code I hope we will be able to include most, if not all, of the suggestions of the Law Society.

Sir, that deals with the matters of principle in the Bill. I shall be happy, if I can do so, to answer any questions on matters of detail and I accordingly beg to move that the Criminal Procedure (Amendment) Bill be now read a Second Time.

MR. WEBB seconded.

Question proposed.

MR. MANGAT: Mr. Speaker, Sir, I must confess that I am taken by surprise, although I should admit at the

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same time that it is my own fault because I did not collect my Order Paper earlier. I had thought that, like the Evidence (Amendment) Bill or the proposed Legislative Council Bill, these matters of law would be left over until we had dealt with the Committee of Supply. However, that is no excuse because I am supposed to know this part of the law. Therefore I should be ready to deal with it at any time without notice.

Now, Mr. Speaker, this is one of those rare occasions in this House when I feel I could stand up at leisure and speak as long as I like to a very select audience because not everybody is interested in this Bill, and then sit down without being conscious of the sinister shadows of lurking figures who are anxious to get up to speak, as we have been experiencing for the last two weeks or so. Generally, of course, on a matter like this, I am used to one, or two or, at the most, three people confronting me. But here I am speaking to a larger audience.

Now, there are quite a few good things in these proposed amendments for which the hon. Mover and his learned colleague have to be thanked for and for which the hon. Members should be grateful to them. Not the least of them is one which applies to lunatic asylums. If any of the hon. Members become insane they will no more be confined to a lunatic asylum but will be detained in a mental hospital. The place may be the same, but certainly the new description is exceedingly soothing.

Now, taking a few clauses, although they are matters of detail, but I think it appropriate to deal with them now briefly. In clause 12 which deals with section 118 of the Criminal Procedure Code, the substituted section starts: "Where it is proved on oath to a court, a magistrate, or a justice of the peace." Now, this is a section which deals with issuing search warrants. Now, these words are "a court" or "a magistrate". In my submission it should not be both at the same time. It should either be a court, or a magistrate. I say this for this reason, Sir, that the court is not defined in the Criminal Procedure Code except that "subordinate court" is defined and that subordinate court includes a Muslim court. If the word "court" is left open

it could be interpreted to mean even Muslim court and I do not think the intention is there at all that such a court should really receive evidence on oath and issue search warrants.

In the Penal Code we have a definition of the word "court" but that court is meant to be a court of competent jurisdiction and that takes us neither here nor there and it might not apply to the Criminal Procedure Code. A "magistrate" being put in this section will cover "magistrate" as well as court, and after all if a man has to appear before a magistrate he does appear in the court because he is to give proof of his allegation or oath.

Now, the next clause I have in mind, Sir, is clause 17. It is quite in order to say that the judgment has either to be written by the officer presiding over the court or under his direction. But if we take the section further then it says, "... and shall be dated and signed by the presiding officer in open court at the time of pronouncing it." Now, the words "open court" in my submission are rather too wide. It may not be desirable in certain cases even to read a judgment in open court. Before coming to this section, if we take section 168, that section deals with the delivery of the judgment and it says this: "The judgment of every trial in every criminal court shall be pronounced and substance of such judgment shall be explained in open court, either immediately after the termination of the trial or at some subsequent time of which notice is given to the parties."

Now, there again, the judgment has to be pronounced in open court and it also says that not only the substance of the judgment be pronounced but that the whole judgment shall have to be read if the accused or his advocate desires it. That will again be in open court, but if we turn to section 77 of the Criminal Procedure Code there is some limitation over the court being open. Now, section 77 says: "The place in which any criminal court is held for the purposes of enquiring into, or for trying any offence, shall be deemed an open court to which the public generally may have access so far as the same can conveniently contain them, provided that the presiding Judge or magistrate, if he thinks

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fit, orders that the public generally or any particular person shall not have access to be or remain in the room or building used by the court". Under this section the court may vacate the whole court. It may not permit even one person to be in, but when it comes to a state of pronouncing that judgment then under sections 168 and 169 the court is obliged to give that judgment in court at the request of an accused person in open court. So there might be some sort of conflict in that, but I would suggest that to avoid that, the word "open" may be taken out so that the provision of section 77 will be equally applied to the provisions of section 168.

Now, the next section I would like to draw the hon. Mover's attention to is this. It is provided under section 193 that evidence is to be taken in the presence of the accused. By clause 24 it is sought that some sort of particular type of documentary evidence be admitted even when the witness is not present in court, and that is the report of the analyst. Now, in my experience, Sir, I have come across cases where even a very innocent looking report of a post-mortem or medical examination may be of particular importance to the accused. I think that the proviso should still be retained that where the accused or advocate requests the court to call the analyst he should be called and examined. The court is entitled to call him at any time, but along with that I think it would be just as well if the accused is also given the right that if he wishes he may also request the court to call the analyst. That would apply, I think, to other sorts of reports made by medical officers.

I think that that is clause 28, Sir, where the Government analyst has been taken out and placed in the clause which has just been dealt with and medical reports are made admissible. There again, Sir, I would request the hon. Mover to consider whether he should not give the accused the right of requesting the court for calling that witness and either examine him or be examined by the party concerned.

Clause 34, I welcome this elaboration of what used to be a good clause in the old law or in the present law. Now it has been definitely laid down that if

a copy of the record has not been made available there will be no question of extension of time for filing the appeal.

Under clause 35: "At the hearing of the appeal the defendant or his advocate may address the court in support of the particulars set out in the petition of appeal." Now, Sir, although I presume that the judge would allow this, the court has discretion in allowing it even though it is not raised by the memorandum of appeal, yet, in my opinion, it should not be confined to that. It would be quite sufficient if we only said that at such hearing the advocate may address the court in support of his appeal, so if we delete the words "particulars set out in the petition of appeal", I think that would provide that the court has the widest discretion in allowing the advocate to address the court on any matters even though they are not contained in the particulars set out in the petition. I have come across many cases where, either through inadvertence or probably at the time of drafting the memorandum of appeal, the advocate concerned did not attach much importance to the particular point, yet where it had become necessary to argue such a point for the court. Sometimes an advocate gets through even without being pulled up by the court on a point that he has not raised, but it would be wise if a slightly wider field was permitted to counsel. After all, the whole purpose is for the administering of justice, and if a point has been left out of the petition there should not be a special requirement on the part of the advocate who is conducting the appeal to confine himself strictly to petition of appeal. He should be allowed to go on with any other relevant point, and that could be done if it was said in this section that he shall address the court in support of appeal.

Now, the next clause is clause 36. I have not got graceful enough words to thank the hon. Mover and his learned colleague for inserting this clause into the Code. Practising lawyers have tremendous difficulty in getting the persons who have been convicted out on bail because magistrates, especially in the metropolis where they are observing the law rather strictly, would refuse to grant bail in many cases unless the appeal was

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first filed, and to file a memorandum of appeal takes time, and in many cases it actually happens that persons who have been acquitted on an appeal have been in custody or imprisonment for several days and nights before they could come out on bail. Now this section was most desirable and it certainly recognizes the great principle of liberty of the subject. Even under this new section courts will be able to appreciate whether a particular case is fit for the grant of bail, but heretofore it was well nigh impossible to have an accused out on bail the same day as he was sentenced, and the old provision of what can be done after the filing of the appeal is still retained and just as well because thereafter one can take the matter to the Supreme Court.

Now there is one little point which I would like to ask the hon. Mover to consider. It is under clause 37, where, in the event of an application for bail being refused by a subordinate court the person sentenced in the case can make his appeal to the Supreme Court. Now, there again, I anticipate it would not be easy to obtain a copy of the judgment or a copy of the record, or any of the documents for the purpose of filing the appeal. Now, I would suggest that the last three lines to clause 37 where it says "notwithstanding anything to the contrary in sections 352 and 358", I wish the learned Mover would agree to include "notwithstanding anything contained in sections 350, 352 and 358". If section 350 was included in this, then all that would be needed to bring an appeal before the Supreme Court would be a memorandum of appeal, because in certain cases one may not be able to get a copy of the judgment when it is a long judgment, to file the appeal, within the time that one is anxious to place the application for release on bail before the Supreme Court, there would be no harm at all if the provisions of this section are also excluded because the judgment would be on the record and available to the judge when dealing with the appeal from the refusal of bail by the subordinate court, and I would also like the learned Mover to say, at the end of that clause, where he says "shall not be summarily rejected and shall be heard before one judge of the Supreme Court", if he will be kind enough to add these words to this—"in Chambers

with all expedition". Now "in Chambers with all expedition", is necessary because appeal court sessions are held only at certain times, and I would not like anybody to wait until the regular sessions of appeal open to have this particular appeal entered in the list. This is the sort of appeal which should be disposed of as soon as possible, and I must acknowledge the help that the officers of the Crown always give to private practitioners—the facility that they extend by accepting a very short notice of such appeal, and by appearing before the court at very short notice, but sometimes a junior advocate may not have that facility, and he will probably feel that he has been put off while a senior advocate is favoured by officers of the Crown; I would like that this provision is there that these appeals should be heard by one judge in chambers with all expedition.

Now, Sir, the next clause is clause 39, which the learned Mover brought specially to the notice of the House. I congratulate him on conceiving this clause. It is indeed very useful although not from the point of view of the defence, because we might be deprived of taking the same point again in the following case, but I would like to ask him this, that when he goes before the Court of Appeal for the determination of a law point, who represents the accused, or does anybody appear against him at all, or is he the only person who moves the court and then places the arguments before the court, and the court decides on that? In all these cases I think it is desirable, if not essential, that there should be somebody on the other side. If it cannot be a particular person because the advocate for the person who is acquitted, is no more interested in it and the accused would not be interested because his acquittal is not going to be upset, who would be the other party? If it is the Attorney-General alone, I am afraid that might not be desirable because there is nobody to oppose him.

Now, the last section which I would like to draw the attention of the hon. Mover and his learned colleague to, is not in the amendments—it is section 381. That section has caused a great deal of trouble to the defence of the accused persons, and to the appellants because this is a section which is the haven of Attorney-Generals. This is a section they

[Mr. Mangat]

invoke when they find that there is a chance that the appeal may succeed on a law point, and they always invoke it and say to the court that although there might be certain irregularities committed in the proceedings they are not illegalities, therefore they will not make any difference to the final decision on the case, and, of course, the courts, in their discretion, deal with these matters on their merits—sometimes they do find that irregularities are such that they may amount to illegalities, therefore the appeal should be granted—other times they might say they are mere irregularities, but I am not objecting to that because there is a tremendous amount of law which can give direction to the courts on that point, but what I do wish should be taken out of this section is the proviso. Now there it says "provided that in determining whether any error, omission or irregularity has occasioned a failure of justice, the court should have regard to the question whether the objection could and should have been raised at an earlier stage in the proceedings". Now this, I submit, to the learned Mover, was an error, it was an oversight—it should never have been in the Procedure Code. If, before he replies, I was taken by surprise, I have not got available the Indian Criminal Procedure Code here, if he has it he will find that section 381 of our Criminal Procedure of Court is identical—indeed, has been borrowed word for word from section 537 of the Indian Criminal Procedure Code. Section 537. Now, section 537 goes up to the end of the section, just up to the place before the proviso is inserted, and we have word for word up to that place, and then, Sir, where we insert the word "provided" the Indian section has the word "explanation". It does not have proviso, or provided so and so. At the end of the section—at the end of the material part of the section before the proviso the Indian section says "explanation". Now the Indian books have prolific commentary. They have the habit of quoting the section and immediately after the section saying something like "illustration or example" or "explanation" or something of that nature. Unfortunately the draftsman who was borrowing these words from the Indian section in 1930 instead of entirely

neglecting the explanation he put in the proviso, and incorporated what was meant to be an explanation in the Criminal Procedure Code as a proviso in our code. Now that is rather hard on the people, especially in this country, where you may not find advocates in the outside districts, or you may find advocates who may overlook to raise a point of law, and then when the appeal comes to court the court may very well say "Here is a proviso that can determine whether this error or omission has caused injustice. We have to consider whether this point would have been taken before in the lower court". Now, in criminal cases, Sir, there should be no such restriction of plea on the accused. If an advocate overlooks it surely the accused, the appellant must be in order to take the point at any time before the appeal court. So I do urge upon the learned Mover that he should take out this proviso entirely and leave the section as it is, and it will be quite sufficient for the purposes.

Now that is about all on the criminal procedure, Sir. As a general remark I would say that I have heard the remark many times that the laws of Kenya must be poor laws because we need so many amendments to them. In my view the enactment of amendments to our laws is a proof of the vigilance on the part of those on whose shoulders lie the responsibility of promoting and preserving our laws, and I must make an acknowledgment which is only appropriate, and that is that Kenya is fortunate in having Crown law officers who have the full realization of the fact and are constantly alive to the necessity of seeing that the rule of law keeps pace with the rule of life.

Sir, I beg to support.

MR. TOWETT: Mr. Speaker, Sir, I feel I am treading on very dangerous ground this afternoon. However, I will put things from my layman's point of view. With all the Q.C.s and qualified lawyers one feels very much scared to stand and speak on a legal document.

AN HON. MEMBER: Hear, hear.

MR. TOWETT: Now I will say something about the police officers and the new definition, or the definition of what we want to understand by police

[Mr. Towett] officer. We have been told, Sir, here, that a tribal police officer will be included in the new definition of police officer. This is a very, very thorny problem. We have been saying that the present dual system of having the tribal policemen having powers and having police officers or the police force with some other powers or authority is not acceptable to us. We want the Government to make a very clear cut and definite policy to tell us whether it is the Government's policy to set up tribal policemen, and then when we have very many of them we do away with the police force, Sir. I cannot see in my mind the present policy of trying to develop and encourage two different police forces having similar powers, so I hope the Legal Department, including the Minister, here, will try not to equate the work of the tribal policemen with that of Kenya police force, and police officers. We should be very clear about this. We want to know who are messengers, such as the tribal policemen, and who are the police, such as the police force.

My next point, Sir, arises out of clause 4, section 16, of the Code is amended here. It says by substituting the words "six months" for the words "twelve months". I feel, Sir, that we must retain six months in view of the fact that some special magistrates could be appointed in some remote areas, for example, places like Sotik and the Nandi Hills and somewhere else very far away, you may happen to find specially appointed farmers who are regarded as special magistrates, and to give them such a period as 12 months is trying to impinge upon what we call justice. We do not want to throw away too much power to people some of whom are likely to be irresponsible. Mr. Speaker, Sir, when we hear questions one would like to question them too.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, on a point of order, surely the hon. Member must be responsible for what he is saying. He is saying that special magistrates are farmers appointed in up-country districts. They are not, they are either district commissioners or resident magistrates under Legal Notice 417 of 1957. I am sure that will reassure the hon. Member.

MR. TOWETT: I am informed that there are some special magistrates appointed to deal with cases in remote areas from district headquarters. If I am wrong, Mr. Speaker, I will beg to withdraw my allegation.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): There are special magistrates in another context, but not under section 16.

MR. TOWETT: I said that I was trading on dangerous ground, and when I seem to deviate I would ask for pardon.

My next point, Sir, arises out of clause number 5. I feel that the sections 17 and 18 should stand as they were before. I do not accept the two new sections proposed. On clause 15, Sir, under subsection 5, we read as follows, and I quote: "Upon consideration of the record the Governor may, by order under his hand address the court, direct that the accused be detained in a mental hospital or other suitable place of custody and the court shall issue a warrant in accordance with such order."

That subsection assumes that there has been a medical examination into the state of mind of the man accused, but when you read under that clause there is no such provision except under clause No. 16. I feel that we should first examine the state of somebody's mind, of the accused's mind before sending such a person to a mental hospital. You see, sending a man to a mental hospital without getting a doctor's certificate is actually putting him in an awkward position later on if he is found not to have anything wrong with his mind. Mental hospitals are not, in some people's minds nice places to go to, and if you send somebody there without getting a doctor's certificate, and later on you hear there was a mistake somewhere and now you have a doctor's certificate, after sending the man to the hospital, we have to take him out of the mental hospital, and I think we are going to ruin the accused's future life, Sir. So I feel that all the qualified lawyers in the House will support that a man should first be examined by a doctor before we ask His Excellency the Governor to give direction that a man be sent to a mental hospital, Sir.

Now, under clause No. 16, Sir, section 165, we read as follows, and I quote: "When the accused appears to be of

[Mr. Towett] sound mind at the time of a preliminary investigation, the court, notwithstanding that it is alleged that at the time when the act was committed in respect of which the accused person is charged, he was by reason of this unsoundness of mind incapable of knowing the nature of the act, or that it was wrong or contrary to law, shall proceed with the case, and if the accused ought, in the opinion of the court, to be committed for trial, the court shall so commit him." Now, Sir, from the psychological point of view, and climatic conditions operating in some areas, I have known some people who have what I call "seasonal mania". He may be mad for one month, say, during the hot time of the year, and then after two or three months the man becomes very normal. Now, I think, Sir, some provision in our law should be put in so that we consider this seasonal madness in places probably where the sun is either very hot or very cold.

Now, Sir, under section 167, there is something very interesting; section 167, subsection 1, and it reads as follows: "If the accused, though not insane, cannot be made to understand the proceedings (a) in cases tried by a subordinate court, the court shall proceed to hear the evidence, and if at the close of the evidence for the prosecution, and if the defence has been called upon for any evidence for the defence, the court is of opinion that the evidence which it has heard will not justify a conviction, it shall acquit and discharge the accused, but if the court is of the opinion that the evidence which it has heard would justify conviction it shall order the accused to be detained during the Governor's pleasure; every such order shall be subject to confirmation by the Supreme Court." I accept the proviso that every such order shall be subject to confirmation by the Supreme Court, but if really a man cannot be made to understand the proceedings, how would we be justified to convict him? I am trying to say that the man must see that he is wrong. He does not understand what is going on. Are we trying to create a form of punishment for others who have not done wrong or are we trying to prove to him his mistakes, cause him to see that he is wrong, and to leave the blame on him? Surely, Sir, I think the

British law must be wrong on this. If, when a man cannot be made to understand the proceedings then the judge says "you are guilty and that is the end of it". I hope, if this particular section is based on any genuine British law, we refer it back to Great Britain and ask the lawyers there to look into it once more.

Clause No. 30, on page 34, Sir, headed "Procedure as to Recognizances"—section 35. This is complicated: there is two—there is 35 and there is subsection 1, and it reads as follows: "If at any time the court which convicted an offender is satisfied that he has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension. (2) An offender when apprehended—"

SIR CHARLES MARKHAM: Mr. Speaker, on a point of order, under Standing Orders of this Council with reference to tedious repetition, the hon. Member is reading out clause after clause, all of which have already been published, and are available to every Member of the House. Is he in order, Sir, in going on reading them one after the other?

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): I think he is just trying to draw attention to his points by quoting, but I think he could possibly refer to the section without reading the whole of it out verbatim.

MR. TOWETT: Mr. Speaker, Sir, I did not mean to offend my hon. friend for pointing out where I should not quote at length, but I was trying to be very careful because I have been christened and given the name of "The tiny Member of Legislative Council" by the *Sunday Post*, and they said I was incoherent, so I was trying to be coherent this time by trying to quote some of the sections here.

What I was aiming at was that the same court will issue a warrant for the accused's apprehension, and that the court will come, and I was reading section 2 "an offender when apprehended on any such warrant shall be brought before the court by whom the warrant was issued and such court may either remand him in custody" and so on and so on and so on. But my point

[Mr. Towell] of view, Sir, is this. They say in section 1 that the court which convicted an offender may issue a warrant for his apprehension and then, down below, the same court. Now, why not say the court which convicted the accused will issue the warrant of apprehension for this man and another court to go and look into whether this man has really acted contrary to the stipulations given by the court which convicted him previously? I do not think that there is justice in asking the same court which convicted a person to issue a warrant for his apprehension and then to come and see whether that very same court should remand the man in question.

So, I hope the learned lawyers in their legal language and terms will put that point lucidly enough for this House to understand, Sir.

Under clause No. 32, Sir, we have the word district and the word area. It is proposed that the word "district" be removed and the word "area" be put therefor. I would like, Sir, when the Minister replies to this, for him to explain to me or to give me a very vivid description or definition of what he understands by the word "area". By the word "district" we roughly understand the geographical and administrative area under one district commissioner or under one district officer; but when it comes to "areas", Sir, I do not really understand what is meant.

Well, I do not propose to cause any longer sitting here, but, yes, there is one more. I do not know—maybe this goes here, but I see under Clause 42, section (c) thereof, you find that you have imprisoned a man for seven years and you have subordinate courts of the first class. Well, that is not within my ability to explain—I do not know much about it—but I feel that a man with first class powers or a man who is a first class magistrate should not be empowered to give imprisonment for a maximum of seven years. That, Sir, if I am wrong it must have been wrong before I was wrong and I feel that something has got to be done because I have known a few first class magistrates who were promoted in some places. You see when the administration finds that there is a second class magistrate at a certain

place and then the first class magistrate who was there is transferred there is a possibility, and it has happened that the administration makes the second class magistrate into a first class magistrate and once he has been given that title, because there is nobody else in that place, I do not think such a man who has just been promoted from second class magistrate because of non-availability of another man who is first class magistrate should give a maximum of seven years imprisonment. I think, Sir, our lawyers will clarify all those things for me.

And with those few what I will call abterring points I wish to support half-heartedly.

SIR CHARLES MARKHAM: Mr. Speaker, following upon my unlearned friend, being equally unlearned myself, I, Sir, wish to refer to one clause only. That, Sir, refers to section 40 of this amending Bill.

I accept, Sir, that when laymen discuss Bills such as these we are poaching on the preserves normally reserved for those Members of the second oldest profession. Therefore, I do hope, Sir, the Temporary Minister will not take offence at anything I say regarding this clause and if I do put forward a suggestion it is in the light of being a layman. Nevertheless, the laymen pay the bills as far as the law is concerned.

Sir, the amendment I want to suggest to the Minister for his consideration in the Committee stage is that the Attorney-General should have powers to direct an enquiry both for section 386 and also 385 of the Criminal Procedure Code. Some nine or ten years ago, Sir, in Mombasa a person who we brought out from England was killed in a motor accident. The Police in their wisdom decided that my employee was guilty in the accident, that it was his fault that the accident had taken place. The very fact that the man was dead and not able to give his version made no difference to the police in Mombasa and consequently there was no inquest, with the result that when the widow of the unfortunate man tried to claim damages from our insurance company they ruled—the insurance company, that is—that as there had been no inquest it presumed upon the guilt of my employee which in

[Sir Charles Markham] itself lost our case and we only gave nominal damages to the person concerned.

Now, I know, Sir—I can see my hon. Nominated friend opposite shaking his head—but I wanted an inquest very badly because in my opinion and it was shared by a lot of people who had witnessed the accident, that accident had been caused not by the wretched man who was killed but by the army lorry. But I could not get an inquest even when I appealed to the then Attorney-General with the result that there was no enquiry whatsoever into the death of that unfortunate man. And all I want to suggest, Sir, today to the Temporary Minister is that he should have power to insist upon an inquest if he thinks the case warrants it.

I may quote one further example, Sir, of a death of an African friend of mine who fell from a vehicle. According to the police, again, who investigated it the fellow fell from the vehicle because the vehicle was over-loaded. And again, at that time because I was involved in another capacity, I wanted a magistrate to investigate this particular aspect and give a verdict like they do in England. Perhaps, Sir, I will be told by the Temporary Minister when he replies that this matter can be dealt with under powers of some other section. But I do apologize, being a layman and also not learned in the law, for raising it but it is an opportunity, particularly as I have tried before both by fairly lengthy correspondence in 1949, I would do it again now to make quite certain that the Attorney-General has the powers that are wanted and it does not rest to the sole discretion of a police officer who may or may not wish to take the action which can be desirable in certain circumstances.

I beg to support.

MR. COOKE: The hon. Member has made some rather serious allegations. I noticed that when an African on this side of the House and even I myself makes an allegation of that nature they jump up on the other side and say: "Can you prove the assertions that you have made?" Well, I have not seen any intervention in my hon. friend's speech and I was just wondering, is there any differ-

ence in the way the people on this side of the House are treated when they make any allegation. It does sound a bit funny that so often they jump up and now on this occasion make no intervention whatsoever.

SIR CHARLES MARKHAM: Sir, could I reply to that, Sir, in view of the imputation—

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I do not know whether Mr. Cooke intended to raise a point of order, but I do not think it was a point of order: The hon. Member quoted occurrences which had occurred and at the same time I am sure he is quite capable of substantiating his statements.

SIR CHARLES MARKHAM: I am indeed, Sir, and will do so any time you wish or when I am challenged by the other side.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, on a point of order, the Member for Coast has suggested an imputation on my manner of conducting this Bill. He has said that I treat different Members on the other side of the House differently. His words came across to this side in that sense.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I understood him to refer vaguely to the whole of the Government Front Bench, not to you personally.

MR. NGOME: Mr. Speaker, Sir, 378 of the Criminal Procedure Code where the Attorney-General has explained the question of a convicted person appealing against the sentence on a point of law or on a question of fact, I want to submit to the hon. Attorney-General the question of an African. If an African is convicted it is very difficult to understand the question of appealing against the fact or against a point of law and I want it to be made clear one way or the other whereby an African can on the appeal have it explained to him about the question of law and the question of fact. He would know about it, and it is a matter which I understand would be confusing, Mr. Speaker. And that is the only point I wanted to make here for the hon. Attorney-General to consider.

I support otherwise.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I suggest that we interrupt

[The Speaker]
 This debate and we turn to Order No. 6, Committee of Supply. Before asking the Clerk to call that, I would like to point out to hon. Members that this particular Vote has been on the Order Paper now for seven days. It has not always been discussed, but it has been on the Order Paper for seven days. We have had 26 speakers to this Vote and, we have only got four more Supply days left. That is today and tomorrow morning and tomorrow afternoon and Thursday and there are six and a half more Votes which various Members have expressed a desire to have an opportunity of discussing. I do therefore suggest that hon. Members should try to be as brief as possible in expressing further opinions.

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

COMMITTEE OF SUPPLY

Order for Committee read.

VOTE 26—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

VOTE 27—LOCAL GOVERNMENT CONTRIBUTIONS

Continuation of debate adjourned on 29th May, 1959.

DR. WALKER (Director of Medical Services): Mr. Speaker, Sir, during the debate that we have had on the Ministry during the last few days, I have been considerably encouraged by the interest expressed by hon. Members in the Health side. I had sometimes wondered whether the health services were not being taken too much for granted. There have been some complaints and some of them have been on individual cases and of a specific nature and I can promise hon. Members that these will be investigated and if an enquiry has not already been made I shall see to it that the circumstances that led up to the occurrences will not be repeated.

With regard to the particular complaint made by the hon. Member for Nyeri and Embu I should like to reassure him that the doctor's power to waive fees for cases who to his mind are unable to pay will continue and at the

same time the rule where treatment is given in cases of urgency first and the formality of asking for payment of fees later, will be maintained.

Now, Sir, apart from these specific complaints, to my mind much of what has been said in the debate has concerned the adequacy and the extent of the services rather than the nature or quality of the health services. I do know that some hospitals are still over-crowded and in particular I would mention Embu hospital and Thika. But, to my mind, there are signs that the policy of extending better treatment into the health centres is succeeding in curing the patients before they find it necessary to seek hospital treatment. This is very much to the advantage of the patients, both he who is cured and the more chronic and iller patient who can now find accommodation in hospitals easier than he could in the days gone by a year or so ago.

It will be our endeavour to continue improving the treatment facilities at hospitals and the hon. Member for Nyeri and Embu will be happy to learn that we propose to build a new out-patients department at Kerugoya Hospital next year. At the same time I shall have to re-examine the special problems that we are faced with at Karatina.

There will be one or two further improvements in hospitals in other parts of the country and I think the hon. Member for Nyanza North will have seen that we have already started building an isolation ward at Bungoma. This will give the medical officer very much more facility for isolating his cases of tuberculosis.

Any hospital improvements in the future will, I think, be concentrated on building isolation facilities and one of the next places which will have to receive attention will be Nakuru which at the moment, although it has a special ward for the isolation of tuberculous cases, arrangements for ordinary infectious diseases have to be made in accommodation which, to my mind, is unsuitable and needs replacing.

One other side of the hospital services which is working under strain are the mental hospital services and this has been mentioned by the hon. Member for Nyanza North and the Specially Elected

[Dr. Walker]
 Member, Mr. Muchuru. There have been difficulties in obtaining admission of patients suffering from mental disease into Mathari Hospital, and it has been recognized that for a year or so decentralization of the mental health services must be effected. To this end medical officers at provincial hospitals have come to Nairobi for courses of instruction in the treatment of mental illness and a considerable amount of treatment is now being provided at provincial centres. Later on, as development money is available we shall be able to build special annexes at provincial hospitals. This, I think, is one of the more hopeful advances that we can look for in the medical and health services because treatment is so very much more effective these days: mental illness need no longer be looked upon as chronic, hopeless, or incurable. There is considerable hope with the newer methods of treatment of returning a man to full and active life.

In other ways we will continue to improve our treatment facilities at hospitals and the Minister in his opening speech did list some places where we would be able to install X-ray sets. In the debate the hon. Member for Nyeri and Embu asked whether an X-ray installation could not be put in at Embu. We have different plans for Embu and Kerugoya hospital because it is thought more convenient to have a more powerful machine mounted on a lorry which could tour between several hospitals and thereby give a better quality of X-ray service to those hospitals than could be achieved by distributing a number of smaller machines at each hospital. Embu and Kerugoya hospital will, I hope, be on the circuit of the new mobile X-ray equipment that we are testing out on the roads at the moment.

The claims of other hospitals for X-ray services have not been overlooked, amongst which I would mention both Kitui and Bungoma.

We are progressing as fast as we possibly can in this direction, but before those hospitals can have the advantage of such facilities, more radiographers will have to be trained and the buildings for the accommodation of the sets will have to be put up.

In this connexion the Member for Coast (Rural) asked whether an X-ray set could be provided at Taveta hospital. But I must remind him that Wesu hospital which is in the same district as Taveta is to have an X-ray set very soon and for many years there has been a working arrangement between Taveta and Moshi for having urgent X-rays done when necessary.

With regard to maternity services, I would remind Members that the cost of in-patient maternity services will always remain relatively high and it has been the policy of local authorities and the health services to build up as far as possible an efficient domiciliary service. In-patient maternity services should, I think, be reserved for treating the more complicated case and it would be much more satisfactory that the normal case is delivered as near as possible to home.

At the moment there are an insufficient number of midwives fully to institute a domiciliary midwifery service but, as an interim measure, those midwives who are available to local authorities are posted to health centres where there may be one or two maternity beds in addition to the transit beds that are found necessary and from there the midwives work until such time as we have a sufficient number of them to distribute evenly throughout the district and available to all at need. Even the missions' maternity service costs are high because they are in no better position to support themselves than the State or local authority maternity services. But, if an African district council feels that they wish to aid a mission hospital it is well within the competence of the council to make a grant to the mission authorities so as to enable them to reduce their maternity in-patient fees. This is done with many councils and I think it should be done by very many more.

It is to be remembered that whatever grant is made by an African district council to a mission hospital in order to aid its maternity service will qualify for assistance from Government under the grant that is made for the public health services undertaken by local authorities.

With regard to staff matters, the hon. Nominated Member for Northern Frontier complained that there was only one medical officer in that province.

[Dr. Walker]
 Actually there are two. One is stationed at Wajir and the other at Moyale.

The observation by the hon. Nominated Member can be compared with the remark made by the hon. Member for Southern Area who complained that he thought five doctors in one small town was far too many. These doctors are private practitioners and the distribution of private practitioners throughout the Colony is, admittedly, uneven. It has been a concern of mine for a considerable time to think of means whereby this distribution can be rectified and there should be more doctors in the rural areas where the work is required to be done. I, personally, would look forward to the day when private practitioners can settle in the rural areas near the larger health centres and that some arrangement could be made whereby he could be employed part-time as a district surgeon to the health centre. He would be enabled to follow his private practice whilst, at the same time, he would have that subsidy which would allow him to live in reasonable comfort in an area that would not otherwise be able to support him.

The hon. Member for Southern Area asked what the difference was between a health inspector, an assistant health inspector and a health assistant. There is a considerable difference and the health inspector has passed the examination of the Public Health Inspectors' Education Board and has undergone a course of four or five years; whilst the assistant health inspector passes the examination of the Royal Society of Health of East Africa Examination Board. His course lasts three years. The health assistant is a man with a departmental grading which he obtains from passing an examination after a two-year course.

I would like to pay tribute, Sir, to the versatility of the health inspectorate. They are primarily responsible for the maintenance of public health standards and hence they must inspect trading centres and shops and abattoirs and meat supplies. It is part of their duty, and I think it is unfair to complain that in the performance of their duty they are in any way failing to serve the public. In addition to this, they are expected to initiate the public health,

and again I would like to mention to the hon. Member for Northern Frontier, when he reads the HANSARD, that the Chief Health Inspector has recently been touring the Northern Frontier and has reported on the water supplies at Mandera and Moyale.

The health inspectorate has also the specific task assigned to it of having to deal with epidemic disease and to follow up cases of tuberculosis and leprosy. They are training in the methods of health education so that their task may be easier in the days to come and there will be less inspections and more education.

There are other categories of staff working for the health services, and they are quite indispensable. All these are trained at the Medical Training Centre and the hon. Specially Elected Member, Mr. Muchura, will remember that we have now got a new school which is equipped to turn out a very high standard of man indeed. The time I think is coming, and I agree with my friend the hon. Member Dr. Adajia, that we have got to examine the necessity of a statutory control of medical auxiliaries such as physiotherapists, radiographers and compounders. It is necessary that some legislation may have to come that the public may be protected and at the same time those who have undergone a long and arduous course of training must themselves be protected.

Now, Sir, one of the ways in which the health services can be promoted faster and more effectively than any other method is through the out-patient services, which are to be had from clinics and the health centres. Hon. Members will have learned from the newspapers yesterday of the difficulties being experienced by the Nairobi City Council clinics who have now to deal with some 25,000 cases a month. I can state that their difficulties are in no way different from those being experienced by local authorities in other parts of the country who have tried to give services with a limited amount of money. The same I think can be said for the ambulance services, and the hon. Nominated Member, Dr. Ismail, has complained of the difficulties in obtaining ambulance services in Nairobi. These difficulties, I am sorry to say, are being experienced in other parts

[Dr. Walker]
 of the country, and ambulance services must take their place in the queue for the amount of money that is available. What must be done, and I agree with the Member for Central Rift, is that the policy must be to encourage local authorities and county councils to build and extend their health centre services as quickly as they possibly can. This is the main plank of our policy, and we will spare no effort to push it forward.

—A new development of this health centre service has been the institution of mobile units, and the hon. Member for the Coast Rural Area has expressed appreciation of the mobile services in Kaloleni and in the Tana River District. There are many of them throughout the country now, and there is a mobile health unit working from Kajiado, now, and its function amongst others is to do its best to attack the venereal disease problem. Whatever is done in the way of dispensing medicines for these diseases, I think the hon. Member for Central Rift must agree that the eradication of these diseases is primarily a matter for the individual and the community concerned. He has got as great a task in this matter as has the health services. These mobile units in their visits are able to call at schools, and call at villages, and at outlying dispensaries. Besides whatever curative services they perform, they have a high educative value because it is usual to take a health assistant or health visitor along with the mobile unit and they can concentrate on teaching such subjects as nutrition or the prevention of disease or methods to be used against any particular health problem in the district. They can concentrate on teaching the children and the mothers. The mobile services are very much more advanced in the Central Province than elsewhere, and the reason in great measure for this progress can be ascribed to the good work of the Red Cross and St. John field officers. Another reason I think is just as important, and that is that the African district councils in the Central Province have shown a greater willingness to sponsor and send their girls for training as home visitors and health visitors. It is this type of staff who in the future will have so very much more influence in educating the community in the ways of health, as has

been so often requested in the debate, should be done. They will do much to promote the knowledge of better home management and the care of children and I think they will form the nucleus of the social services which are bound to grow in the rural areas. At the moment we have full facilities for training health visitors and home visitors and I would commend to hon. Members persuading their African district councils to send these girls for training. If this is done it may be for once we will be in advance of the needs of the community rather than as we are now, following some few steps behind.

Sir, I beg to support.

LORD PORTSMOUTH: Mr. Speaker, I beg to move that the hon. Member be now called upon to reply.

MR. HILLARD seconded.

THE SPEAKER: (Sir Ferdinand Cavenish-Bentinck): It has been proposed and seconded under Standing Order 64 that the hon. Member be called upon to reply. I do not myself think it is an abuse of the proceedings of Council or infringement of rights of Members, because a very large number of Members have spoken on this matter. There are seven Votes upon which Members have expressed a desire to speak. If every Member speaks for half an hour on one Vote it makes it very difficult for other Members, being interested in other Votes. I believe that Mr. Arap Moi is very anxious to speak. I will allow him to speak before we get on to other matters upon which other Members are very anxious to speak.

MR. ARAP MOI: Mr. Speaker, thank you very much. I rise to raise some salient points which might not have been touched on by the previous hon. Members. One of these points is the endemic disease which was not stressed by the previous Members, and that is tuberculosis. Tuberculosis in the rural areas is increasing at an alarming rate, and it would be wise for the Minister to make X-rays available in the remote areas where this disease could be checked and the patients could be asked to go back to the hospitals and be treated if the disease has not yet been eradicated. I know of an area, Mr. Speaker, where 25 per cent of the inhabitants have been

(Mr. arap Moi) infected with tuberculosis. As I understood previously, there was a meeting of those who were interested in tuberculosis cases, and I do not know what steps the Minister is taking to bring up such cases, which were considered at the last meeting of the Anti-tuberculosis Research Board. I know of two areas, Mr. Speaker, in my constituency where mission hospitals have put up two X-rays and they would like to have funds to build rooms suited to such X-rays. Those two hospitals, Mr. Speaker, are Kapsowar and Ortum.

Mission agencies have provided qualified medical officers to help treat these cases: they are specialized in many cases, and I should be very grateful if the Government would assist in every possible way.

Now, may I go further, Mr. Speaker. I want to touch on the question of medical officers. I should like to ask the Minister as to how the number of medical officers available to cater for the population of 7,000,000 people, those who are available for (a) Africans, (b) Asians, and (c) Europeans. I know in places like Nairobi the position is different from that of a rural area. In rural areas there are no private practitioners for one, if he wishes, to consult. He can do so at his own cost, but in towns like Nakuru, Eldoret, Nairobi and Mombasa, such difficulty does not arise.

Another point, Mr. Speaker, which I would like to ask the Government is to give us some elaborate answer as to the establishment of the health centres. I thought health centres were not going to limit the establishment of district medical hospitals where medical officers would be available. At the moment, in all rural district hospitals, as far as I know, they do double jobs. They travel within their district of jurisdiction and, at the same time, do the administrative work. Thirdly, they perform their ordinary duties. This would seem to deprive the patients of time which could be given to them but for the extra duties these valuable officers have to perform.

I should also like to point out that in the Rift Valley Province, and I am not sure whether it is now or a few months ago, the Provincial Medical Officer had the jurisdiction over the Northern

Frontier Province as well as the Rift Valley Province. I do not know whether he has now been relieved of this impossible task; instead of regulating matters that concern one area.

Further, Mr. Speaker, I should like also to pay tribute to medical officers within my constituency who have done excellent work. They have used their own time in order to attend patients. At other times they make themselves available at the hospitals during night hours. I should like the Government to consider cases of overtime. I know that the Medical Department is not willing to pay overtime to medical officers or to other staff who work at night. I think this is a case to be considered. This is a special case and I think they deserve it.

Further, Mr. Speaker, as regards the training of medical staff, as I have heard the Director of Medical Services explaining facilities and activities of the Medical Department, I appreciate what has been done. Furthermore, I should like to point out that there are so many problems in the rural areas which could not be dealt with so easily. I urge the Minister that medical officers stationed at Kapsabet, Kabarnet and Tambach should remain for the time being, as people appreciate their services.

Now, Sir, I should like to turn to a different matter. As regards local government, I need not labour much on it because many Members have done so and I need not be repetitious, but what I would like to say is that the post of African affairs officers should go now because the Ministry of African Affairs is going, and therefore these African affairs posts should also cease to exist. Furthermore, I should like to ask the Minister to state the position over the sale of beer. I fail to understand because in Nairobi you have Africans in African locations selling beer, and I do not understand why Nakuru and Eldoret and other towns have the monopoly to sell it.

Further, I should like to draw the attention of the Minister to the fact that the so-called African community halls erected in various towns are at the discretion of the so-called African affairs officers, or those under the municipal boards. When an African wants to apply to hold a meeting in these halls these

(Mr. arap Moi) officers can either refuse or agree reluctantly and I do not know why these halls were built. They were built for Africans to use. These halls, Mr. Speaker, were built out of profits accrued from the sale of beer and therefore it would be unfair for them to be deprived of such facilities, and yet the Minister says that his Ministry is providing more facilities in towns. I think, as I have said, Mr. Speaker, I had a few points to touch. One only remains, and that is the locational council. No one touched the locational council.

A Bill was passed last year about locational councils and I should like to know what powers these locational councils have. In the Bill it is pointed out that eight members are elected by the people but we do not see they are elected. He should devise ways and means of electing them. I do not argue as to how the Government elects the five Nominated Members to this Council.

Mr. Speaker, I beg to support.

LORD PORTSMOUTH: According to Standing Order 64, I move that the hon. Member be called upon to reply.

MR. HILLARD seconded.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I do not think it is abuse of proceedings of Council or infringement of rights of Members. Also, we have seven further Heads down for discussion and only three days in which to deal with them. We have had a number of speakers including no less than ten African Elected Members, and Mr. Havelock has not yet finished. He has got another round in a few minutes under the second Vote included within this same Head. So I propose to the question.

The question was put and carried.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, you just said that I would have another round to go in a few minutes. I am afraid more than a few minutes; as so many people have raised so many points it will take me a little time to give this reply.

I would like, Sir, if I may, to start with the last hon. Member and try and deal with his points now.

With regard to tuberculosis in the rural areas, other hon. Members raised this

matter and all I can say is that we are very conscious of the problem there. We have been trying to tackle it in different ways, especially the domiciliary treatment which the hon. Director of Medical Services mentioned, and that we hope we will be in a position to plan things even better when the results of these surveys which are going on at the moment are known.

[The Speaker (Sir Ferdinand Cavendish-Bentinck) left the Chair]

[Mr. Deputy Speaker (Mr. Conroy) took the Chair]

I am afraid I do not understand the reference by the hon. Member to the meeting of the tuberculosis research board, and if he would like to tell me more about that I will be able to discuss it with him afterwards.

I would like to say also that the two mission hospitals that he referred to are both heavily grant aided by the Government and we realize that they are essential and fill a very great need.

He slung a question at me as to how many medical officers there were for the people of Kenya, divided into racial groups. I am afraid I am just not able to find out those figures for him, but again if he really wants them I can give them to him later, but I would stress that so far as the Medical Department is concerned the very great majority of the work that is done by the medical officers at the Medical Department is for the benefit of the African population, and only in the towns and for civil servants really are the other races treated by the Medical Department.

He also brought up Sir, the difficulty that a doctor runs into—I think I understood him rightly—when there is development of health centres in the district, it means that the medical officer has to travel round health centres, also do administrative work and also curative work in district hospitals. The hon. Director of Medical Services, I think, dealt with the principle of this matter. I would say straight away that the medical officers are greatly overburdened with this work, but there is no doubt that the population is better treated in every way with a decentralization to health centres which at least provide a screen so that

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the cases which are not as important as those really needing hospitalization do not need to go through, but can be treated at the health centre level. Then, Sir, the hon. Member paid a tribute to medical officers, medical auxiliaries and nursing sisters, for which I thank him. He mentioned the fact that they do not get overtime. I do not think it would be a popular move to bring in overtime for Government officers of any sort, and all I can say is that the people who join the medical profession are people who are, shall we say, prepared to make a sacrifice to the benefit of humanity generally and they, in fact, have a call.

The hon. Member then mentioned local government and said that African Affairs officers should go. Personally, I would not agree that these posts should go, but the name of the post might be changed which, of course, the City Council have done. They are people who devote most of their time to welfare projects for all races. But as in any other country the poorer sections of the community are the ones who need more looking after and, therefore, even if they are called something else they will, in fact, devote most of their time to the African population. But if hon. Members do not like the name I think there is no reason why it should not be changed.

So far as the meeting halls are concerned, I would like the hon. Member to give me some more details of the complaints he has raised on that. But all I can say is, from what I understood him to say, that I presume if African Affairs officers or other officers and employees of a local authority refuse to allow meetings in the halls they are doing so on the grounds that they must look after the property of the local authority concerned. They have probably considered that the meeting suggested might result in damage to the hall. There again, if the hon. Member is prepared to give me details I am quite happy to go into them.

With regard to locational councils, Sir, I will deal with that point in answering other hon. Members who did raise the point earlier on.

Now, Sir, although there were few hon. Members in the House when I moved this Head it is quite obvious

from the numbers who have spoken and the numerous points raised that there is a considerable interest amongst hon. Members in the activities of my Ministry and I thank them very much for that interest.

The first hon. Member who spoke was the hon. Specially Elected Member, Mr. Slade, and here I would reiterate the words which were said by other hon. Members in thanking him for his great interest and enthusiasm in regard to matters of social welfare and the Child Welfare Society which one could say was, in fact, his baby. I hope also that hon. Members, Mr. Slade, and my Ministry will be able to correct the impression which he touched upon that he thinks is abroad in the public mind that the Child Welfare Society teaches mothers how to feed their children and change their nappies. That of course is not the case. The Society is much more concerned with the more difficult ages of children, that is, the teen ages and just under. The hon. Member corrected me quite rightly when he said that the City Council had made a contribution to the Edenvale Trust. I understand, after making enquiries, that this contribution was £200, and they have also promised a single air passage for staff for that institution, and I apologize. I have stated this in order to put the record right. I would add that I agree with the hon. Member with regard to the City Council's attitude towards making grants to the Child Welfare Society and I also hope that the disagreement between the Government and the City Council in this regard can be settled, as the society would then be able to benefit from a substantial contribution from the City Council—last year it gave a very generous contribution of £1,000.

The hon. Nominated Member, Commander Goord, said that he thought there was some insecurity in the payments which local authorities could expect from the Government, and therefore local authorities were doubtful about undertaking commitments in the future. As I have said in opening, Sir, I fully understand his attitude, although I personally believe that local authorities should take their courage in their hands and not try to have every penny of revenue committed because in this

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changing world, whatever is the situation today, individuals and organizations and local authorities will really have to face their future on their own merits and their own determination rather than on plans that may seem to fit a present pattern. In any case, as I announced, the hon. Member himself is now Deputy Chairman of the Advisory Committee to me and I hope that he with his fellow members of that committee will be able to devise some measures to provide some security for those local authorities and no doubt this will be one of the first matters that they will discuss.

He also felt, Sir, that the pegging of health grants to local authorities, and the fact that we could not agree to the county councils becoming health authorities, because we had not got the money to pay them, was serious and possibly a retrograde step, and that it might have repercussions upon the health of the community. I fully realize how serious the matter is and as far as the health of the community is concerned the Medical Department will have to do what it can, as it has in the past, to maintain the development of health as best as it can with the money available without the local authorities becoming health authorities. I hope that the financial position will so improve that the normal development may start again in the very near future.

Sir, if I may now turn to the hon. Member for the Coastal Area, his first point was that he thought that the system of elections to African district councils was disappointing. Under the Ordinance it is the duty of the provincial commissioner to lay down the type of election, and I would assure him that in many African district councils the elections are by secret ballot. I am afraid that the African district councils in his area at the coast are slightly backward in this regard and I understand that the Provincial Commissioner thinks that the majority of the people are not yet quite ready for the rather complicated system of secret ballot. But I will take the matter up with the Provincial Commissioner at the coast in view of his remarks.

The hon. Member raised a number of points with regard to the Medical

Department hospital services. I think that most of these have been dealt with by the hon. Director of Medical Services, except for the matter of fees. I repeat that it is entirely up to the African district council concerned as to whether they wish to increase the out-patient fees or the maternity fees resultant on the Government having done so. I will certainly not put pressure on the African district councils to increase the fees and I hope that they will only do so in the areas where the population can afford it.

With regard to the lack of water, Sir, in certain areas of the hon. Member's constituency, I would inform him that the water surveys are carried out by ALDEV and they will do this at the request of the African district council if there is any possibility of water in that area. I understand that the hon. Member is considering the construction of dams in the hinterland south of the Sabaki River, and I think he might make a suggestion to the Kilifi African District Council to examine the problem so that they can put the request forward to ALDEV, and I will also take action in this matter.

In my opening remarks, Sir, I stated that the Ordinance which will amend the constitution of the Mombasa Municipal Board will come before this House in the very near future. The hon. Member complained that African representation, even in the new constitution, is not sufficient. I would only say that this matter was discussed at great length between representatives of all communities and ultimately it was agreed. The hon. Member for Mombasa Area was a member of the Mombasa Municipal Board when these discussions were being carried on and I understand that he agreed to the new constitution and it will now be placed before this Council. Further discussion on this matter, I would suggest, will take place on the Bill itself.

The hon. Member for the Coast Area specifically mentioned the increase in the maternity fees. He said they were too high and that we should reduce them in order to encourage women to come to hospital. That is exactly what we do not wish to do. In all areas we want to encourage domiciliary midwives' organizations, and the hon. Director of Medical Services has dealt with that point in detail.

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He has also dealt, I think, Sir, with the matter of mission hospitals and their charges and I would only add that although those fees may be high in the mission hospitals without those fees they could not undertake those responsibilities and the Government at this juncture is not in a position to increase grants which, I would add, are based on the net cost, that is the cost less the fees of the hospital concerned.

The hon. Member also had some rather extravagant ideas about Government grants to help children in the country areas. He suggested, I think, that a large grant should be made to the Child Welfare Society who would then be able to supply food for the children and for the mothers—probably nursing mothers or those about to have babies. I am afraid that this is just the pattern of remarks in this House, when on the one hand hon. Members call for a reduction in taxation and reduced expenditure generally and also ask on the other hand for large expenditure on specific services in which they are particularly interested.

With regard to the general health of the children and the mothers the Medical Department tries to cover this through the services of the health visitors, and of course in the Central Province they also have the help of the Red Cross workers. Unfortunately our establishment for health visitors is still very small and we can only give a very light cover to the general areas of the Colony as a whole. Nobody would be more pleased than I, I can assure the hon. Member, if we could step up this activity, either through the Government agencies or through a generous grant to the society.

The hon. Member also mentioned the building of schools by the African district councils. The African district councils and the locational councils do a great deal in collecting money from local people to build schools, but of course the schools have to be staffed and run and the district education boards are responsible for that side of it. There is no good in building a school if one cannot afford to keep it going. I may say that one of the reasons why we cannot increase the health services, as requested by many hon. Members opposite, is that the demand for education and the ex-

penses on that are so great. We cannot have everything at once and Government is trying to meet what it thinks is the general priority demand by hon. Members, which seems to be for education. I do not necessarily agree with this, but it would seem from the debates in this House that the Government is right in its assessment of the priority of the demand which the African population makes in regard to the education of their children.

The hon. Member also raised the matter of overseas bursaries for African district council staff. I can assure him that I have no objection to African district councils spending money on this type of person. In fact a circular has been issued by my Ministry dated 30th December, 1958, where these words appear: "It is perhaps necessary to mention one further subject and that is that the Minister will welcome expenditure by African district councils for furthering the education of their own staff." The circular then goes on to set out the practice in the United Kingdom which African district councils might like to follow.

With regard to the terms of service for African district council staff, the terms of service rules applicable to all African district councils are almost ready and will be put forward for my approval in the next few days. They have been prepared in consultation with all African district councils. They are not retroactive but officials derive their provident fund and gratuity rates under existing rules which many councils have in operation. The new rules will bring all councils on to the same basis.

The next point raised was about the African affairs officers. The hon. Member mentioned that junior officers were seconded from the administration to serve in this capacity with local authorities. This is only done in Mombasa—this is the only place where officers are seconded. The officer concerned at Mombasa has had 13 years' service so that he cannot be accused of being a junior. The Mombasa Municipal Board have found that such secondments have been most successful and that their peculiar circumstances where he has to deal with all sorts of tribes demand this. I think that there is a lot to support their view.

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The hon. Member also stated that the deputy African affairs officer there, or officers, who are often Africans, are not given consideration for promotion when senior officers are transferred. I presume that he is still referring to Mombasa, and I also presume that the Mombasa Municipal Board will take the qualities and the qualifications of all applicants into consideration when making appointments. I will, however, bring the hon. Member's remarks to the notice of that Municipal Board.

He also went on to say that there is no law to guide the locational councils, and this is the point at which I would deal with what the hon. Member for the Rift Valley, who has just gone out, also raised. I would have gazetted a number of locational councils, especially in the Nyanza Province, a week or two ago but unfortunately a legal requirement before such gazetting is that proper geographical description of locations must be published. I have had to refer back to the districts concerned to get this detailed description. I can assure the hon. Member, however, that gazetting will take place, of these locational councils, in the very near future, and I am also fully prepared to gazette locational councils in other areas when they have reached the stage of being able to take over statutory duties and statutory responsibilities.

With regard to finance, instructions have already been issued from my Ministry as to how the finances of locational councils should be operated. They should be in no doubt as to that aspect of their responsibilities. Expenditure of money by locational councils is of course at the discretion of the majority of members and in most cases the majority of those members are elected. If they accept the advice given to them by administrative officers it is probably not because of any pressure but because they are sensible enough to recognize that the right advice has been given to them.

The hon. Member seems to feel that on health matters there should be more education and less dictation. I must say that it is the general policy of my Ministry to emphasize the need for health promotion and education. But discipline is

often necessary in all education and certainly the enforcement of by-laws to dig pit latrines is a very necessary disciplinary part of health education. The hon. Member also raised, as did other hon. Members, the matter of the qualifications under the new Municipal Election Rules. He complained that he thought that the qualifying period of 18 months out of 24 too long. I am prepared to re-examine this period after we have had a little experience as to what limitation if any this qualification has on the number of people who vote, and I certainly feel that this suggestion of six months' residence is too short. Surely those who should vote in local authority elections should be those who have an interest in the locality and make some contribution either to the direct rate revenue or to the general economy of the area. These considerations, I submit, do not really apply to short-term itinerant labour or to visitors and tourists of any race. I do not see that it is in the least unfair to ask for a period of residence of say at least one year as an assurance that the person concerned is a proper citizen of the local authority for which he wishes to vote.

The hon. Member also considered that the demand that the man should have a salary of £121 per annum was too high, and he suggested a figure of £90. I think many hon. Members are under a misapprehension that the qualifications set out in the rules are not alternative, but are all necessary before a man can legally enter his name on the voters' roll. This is not so; they are alternative except that the residential qualification is necessary in all cases. As long as the man lives in a house of 150 square feet and the returning officer is satisfied that he is more or less a permanent resident he does not need to have the £121 per annum qualification. I think that when the results of the numbers of people who can qualify under the regulations is known hon. Members opposite will be satisfied that they are not unreasonable. I would also remind hon. Members that these qualifications are completely non-racial and up to now the different races have had different qualifications. I am sure that they appreciate that the new regulations are quite an advance in that respect.

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I now turn to the hon. acting Corporate Member, Mr. Hillard who complained particularly, as did other hon. Members, of the new by-laws which the Nairobi County Council have issued for public criticism lately. I am not sure when the by-laws will go before that Council, and there has been some comment on them in the Press in today's paper; I think, but I have no doubt that the criticisms which have been voiced both in the Press and at certain meetings will be taken very seriously into consideration when the Council examines them. I would say here that the attitude of different Members in this Council towards local government seems to be very contradictory. On the one hand they ask and demand that local authorities should be independent and have more responsibility, then on the other hand, when any local authority does something which upsets them they appeal to me as Minister to intervene which, of course, is tantamount to asking that the independence of such local authorities should be greatly restricted. All county council by-laws must have my approval and naturally, if there have been any public objections to any draft by-laws I give special attention to the content of the by-laws. I will study these by-laws when they come to me finally with special interest. But I hope that by that time they will have been amended so that they are practical and reasonable. I have no doubt that in view of the public outcry the County Council will itself take into consideration all the points which have been raised, and will probably meet them by amendments to the draft.

The hon. Member for Kiambu raised this matter also, as they affected his constituency and he said that he thought that the law did not allow for by-laws passed by a county council to be applied only in scheduled districts of the council area. This is not completely correct. It is not possible to enact by-laws which are capable of progressive application because the local authority has not the power to apply the by-laws to any particular area by resolution. However, what can be done is to draft by-laws which can, in due course, apply to the whole local authority area, but enact them only in respect of a part of the area in the

first place. Then, when the time comes to apply them to another area an amendment to the by-laws can be enacted. This must of course go through the normal machinery of advertising and all the rest of it and then come for approval by me.

The hon. acting Member for Nairobi West endorsed the remarks by the Specially Elected Member, Mr. Slade, about the Child Welfare Society, and I am glad he made this point that African district councils have made great contributions. He then went on to detail his objections about the cuts in the tax revenue grants and I will deal with this matter later. He then mentioned the matter of the advisory committee which he said I had agreed to establish on 2nd December, 1958, but that it had not yet sat. In order to inaugurate the committee on a semi-statutory basis I asked the statutory standing committee on local government, which deals with municipalities to recommend names to me for members of the advisory committee. This took some time. As there is no standing committee for county councils, I asked the Association of County Councils to make their recommendations. Also a number of people I invited to join the committee on these recommendations regretted that they were unable to serve. I also asked the standing committee for African district councils to make recommendations and it took some time to get names out of them. I have also now asked for recommendations from other societies such as the Association of Municipalities, and with regard to the latter I have not so far received any recommendation from them. I must say here that I am very disappointed that the African Elected Members have taken no interest in serving on this committee although they were addressed. I announced that I intended to appoint Commander Goord as deputy chairman and that there would be four members for municipalities, four for the counties, and four for the African district councils. That will make a total committee of 13 with myself in the chair making 14—we cannot have the unlucky number. I want to make it quite clear that I do not intend to conduct the day-to-day business of the committee myself. Therefore that will be undertaken by the deputy chairman who is independent of my Ministry. Some 11 people have now agreed to serve, and I am still awaiting

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recommendations to fill the last two vacancies. I would add here that I would encourage the committee to co-opt further members, especially when they are discussing any specific subjects and I would emphasize that in view of the gesture by the hon. Member for Central Province South, and in that case, if there was any specific subject to do with African district councils, I would be very happy for African Elected Members to be co-opted, or for that matter, for anything else.

I also believe that it is time to consider seriously and quite urgently a separate Ordinance for the City Council of Nairobi whose requirements and conditions are growing more complicated and more different from other municipalities. I have, indeed, unofficially, asked the Town Clerk of Nairobi to draft a suggested Ordinance for consideration by my Ministry and I wish to make it quite clear to the advisory committee that Nairobi's problems in general are separate issues and should be so considered. As and when a separate Ordinance for the City is passed, it might be advisable for me to appoint a separate advisory committee on local government within the City. There are, of course, a number of general matters of interest to the City and other local authorities and therefore the City will always have an interest in the general problems and in the overall advisory committee. I hope my remarks will satisfy the critics, mostly, as usual, from the City Council both as regards to terms of reference, appointments, and the personnel and functions of the advisory committee.

The hon. Acting Member for Nairobi West, put up a very unorthodox and original suggestion that the freehold Crown land on lease in urban areas—on 99-year leases—should be sold to provide a capital sum for development, and that this money should be made over to local authorities to administer. Firstly, I would suggest that not many 99-year leaseholders would be able to buy out the freehold, or wish to. But he also suggested that there would be no loss to the revenue as the rates would go up. I would point out to the hon. Member that the loss to the Central Government revenue would be something in the

region of £300,000 a year and if the rates were put up that money would not go to Central Government but to local authorities. It would not be possible for the Government to make such a sacrifice of revenue without passing over to the local authorities responsibilities for further expenditure on services which are at present a financial liability on the Government. So the hon. Member will see that this is not a matter which can be decided upon on the spur of the moment, but needs considerable investigation as to whether it is practical or even desirable.

The hon. Member for Nyanza North said that he thought that that Distressed Persons Committee should operate in the rural areas and that it should have representatives in the County areas. A number of cases in rural areas are dealt with by the Distressed Persons Committee and their need is brought to the attention of the committee either through societies which operate throughout the Colony or, on many occasions, through the administration or other Government officers and it is also open to local authorities to make representations to the Distressed Persons Committee on individual cases. I would repeat, however, what I said in Moving, that the money at the disposal of the committee is very limited and if there is any other source of income for the needy individual concerned the committee will not make a grant. It will only do so where there are no relatives or societies or sectional or clan organizations which could be expected to take on the responsibility. The hon. Member also mentioned the Probation Service and as I have already said, this service comes under the Ministry of African Affairs. He was wondering about the problem of juvenile delinquents and that worry I certainly share. He suggested that juvenile delinquents should not be sent from Mombasa or Nairobi to their own areas, but that an institution should be established to look after these people. I must state that I cannot agree with him. Firstly, it is established in all countries in the world that the best people to look after delinquent juveniles are their parents and that pressure should be brought on the parents to carry out their responsibilities. If this is not possible, then the placing of the child with another

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family is the best thing to do. Only if this is impossible, then should institutions be used as a last resort. In any case, I do not think it is fair to suggest that the ratepayers of Mombasa or Nairobi should finance institutions for the support and care of juvenile delinquents from all other areas. Each area, I believe, should look after its own. Central Government do admit certain responsibilities, we are prepared to make grants to local authorities to help them undertake this task. As regards the suggestion that Central Government should take on most of the responsibility and initiate contributions to different societies, I think everyone will admit that this sort of problem is recognized as mainly one to be undertaken by local authorities. It is definitely to their benefit to prevent an increase of juvenile delinquency and other forms of misbehaviour and their particular local knowledge is of inestimable value in this regard.

Another hon. Member suggested that there should be an inspection service to operate under the Children's Ordinance. The majority of probation officers have been gazetted as inspectors of children and they have these responsibilities although, of course, they are already overworked. There are other honorary inspectors of children who are recommended by various societies. I am afraid there is just not the money available to establish a special and separate whole-time inspectorate of children.

I was very surprised at the comment of an hon. Member with regard to adoption societies—that I should not worry about religion. I suggest that religion is the basis of proper living and even indirectly is the core of a happy home. In all these Children's Ordinances, including the Adoption Ordinance, the welfare of the child is the first consideration. If the child is to be placed, therefore, in a home, which should be a happy one, I suggest that aspect must be given special emphasis.

The hon. Member touched on the matter of my dissolving the Central Nyanza African District Council and said that I had done so because certain services were wanted by the ratepayers. He used the wrong word. Basically, it was because certain services were needed

by the ratepayers and if the Council had been allowed to reduce their estimates, especially in health services to the extent that they wished, the ratepayers would, I believe, have been in great danger. It is at this sort of juncture when the public at large is threatened by the activities of a local authority that the Central Government is justified in interfering and not only the Central Nyanza population, but the whole population of the Province, and possibly the Colony, would have been put in jeopardy if I had allowed the black spot to grow in Central Nyanza for some diseases might well have spread over a very wide area.

The hon. Member also said that local councils should be allowed to do what they liked with their money—he was referring to a grant to a student. I have issued instructions in a circular to which I referred earlier, and I have said that I do not consider that the granting of bursaries is a proper local government activity. I have agreed, however, that African district councils should be allowed to grant bursaries for secondary education and for higher education where courses are not available in East Africa. These applications for bursaries should be referred to the Director of Education so that some co-ordination will be employed in the distribution of money for higher education. The criteria which will guide the Director of Education are that the course is one that is recognized by the education authorities of Kenya, students must be qualified for admission to the course, and if the course or one similar to it is available in East Africa an overseas bursary should not be approved. All African district councils are encountering great difficulty in financing their share of primary and intermediate education in their areas, and it is quite clear that they need all the funds at their disposal for this purpose. If, therefore, money for overseas bursaries is provided unwisely, the basic education of the children in the area will suffer.

I have stated that I am prepared to consider the granting of loans for higher education, if the money is available and the African district council officers and the family of the person concerned—or possibly he, himself, when qualified—should be expected to repay. Not only will the educational expenditure by

[The Minister for Local Government and Town Planning]
African district councils and local councils be endangered if too much money is spent on these extraneous disbursements, but all other needs which hon. Members opposite have brought up, such as health requirements, water supplies, etc., will also suffer. I would say that I am very concerned at the disbalance of so many of the African district council finances, in that a much greater proportion than is healthy of their revenue is going into education generally.

The hon. Member for Nyanza North also said he thought all 26 African district councils are now ready for African chairmen. I have often said, both in this Council and elsewhere, that one of the great weaknesses, to my mind, in Kenya is the isolation of different sects, tribes, and races. I wonder if the hon. Member really knows the conditions that prevail in many of the 26 African district councils. I can assure him that African chairmen will be appointed when the councils concerned show that they are ready and capable of administering local government in a stable and efficient manner without direct advice on day-to-day executive action from administrative officers. There are many African district councils which have not yet reached that stage.

The hon. Member also stated that he thought that in many urban areas Africans are not properly represented. I understand from his remarks that he is advocating that the principle of election of African members to Municipal boards and councils should be implemented quickly, and I again assure him this is being done in a progressive manner.

[Mr. Deputy Speaker (Mr. Conway) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentick) resumed the Chair]

The hon. Member for Machakos mentioned a number of points, some of which I have dealt with. With regard to the training of African staffs, I have touched on the matter of overseas bursaries by African district councils; but I think here that one of the best forms

of training is that now being carried out by the financial advisers to the African district councils—those councils who are fortunate enough to have officers seconded to them. Their instructions are not only to see that the accounts are properly kept, but to devote a lot of their time to training the African financial officers of the council, and I know from my own personal inspections that this is being done. In fact, in a number of areas the councils have been so impressed by the efforts of the financial advisers in this respect of training, that they have asked for an extension of the financial adviser's tour in order that there should be no break in the continuity of this particular part of their duties.

The hon. Member said that the African district councils want more and more loans and that English local authorities can get all the money they want, which of course is quite wrong. Local authorities all over the world have been finding it difficult to obtain capital and loans for local government from any particular source. The Local Government Loans Authority have stepped up the measure of their loans to African district councils very considerably in the last few years, and of course one has got to ensure that the money can be spent properly and I can assure the hon. Member that some African district councils have returned money which has been allocated to them because they have found it too difficult to draw up and carry out the development scheme which they had originally desired.

The hon. Member also suggested that all senior posts in African district councils should be at the same level. I have already dealt with the matter of terms and conditions of service of African district council employees, but I suggest it is illogical to suggest that a senior officer of a council handling £500,000 a year should be paid at the same level as a senior officer handling £200 or £300 a year, and that is the measure of difference between the 26 African district councils.

The hon. Member also suggested there should be some training not only for African district council officers, but also of councillors, so that they would be able to undertake fully and further responsibility. This was touched on by

(The Minister for Local Government, Health and Town Planning) the hon. Member for Aberdeen. It is an interesting suggestion and I will go into it more thoroughly, but of course visits overseas to advanced local authorities in Britain, and visits from the more backward local authorities to the more progressive ones in this country, are not easily arranged, although quite a number have taken place. I agree, however, that this might be extended and developed, and I will see what can be done in the future.

The hon. Member for Nyeri and Embu raised a number of medical points, which have been dealt with by the Director of Medical Services. He also said the vice-chairman does not automatically step into the chair in African district councils when the chairman is away. This may not apply in his area, but it is a general practice: I will certainly look into the point he has raised.

He also said members of the council should be allowed to participate in the election of vice-chairman, and this again is a matter which I will certainly investigate. They do it in a number of areas and I will certainly investigate the matter.

He mentioned the matter of African district council forests, which I think the Minister for Forests dealt with, and also asked about the set-up of land boards. African district councils have three representatives on land boards, but there is a majority of Government representatives because most of the funds, I understand, which are disposed of from this board belong to the Government.

I will now turn to the hon. Member for the Central Electoral Area. He made one of his usual speeches emphasizing racialism in almost every sentence. He advocated, I think, the common role in local authority elections, and I have had this in mind for some time, and I have discussed it with a number of local authorities. As it happens, in the one place in which I made a specific suggestion, it was turned down flat by all members except the Indians. When I say "all", I mean Europeans, Africans and Muslims—all turned it down. I hope, however, with the establishment of

parish councils that the principles of non-racialism in the form of a common role might be practicable and might be workable. It needs examination and discussion between the people concerned.

The hon. Member said that in county councils there are only one or two nominated non-European members. There are usually more than one or two, in any case, and in the urban district councils the non-European members have considerable representation. As I said in my opening remarks, the constitution of different local authorities are changing and developing the whole time, and I intend, as new constitutions are formed in urban district council areas, to ensure that there is proper and sufficient representation of non-Europeans where they are the community which contributes to the economies of the area in any great degree.

The hon. Member said that it may be insisted at a later date that Government should hand over education to local authority control, and then went on to say what he would expect such local authorities to do. No proposal has ever been made in this regard, and I am very doubtful whether, for many years to come, local authorities will be the proper bodies to undertake this.

MR. TRAVADI: On a point of explanation, Mr. Coultis, the Chief Secretary, in 1957 suggested it, and not me.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I think the hon. Member said that he had understood there was a proposal. As far as I am concerned, I have said I do not know that such a proposal has been made, and I am very doubtful whether, for many years to come, local authorities would be the proper bodies to undertake these responsibilities. I must admit I am considering, and will discuss with the Minister for Education, how local authorities might be associated with educational matters in their areas, but I do not think they should control them.

The hon. Member went on to say that he could not support the Asiatic Hospital Relief Scheme unless I gave an undertaking it was only a temporary measure. If the hon. Member will study my words in moving this Head, where I stated it

(The Minister for Local Government, Health and Town Planning) might well be possible to introduce a non-racial scheme at a later date, he might be satisfied. I think it has been definitely shown by remarks by other hon. Members in this Council that the hon. Member for Central Area is in a minority in this regard, and that his theories should not be allowed to hold up the scheme which is so urgently needed in order to help the sick of his own community.

The hon. Specially Elected Member, Mr. Muchura, brought up a number of matters, some of which the hon. Director of Medical Services dealt with—and very important matters they were. He was also very critical of the attitude of the City Council towards the African population. I have a little sympathy with him in this regard, but I think he overstated his case. The City Council have spent very large sums of money on the African area, and I would refer the hon. Member to the report of the Director of Social Services which was published lately. I would merely say here that capital expenditure of some £37,000 in 1958 was incurred for health centres, day nurseries, school halls, improvements of the African stadium; an African women's training centre was built for some £6,000; and the transit hostel—£20,000—is planned for 1959. Furthermore another £13,000 or £14,000 was spent in 1958 on general improvement of estates by the Parks Department. He complained, Sir, of the change of name of the African affairs officer to the Director of Social Services, which is in direct contradiction to the hon. Member who spoke last before me. Anyway, I think that the change of name is well in line with the non-racial approach which I would have expected from the Specially Elected Member. I do not think the change of name has resulted in any difference to the functions, and I understand still that 95 per cent of the time spent by the Director of Social Services is spent on African needs and welfare.

As far as the organization and methods report is concerned on the examination of different house rents, this was thoroughly investigated by my Ministry and that of the Minister for Housing, and a number of meetings took place

between the Government and City Council representatives, and I can assure the hon. Member that all the recommendations which were proved to be practicable were adopted, and the organization and methods officers, themselves were satisfied with the action taken. The actual result with regard to house rents was that the rent did not go up in spite of the increased costs and justifiably increased expenditure in a number of departments. The African did, therefore, gain an advantage from this investigation. It was very well worth while.

The hon. Member also mentioned the tenant-purchase scheme and said the City Council was responsible for bringing the scheme to a halt. He said the City Council insisted they should have the option to buy back the houses, should the tenant-purchaser wish to sell. There is some legitimate reason for this, in that the scheme was subsidized by the Government and the City Council aid there was no real reason why a person who has not been approved as deserving this subsidy should be allowed to cash in. Similar conditions apply to tenant-purchase schemes in many areas.

The hon. Member also complained of the City Council's attitude to the I.C.A. scheme for helping African traders, and I will give him an undertaking that I will raise this matter again with the Council.

He also mentioned that Nairobi might have parish councils and that we should not have waited for Nakuru and Mombasa to be established. I am very interested that he should raise this matter, and knowing his experience and influence in Nairobi I would be very happy to talk to him about it, and I assure him that after such discussion I will make an official approach to the City Council for further discussions with them. Incidentally, I have already mentioned the matter in general to the African city councillors of the City of Nairobi, and they are coming back to talk to me about it later.

I would also ask the hon. Member to give me in detail, possibly in writing, his ideas of how to staff the City Council, whose responsibility it is to administer the housing estates, so that it could be reduced. If he will do this I will take it up with the Council.

[The Minister for Local Government, Health and Town Planning]

The hon. Member for Rift Valley mentioned a few matters, some of which I have mentioned. For his interest I will read out the names of those who have accepted my invitation to serve on the advisory committee. Commander Goord (deputy chairman), Councillor A. Dykes, Councillor E. W. Mathu, Councillor Isah Owala, Councillor R. Field, Councillor S. A. K. Padit, Councillor J. N. Soudai, P. Ingata Esq., D. Mndoga Esq., the hon. Sir Charles Markham and Jacobo Owua Esq. There are two more vacancies.

He emphasized that the Government is not developing fast enough, or rather devolving responsibilities to local authorities fast enough, and that the Government is controlling finance for such further responsibilities. A number of discussions have taken place with different local authorities with regard to transferring further responsibility, and the basis of discussion has been that Government will be prepared to pay, as a grant, the money they are now spending on these services, but most local authorities wish to extend and develop such services and demand that the Government should make further increased grants for such development. It is not possible to do that with the financial stringency today, and this is the reason why it has been held up. His emphasis has been on more and more grants paid by central Government to local authorities, and I would only reiterate what I have said elsewhere, that if all the functions that the local authority carries out are based on finance provided by central Government, it means local authorities merely act as agents and there is no real responsibility, nor independence, conferred on the local authority concerned. I hardly think this is in line with the basic principles of his own party.

He then suggested there was an overlapping between the Administration and officers of the local authorities. This matter has also been thoroughly investigated and I do not believe there is. The officers of the Administration are primarily concerned with the maintenance of law and order, which is no function of local authorities, and secondly with matters to do with African residents

of local authority areas. I feel they are the right and proper people to administer such matters as they are in close contact with their opposite numbers in the African land units, and nearly all African matters are connected with the areas from which they originate.

The hon. Member suggested that community development might be transferred to local government. This is a matter which I am prepared to re-investigate, but let me say at once it is a function the Government is prepared to admit which should be primarily that of local authority, and the activities of Government community development officers in different local authority areas at the moment are really aimed at stimulating interest by local authorities in this service. Grants are paid to local authorities for officers' salaries which they employ, but especially during the Emergency the Government has felt that there should be a nucleus of community development officers in its own employ, so that areas which form security risks and which need special urgent treatment in this regard should have high priority. I can assure the hon. gentleman that in the long term, and in principle, Government agrees that community development functions should be undertaken by local authorities, but of course there is the matter of money again.

The hon. Member also asked that European aliens should be allowed to qualify as candidates for election to county councils. This matter has been raised before, and we have gone as far down the road as allowing aliens to qualify as voters in municipal and county councils. Personally I do not agree that aliens should be allowed to become county or municipal councillors. They do contribute greatly to the economy of the country, but on the other hand, as aliens, they have not got other responsibilities, such as being conscripted. If a Kenya nationality should emerge in the future they can adopt that nationality if they wish and become full citizens, but meanwhile, while Kenya is part of the United Kingdom and Colonies, if anyone wishes to take a leading part in political or semi-political activities, they should be prepared to adopt full citizenship of the United Kingdom and Colonies.

[The Minister for Local Government, Health and Town Planning]

The hon. Member for Central Nyanza devoted most of his speech to a long exposition of what he considered to be the history of events in Central Nyanza which led to the dissolution of the Central Nyanza African District Council. The Minister for Forests has dealt with the matter of the Kisiani afforestation area, and I would merely add that although the Finance and General Purposes Committee approved the Estimates with an increased rate from Sh. 14 to Sh. 20, plus Sh. 2 education rate, the full Council pruned the Estimates and reduced the rate from Sh. 20 to Sh. 18. In spite of the fact that the basic African district council rates levied in other districts in Nyanza were Sh. 23 in South, Sh. 21 in North and Sh. 25 in Elgon. In order to achieve this, they seriously reduced services in a manner considered to be detrimental to the health, safety and well-being of the ratepayers.

On 22nd September, 1958, the position in regard to the Estimates was reported to me and in October, 1958, I announced that I had appointed Mr. J. E. Hunter to conduct an enquiry into the affairs of the Council. Here I would say that Mr. Hunter was Commissioner for Local Government, and if he had any bias at all it was towards local government. Also, as he was near the point of retirement, this factor would, I suggest, make him even more impartial, and the hon. Member suggested, I think, that he was not. Mr. Hunter conducted his enquiry from 3rd November to 6th November. Although Mr. Hunter held one discussion with the councillors as a whole, the actual enquiry was held in camera as it was thought—and I agree—that evidence would be more unbiased and less affected by political pressures than it would be if the enquiry had been done in public. On 22nd January, 1959, the Commissioner read a long statement to the Council, summarizing the report and the Government's views, and called on the Council to follow the Minister's instructions authorizing the rate of Sh. 21 and resolving to incur certain additional expenditure which I considered essential. He said if the Council agreed to do this, I would reconsider the Kisiani afforestation scheme, education, educational expenditure

and also the proposals for the reconstitution of the Council with all the Council members. But the Council voted not to accept the instructions, in defiance of the Ordinance, and consequently on 24th January the Acting Governor dissolved the Council and appointed a commission. On 9th May the Governor terminated the appointment of the commission and appointed a re-established African District Council. On 12th May the Provincial Commissioner appointed new members. The members were 12 nominated by the Provincial Commissioner and 19 elected by the local council. I am not going into further detail, except to say I met the Member for Nyanza Central on two occasions, and I thought he had every right to see me as a Member of this House.

As regards the new constitution of the Council, I recommended that he and any others interested should see the Provincial Commissioner, as he—the Provincial Commissioner—under the Ordinance is empowered to form new constitutions. I understand the ratepayers of the area are by no means dissatisfied with the action of the Government and are paying the new rate of Sh. 21 as cheerfully as anyone pays any rate or form of taxation.

With regard to the provision in the new constitution that local council elect members instead of direct election, I, personally, believe that this will provide membership of the African district councils with persons of experience at the lower level and will ensure an efficient and satisfactory African district council. I am sure that the new constitution and the action taken will ensure a greater interest in local government in the area, and it is my firm belief that, basically, the people of Central Nyanza will greatly benefit. The economy of the area is fundamentally stable and I see no reason why the new Council should not progress rapidly to the stage where confidence is completely re-established both among ratepayers and Government. If local government in this area does develop as I hope, and in view of the general good sense of the Luo tribe, I would not be at all surprised if the African District Council of Central Nyanza once again takes the lead in

[The Minister for Local Government, Health and Town Planning] local administration, in which case the Government will reward it as it has done in Elgon Nyanza.

I thank the hon. Member for Central Nyanza for his compliment when he said that when he came to my office I talked sweetly. I notice that he does the same in my office.

The hon. Member for Nairobi Area made a number of points, and I am glad that he was in agreement with me as regards the question of charitable organizations, and I fully appreciate his suggestion that there should be a wider distribution of Red Cross workers, but I am afraid that is a little expensive. I note also his emphasis on the fact that the time for the implementation of the Social Security Scheme is imminent. I assure him my Ministry will go into it very seriously.

He was very incensed at the standards demanded by the City Council with regard to hawkers of vegetables and tea. In 1958 there were 80 of these hawkers, and although the City Council realized the conditions under which they were working were most unhygienic, they have applied their instructions progressively, and reduced the licences by 20 only in the first place. It is thought that 60 hawkers is sufficient to meet the demand. Thirty vegetable hawkers are now working from fixed pitches in the African estates. A survey has been carried out for the siting of tea kiosks. I do not know when this is likely to be completed, and I will make enquiries from the City Council, those who formerly held tea hawkers' licences will get preferential treatment when considering applications for tea kiosks. I think there is something in the complaint of the hon. Member, and the building of these kiosks has been rather delayed.

I have also noted the remarks by the hon. Member with regard to the unhygienic bucket latrines and rubbish dumps in some parts of the African Council, and I will take the matter up with the City Council. I would, however, remind the hon. Member that work has already started on a £70,000 scheme for the conversion of Bahati to waterborne sanitation.

I also bring to the notice of the City Council his point about municipal *askaris* raiding certain places and his suspicions of extortion, but I would like him to give me more details on this matter as I cannot make complaints of generalities. I understand the hon. Member was referring to the allocation of cloth hawkers' licences when he said that there had been racial discrimination. My enquiries reveal there are still eight African cloth hawkers licensed, which is the same number as previously. These have not been reduced at all. I doubt, therefore, whether there has been any unfair discrimination, and I would be very grateful—as I know the hon. Member himself cannot be here today—if his colleagues would pass on to him the points I have mentioned.

As the hon. Member knows, the Government policy with regard to racial discrimination in residential areas has been expounded in this Council before, and it is a matter for the Minister for Lands. I can add, however, that it is the intention, from the town planning point of view, to zone areas in the future with regard to densities and not on the basis of race. This will apply in future to what is known now as the African estates.

I am surprised at the criticism by the hon. Member that the new houses being built in the high density area are no good, and I think these criticisms were well answered by the hon. Nominated Member, Mr. Smith, pointing out that it is really up to the housewife and the tenant to cultivate them a bit as other races do.

His criticisms with regard to Africans being subjected to indignities and inspections and interference, were again generalities, and I would like further details.

With regard to the construction and maintenance of roads in the high density areas, especially in new estates, I will look into this to see what improvements can be expedited, but I would like to say that for the last few years the City Council has spent £131,000 on roads, sewerage, parks and buildings in that area.

As regards ambulances, their availability and charges for them were points which he raised. There are four

[The Minister for Local Government, Health and Town Planning] ambulances in the city, providing a 24-hour service. The drivers are told to ask for money in advance, but they are not allowed to refuse to carry those who have not the means to pay. Again, if there have been any specific cases where these instructions have been ignored, I would like to have details. There are telephones at all Chiefs' Posts, which are within fairly easy walking distance from most of the estates and ambulances, of course, can be called by dialling 999.

The hon. Member also complained about treatment in the clinics of the City Council and cases of wrong diagnosis. Examinations are carried out on patients by doctors and trained nursing sisters, who determine the treatment which is necessary, that is of a higher standard than the Medical Department supply in other areas and it should result in very much better diagnosis than is done by medical auxiliaries in African district council and county council areas. I am afraid, however, there are inevitable delays, as there are 24,000 individual attendances per month at the four health centres and the number is steadily increasing. An increase of 8,000 cases in April testifies to the popularity of clinics, in spite of the increased charges. This averages out at a patient every two and a half minutes, which is probably not sufficient time for a proper examination. The City Council has increased their staff from two doctors to four and from four nursing sisters to five and the African dressers from 16 to 22. Only one complaint has been received for every 50,000 attendances. A factor that is worrying the City Council very considerably is that they estimate that 25 per cent of the attendances come from outside the city and are persons who are not even employed in the city. I am told by the City Council that this is a great burden on the ratepayers, who are really subsidizing the surrounding areas.

With regard to the development of Kibera, the Minister for Housing is really responsible for that and I think that the best thing is to talk to the hon. Member should get in touch with him in due course to discuss it with him. I can say that there is no idea at the moment of absorbing Kibera into the municipality.

The hon. Director for Medical Services dealt with most of the points. I think with regard to the training of African nurses.

The hon. Member complained that the powers of former chairmen of an African district councils were indeed at that time tremendous, but have been reduced in order to make way, as I suppose he means for the African challenge. My answer to that is that the powers of the chairman are the proper powers of the chairman in any local authority, and are certainly no less than the chairman of a county councils and similar bodies.

The hon. Member also pressed for the African District councils to become county councils, and here I would repeat what was said in a previous debate, that the powers held by African district councils under the present Ordinance are in many instances wider than those under the County Councils Ordinance. My intention, however is to create a very similar pattern for the African areas to that obtaining in the settled areas. I said in my opening remarks that I wished to incorporate townships in the African areas, within the African district council. This is really the only significant difference between African district councils and county councils. If this is done, it must be emphasized, that African district councils will have to admit non-African members to represent Asians and Europeans within the townships.

I was interested to hear the hon. Member for the Central Rift associating himself with what he called "the Big Four". Whether this is a matter of physical similarity or whether he is drawing a parallel to the representatives of the Western Powers with Russia, I do not know, but if it is the latter, he must look upon himself as another great power which has not yet been incorporated nor associated itself with the big four in international politics. This other great power internationally, I presume, is China, and I wonder if there is any real significance in his taking on the mantle of Mr. Chou en Lai. I am afraid his criticisms are mostly a repetition of what other hon. Members have said and I beg to repeat that the election of Africans onto Municipal Council is progressing rapidly.

He complained first that the Africans are not represented in the rural district

[The Minister for Local Government, Health and Town Planning] councils and African district councils, and secondly that Asians, who he said were large ratepayers in urban district council areas have not sufficient representation. I think this is rather confused thinking. Africans are not ratepayers in rural district council areas, and therefore in his own logic they should not be represented. On the other hand, the representation of Asians is increasing in all areas as the constitutions are revised. In any case if rate-paying alone were the basis of representation then in nearly all areas the Government, which contributes so greatly in contributions in lieu of rates, would have much greater representation and probably a majority.

The hon. Member then complained about the monopoly of the beer trade by local authorities—and other hon. Members mentioned this too. I have gone into this matter in some detail and made a number of enquiries. He is quite right, of course—the liquor licensing courts have the last word. Although I am a great supporter of private enterprise myself, I think if too many licences were allowed to private individuals even if the courts were quite satisfied that they would run such bars properly, there is no doubt that the welfare of the African population would suffer considerably, as the profits would go into private pockets instead of the African trust funds, instead of the local authorities to which the profits go now. The hon. Member suggested that the profits from beer should go into education. This is a matter which I am now considering—indeed the whole organization of education in county council areas is one which the Minister for Education and myself are discussing.

Incidentally, the hon. Member may know as from July, 1958, the City Council leased its beer shops to Africans by tender, and I will suggest to other local authorities that they might like to adopt the same principle, providing, of course, that there is sufficient revenue coming from that to keep the African trust funds in good heart.

I will also look into the suggestion of the hon. Member that latrines should be built for visitors in hospitals. The complaint that he made about the particular hospital in Nairobi has already been dealt with.

With regard to maternity fees being put up in Government hospitals in settled areas, I do not think that the case of a labourer finding it difficult to pay Sh. 40 is quite as much a hardship as he tries to make out. Firstly, nearly all labourers, get much more than Sh. 30 a month—most of them have *shambas*, and I also know that a lot of employers help to pay even maternity fees.

The hon. Member then asked that there should be more hospitals, and it was wrong to expect farmers to drive 30 miles with their labourers to a hospital. We would, of course, welcome financial allocation to allow us to build more hospitals and to run them, but I am afraid, at the moment, it is not possible. I was interested in the remark by the hon. Member, that the majority of workers in Kenya are stationed in the settled areas. I presume by this he means people in towns and the African district council areas do not work.

The hon. Member complained about infectious diseases not being properly isolated. Would he please give me details.

With regard to the Masai, the hon. Director of Medical Services has dealt with this matter with regard to the venereal diseases in the Masai land units. All I would add is that it is much easier to change laws—even native laws—than it is to change the personal habits and customs of the people. The fact of this matter is education. It is my Ministry's policy to try and teach the Masai people a better way of living, but they do not react very easily, as the hon. Member himself knows, and also, being a nomadic tribe, they are not very easy to contact.

The hon. Member, Mr. Smith, I thank for his kind remarks, and I will certainly bring his suggestions with regard to the development of further social centres in rural district council areas to the notice of the councils concerned. Here again, I think that the remark I made previously applies—that the local government bodies are not sufficiently ready to take a risk in starting such projects, as they feel it is too much for the ratepayer, and I think that they should, and that these sort of things might well be self-financing. I also note with pleasure the hon. Member's remarks about Kuiruta Village, and confirm that it is the

[The Minister for Local Government, Health and Town Planning] policy of the town planning section of my Ministry: to create similar layouts and facilities for other villages in due course.

I was also interested in the suggestion by the hon. Dr. Adaja that a law should be passed to control medical auxiliaries. I thank him for his remarks about the Asian and Arab Hospital Relief Fund. On that particular one I will go ahead and draft immediately, and hope that I can place legislation before this Council in the next few months.

The hon. Member for the Aberdares apologized for his absence when I moved this Head, and said something—I am not quite sure—but something—to the effect that it was "due to unforeseen circumstances over which he had no control". I now understand that an important event occurred at the time, on which I sincerely congratulate him. Whether the circumstances were unforeseeable and outside his control I would not know.

MAJOR DAY: Thank you, Sir, for giving way. What I actually said was that I had a substantial reason.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Well, if I may congratulate him, on behalf of the House, on being presented with a bouncing daughter.

He said that the Government were not doing sufficient in developing the local government—and that the lack of money was a bogey. It is all very well to dismiss airily the handicap of a little money, but there are only two alternatives—either to cut services and the expenditure so saved will provide more money for the local authorities, or taxation, central or local, must be raised. I would like the hon. Member to give me some suggestions on either of these two courses which he thinks would be practicable.

With regard to the resident labourer's order on Forest squatters for the Aberdares, a decision on this matter has been delayed. I am afraid that it has been due to unforeseen circumstances, and matters outside my control, but I can assure him that Government will make its decision in the very near future.

The hon. Member suggested a pamphlet might be prepared explaining the duties of councillors. This suggestion was made to me some time ago, and although my Ministry has not such a pamphlet it has brought to the attention of county councils a number of very useful and up-to-date pamphlets which have been issued by various organizations both here and abroad. In fact, any council which wishes to educate its councillors can do so at very little cost in obtaining such pamphlets. Of course, my Ministry is always at any council's disposal in this regard.

I hope that the deliberations of my advisory committee, Sir, will result in a more definite plan for the devolution of powers to local authorities, and I also hope that the hon. Member himself will be prepared to give his views on that.

With regard to the hon. Member, Dr. Ismail, I think the Director of Medical Services covered his points.

The hon. Member for Central Province South raised a number of points—some of them I have dealt with in answering other hon. Members, but I recognize that some Africans have shown interest in welfare in regard to African women's clubs, playgrounds, and so on, but I think the hon. Member himself will admit that there is room for very much greater interest in development in this sphere. I am also glad that he mentioned the Dagoretti Children's Centre, which has been a great success, and is run by the Red Cross and financed by the Kiambu African District Council. I will certainly ask the City Council about the cycle track on the Doonholm Road.

With regard to the agreement with the bus company, the Nairobi City Council have an agreement for 21 years from 1st January, 1954, that no other than the Kenya Bus Services Ltd. should operate a bus service within the municipality. If Africans are dissatisfied with the services provided they should take up the matter with the Kenya Bus Services or through their City Council. The underlying reason for such an agreement is that without a guarantee of some profit over such a period no firm would commit itself to the large capital expenditure for the provision of vehicles, workshops, etc. There is no objection, of course, against persons with private cars

[The Minister for Local Government, Health and Town Planning.]
giving lifts to friends, but if they charge, then they are, in fact, entering into business themselves. They are competing not only with the bus company, but with a number of African-owned taxis, and they are breaking the law. They are not paying the proper fees and licences, which are levied on public service vehicles.

With regard to plots at the Limuru training centre, these allocations were made under the Native Lands Trust Ordinance by the chief native commissioner, advised by a committee consisting of the district officer for the division, two Africans, one being a member of the African district council, a European member, two Asian members and the Medical Officer of Health. Fifty-six plots were available for allocation and 38 applications were received. Of these six were accepted in 1957, of which only four had been taken up by 1959. In 1959, as a result of the failure to take up plots, four more were allocated to Africans and therefore, of 38 applications, ten Africans were offered plots, but only eight took them up. The remainder of the plots were allocated to Asians on the grounds that they were evicted from the old Limuru Trading Centre and, therefore, were given priority. Immediately alongside the township training centre is the old African market at Rongai. This has been closed for several years on account of the Emergency. It has approximately 80 premises; all of permanent construction and, of course, belonging to Africans, and consideration is now being given to opening up a good proportion of these premises.

The hon. Member said he was disappointed that there were no sewers in Kiambu village. This, of course, is again a matter of money. I doubt if the hon. Member realizes how expensive it would be to put sewers in. It would mean firstly there would have to be a sewage disposal plant, which would cost a very large sum of money, and then the sewers themselves would cost more. I do not think the inhabitants of the village have yet reached the economic standard where they could afford to pay for this amenity. One of the reasons why the village was sited where it is, because it is suitable for pit latrines and the soil would

absorb the sewage. I hope as many inhabitants as possible will be able to invest in septic tanks. I do sympathize with the hon. Member with the remarks that he made that the inhabitants should be able to have water closets, but we are going slowly in applying by-laws in this regard, because we recognize that a number of the people concerned will not have the money to pay for yet. In another context the hon. Member suggested we were demanding too high standards, and maybe his remarks rather conflict.

I noted his points about planning extensions for villages in the Central Province, and what the increased population will demand, and I will bring that to the notice of the town planners and of the administration.

He also wanted more time for the collection of materials for the building of the permanent villages. I will bring that to the notice of the Minister for African Affairs.

The hon. Member suggested that there should be a consolidated rate paid by people in the African district council rather than the number of licences fees and rates they have to pay. I do not consider that a consolidated rate would be as fair to the public as the present system in fact. Numbers of people might find such a rate a very heavy burden. I have often said that I do not consider that excesses on agricultural produce is the proper type of revenue for a local authority but in the present condition of the African areas there is very little alternative. On the other hand, fees and licences for different types of operations are very fair and justifiable. As far as market fees are concerned, the hon. Member felt that there was little to justify them and that it was just another method of collecting revenue for the African district councils. I think he forgets that markets have to be supervised and that people who do that work have to be paid.

The hon. Member will know that the orthodox method of collection of revenue for local authorities is a rate on land and naturally African district councils will in due course have to consider this imposition where land is owned by individuals. Whether this will be a popular move is another question. I would be very interested to hear the hon. Member's advice.

[The Minister for Local Government, Health and Town Planning.]

I would like to look into the case of the petrol station site a little more specifically and after having done so I will contact the hon. Member. Meanwhile I note that he is a partner in the concern which is already operating the station and the original owner of the land is also a partner, I believe. From the figures that I have so far received it would seem that both the original owner and the hon. Member have shown considerable business acumen and the partnership will be extremely profitable and I congratulate him.

I referred earlier to the demand of the hon. Member that there should be a higher standard of building. He referred especially to shops and shopping centres that they be made of mud and wattle instead of bricks and mortar and stone. This, of course, is entirely up to the African district councils but I doubt if there is any very great hardship on the shopowner as very many shops of permanent material have been built in the last few years. And it would seem that the Africans concerned do not find it very difficult to obtain the money and materials that comply with the by-law.

I will look into the matter of inoculations which the hon. Member raised which he said were on a racial segregation basis, I have dealt with the matter of clinics in Nairobi with the other hon. Members. I appreciate the point hon. Members might be encouraged to support nursery schools in villages. This, of course, has been done to some extent with the help of the advice of Red Cross workers.

With regard to the nursery school at Karen forest village, I am sure my hon. friends, the Minister for Forests, has noted the Member's remarks.

I have also dealt with elections to African district councils and the hon. Member can rest assured that this will develop on more modern lines as people become more capable of understanding the developments. I have already dealt with some of the points made by the hon. Member for Kiambu and I note with interest that he feels that the City Council should not hold up developments outside their boundaries. This is a very important point coming from him and I

am inclined to agree. With regard to temporary structures owned by Government which do not apply to local authority by-laws, the mechanism is that there is an understanding in the Government that all departments which wish to erect such structures should first of all apply to the City Council and if they are refused, then they go ahead only with the approval of the Minister for Local Government. In making such a decision, of course, I have not only to consider the local authority by-laws but the condition of the public purse and whether it is justified to force upon it the burden of a permanent structure, thus spending considerable capital moneys which in our financial stringency might be better applied to other priorities. Especially after the debates we have had in the Council for the last few days, the hon. Members must realize that there are often greater priorities than the construction of certain office buildings in permanent material.

The hon. Member for Southern Area suggested that the minutes of all local authorities should be placed in the Legislative Council library. I feel that this is asking a bit too much. He must realize that there are 26 African district councils, 16 municipal councils and boards, seven county councils, 26 county district councils, 190 local council and three townships, all of which are meeting regularly minuting their decisions. There is no doubt that if all these minutes were placed in the library it would take a very great deal of space. However, if the hon. Member would like—or any hon. Member who is interested in the minutes of a local authority—would like, I would be only too pleased that they should examine those minutes if they could call at my Ministry.

With regard to the differences between local authorities, these are not racial but according to different geographical, ecological and economic variations. I do not consider it is practical or desirable at this time to have one Ordinance for all local authorities but I do hope that local authorities in all the rural areas—African land units and other areas—can be brought under an overall County Council Ordinance in due course.

He said that no Government officer should sit on any committee of an

[Mr. Travadi]

of appeal or to give notice of application for leave to appeal and thereafter the certain forms for filing the appeal are handed over to the accused or the accused's lawyer, and they are then filed later on; but they have plenty of time—more than 14 days.

Now, here, if I may say so, 14 days is too short a period for an accused person if he is undefended and without any advocate. It may be, in certain cases, that he may have no relations whatsoever here and once he is sent to a prison or something like that, there would be nobody behind him to make all the necessary arrangements.

In many immigration cases where persons wrongfully come from India or somewhere and are given help by local people in this country, the man is then sentenced and sent to prison and there is nobody behind him and he requires a little more time in certain cases. It always happens or often it happens that the man has no money, and he has to make arrangements for some friend to get some more money to give to his lawyer or more time to consult another lawyer.

These considerations, I think, Mr. Speaker, should be taken into consideration and the time which is now here at the moment ruling which is 14 days should be brought back to the original 30 days. That is so far as this section is concerned.

Now, clause 37 which refers to section 356. This proviso, the original one, provided appeals when there was refusal of bail. The new proviso now amplifies this by stating that a refusal of a subordinate court means that no second application lies to the Supreme Court but an appeal on the refusal should be made as was in the case previously.

Mr. Speaker, I feel that instead of having a second appeal to the Supreme Court, to avoid all the necessary formalities which accompany an appeal—getting the copies of judgment and records and everything—if the accused is given a chance straightaway without using the word appeal, to avoid the formalities under section 350, if he could straightaway go to the Supreme Court—say on a second and third day—and file papers (simply one application) so that

the subordinate court passes on straightaway the original court record to the judge in Chambers. I think it will simply be dealt with summarily and the man may be allowed bail and would be in a better position to make the necessary arrangements.

I, personally, have had the experience in a lower court when a man—a prominent Indian merchant on Government Road, I should say—was sentenced to two weeks' imprisonment because he used unlicensed premises against the Municipal Council By-law No. 2; and now to get the judgment copy and then file an application to the court I think would have taken a few days more by the time he would have served his sentence. So in such cases if he was not allowed to go on bail I think no real justice would have been carried out if the man was in prison. I therefore support my learned friend, the Specially Elected Member, Mr. Mangat, in his suggestion that such an application for bail should go to the judge in Chambers and without waiting for a copy of the judgment or the order, the records should be forwarded to the judge.

Mr. Speaker, now I have got only one more suggestion to make and that is also to join hands with my learned friend, Mr. Mangat, in that the section 381, the last proviso, which in India is merely an explanation and not a proviso, and where in line 3 also the word "fact" instead of the word, "question" appears it should be entirely disappear from the Statute Book. It seems to me to be purely a sort of superfluous addition to this section and serves no purpose. It qualifies nothing; it is just a sort of direction to the magistrate or to the judge without any consequence or significance whatsoever. I would therefore appeal to the Minister that that section be amended by the deletion of the proviso at the end.

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

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

MR. ODINGA: Mr. Speaker, Sir, I have got a few points to raise in connexion with this Bill.

[Mr. Odinga]

I was, in the first instance, very pleased to see in clause 32 that the duties which at the present moment are overlapping between the police and the district commissioners were being removed, and that the district commissioner was being removed from this field and that the police officers were being left to do this duty. But when I come to clause 2 then I find that the definition of "police officer" has been extended to include the tribal police. I do not think that the tribal policeman is quite an officer according to the Ordinance of the Tribal Police. I do not think that there is a tribal policeman who is an officer. Most of them are directly under the chiefs or under the district officers or the district commissioners themselves, and so in that way it means that the district commissioner or the district officer or chief would be directing the officer concerned.

I think, Mr. Speaker, that the time has come when the duties of the tribal police, and the police officers, should be definitely defined. At the present moment the public are confused considerably, and if the powers which we have given to the territorial police officers are also extended to the tribal police then it will further confuse the minds of the public.

Now, coming to clause 12, Mr. Speaker, I find that the power which the magistrates, and by magistrates I mean the district commissioners or the district officers in the reserves, had formerly, is now extended. Before, they only issued the warrants when sitting in the courts, and now it is being watered down to mean that they now issue such warrant anywhere. I think that this is rather dangerous if it should be missed and I think that it should have been left as before. I do not see the reason why it should be extended or watered down.

Now, Mr. Speaker, coming to clause 4 (1), that is where the period of six months is extended to 12 months and that again is giving the lower courts more power of sentencing somebody to 12 months and that they need not go to the Supreme Court for confirmation. I should think that six months is reasonably long and generally even with the people to be disqualified for standing for the Legislative Council it needs to be a

sentence for six months, and then he is disqualified. I think that that is serious enough and that it needs the confirmation of the Supreme Court.

Now, coming to clause 22, Mr. Speaker, I do feel that the evidence that as soon as the witness had given the evidence in the court it is only met and right in order to make him feel that the justice has been done to him that his evidence should be read out, and even if he added something to it he is still in the court. He is still in the court, and he has got the perfect right of putting his evidence as clear as possible before the magistrate, and I do not see why that practice should be abandoned.

Now, Mr. Speaker, to end up, I would say that I do feel that the Bill here is trying to increase the powers of the lower court, and at the same time trying to relieve the Supreme Court of the present practices which they do. I do realize the intention of the Minister in doing that, but he should, on the other hand, also consider the public who have been protected by the Supreme Court in this way.

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

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, perhaps it might be convenient if I dealt inversely with hon. Members, and started with the hon. Member for Nyanza Central first.

I think the principal matter that he stressed was that the Bill was trying to increase the powers of the lower court and reduce the powers of the Supreme Court, and in support of that argument he cited clause 4, Sir. I think it is probably my fault that this misunderstanding arose. I really must apologize to the House for allowing it to arise. I had, of course, assumed that hon. Members would read the Bill carefully before they spoke to it, and if I had not assumed that I would have dealt more fully with the matters in the Bill. If, like hon. Members, he would have read clause 4 properly, he would have seen that it related to section 16 of the Criminal Procedure Code, and that section only relates to magistrates in special districts, who are appointed personally by personal notice in the Gazette, to have these enlarged powers, and it does not apply, as another hon.

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Member said yesterday. (the hon. Member for the Southern Area), it does not apply to any farmer who may be appointed in remote districts. It applies to those areas such as the Northern Province and certain areas such as West Suk where special districts have been created under section 14, and in those places, for example in the Northern Province, the special magistrate is the Provincial Commissioner. In West Suk the special magistrate is the resident magistrate—no one else—and he enjoys those additional powers there, and only in respect of a limited class of case, so it is no question, as the hon. Member for the Southern Area said yesterday, of farmers being specially appointed. I must, I am afraid, repeat what he said, because it is important that I should draw the public's attention to what he said so as to deny what he said. "I feel, Sir, that we must retain six months in view of the fact that some special magistrate could be appointed in some very remote areas, for example, places like Sotik and Nandi Hills and somewhere else very far away, you may happen to find specially appointed farmers who are regarded as special magistrates." Sir, that is quite untrue, and "give them such as 12 months is trying to impinge upon what we call justice. We do not want to throw away too much power to people, some of whom are likely to be irresponsible." Sir, irresponsible is a two-edged word.

The magistrates are appointed in this country personally. They are appointed after personal consideration by the Chief Justice and by the Minister for Legal Affairs, of each applicant's specific personal qualifications, and you never find "specially appointed farmers" and "throwing away too much power" to people, some of whom are likely to be irresponsible. Sir, that is quite untrue, and I wish to refute it absolutely and categorically in this House.

Now, Sir, the next matter which the hon. Member for Nyanza Central raised was on clause 7, when he said that it "was a bad thing to include tribal policemen in the definition of policemen" because, I think the argument was it was giving him too much power. Now, Sir, I would ask the hon. Member, has he been through the Criminal Procedure Code to see the effect of the alteration

of this definition? Because if he does so he may very well find that instead of giving additional power, it may limit the power of tribal policemen, because the powers given to policemen, certain powers enjoyed by policemen, are strictly defined by the Criminal Procedure Code, and by including a tribal policeman in the definition of policeman you may well be limiting the power rather than extending it, and I am sure that the hon. Member will join with me in saying that it is very desirable that the principal purpose of this specific amendment should be effected—that is to suppress crime.

Now, turning to the hon. and learned Member for the Central Electoral Area, who spoke this morning. Sir, I will not pick up the racial gauntlet that he dropped on clause 7, as he dropped it so very gently. Sir, on clause 34, he dealt with the time for appeal, and he said that it was limited by a Legal Notice in 1952 from 30 days to 14 days. That is not now so. Sir, This Council decided in 1955 that it should be reduced from 30 days to 14 days; and that amendment is contained in Ordinance No. 57 of 1955, and I do not propose to debate whether that decision of this Council was a proper one or not. Sir, I would, however, join issue with him on this. He put forward as an excellent reason for extending the time for appealing the fact that it might assist the lawyer to be paid. Sir, I leave that argument within the judgment of hon. Members of this Council, and allow it to speak for itself.

He then dealt with clause 37, which deals with refusal by a convicting magistrate to grant bail, and he said how very desirable it was that when a magistrate refused bail that there should be a speedy appeal to the Supreme Court on the issue of bail, because the convicted man might very well have finished his sentence by the time you got the record and you got the case up to the Supreme Court. Sir, there I agree with him entirely. The Law Society of Kenya raised the same point with me last month, and if the hon. Member would look at the notices attached to Standing Orders for 20th May, he will find that I have given notice of amendments to this clause to deal with that specific point.

Now, Sir, my hon. and learned Specially Elected friend is here, and perhaps I might go now to the arguments

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which he raised yesterday as he was the principal speaker on this Bill, I felt, from the Opposition Benches. Sir, first of all he expressed some temerity (which I could not feel was merited) in addressing the serrated ranks of wisdom on this side of the Council, and he said that he was more used to addressing one, or a bench of, possibly, three. Sir, can I reassure him by pointing out that when addressing this tribunal there is no possibility of costs being awarded against him.

Sir, he went on to say that he was delighted to see that under one of the clauses that if a Member were detained for a mental affliction he would be detained in a mental hospital and not in a mental asylum. Sir, I am astonished that the hon. Member has fallen into such an elementary trap. Of course, under Regulation 9 (4) of the Legislative Council (Specially Elected Members) Regulations, 1958, if he were detained he would no longer be a Member.

Then, Sir, he went on to deal with clause 12, which extends the powers of subordinate courts and the Supreme Court to grant search warrants, and the amendment there is merely to insert the word "magistrate" so that if you want a search warrant very urgently you can get the magistrate out of bed at 2 o'clock in the morning, as you can in England, in order to get a search warrant from him. He did question whether the power should be given to the court, because he said it might well go down to a Muslim court. All I can say is that ever since the first court was established under the Criminal Procedure Bill—ever since it was enacted in 1930—I do not think we have experienced any practical trouble in that way.

Then, Sir, he went on to deal with a matter of some importance in clause 17, in which he said that the amendment to section 169 of the Code was not wide enough, because you might want cases in which the judgment should not be delivered in open court. Sir, I do not agree with that. I suppose the point is arguable, but I cannot help feeling that there may well be cases where it is necessary for evidence, for the purpose of security and

the purpose of decency, to be given in camera; but I cannot ever think of a criminal case in which a judgment should be given behind closed doors, and I should be very sorry to see the day when that happens. For those reasons I cannot accept the hon. Member's argument.

Then, Sir, dealing with clause 21, which allows reports by Government analysts and geologists, and photographic certificates to be given proving photographs, he said it was very important in some cases that the person giving the certificate should be available for cross-examination. I agree with him, Sir. The purpose of these two new sections is to save public money in cases where the evidence is purely formal and no objection is taken to it and, therefore, we have written into each section, subsection (3) which gives the court power, on cause shown, to require the person giving the certificate to attend so that he can be cross-examined by the accused.

And, Sir, he welcomed clause 33.

Then, Sir, he raised a real lawyer's point on clause 35, in which he wished to leave out certain words. Sir, clause 35 says this, and it deals with the hearing of the appeals, it says: "At the hearing of the appeal the appellant or his advocate may address the court in support of the particulars set out in the petition of appeal".

The hon. and learned Member wanted to delete the words "in support of the particulars set out in the petition". We must have some finality in argument. In court and the Judge must know the issue that he is going to try, and if a man wants to appeal then he should put down his grounds of appeal, and those grounds of appeal should be argued in court. If he can put down grounds of appeal—(a), (b) and (c) and then appear and argue (x), (y) and (z), justice is neither going to be swift nor certain. Sir, there is power to allow an appellant who has overlooked some point of appeal to have his notice of appeal amended, and where it is shown to be necessary for the purpose of justice that that amendment should be made, then I have never known a case in which it has not been made. What I always used to do was to get up and say it was my fault and I apologized, and then the Judge would be embarrassed at my oversight and he said: "Certainly, Mr. Conroy, you may amend it," and I am

[The Temporary Minister for Legal Affairs] quite sure the hon. and learned Specially Elected Member knows that old trick as well as I do.

Then, Sir, he raised the issue on clause 36, with which I have already dealt as the Member for Central Electoral Area about appeals from magistrates' refusal to grant bail pending an appeal, and that is being dealt with by an amendment which I am moving in Committee to say that such appeals should be dealt with by one judge in Chambers in accordance with rules to be prescribed. I hope that the rules to be prescribed will be similar to the ones in England, where you appeal to a Judge in Chambers and the matter is dealt with expeditiously. I agree with him that there is no point in appealing after the sentence has been finished.

He raised also a very important point of principle on clause 39 which refers to a declaratory appeal by the Crown from an accused and asks who is going to represent the other side—the respondent. That is a point to which we have given a good deal of thought, and I think the practical answer to it is this: that the number of those appeals will be very small indeed, and I hope that we will be able to arrange for the Registrar of the Court of Appeal to brief counsel. If he cannot do so, then, Sir, in my substantive capacity as accounting officer to the Ministry of Legal Affairs—and I am very glad to see the Minister for Finance has disappeared and is not here to hear me say this—I am sure we will be able to find the money to pay for respondent counsel to appear on the other side, so we can have the matter very fully argued in court.

Then, Sir, he raised another one with which I cannot agree, on section 381. No, it is not in the Bill, Sir, and therefore strictly speaking, I think he was probably out of order in raising it. He said that section 381 should be amended by deleting the proviso because the proviso was not a proviso in the Indian Act. Well, Sir, many good things come out of India, I thought, as I listened to my hon. friend, but not necessarily everything that comes from India is correct, and I think that as a classicist he would agree with me that it is right to follow the maxim, sometimes, of *Ex Africa semper aliquid*

novi. In this particular case, if we look at the proviso, we find that the section deals with the reversing of the finding of sentence on appeal where the subordinate court has made a mistake, and it says that where it is a technical mistake—and I am paraphrasing now and speaking very broadly—where it is a technical mistake then the just sentence and just conviction should not be upset, and in deciding whether—the proviso says—in deciding whether any error, omission or irregularity has occasioned the failure of justice, the court shall have regard to the question whether the objection could and should have been raised at an earlier stage in the proceedings. In other words, if I am a defending advocate in a case before a magistrate or the Supreme Court, and I see some technical error committed, I cannot sit still and allow the magistrate or Judge to go on in a technical error, and that has been laid down by the House of Lords in England. If I do so, I do so at my own peril, and I cannot later take that technical point on appeal, and I think all hon. Members would agree with me that it should be wrong to allow me to do so because if I did so, I should be turning the court of justice into a court of law, and we do not want that. We want a court of justice and for those reasons I cannot agree that the proviso should be deleted.

Sir, then I come to my hon., and I very nearly said learn, friend the Member for Southern Area who dealt with the Tribal Police officers and he asked me to make a policy statement on the setup of the Tribal Police and whether they should not be done away with and the Kenya Police only exist. Sir, I am most certainly not going to make such a policy statement on the Criminal Procedure (Amendment) Bill, I have already explained the matter in dealing with the hon. Member for Nyanza Central's objections and I do not propose to say any more.

I have also dealt with, Sir, the astonishing allegation that you have specially appointed farmers as magistrates. Sir, then I found that the hon. Member for Southern Area opposed clause 5. Sir, he read the new sections contained in clause 5 but he did not inform us why he was opposing it. He said he would like it to

[The Temporary Minister for Legal Affairs] remain as it was. As, Sir, it only proposes to simplify the procedure and does not make any alteration of substance, I do not think it is necessary for me to answer any further the point he raised.

Then, Sir, he dealt with section 165, which is concerned with the defence of lunacy introduced before a magistrate conducting a preliminary investigation and he said there, Sir, that medical certificates should be produced first and the man should be medically examined first, Sir. What he was saying was this: Sir, He was saying that a man who had been found guilty but insane should not be found guilty but insane unless he had been medically examined. Sir, I can give him my assurance he would not, because the court cannot make such a finding except on evidence, and it is not a question of certificates; it is a question of the psychiatrist, the alienist and the medical witnesses going into the witness box and giving evidence on oath as to the mental state of the person accused of the crime. I think that—

MR. TOWETT: On a point of information, Mr. Speaker, I thank my hon. friend for giving way. I said that before we asked the Governor to send a man to a mental hospital he, the accused, should be examined first by a medical person and not that we get certificates from the magistrate. It was in connexion with his Excellency. He should first be examined before he is sent to a mental hospital—

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): I think that is what the Temporary Minister said. But I fear that you are embarking on a second speech. There is no such thing as a point of information for the purpose of interrupting a speaker; only a point of explanation of what a Member himself said.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Controy): I was perfectly aware of what the hon. Member said. I did him the courtesy of reading what he said several times last night so that I should understand him. Perhaps I oversimplified. The Governor cannot make an order until the court has made a finding and the court cannot make a finding

until the medical witnesses have given evidence. I hope that reassures the hon. Member.

Then, Sir, he dealt with seasonal mania under section 195. Sir, there are suggestions, I think, that if an accused suffered from seasonal mania this section was unfair to him. Sir, the section is designed to protect the public and if a person becomes a seasonal maniac with an axe then it is not unimportant from the point of view of public safety that that seasonal maniac should be kept sufficiently in a place of safety for him not to get busy with his axe on members of the public. Then, Sir, he dealt with section 167. That section says that where you cannot make a man understand what is going on and the accused does not understand what is going on—the commonest case is where he is deaf and dumb but sane—but in spite of that, the evidence shows that he killed someone with a spear in Delamere Avenue and we call 20 witnesses to say that he did it, that the judge shall convict him notwithstanding the fact that he has been unable to understand the proceedings. The hon. Member said, "How on earth could we conceivably try him?" Well, Sir, you try him on the evidence, and if we follow the hon. Member's argument to its ultimate and logical conclusion we find that if you are deaf and dumb you will be able to commit any crimes you like because no one could try you. I do not think hon. Members, as a whole, could agree with me on that.

Then, Sir, he dealt with clause 30 which amends a section of the Penal Code, not the Criminal Procedure Code. Sir, if the hon. gentleman would go away and look at the relevant sections of the Penal Code which are being amended he will find that the answer is this. A man is convicted by a magistrate. The magistrate says it is not a very serious offence, and I am not going to punish you now: I am going to give you the chance to be a good citizen. I will make an order which, in fact, defers any punishment for a certain time and if you behave yourself during that time you will hear no more about it. But if you do something wrong during that time then you can be brought back here for me to complete this case and punish you. The hon. Member said that he thought it quite wrong that when he was

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brought back for sentences he should be sentenced by the same magistrate as convicted him. But, Sir, surely it would be grossly unjust to expect him to be convicted by a magistrate who knew none of the facts of the case and would not be able to make the punishment fit the crime. Therefore, Sir, for that reason, I cannot agree with the suggestion that this clause is bad.

In clause 32 he asked me to define an area and I would suggest, Sir, that he goes away and looks at section 33a which we are amending, because that defines it very clearly. It says this—is this putting a person under police supervision—“The court may at any time direct that a person shall while subject to police supervision comply with any of the following requirements, reside within the limits of any specified area.” So the area is defined in the section which we are amending and the hon. Member can go away and look at that for himself if he does not accept my argument.

Then, Sir, he dealt with the amendment to the Schedule in clause 42. Sir, and he said this, that an amendment is made to the clause which allows a subordinate court of the first class to impose a sentence of up to seven years' imprisonment for possessing paper or implements for forgery. Sir, that is not so. The amendment means that a subordinate court of the first class (ries this offence, in addition to the Supreme Court, but if the subordinate court of the first class tries the offence then the maximum punishment which may be imposed is the maximum punishment which a subordinate court of the first class may impose. That is laid down in sections 64 and 7 of the Ordinance, and for a senior resident magistrate it is seven years and for a resident magistrate—I am speaking now off-hand—it is three years unless the Governor has specifically given power to another resident personal power to a specified resident magistrate to impose a higher sentence. So I hope that reassures the hon. Member.

Then, Sir, the hon. Member for Ukamba raised one point on those provisions on the Criminal Procedure Code which deal with enquiries into sudden deaths, which are popularly called in-

quests. And he said, Sir, that the law ought to be altered—and I am paraphrasing him now; he will correct me if I am wrong—the law ought to be altered so as to allow the Attorney-General to direct an inquest into any death. But, Sir, that is the position. Sir, the Attorney-General is concerned under the Criminal Procedure Code to discover whether a criminal offence has been committed and that is the purpose of inquests in Kenya—rather narrower than the purposes of inquests in the United Kingdom. Sir, while I can see that insurance companies and private litigants would be delighted if their suits, their contests, their cases, could be decided in magistrates' courts at the taxpayers' expense, I am afraid that the Attorney-General is not prepared to direct an inquest to be held in order to settle an issue between two parties in a civil suit. He is only concerned to discover whether a criminal offence has been committed.

Turning now to the hon. Member for the Coast, I have done him the courtesy of reading his speech several times, but even with the most charitable interpretation I cannot find that it makes a major contribution to this debate. In the first place, Sir, he did not deal with the Bill. In the second place his speech seemed to allege that Members of the Council on this side did not deal equally with Members of the Council on the other side, Sir, I deny that. We deal equally with all of them. That was what possibly annoyed the hon. Member yesterday. The hon. Member, Sir, appears to believe: I do not know if the hon. Member for the Coast thinks that about all Members on the other side of this Council but perhaps he thinks that some are more equal than others. Sir, I do not think that I could helpfully add anything regarding the contents of the hon. Member's speech and I pass therefore to the speech of the hon. Specially Elected Member, Mr. Ngome.

Mr. Ngome said, dealing with the question of appeals, that it was very difficult for a simple African to decide when a question of law is involved, and when a question of fact is involved, and when a question of mixed law and fact is involved. I do not agree with him. It is very difficult for all of us, lawyers, including Europeans and Asians. Sometimes it is very, very difficult to decide

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and that is why we are amending the Criminal Procedure Code to take out that test and substitute a test which we hope everyone will be able to understand.

Sir, I think I have dealt with all the points raised by hon. Members opposite as I undertook to do in my opening speech, and I accordingly beg to move that this Bill be now read a Second Time.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the Whole Council tomorrow.

COMMITTEE OF SUPPLY
Order for Committee read.VOTE 26—MINISTRY OF LOCAL
GOVERNMENT, HEALTH AND TOWN
PLANNINGVOTE 27—LOCAL GOVERNMENT
CONTRIBUTIONS

THE SPEAKER (Sir Ferdinand Cavendish-Bentfick): Council will go into Committee on both Votes.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Thank you, Sir.

Sir, I beg to move again that Mr. Speaker do now leave the Chair in order to give an opportunity for hon. Members to debate Vote 27—Local Government Contributions.

Sir, I understand that hon. Members opposite have sought this opportunity to discuss this Head because of one specific issue, and that is with regard to traffic revenue grants, and I would like to put the present position before hon. Members.

In this matter, Sir, there are two distinct points. The first one is the reduction of the grants to local authorities and the second one is the suggestion that there might be a new basis for the grants to be made to local authorities in the future. So far as the reduction is concerned, it is the opinion of the Government that it is only fair that local authorities should share in the economy exercise which the Central Government

has had to enter into and share in the pruning, or, rather, one might even say, the holding of services at a certain level according to the finance available to the Central Government. There have been indeed quite extravagant claims made as to what this reduction means. I would point out and remind hon. Members that the Government has agreed that these reductions will only take effect as from 1st January, 1960, so for the first six months of the Government's financial year no change is to be made. The figure of £56,000 has been mentioned as the total reduction to be made, but if one takes into consideration the fact that no change will be made in the first six months of the Government's financial year—that is July-December—the total reduction will be more in the region of £40,000. Admittedly, Sir, local authorities may have to budget in their financial year, which is the calendar year, their financial year beginning on 1st January, for a reduction because it is not possible at this juncture for the Government to state what the Government contributions will be in their 1960/61 financial year. This overlapping of financial years does lead to certain difficulties and some possible confusion. However, I would again emphasize that the financial year for local authorities, starting on 1st January, 1960, includes six months of the financial year of the Government starting on 1st July, 1960. Sir, so far as that position is concerned, no commitment can be given because naturally the Government has not yet considered those Estimates.

Sir, there is another point which is rather confusing to hon. Members. I am sure, and also to the public, and that is that the revenue for the local authorities is derived from two heads—or two sources. So far as the municipalities are concerned, Sir, the revenue is derived from this particular Vote, Head 27, but so far as the county councils are concerned the revenues are paid direct to them by the Road Authority. Sir, when one is considering the total sum involved, the actual Estimates before the House do not reflect the total sum because the Road Authority contribution is not under this Head. Claims have been made, Sir, that future revenue for local authorities will suffer as the present grant is based on vehicles which are

[The Minister for Local Government, Health and Town Planning] licensed, housed and kept in the area of the local authorities concerned, and the grant would automatically increase as the number of vehicles housed and in use in these areas increase, as they do automatically. I would here say that the Estimates that have been drawn up by my Ministry have included an element of increase of vehicles which is in the region of 3 per cent. per annum. It has been stated that this sort of element has not been included in our estimation, but it has, and the fact that this grant is an expanding and increasing one according to the increase of vehicles is fully taken into consideration by my Ministry in that any suggested new basis of a grant would also be an expanding one.

That brings me on to the second point, the second heading, and that is the new basis. We have suggested that the new basis should be extended to payment on the total rate revenue of the local authorities concerned. There I would point out that it is an expanding grant in that the rate of revenue automatically increases, or it has done in the past, and there is no doubt that it will do so in the future. I have already said as well, Sir, that I am quite prepared to discuss and consider with the representatives of the local authorities the new basis of such a grant. I am not tied particularly or necessarily to the basis which has been put forward, although from the information that we can glean if our Ministry it would seem to be the most satisfactory one. I have already had discussions with a number of municipal councils, and they are not the only people I have discussed this with, and they are not strongly opposed to the new basis suggested. I have discussed the matter with Kisumu—Mombasa, Nakuru, and Kitale voluntarily has written in to say that they feel that the new basis may be quite a satisfactory one. So it is not the new basis which is violently opposed by every municipality.

One question that has been raised is that Government contributions in lieu of rates might be included in the total rates, the total of the rates of each municipality, on which the percentage grant would be based. It has also been suggested that one might break down the

contribution in lieu of rates by the Government included in this total to developed and undeveloped lands, and only contribution in lieu of rates on developed land should be put in, and to my mind this would seem a reasonable amendment to the suggestion already put forward.

The whole position, Sir, I suggest and submit has been obscured by extravagant claims and an extraordinary partisanship by some newspapers, especially by the chap who hides behind the *nom de plume* of "Argus", who, from the contents of his articles might seem really to put his name to hand-outs from the City Council.

Now, Sir, if I may give the up-to-date position as it is at the moment. There was a Motion on the adjournment, Sir, in this House on the 22nd April. I held a meeting with Elected Members and Nominated Members specially interested in this subject, and arising out of that Motion on the adjournment on the 12th May. That meeting recommended that there might be a conference of chairmen of local authorities concerned and their advisers to discuss the new basis of grant. On the other hand, if the Municipalities Association wished to proceed with their ideas to seek an interview with the Governor, such interview should be on the main principle of the reduction of the grant, and not on the details of any new basis. A letter was issued from my Ministry suggesting that the conference of chairmen would take place, but also stating that I would agree to the new basis being discussed with the Municipalities Association if they preferred it, and, of course, the County Councils Association as well. No answer was received to this letter, but a long memorandum has been received from the City Council, not the Municipalities Association, nor the County Councils Association—the City Council—on both subjects, and requesting an interview with the City Council with His Excellency on both matters. Here again, I would repeat, that the recommendations I had received and accepted is that the matter of reduction of the grant might form the basis of an interview with His Excellency, whereas the detail of discussion for a new basis for the grant would be more appropriately discussed

[The Minister for Local Government, Health and Town Planning] by the Municipalities Association or the chairmen and their advisers. So, I am afraid that is where the situation remains at the moment, except that a letter has again issued from my Ministry to the City Council repeating what has been recommended by hon. Members of this House, as I have just stated. That, Sir, brings the matter up to date, and as I said when I first started speaking I believe this was the only subject which formed the reason for hon. Members suggesting that this could be put to discussion in the Committee of Supply, and therefore, I beg to move.

MR. BECHGAARD seconded.

MOTION

VOTE 27—LOCAL GOVERNMENT CONTRIBUTIONS

MR. ALEXANDER: Mr. Speaker, Sir, I do wish to confirm that after we raised this matter of the new basis of the share out of revenue from road traffic licences, the Minister did meet us, as he said he would, and I do wish to place on record, and I am sure all of us who attended the meeting with him would wish me to do so, the most helpful and co-operative way in which he listened to us. Nevertheless, Mr. Speaker, it is quite clear that this question of the division of road traffic revenue is still far from clear, and I believe the reason for misunderstanding is that between Government and ourselves we still have not clarified whether this is expenditure, as Government contends it is out of their Budget, or whether it is, in fact, assigned revenue, as we, on this side of the House, contend it is. Undoubtedly the legal position makes it perfectly clear that Government can do what they like about this matter, and the Acting Attorney-General when speaking on this recently made that abundantly clear, but what has not been answered, and it is this that is causing the misunderstanding, is the moral obligation of the Government in this respect. I just wish to quote, Mr. Speaker, what was said in a previous debate, and to

follow up from there, and I quote: "If such payments, either legally or morally are in fact assigned revenue, then Government must hand over the whole of the collections." That is what I said, and then I went on to say later: "In 1959/60 Estimates this reduction is £50,000; and to this extent Government is retaining, or diverting revenue, which should correctly be assigned directly, and not be used to reduce an expenditure Vote."

The Attorney-General, Mr. Speaker, did say, and I quote: "I leave"—this was on the 22nd April—"I leave the moral issues to my colleague, the Minister for Local Government, who is much better qualified that I to deal with moral issues." In point of fact, this really has never yet been cleared up, and speaking just now a Minister did say that local government, too—and to use his words, and I quote "must share in the economy exercise." Now when we talk about an economy exercise, Mr. Speaker, there can be no other understanding of the phrase than an economy in expenditure. You cannot economize in revenue. In fact, what we all wish to do about revenue, of course, is to increase revenue, and the story of this particular type of revenue is one of ever-increasing annual amounts into the coffers of the Central Government. Sir, there is no question of an economy exercise. The figures are, Mr. Speaker, in the last three years, as follows, and I am quoting these now from the Estimates of revenue for 1959/60, and under item A2, Licences under Traffic Ordinance, the figures are as follows, "In 1957/58, £704,000, in 1958/59, revised Estimates, £733,000", and in the Estimates for the year we are talking about, "1959/60", there is a further increase to "£760,000".

For some over 30 years municipalities have shared in this ever-increasing amount. In fact, of course, as we know, it was, I think in 1952, the percentage was actually reduced at a time when licences were increased, and the result was that the amount to local authorities, to municipalities, was not decreased. The reduction of percentage was from 50 per cent to 35 per cent, and in fact, since that percentage reduction the local authorities have continued to share in this particular increasing revenue. It was Feetham—the

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Feetham Report that first established the principle of the share-out of this particular revenue, and that, of course, goes back to 1928, and until 1952 the percentage recommended by Feetham of 50 per cent applied, and it is quite clear even in the wording of the Ordinance, and this was quoted also by the Acting Attorney-General at the time that Government, although they are free to do what they like about this revenue, nevertheless, in the wording of the Ordinance have clearly linked it to the revenue under the Traffic Ordinance, because this is what it says, and I quote: "Section 96 of the Municipalities Ordinance. Such proportion as the Governor in Council may direct of the revenue collected under the provisions of the Traffic Ordinance." And therefore, in the law of the land, even, it is quite clear that Government have related the basis of this share-out to revenue under the Traffic Ordinance, and what they sought to do in this time of stringency, is to say "because we pay this revenue over, we will regard that payment as expenditure of Government"—this is very clever accounting, of course—"we will regard this payment as an expenditure of Government, and because we are economizing we will reduce the payment to the local authorities, although, in fact, we, the Government are collecting more from this particular source".

Mr. Speaker, even in the years—the lean years—of the early 1930's, there was no tampering with this particular grant in the way that Government now has approached it, and frankly, Mr. Speaker, I think, I am bound to say, that this is a clever financial trick from the Treasury. I can see how they have worked it by trying to pull the "wool over our eyes" in looking, or directing our attention only to the expenditure item, because, of course, it is that we are now considering—Vote 27—and I would ask: Mr. Speaker, that this moral obligation of Government now established over 30 years be clearly answered, because, of course, local authorities over all that time have come to accept that automatically they will share in this ever-increasing source of revenue, and only now have Government come down with a new formula that, in fact, it does result in a reduction. I agree, of course, that the

formula itself—the new formula—will, or should, show an increase to local authorities in the future, because it is related to their increasing expenditure, and of course all the likelihood is that local authorities will go on increasing their expenditure. It is interesting that in the year 1946 the expenditure Budget of the Nairobi City Council was some £200,000, and now, just over twelve years later, it is some £3,000,000 per annum, but nevertheless, if municipalities continued on the existing basis they would undoubtedly continue to obtain a greater amount from this source of revenue than they are doing under the present—or under the revised arrangements.

The Minister did say that local authorities are not strongly opposed to this particular revised arrangement. Now, my information, Mr. Speaker, is that all the local authorities, except the county and town of Kitale—and I am disappointed to see that the hon. Member for Trans-Nzoia is not here, because he is one that is busy propounding local government throughout the country, but I am very pleased to see one of the "big four" is here and one has just walked in—because my information is that it is only Kitale that have declined to back the opposition by municipal and county councils. My information is that, in fact, all the other local authorities are strongly behind this attitude on this particular matter.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): No.

MR. ALEXANDER: Well, Mr. Speaker, the Minister says "No", I can only tell him that only an hour and a half ago I was speaking to the Clerk to the Nairobi County Council, and he contradicts what the Minister says. Now this is not the City Council of Nairobi, I know the City Council of Nairobi is always suspect in this House to many of us who came from there, of course, but this is the County Council, and the most senior officer of the County Council, giving me this information, and I am bound to say that I accept it as reliable.

Mr. Speaker, may I just now go on to another aspect of these contributions. I have waited before I did so, so that the real geniuses of local government would have an opportunity of coming

[Mr. Alexander]

in here—I am pleased to see that both of them are here—and taking a full part in this debate, because this heading of "Grants to Local Authorities" is the real nub of any policy relating to local government and any policy that is concerned with devolution of power.

Now the New Kenya Group have been bold enough to come out and say that their attitude to this subject is that local authorities should have access to free revenue, and it would be interesting in this debate if we could clear our minds as to what might be Government's future attitude on the question of the finances of local authorities. I frankly believe that that is a wise policy in principle, a policy that aims at enabling local authorities to have a source of free revenue, but, Mr. Speaker, we must not run away with the idea that it is the answer to all local government problems. In fact, Mr. Speaker, we must not run away with the idea, which there is an attempt to present in this country, that local government is necessarily the answer to all our problems. It is only a part in an answer to many complex and intricate problems, and if we put it in that perspective we are likely to keep a far greater sense of balance about it, but I do wish to enter a warning on this subject, because I believe that we can take good experience from Australia, and I hope that when the Minister has this committee in operation that is to advise him—I think it is an advisory committee—concerning financial relationships with Central Government to local government, that he will draw on the past experience of Australia. So far as I have been able to study this subject, I think Australia has got much to teach us. There is a country with an acute and virile sense in relation to local government, and of course a country that has got a strong federal system, and it is interesting that Australia has gone through the whole process whereby the federal states at one time raised their own taxation, or were allowed to raise a proportion of their revenues from direct taxation, and today the position in Australia is that they have surrendered that completely to the central government. And why? I believe—I do not know—but I believe that the states—that New South Wales—have had the

good sense to see that they had to develop Australia as a whole, and although it was to their benefit—New South Wales, of course—to have the right to tax their own people, nevertheless the wealthiest state in Australia realized that if they left all their northern country barren they were only weakening the whole of Australia, and today the federal states of Australia have surrendered their right to tax directly for their own revenues. I do believe, Mr. Speaker, that the Minister—because he has got a greater grasp of this subject than anybody in this country, in all the woolly humberg that is talked about local government—and I hope that when he answers he will perhaps give us some insight into all this problem, because I believe it is in this sort of debate that we ought to be able to clear the air on what has been around the country, in recent times, a great deal of nebulous talk.

Mr. Speaker, I beg to support.

MR. ZAFRUD DEEN: Mr. Speaker, Sir, some of the remarks I am making I believe will not be relevant to the debate, but I think these points are so vital to the Asian community that I may be excused for doing so.

Sir, first of all I believe that the Asian community is the largest contributory to the urban councils of this country, and yet they have the least say in the affairs of these councils. To give one instance, you just have to look at the conditions of the roads and street lighting in the Asian residential area to realize how much their affairs are ignored and neglected.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Speaker, Sir, I think the hon. Member is most certainly covering the points raised in the last debate, on which there was a closure moved, and this is, as you know, Sir, only concerned with Head 27, that is, Grants from the Government to local authorities.

THE SPEAKER (Sir Ferdinand Caven-
dish-Bentinck): The hon. Member was anxious, I know, to speak yesterday, and said so very strongly. It is one order on the Order Paper, so I am giving him a little leeway.

MR. ZAFRUD DEEN: Thank you very much. I was saying that these points are vital to the interests of the Asian community, and I thought it was the only time when they could be brought to the attention of the Minister.

Sir, I was saying that these councils are largely maintained by the funds provided by the Asian community, but Sir, we find that there are innumerable obstacles placed in their way in one form or the other, particularly in the smaller urban centres, where they find that there is undue hardship in carrying out the normal trade. Sir, I am preparing to meet the Minister in a deputation to discuss the problems which are assuming such alarming proportions.

A still more difficult situation happens to be present in the trading centres in the African district council areas. I do not suppose for a moment that the Asians ask for any great representation on the African district councils in this country, more so as this might give rise to unfounded suspicions, but I believe they are justified in at least asking for some medium through which they may submit their point of view. This could possibly be done through the African members elected to the African district councils, but to deny them completely any expression of opinion concerning their own affairs is undoubtedly inequitable.

Sir, a further point to which I would request the Minister to give his most serious consideration, regarding the period of lease in trading centres. This, in my opinion, should be extended to bring it into line with the terms in the townships. The 30 years' lease in these centres is totally insufficient, in view of the fact that stone and mortar buildings in these areas cost anything between £2,500 and £5,000 or sometimes even more. Banking concerns are not anxious to give financial facilities for short-term leases of this nature, and a sense of insecurity, therefore, distracts the holders of these commercial plots. The period of lease should be in commensuration with the standard of building set out by the town planning and local authorities, and I do hope the Minister will take action on this matter.

Sir, among many other things, some of the local authorities, it has been

found, misinterpreted the laws given into their hands. There is the case of rates applied to land granted by the Government for schools, recreational purposes and for the purpose of worship. What justification can there be for imposing rates on such institutions? Sir, this anomaly is causing disappointment to many public spirited people of all races, who give their valuable time, money and advice, and who consider that in search for more funds the local authorities show an utter disregard for the aims and objects for which these institutions are created. Strictly speaking, this is a transgression on land which was never intended to be rated, and public opinion is justified in expressing its strongest disapproval for the imposition of these rates.

Sir, I most earnestly request the Minister to intervene as misrepresentation of the intention of law is so evident in this case.

Sir, I said in the beginning that I wish to say something but, unfortunately, the Asian Members did not have the opportunity to express their views, particularly about the hospital grant, and, if I may be allowed, I most heartily welcome the step which has been taken in this direction, but there is one point which I would like to stress. I hope that the Government will in the very near future consider that non-racial hospitals are set up and hospital service and hospital facilities are not divided into racial compartments.

And, Sir, finally, I would like also to say a word about the relief of distressed persons, which I think is meeting the problems which have been created with the progress and development of this country, and I am sure, in my mind, that the sum which has been voted for this relief is not sufficient and I would not be surprised if the Minister comes forward later in the year to ask for a supplementary sum of money. And also I would like to pay a compliment to the committee which is managing the affairs of the relief of distressed persons. I know how carefully they try to look into every case so that the money is properly distributed only to people who richly deserve State help.

With these few words, I support.

CMR. GOORD: Mr. Speaker, I would like to return to the main channel of this debate. The hon. Member for Nairobi West spoke on the moral obligations of Government to meet the grants in respect of the traffic licence revenues. It is my view, Sir, that there is not only a legal obligation on Government to pay a share of these revenues but there is also a moral obligation to pay a substantial share of the traffic licence revenues. But I do contend, Sir, that it must be the discretion of the Government to say what that substantial share should be.

Now, Sir, the Minister has freely recognized that there should, in fact, be no change in the existing system without consultation, and to that extent he has called or invited representatives of the various councils to discuss this very issue. I would like to say, Sir, that I am not entirely in agreement with the Member for Nairobi West on the question of authorities which might be amenable to this change. I do not think it is entirely restricted to Kileleshwa. I think that the opposition very naturally comes from those authorities which are most affected. But it is my personal opinion that there is a case for a change if we can perhaps mitigate the effect on those authorities which are most hardly affected.

Now, turning, Sir, to the actual cut in funds. The associations—and I am a member of one of these—undoubtedly regard this cut as an act of sheer piracy. But I do believe that it was an act of unavoidable piracy, if I may put it that way. After all, if 11 out of 12 Ministers are told to cut their Estimates it is a little difficult for the 12th to say that there is no case. (I see the Member for Nairobi West wagging his finger at me.) And in the Estimates themselves it will be noted that the value of the Local Government Contributions is five times that of the Ministry Vote—and so it is very natural that the cut should fall on the contributions.

But, Sir, having said that, I would urge Government to give every priority to consideration of the restoration of this cut. If hon. Members think as I do that—as I said in a previous debate—the proper pattern for expansion in this country is expansion through the development of locally administered ser-

vices: there is, then, every case for Government maintaining the revenues of the local authorities certainly not at a lower level than previously.

The lesson, Sir, I think, from all this is that local government must draw its revenues from a less vulnerable source. It must have more assurance in the receipt of its revenues—and I was somewhat astonished to hear the hon. Member for Nairobi West propagate the theory, of which there is apparently precedent in Australia, that local government should derive the majority if not the whole of its revenues through Government grants.

Now, Sir, in arguing somewhat against this conception, I would like to quote from an article—

MR. ALEXANDER: Mr. Speaker, Sir, I never said we should follow Australia in so far as—What were the exact words the hon. Member just used then. I do not know about Government grants, Mr. Speaker—

CMR. GOORD: I understand the hon. Member to refer to the fact that in Australia the local government authorities derive their revenues through Government revenues.

MR. ALEXANDER: No, Mr. Speaker, I was merely explaining that in Australia's federal system they had the right of direct taxation—the State did.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): In defence of my hon. friend for Nairobi West, he was referring to states and federation—a federal government and states. He never referred to local authorities, in this sense, at all, Sir, with all due respect to my hon. friend.

CMR. GOORD: I apologize if I misunderstood the hon. Member. I would like, however, the leave of the House to develop my argument in favour of the principle of independent revenue for local authorities. And to that end, Sir, I would like to quote from an article published in the *Sunday Times* of April 26th, on Local Government in Great Britain. The author is Professor Robson of the University of London. He says:—

"The Minister of Housing and Local Government said a year ago that the ratio between Exchequer grants for local authorities and their revenue

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from rates was now six to five whereas thirty years ago it was only one to two. He admitted that this remarkable shift from local taxes to central grants had reduced the financial independence of local authorities diminished their responsibility to ratepayers.

The present position is thoroughly unhealthy because it has led to an enormous increase in the extent and depth of central control over local government. . . . The local authority associations must share the blame for the plight into which local government has fallen, for they have pressed in and out of season for ever larger grants. They failed to foresee the inevitable consequences which this would bring in terms of greater central control. Major questions of policy must certainly be determined in Westminster and Whitehall, but the amount of central tutelage has become grossly excessive."

The lesson here, Sir, I think is clear to see.

The requirements of local government here in Kenya, Sir, were admirably put forward by the Minister for Finance in the main debate on the Budget. He said that it was essential that local authorities should raise their own revenues to meet their own services and that they should also raise revenues to meet their share of the part-national services—and I would advocate that it should be a predominant share. I believe that the hon. Minister was arguing the case for rendering unto Caesar the taxes that were Caesar's, but nevertheless, the argument may hold good in another context.

In the article from which I quoted, which is entitled—"What is Wrong with the Rates?", the worthy professor says: "The principal defect of the rating system is that it is the only source of local taxation available to local authorities, their ability to obtain an adequate volume of revenue from this one source is restricted by three factors: Government policy regarding demoting and valuation; the unresilient nature of the property which is liable to rates and the dislike which local councillors and citizens have of high rates in their pound. These three factors have combined to

bring constant pressure on Government to increase Exchequer grants to local authorities both absolutely and relatively to their incomes."

He goes on to say, Sir: "What is most needed in order to give local authorities greater freedom than they now possess are other sources of local revenue in addition to the rates." He then goes on to mention a number of other sources of revenue which are available to local authorities in various countries of the world. He mentions local income taxes, entertainments, dogs, fire insurance, motor vehicles, sales real estate, balconies, domestic servants, cafes, bars and business transactions.

Now, Sir, I would like to be able to tell you that in the conclusion of this admirable article the professor found the answer to the problem. But unfortunately he did not, and his conclusion did not go very much further than that there should be a tax on cats! I mentioned all this, Mr. Speaker, to give hon. Members some idea that the task of this committee is not going to be a particularly easy one and it is not likely to reach any very spectacular conclusions—certainly not in a hurry.

Its quest, I feel, will be to examine the practicability of more equitable rating systems in rural areas, to search for sources of untouched indirect revenue and—as a final resort—to seek an additional source of direct revenue. And here, of course, we may come into conflict with Caesar—I mean the Treasury, of course.

I beg to support, Sir,

[MR. BOMPAS: Sir, like my hon. friend, the Member for Nairobi West, I dotted down as a note the Minister's phrase "economy exercise". Now, I do not propose to go through the arguments which my hon. friend from Nairobi West made, beyond saying that I entirely agree with them. But I do want to take the Minister to task on this economy exercise, Sir. I am reminded of a family that I knew many years ago with a Victorian grandmother—a very dear old lady—surrounded by a large family of somewhat hungry children, and periodically grandma used to announce, "Grandma's not hungry today. I think we will just have a light lunch" much to the consternation of the growing generation.

[Mr. Bompas]

Now, Sir, I think there is a parallel here and this economy exercise that Government has embarked upon—I can see no justification whatsoever for suggesting that because Government has been forced to economize *ipso facto* local authorities must economize. It is the point that we have made so frequently in this House, Sir, that there are economies and false economies. If a local authority is doing a good job of work and spending the ratepayers' money and their subventions from Government in a proper fashion, there is no demand for an economy except in dire extremity. I think it is true to say, Sir, that in a number of cases local authorities, because of the degree of what in these days, one might term closer administration, the closer intervention, of members of the public, in the actual day-to-day affairs of those local authorities, I believe that (for the most part there is a greater degree of efficiency and economy in local authorities than there is in Central Government.

Sir, I deplore the suggestion that merely because the Government has to economize, they should in fact force grandma's children also to have a slender lunch. That, Sir, is the particular point I wish to make.

For the information of the Minister, Sir, he did refer to "Argus" as if he were an individual. I think I am right in saying that "Argus" could better be described as a hydra—a gentleman with many heads—because I think it is a syndicated column and the Minister will have many heads to cut off before he sees the last of "Argus".

Sir, in the debate on this subject, on the adjournment some weeks ago, when the subject was discussed, I referred to peculiar accounting and I said that in whatever way one did the arithmetic related to this subvention of revenue it still remained in my view an actual revenue to which the local authorities were entitled and that I could not see that it could in any sense be termed an economy on Government's part to deprive the local authorities of that entitlement.

MR. HASSANI: Sir, there was a time some months ago when there was a considerable hue and cry that the municipal associations were passing a vote of no

confidence on the Minister for Local Government for doing something horrible to destroy the local government institutions and when the public in their anxieties, looked into the whole complaint, it appeared to be an amount of a few thousand pounds which the Minister was reducing from the grant which was given to the local government institutions by the Government. This fact alone brings us to a point that some serious consideration should be given as to why such a small amount is made such a big mountain of complaint in this country. When we find that the local City Council of Nairobi has increased their revenue from £200,000 in 1944 to £3,000,000 today one begins to wonder and think very seriously as to what is happening to such bodies who have increased their revenue several hundred per cent, as to why they should be feeling the loss of a few thousand pounds from traffic revenue. It indicates that the local government bodies are not cutting their coats according to their size.

Although the taxpayers have come to the absolute limit in the taxes that they are called upon to pay to these local bodies, yet they cannot possibly discover that when the country as a whole needs some help and assistance due to bad times that they cannot afford the loss of the few thousand pounds which is added to the general revenue from one particular Vote by the Government. It shows, Sir, that the whole system of the rates and expenditure in the local government bodies needs strict attention. The taxpayers feel that they are called upon to pay very heavy taxes from capital investments in this country, not taxes on the income of their property but on the capital investment, which is liable to fluctuate in this country. Today the value of the property, which has been taxed, is coming down due to recession and automatically we expect that the rates which are now being charged will naturally be reduced, because the rates are based on the actual value of the property, and if such a thing does happen, and we expect at least the taxpayers have been expecting that it would happen, what will happen to the local government bodies who cannot afford the loss of a few thousand pounds today? I say, Sir, that this matter of rates and the Government contributions needs very serious and

[Mr. Hassan] careful consideration, because the taxpayers when they are told that because the traffic revenue of a few thousand pounds is going to be taken away from us; that we shall not be able to run our local government satisfactorily because of the reduced surplus.

With your permission, Mr. Speaker, I wanted to speak on the Arab and Asian hospitalization scheme for which contributions of £28,000 have been set aside for next year. I just wanted to bring it to the notice of the Minister, as I did not get an opportunity in the debate itself, and say that we welcome this Asian hospitalization scheme. We have certain Members who are rather doubtful whether it is right, and whether we should have it because of its communal colour. But I would like to bring it to your notice, Sir, that so far as the Asians and the Arabs are concerned, we have not got the least intention to refuse any community who would like to join in this scheme of ours; even if the European and the African communities would like to join we would welcome them. We are very anxious, Sir, that some kind of assistance should be given to the Asian and Arab communities by the Government and we started asking for it six or seven years ago when the question of multi-racial society was not very much in the forefront.

Another point I wanted to bring up as an answer to the Minister is with regard to the cement jetty, and as a fair play to the members of our Mombasa City Council I would like to inform the Minister that his remarks indicated that probably the members did not exercise the usual intelligence which is expected of those members and they turned down the application of the cement company. I just wanted to bring to your notice, Sir, that the cement company there has been given the most privileged treatment ever since they started producing cement in that place. The Council there contributed a most wonderful bituminized road for them. Not only that, Sir, but the people are suffering from the action taken by the Minister for Commerce and Industry because although the cement can be bought in Mombasa at £6 a ton, and we are helping and assisting that company, we still have to pay over £10 a ton. Another thing which was very seriously

thought of by the Municipality there was that the Government was gaining in revenue by the cement being exported through the usual port of Mombasa and that amount which comes to about Sh. 5 or Sh. 6 per ton will be a loss to revenue if the cement is exported from the mainland, and the Municipality and its members are very intelligent, Sir, and perhaps you will agree with me that some of them joined the wise men of the up-country and passed a vote of no confidence in you. I hope that you will seriously consider this matter, and let it be reconsidered by them, but no pressure whatsoever should be brought to bear on them because they represent 120,000 people in that town and I would take it that they are of more concern to this Council than one individual company.

With these words, Sir, I support the Motion.

MAJOR DAY: Mr. Speaker, Sir, this morning I have listened with interest to the suggestions, shall I say, mingled with criticisms as to how to devolve the adequate and necessary finance from central to local government. Sir, the rigidity of the remarks made by the hon. Member for Nairobi West struck me as being a little odd. He quoted Australia and he said that because Australia had done something we should do the same. I suggest, Sir, that it might be—

MR. ALEXANDER: Mr. Speaker, I never said that we should do the same as Australia. I quoted Australia as an example which was worth looking at.

MAJOR DAY: I welcome that. It must have been that my mind was confused. I thought he was getting at the fact that we should do the same. However, if, as he has now said, he wants us merely to consider Australia as an example then that is fine, because I think it is so important that every possible angle should be examined, and I do think his further remarks, which I think were couched in unparliamentary language, referring to the nebulous nonsense talked by certain people in this country on local government—

MR. ALEXANDER: Mr. Speaker, I am sure that if I had used unparliamentary language you would have stopped me, and I never used the word "nonsense".

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Had I heard the expression "nebulous nonsense" I would certainly have intervened.

MAJOR DAY: Well, Sir, the general aspect was one of criticism which I think was unwarranted, because there is no doubt that there are many people in this country who firmly believe that it is by the devolution to local government of the finances so necessary to the functions of local government, becoming more of a reality than a shadow, lies the future, largely, anyway, of the solution to the problems of the country.

I would also say, Sir, that listening to the hon. Nominated Member who has spoken, Commander Goord, I know how keen he is on local government and I think that he again is somebody perhaps more qualified than many people to explore the possibility as to how we will achieve this devolution of finance. I consider, Sir, that we will probably get it by a combination of methods. I would, however, stress this: that when I spoke on local government recently I did not, as the hon. Member for Nairobi West suggested, consider that it was the only answer and the only policy for this country, and he could check it he would read HANSARD.

In conclusion, Sir, I welcome the suggestion of the Minister that those people who are genuinely interested should give their views to him. I will certainly take the opportunity of giving what little I can in the way of contributing towards solving this problem.

I beg to support, Sir.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I would like to point out that we are now discussing Local Government Contributions. I did inform two Asian hon. Members who did not have an opportunity yesterday, or in the previous seven days, of expressing their views that they could speak, but they have had special opportunities this morning. But I think from now onwards I must insist that you confine your remarks to Local Government Contributions. We have now spent nearly eight days on this Head and there are still seven Heads that other hon. Members wish to discuss, if possible.

MR. KHAMISI: Mr. Speaker, I have only one or two points to deal with here. I had many more points but I am very sorry that I was not able to speak on Vote No. 26. Therefore I will confine myself to one item, only and that is the contributions to public health.

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

[Mr. Deputy Speaker (Mr. Conroy) took the Chair].

Mr. Deputy Speaker, I am a bit perturbed and distressed to see that there has been a very big slash in this year's Estimates for contributions in respect of public health. I did make the point last year, Sir, that the Mombasa District is very badly served in so far as the public health is concerned, and in particular with regard to the position of dispensaries in the mainland areas. When I see this slash it appears to me, Sir, that even this year there is very little prospect of being able to get grants from Government in order to build dispensaries in the mainland areas. I do hope, Sir, that although the slash has been made the Minister will see that the bare minimum requirements of providing these services in the mainland areas are not altogether cut out.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Deputy Speaker, the hon. Member has suggested that there has been a considerable slash in the contributions to public health services. As I understand the Estimates, Sir, at the moment the municipalities, for the coming year, will receive £195,600 against actual expenditure of, during 1958/59, £190,900. County council and district councils will receive £33,800 against £38,150. African district councils, Sir, will receive £231,700 against £103,174 actual expenditure. I do not see where the slash comes in and I think the hon. Member should be more careful.

MR. KHAMISI: I was just looking at the Estimates, Sir, and it was very clear that the figures had gone down to £261,000. That is why I say that the slash has been there. Therefore, Sir, if that is the case that there has been no slash then I would like to stress on the Minister the necessity of providing health

[Mr. Khamisi] services in the mainland areas of Mombasa.

The second point I have on these contributions is to obtain an assurance from the Minister that the municipal services such as street lighting and so on will be provided or planned for during this coming year for the areas which are most in need of such services, and that is the mainland areas, particularly Kisauni and Likoni.

Now, Sir, with regard to the traffic revenue, it also seems that less grants have been given this year for traffic revenue, which I interpret to mean that such funds are the funds which are generally used for making roads and such services. I should like also to get an assurance from the Minister that the provision for roads will not be cut down, because I think they are really necessary in the municipalities.

Now, Sir, the last thing I wanted to say was about the social services. I am glad to see that that grant has been more or less increased this year and I do hope that the Government, or rather that the Minister, will consider the question of providing a specific grant for the expansion of the almshouse at Mombasa. Up to now, Sir, the almshouse is being provided for with funds derived from the African Trust Fund and I hope that the Government will see its way in helping that project.

With those few words, Sir, I beg to support.

MAJOR ROBERTS: Mr. Deputy Speaker, firstly I would like to express my sympathies in this debate to the hon. and gallant Commander Guard in his struggle to remain loyal to the Government while his heart is on this side of the House.

Mr. Deputy Speaker, my hon. friend the Member for Nairobi West rather provoked me to say a few words in this debate. Now, I entirely agree with my hon. friend in the way he dealt with the road licence allocation, but, Sir, where I find I differ with him on the whole question of finance for local government, and indeed I differ with my hon. friend, the Minister, is over their talk about a free revenue. By that I understand that what they are getting

at is that a local authority should be allowed to levy its own rates, thus not being dependent on grants from the Central Government. I understand that, Sir, but what I do not understand is how they intend to ensure that there is a decrease in the central taxation to offset the increase in local taxation, and I believe, Sir, that that can be achieved by the system of block grants based on a formula. If, Sir, it were based on a formula then there is no question of it being a privilege; it then becomes a right, and in that way they are not dependent on the Central Government—they are not tied to any apron strings of the Central Government at all; they have it by right; and I would ask the Minister to investigate it. There is a precedent in Malaya, and he has the opportunity of finding out all about that in this country at the present time.

My whole object in intervening in this debate is to ask him to investigate this question of block grants on an agreed formula.

MR. OLE TIPSIS: Mr. Deputy Speaker, I would like to say a few words on the local government contributions. First of all, I would like to touch on contributions, staff salaries, because I note that contributions from the Central Government to various county councils, etc., are higher than the contributions to the African district councils. I would like to ask the Minister at least to explain as to how this has been arrived at because I should have thought that the more backward local government bodies need the most assistance than the more experienced local government councils which are staffed by qualified personnel.

My second point, Mr. Deputy Speaker, is with regard to the contributions for traffic revenue. Here, Mr. Deputy Speaker, I am rather perturbed to see that no mention, or no allocation whatsoever, has been made to the African district councils and I do not know how this came about, because in the areas under the African district council jurisdiction we have quite a number of roads which are in very sorry bad states of repair and which are maintained to a low standard with whatever little revenue is at the disposal of the African district councils, and I would like to know from

[Mr. ole Tipsis] the Minister how he can ignore these African district councils in this respect, because, after all, we have quite a number of vehicles both transporting goods and produce from these areas to the main trading centres and which do a great damage to the roads, and I should have thought that in all fairness they should have been considered for allocations, a fair share at least of the revenues derived from the vehicle licenses.

Now, the other point, Mr. Deputy Speaker, is contributions to diminishing grants. Here again, considering the number of the African district councils we have in the country, I should have thought that the money which was allocated to them should have been at least doubled, if not trebled.

With these few words, I beg to support.

MR. USHER: Mr. Deputy Speaker, I should just like to make one point.

I gathered from the tenor of the Minister's speech that he felt and believed it to be the right Government policy to associate the local authorities with the economy drive in the Central Government for which we have been asking for a long time. Now, Sir, I am quite sure that the Minister knows very well that, for instance, in my own part of the world, that is the Mombasa Municipality, we have been exercising the very greatest economy and as I see the Minister for Finance here might I hark back to what he said some years ago about saving candle ends. We are saving them in every direction, and when I say that I am reminded that even our streets are lit till at night. I do think, Sir, that the Minister ought to consider that the conditions which determined this drive for economy in the local government obtained also in local government. We have also suffered economically. Our trade has shrunk beyond in Mombasa, and we cannot afford these things, the things we want, and I think that the Minister might be invited to consider that it is for the ratepayers to say how they should effect economies.

Sir, I beg to support.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. HAVELICK): Mr. Deputy Speaker, again a number of points have been raised in this debate, and not only on the one subject I thought we were going to be limited to. However, I will try to deal with hon. Members one by one.

The hon. Member for Nairobi West spoke, and I thank him for his remarks about being helpful. However, of course, it is the usual thing in this House after a compliment for there to be a big "but". I think that the main tenor of his speech was that of moral obligation of Government with regard to the cut in the traffic revenue grants. I, of course, do not accept at all the fact that there was any moral obligation on the Government to maintain the grants at the level they have been maintained at in the past; firstly, because one does a thing for 30 years it does not necessarily mean that it is right.

On that particular issue, I do not think there is any case.

So far as the principle of the licence revenue is concerned, it is increasing, as the hon. Member pointed out, and he also gave figures. I did, of course, touch on that when I opened and I said that any other formal basis of grant would be on a similar expanding principle.

[Mr. Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) resumed the Chair]

Then, Sir, he went on to say that only Kitale Municipal and County Councils were in any way in support, and that everybody else was opposing the suggestions of my Ministry. Quite naturally, Sir, all local authorities which are concerned oppose a cut in their grants. But there are only one or two, so far as I know, who oppose the actual alteration and amendment of the basis of paying a grant, and again, as another hon. Member said, it is those who will suffer by the change in that basis of grants who are opposing. Well, Sir, I merely want to add that it is quite obvious, and we have suffered from this for some time, that the present basis of the burden of vehicle traffic revenue grants is very anomalous and very unfair. We have

[The Minister for Local Government, Health and Town Planning] gone into this matter in considerable detail and so, to some extent, his the Public Accounts Committee, chaired so efficiently by the hon. Member for Nairobi West, and they, themselves, have pointed out that the allocation of the money available has not been quite fair and efficiently and rightly done. We then referred the whole matter back to the people who collect the money and it is quite obvious that if we are to make any alterations in the way that this money should be collected, and allocated it is going to cost considerably more, at least in the region of £10,000 a year in extra staff, and in any case no guarantee that the local authorities concerned would get a proper allocation, according to the number of vehicles housed in their area, could be given. As an example of that, Sir, there are large numbers of transport companies operating throughout Kenya generally, having their registered offices in Nairobi. They submit bulk applications for vehicle licenses and it has been estimated by the Controller of Revenue that at least £100,000 of traffic licence revenue is shown as being paid by transport companies within the Nairobi Municipal area, and the Nairobi City Council has been receiving approximately £35,000 a year from this source, a large part of which is certainly due to other local authorities, because the vehicles would operate mostly outside the City boundaries. That, I merely quote as an example of the anomalies on the basis of this particular grant, which we feel is not fair at all.

Then, Sir, the hon. Member for Nairobi West went on with more general questions, and I do not think I am going to enter into an argument about Australia, about which he knows more than I. In fact, the discussions on Australia seem to have become rather a wrangle between hon. Members opposite, and I do not propose to enter into that wrangle at this juncture. But, Sir, obviously, the hon. Member for Nairobi West feels that the local government set-up—I understand in Australia—should be studied—not necessarily the federal set-up, although that might have some impact, and I hope that he will be good enough to give his views on this matter and his experience to the commit-

tee which will be advising me on local government matters generally, and I do want to emphasize that the committee is not only confined to advice on finance, as hon. Members will know if they have read the HANSARD—the terms of reference are wider than that, and they can give advice on all subjects on which I ask them to do.

I am not going, Sir, to, at this juncture, to give the House a long exposition on how I think the finances between local and Central government should be arranged. I do not think this is the proper time, and in any case, although, naturally, I have my ideas, other Members of the Government will have their ideas, and our ideas should be pooled, and also, before doing this, I would like to have the advantage of the advice of the committee referred to already, which has not yet been able to get down to it.

Now, Sir, if I may turn to the hon. Member for the West Electoral Area, that hon. Member, Sir, brought up a large number of points, rather outside this specific Head, but I am afraid I will have to deal with them. He said that he did not think the Asian representation, as far as I could gather, on local bodies was sufficient, in that the Asians are the largest contributors. Presumably he meant in the way of ratepayers. That may be the case in certain municipalities, but it is not the case with all, and also, of course, as I said before, the Government is a very large contributor, and the largest in many cases. I have said in my previous remarks that the local governments and constitutions of local authorities are continually developing, and I will certainly keep in mind the Asian case when new constitutions are being put up.

He then went on, Sir, about trading centres in African district council areas, and that the voice of the Asian traders should be heard in the African district council. To some extent he said he did not think he should have direct representation, or the Asians should be in African district councils, but that is what I do think. That when the trading centres and the townships are incorporated into the African district councils, as I hope they will be for economic and other reasons, then I think those people residing there, paying rates, should have a

[The Minister for Local Government, Health and Town Planning] voice in the African district councils themselves, and when I said this yesterday I heard from the African Elected Members, one or two anyway, a "Hear, hear", and so I hope that that signified that the African Elected Members, themselves, are thinking on rather different lines from what they were thinking a year ago when I mentioned this matter before.

The hon. Member also brought up the matter of leases in trading centres. It is not my responsibility, but I can inform him that the Government is seriously looking into this matter with regard to longer leases to provide more security for people to be able to build more permanent shops, etc.

He then complained, Sir, about rates being applied to institutions run by voluntary organizations for charitable and religious purposes, and I can tell him that I have already received a delegation from representatives of the organizations in Nairobi on this particular matter. I have asked them to go and see the City Council themselves, because that is where the power lies—it does not lie with the Central Government under the Ordinance, but in my enquiries I do find that the element on which these institutions are being rated does seem to be a very small element, and is based on the residential aspect of any particular institution. That is, if the institution has a flat for somebody who looks after that particular institution to live in, then the element of that flat is rated, but nothing else. The same applies to the servants' quarters, and so on, and on the whole on the principle I think the City Council is not unfair, although there may be hardships, and I did tell this delegation which came to see me that I would be prepared to see them again after they had had discussions with the City Council.

I am glad the hon. Member agrees to the Hospital Relief Fund for Asians, and as far as non-racial hospitals are concerned, all Government hospitals at the moment, except one, which we hope will be off our hands very soon, are non-racial. There is no racial discrimination at all in Government hospitals. If people get better rooms then they pay for them,

but anybody can occupy any part of the hospital on payment of the fee. Naturally, I have no control over private organizations—that is up to them.

The Relief Distress Committee Fund, I think the hon. Member is quite right at warning the House that it might not be enough but we have got to try to keep within our Vote, and it has been increased quite considerably during the last year and I hope we will be able to keep within our Vote, but, of course, it is difficult for the committee, as there are such heartbreaking cases really that are brought before them which they have to be rather tough about.

The hon. Nominated Member, Commander Goord, Sir, said he thought the Government had a moral obligation to pay a substantial share of the traffic revenue. I do not think that that is quite logical because he then went on to say that the new basis might be acceptable. Well, the new basis will not be on traffic revenue, so I do not see how he can have it both ways. And he said that he thought the cut in funds was an act of piracy. Well, Sir, if hon. Members would look at the head we are now debating, in what other way could a cut be made, accepting, if hon. Members would accept, that some cut had to be made? And on that particular point, Sir, I would say this. This matter of obligation—moral obligation and so on—is there not just as much moral obligation to keep the services of Central Government going? Why should it be more unfair to cut a Government contribution to local authorities than it is unfair to cut the Government contribution to the medical department, or to any other service where the Government supplies the funds? I cannot see any difference at all, and when we get down to the matter of economy, the Government has had to economize and has had to limit services. Well, if the local authorities do not wish to limit services, then they can take the other road which the Government has not taken, and that is by extending and increasing taxation. In Government's view the taxation should not have been increased as the hon. Minister for Finance made so clear in his speech—therefore some services have got to be pegged to some extent; at any rate, the same thing applies to the local authorities. They have got to make up

[The Minister for Local Government, Health and Town Planning] their minds themselves on that. The rate-payers can express their views to their elected representatives, and if the hon. Member would look at page 116 and see where should the cut come. Should the cut come from contributions in lieu of rates—would not that be an even greater difficulty and even more important principle being undermined—that the Government would not pay the same to local authorities as the ordinary rate-payer? Should the cut come in staff salaries? Should the cut come in public health, staff and services? If you go through all that list, I suggest to hon. Members, if there is to be a cut, this is the best place to do it. It was free revenue; it is free revenue, and the cut, after all, as I think the hon. Member opposite me here said, is not such a large one. It is not all that great.

Now, Sir, the hon. Member for Kiambu told us a story about a grandma and grandchildren, and the grandma would sometimes say, "We are going to have a light tea today", and therefore all the children had to have a light tea—yes, certainly, who supplied the money to buy the tea? Grandma or the children? Grandma had every right to say to the children that they are going to have a light tea if she is buying it, and that is exactly the position. I entirely agree with the hon. Member's story and the moral which you can draw from it.

I have dealt, Sir, with the alternatives which were raised by him with regard to local authorities putting up their rates if they wish, or their taxation in order to provide and increase their services, or to maintain their services. It is entirely up to them.

Now, Sir, turning to the hon. Member, Dr. Hassan, who did say that he thought the total cut was after all not very big, and even if the figures that I would accept with regard to the reduction in the grant to the City Council of Nairobi—even at the worst it might be £38,000, and I think the hon. Member was quite right when he said that this is rather "making a mountain out of a molehill", £38,000 out of a total revenue of £2,300,000—I am not putting it as high as the hon. Member for Nairobi West, who said £3,000,000. I personally think that the storm has been "blown up in

this teacup" is quite unwarranted and very unfair.

Now, Sir, the hon. Member also went on to mention some other points, and he again welcomed the Asian Hospital Relief Fund, and then said that he would welcome other races joining that fund. I agree with the principle, as I stated previously, but I think we have got to be careful about the finance, and before we could move in that direction we have got, I think, first of all to see how the present relief fund will operate for a year or two anyway.

Then he went on, Sir, to the cement jetty at Mombasa. I am afraid I have not got the figures, and I could not check the figures which he gave with regard to the price of cement at Mombasa, but he did say that he thought the Mombasa Municipal Board was very intelligent—the members of it—I know that they are, but I think they are probably less intelligent now because the hon. Member for Mombasa Area has resigned. However, being so intelligent, I am certain that they will come to the right decision with regard to the Bamburi Company's jetty.

I am not going to comment, Sir, at any length at all on the remarks of the hon. Member for Aberdares because I think most of them were not addressed to me, but addressed to the hon. Member for Nairobi West. I am glad, however, that he, the hon. Member for the Aberdares, will give me his ideas which he certainly has not seemed to have in any way crystallized with regard to the financing of local authorities. I hope by the time he appears before the advisory committee he will have more definite ideas to place before them.

Then, Sir, if I may turn to the hon. Member for Mombasa Area, he was very worried about the slash in public health contributions, which, as was pointed out, is not quite as big as he tried to make out—not very big really. In fact, it is only about under £20,000 total and the municipalities is much less than that, so I do not really know if he was referring only to Mombasa or to the cut generally. However, I would say to him that Mombasa is going to be dealt with in a special category next year owing to the fact that the boundaries of the Municipality are going to be extended, and it has been agreed that the

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grant to Mombasa public health will go up from £55,000 to £57,550 in order to allow Mombasa to cope with their extended area. Sir, I hope he will be satisfied with that.

He then went on and asked me to give an assurance that there would be street lighting in the mainland areas. Well, Sir, I cannot give an assurance because that is up to the Municipal Board themselves who work out whether they can afford it or not, and I repeat I am sorry the hon. Member has resigned from the board because he might have had more influence in this regard than I can have.

He then said that we should not cut down the traffic revenue because it was used on roads, and roads are so necessary for Mombasa, and all I would say, Sir, is to re-emphasize that this grant is of the traffic revenue grant is free revenue. If the municipalities concerned use it on roads, all right, well and good, and I know numbers of them that amount of money, and possibly more, on roads, but it is basically free revenue, which they can use on anything, and with regard to the provision of roads in Mombasa, I know the Municipal Board has been worried about this, about some of their roads, and I understand they had discussions lately with the Road Authority and have come to satisfactory conclusions.

He also asked for a grant to increase the almshouses in Mombasa which is now under the African Trust Fund. I will look at that, Sir, but, of course, can give no guarantee. If they wish to have extensions there I think the board will have to borrow money to do it, and I will try to see that some money would be available for this on loan.

The hon. Member for Rift Valley discussed the matter of free revenue. He then said he wanted to find out how to ensure if local authorities were allowed to rate higher than they do today, and if they did that how they could ensure that the Central Government taxation would be reduced. Of course, that is a very difficult question. He then went on to advocate block grants based on a formula, and that the formula would be a right. Well, here I must say that any formula that might be devised—in fact,

it might be quite a good idea to devise it—but ultimately the Central Government controls, and must control, any form of grant-in-aid. Ultimately, the Central Government must control, and, after all, what are we debating this subject for today—what is all the publicity on this matter? The mere fact that the Central Government, in its great wisdom, has decided to cut the grant on vehicular traffic revenue which is, to some extent, as pointed out by the hon. Member for Nairobi West, written into the law but, of course, in the Ordinance it is made clear, as it must be made clear, that the Government has the last word—the Government decides on the actual percentage. I cannot see that the security that the hon. Member for Rift Valley is searching for is available in the way he thinks. But there again, I hope that he, as well as the hon. Member for Aberdares—and I must say the hon. Member for the Rift Valley has had at least some ideas to put before us—will put ideas of this sort before the Advisory Committee.

Now, Sir, the hon. Member for the Rift Valley Central mentioned quite a number of matters—contributions to staff salaries—He suggested that African district councils should have more and the county councils less, presumably. Well, the basis of this, Sir, is a one-third grant to qualified officers. One-third grant to qualified officers. And the whole idea is to try to persuade and attract African district councils to employ qualified officers. The reason why the total grant is low compared to the county councils is that they are not employing qualified officers. Therefore, they are not getting the grant. Some are, and, of course, the financial advisers—they get a one-third grant—it is applicable to their salaries, and as I mentioned yesterday, there are other qualified officers also. But what we want to do is to see more qualified officers in African district councils and then they would qualify for the grant.

With regard to the traffic revenue for allocation to African district councils, there is no allocation—it is quite true—the roads which of course are more lightly used in African district council areas—the money for those roads is provided from the Road Authority. And it is in fact not the reason nor even the

[The Minister for Local Government, Health and Town Planning] main reason but one reason why we have been considering the alteration of this grant to county councils and municipalities is to bring it in line with the African district council who get a grant based on their total rate revenues. That was the new basis that I have suggested to the other local authorities, too.

He also felt, Sir, that the diminishing grants should be doubled. Well, there again, I myself would be very glad if it were doubled as every other Minister of the Government would be glad if any item in his Estimates were doubled. But it cannot be done at present.

I think in fact that diminishing grants are a great help to the African district councils and no African district council through these grants gets less from the Government than it did before. Again also there are special grants to help out the poorer African district councils on an *ad hoc* basis and quite a number of African district councils—in the hon. Member's area of the Rift Valley—are being so helped.

The last Member to speak, Sir, was the hon. Member for Mombasa and although I fully appreciate that the local authorities are having the same difficulties as the Central Government with regard to contraction of the economy, I would merely say that if that is the case they will have to take the same measures as the Government. But, when the hon. Member says the Mombasa Municipal Board has been saving candle-ends and have made very drastic cuts in their economies, I know they have made some effort but I must admit I think they could make a little more.

Well, Sir, I think those are all the points raised by hon. Members and I beg to move.

Question proposed.

Question put and carried.

COMMITTEE OF SUPPLY

VOTE 26—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £221,210, be granted to the

Governor to defray the charge of covering the cost of payment for the year ending 30th June, 1960 for Vote 26, Ministry of Local Government, Health and Town Planning.

Question proposed.

Head A—Personal Emoluments

MR. ALEXANDER: Mr. Chairman, Personal Emoluments for the Estimates 1959/60—£120,635. Actual expenditure 1957/58 just on £80,000—an increase of over 50 per cent in two years. I raise this question not because there should not be an increase in the normal course of events but what I do seek information about, as to why, having relinquished an important part of this Ministry—that is, Housing—there should in fact be this phenomenal increase in two years. When we turn to page 206 we will see that under the Ministry of Housing Personal Emoluments amount to £15,000 and therefore looking at these altogether there has been an increase in two years of Personal Emoluments in what was precisely the same functions of something like £55,000 and perhaps the Minister would care to explain why this apparently large increase.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havlock): Sir, the hon. Member has taken the accountability figures as he would do, of course. There has been a slight increase but he does not look at the Appropriations-in-Aid. Most of the increases have been to financial officers, staff seconded to local authorities and they are mostly but not entirely refunded. I think also that there has been an increase in the finance division which is on the general policy of the Government. That, of course, is reflected in the approved Estimates of 1958/59 and the hon. Member was comparing the figures of 1957/58, 1959/60 and this does not agree with 1958/59 which is nothing at all—in fact it has gone down. The real jump was between 1957/58 and 1958/59.

MR. ALEXANDER: The Minister has missed my point. If I remember rightly, in 1958/59 the Ministry of Housing had already disappeared from this Ministry. I went back to 1957/58 so as to try and make a comparison between figures when in fact the Minister was responsible for Housing and to a date now when he is

[Mr. Alexander] (Mr. Alexander) or I may reply to one other part. Even if we take into account Appropriations-in-Aid which have increased by approximately £20,000 between 1957/58/59/60, this still make a net increase in Personal Emoluments. Granting him that all the extra Appropriations-in-Aid go against Personal Emoluments—which I do not think they do—but granted all that, the increase in this Ministry's Personal Emoluments, having been deprived of the responsibility for housing, is a net figure of some £35,000.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havlock): Sir, the answer really is that in 1958/59 it did include housing. In 1959/60 it excluded housing, but it includes some number of medical headquarters staff plus the new audits which I have already referred to.

MR. ALEXANDER: Not satisfied!

Head A agreed to.

Heads, B, C, D and E agreed to.

The question was put and carried.

VOTE 27—LOCAL GOVERNMENT CONTRIBUTIONS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £1,313,500 be granted to the Governor to defray the charges which come in course of payment for the year ending 30th June, 1960, for Vote 27—Local Government Contributions.

Question proposed.

Head A—Contributions in Lieu of Rates

MR. ALEXANDER: Contributions in lieu of rates. May I say at the outset, Sir, that there is an understanding now between this side of the House and Government that the Public Accounts Committee Report is not debated as a specific item but that we will use the Report and the evidence therein from time to time in debates in this Council to raise matters of importance and I just give that introduction so that I make it perfectly clear that we have not wasted time in this House on the Public Accounts Report before and I wish now to deal at some length on this subject by going back into the Public Accounts

Committee Report and I do so, Mr. Chairman, because this has been a subject raised by the Auditor-General at least for the last three years running and perhaps longer than that. And in the Public Accounts Committee, quite frankly, we are tired of it and we cannot really understand why Government are not able to dispose of the questions continuously raised by the Auditor-General which are questions really of administration. There is no question of policy involved in what I am going to refer to and that is why I have raised it here and not in the main debate. This is a matter of Government administration and if I may say so, Mr. Chairman, I detect, that in fact a lot of the trouble may be jealousy between Government Ministries, jealousies that will not allow relinquishment—what is quite obviously a responsibility—or it may be jealousies at lower levels. But I have to go back first to the Public Accounts Report on the accounts to June, 1957, that is, two years ago from now. And the Public Accounts Committee of that date of which our late colleague, Mr. Stanley Gherrie, was chairman, made this recommendation: "Although the witnesses appearing before the committee claimed that there is adequate liaison, the committee feels that there is room for improvement in this sphere. The committee recommends that every effort should be made by the accounting officer to ensure that contributions due to local authorities are paid promptly, and further that the full extent of arrears should be ascertained and an adequate control established."

We came back to the same thing on the Accounts to June, 1958, and what did we have to say this time? This was only a matter of a few weeks ago. I tabled this report in this House, and on this subject the Public Accounts Committee said this and this was their recommendation:

"The committee note that there was still delay in affecting payments to local authorities although certain improvements have been noted. They would urge the Ministries concerned to see what steps could be taken to streamline the procedure further."

Mr. Chairman, I am sure it will be of very great interest to hon. Members

[Mr. Alexander]—It certainly was to us in the Public Accounts Committee—that over this subject for the first time, I believe, in the history of the Public Accounts Committee in this Colony we brought in outside evidence to help us on this particular matter. And by very short notice we were able to call in to the committee the City Treasurer and the 'Valuer of Nairobi City Council in order to give us evidence on their side of the story. And the result of it was that the committee was very considerably helped in discovering really what the problem is. And I do wish, Mr. Chairman, with your permission, because I believe it is important to place on record some very brief parts of this evidence. And I trust when the Minister replies he will be able to tell us that there has been progress on this administrative bottleneck that has been going on for years.

Firstly, I quote Mr. Kent, of Nairobi City Council, who said this:

"There has been a change in the recent years for us to go direct to those bodies. (By those bodies he meant the High Commission Services as for example the Post Office and the Railways.) We welcome it. The next stage we would welcome is to deal not through the Local Government Office who merely act as a post office but with the Crown landlord which is the Lands Department."

I am sure, Sir, that would facilitate and improve not only relationships but lend a speedier solution to some of these problems. Then later I turned to the Accounting Officer, that is the Secretary to the Ministry of Local Government, and I said this:

"Could I, Mr. Kent, just at that point I think it would help us if I asked Mr. Dalgleish to comment upon this particular remark of local authorities going direct to the Land Office in order to remove an apparent bottleneck. Would you like to comment on that, Mr. Dalgleish."

"Mr. Dalgleish: I would really like a little note of that question, Sir. It raises the important question of the machinery and also raises the important question of who is to be the responsible Minister accountable to the

legislature for matters on the policy side."

Then we had—and typical of him—words to the point and of considerable wisdom from Captain Hamley. And this is what he said: "Well, there is one thing I just do not follow. It works all right with regard to the High Commission. Therefore I see no difference at all. If it works all right with regard to High Commission, all the objections that you raise now will surely be pertinent to the question of getting it straight from the High Commission." The point being, Mr. Chairman—

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): On a point of order, Mr. Chairman, did the Secretary and the Accounting Officer reply to those remarks? If the hon. Member is going to read out of records of committee procedure, I think it is entirely unfair to read out only extracts and not to give the whole total record, I hope the hon. Member will not, bore this House with the total record, but to bring out extracts without quoting the answer given to those extracts I suggest, Sir, is entirely unfair.

MR. ALEXANDER: Mr. Chairman, this report and this evidence—at the moment I happen to be reading from the typed copy—is a document belonging to this House and I am merely quoting some extracts in order that I do not bore the House any more on what I consider an important matter. And, Mr. Chairman, it is quite usual and has happened year after year for extracts of evidence to be read from the Public Accounts Committee Report. This is not a confidential document.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Has it been circulated?

MR. ALEXANDER: So far as I know, Mr. Chairman, until the printed copies are ready it is not circulated and has not been made available to all Members, but it is in the library and it is public information.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): I submit, therefore, Sir, as it has not yet been circulated and as the

[The Minister for Local Government, Health and Town Planning]—The Minister for Local Government, Health and Town Planning (Mr. Havelock): Mr. Chairman, the hon. Member has not been able to see for themselves the full reply, the full reply should be quoted in this Council for the record.

THE CHAIRMAN (Mr. Conroy): I think Mr. Alexander is in order in quoting extracts from a document which has been laid, but we are in this difficulty, that a copy is not (I understand), available in the Library for any other Members to refer to. The document is in the hands of the Government Printer for printing and copies are not yet available to other Members to quote from. The normal procedure, of course, would be that any Member can quote from a document which has been laid and is freely available to all. In reply any other Member could quote from other extracts. The Minister is in the difficulty here, I understand, that he has not got a copy to reply from.

MR. ALEXANDER: Mr. Chairman, I can only advise the Minister that I can assure him that there was nothing startling or particularly revealing said by Mr. Dalgleish but we wound up on this particular part of it with this from Mr. Dalgleish:—

"Well, Sir, very briefly the reason is that it is felt that generally speaking payments to local authorities in respect of sums due to Government should be handled by the Ministry of Local Government and then, because I know there are exceptions to that, the point is that it enables the Ministry of Local Government to determine the overall financial picture of local authorities and Government expenditure on local government generally."

And it was really that that prompted Captain Hamley with great—

THE CHAIRMAN (Mr. Conroy): Mr. Alexander, that brings us to two points in our debate. The first is the time for the interruption of business; the second is the ten minutes for your speech. I hope that perhaps Mr. Alexander could make available to the Minister his copy during the luncheon adjournment and I accordingly interrupt business until 2.30 this afternoon.

The House adjourned at fifteen minutes past Twelve o'clock and resumed at thirty minutes past Two o'clock.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Mr. Chairman, the hon. Member for Nairobi West has "gone to town", that is a local expression with regard to the payment of contribution in lieu of rates and local authorities, and I think he is probably considering mostly the municipalities. Now, Sir, he has quoted at some length from reports from the Public Accounts Committee and so on, and there is one aspect of even his quotations which I was interested in, and that was when he said that even the committee itself and the Auditor-General thought that matters had improved, but they could be improved further. I think that was more or less what was said, and, indeed, the position is this, that up to about two years ago the staff position in both the Lands Department and my own Ministry, was such that it was very difficult indeed to check the actual amount owing to local authorities in this regard and may I again remind the House, Sir, that this is all tied up with the overlap and the difference between the Government financial year, and that of the local authorities. It is, in fact, the case that my Ministry has to assess or try to assess, the amount which might be owing in the next Government financial year nine months before the actual rate is struck by the local authorities, and so, therefore, it is almost impossible for us to have a very near and exact assessment. However, as the hon. Member knows, I think, Sir, that after considerable discussions between the Ministries and certainly arising out of the discussions in the Public Accounts Committee, the following procedure has now been agreed. I am not going into all the details of answering what the hon. Member said, or quoted, in the Public Accounts Committee. I personally think that it is not very relevant to this debate. However, this is what we hope will now be carried out. After consultation between officers out of the Ministries of Local Government, Health and Town Planning, Education, Labour and Lands and the Department of Lands and the Treasury, a revised procedure is to be operated as from 1st July, 1959, whereby adjustments of contributions payable will be made directly between the Ministry of Lands and the local authorities. The Ministry of Local Government, Health and Town Planning

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will then pay local authorities only on the basis of approved valuation rolls, which it is hoped will simplify future settlements. There is now no delay in making payments to local authorities based on 90 per cent on their claims, and no complaint has been received for many months from any local authority relating to delayed payments. What it really amounts to, Sir, is that we will pay, the Ministry of Local Government will pay to the local authorities 90 per cent of the assessed claims and 10 per cent will remain to be paid by the Ministry of Lands, or by us on request of the Minister for Lands, in fact, it will be paid—I am sorry—in fact, it will be paid by the Ministry of Lands out of an account which we will then reimburse after they have entered into all the negotiations and discussions with the local authorities and found out the exact amount due on the basis of the new rates structure and, in many cases, the valuation rolls, which are new valuation rolls being drawn up in the local authority areas from time to time. Therefore, I cannot see that there can be any complaint in future from local authorities. Only 10 per cent will be withheld and, order to expedite even the payment of that 10 per cent, it will be done by the Ministry of Lands, and we will reimburse them, and so, Sir, I do not really think that there can be any complaint by the local authorities in that regard, and the Lands Department has been supplied with the staff to undertake a proper checking of the claims sent in by local authorities, which staff they did not have previously, and also, in my Ministry, one of the local government auditors has been taken off his normal duties to work full time in trying to improve these matters. This, of course, means that local government audits in other areas might be delayed, but again, it is a matter of priority, and the local authorities cannot have it both ways.

Sir, again I would say, that I do not really think it is necessary for me to go into all the details to answer the different quotations that the hon. Member made. I have made my point in saying that I thought that the total record should be available to this Council. I have seen the record, but it would take up a lot of time

to quote all the recorded discussions, and I do not think really it is justifiable.

Now, Sir, if I may crave your indulgence on another matter. Although we have passed the Head of my Ministry, I have just had time to check up on the answer to the question, raised again by the hon. Member for Nairobi West, with regard to the increase in my Ministry Vote as from 1957/58, and I would like to point out to him that in 1957/58 neither the Town Planning Section, nor the Local Government Section, which is now reflected in these Estimates were included, and I think he will agree, that that is an important element which explains the difference in amounts.

MR. ALEXANDER: Mr. Chairman, that is a most helpful and objective reply from the Minister. I would just like to ask one point to clear this subject up. As you will remember, Mr. Chairman, in what I was saying, and the evidence I was quoting, the puzzle to us on the Public Accounts Committee was that if the High Commission services, for example, the Railways and Post Office, who are very big ratepayers, can deal direct with the municipalities why should not the Government? Now we learn that in fact, to the extent of 90 per cent, the Government, that is the Lands Department, who are the Ministry immediately in contact with this, will pay over 90 per cent. If that is so, do I take it that the Post Office and the Railways, who are in exactly the same position, I imagine. Their problems over this are exactly the same, valuations and the like, do they, in fact, retain 10 per cent of the rate due to the City Council whilst matters are sorted out, and if they do not, if departments as big as the Railways and Post Offices do not, then why should the Lands Department? If they do, and I do not know whether they do or not, if they do, then I accept it that that is a universal problem to which there is no answer.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Sir, the answer is, first of all the hon. Member is wrong, and I presume he did not quite understand what I said. 90 per cent would be paid by my Ministry, but 10 per cent will be paid by the Lands Department after discussion and after confirmation of all

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and the queries and valuation rates and so on, which will, by my Ministry, be made good to them. Now, he says "Why should we not?"—Presumably what he means is "Why should not the different departments of Government negotiate and pay direct to the local authorities?" I think that is what he is getting at, rather than being channelled through my Ministry. Well, Sir, if he tries to draw a parallel with the High Commission services, first of all the Railways and Post Office, as the hon. Member well knows, are self financing. They are indeed in a very separate category from a department of the Government, or, for that matter, a department of the High Commission. What we have agreed is that the self-accounting services will negotiate direct with the local authorities, and that the departments of the High Commission which are not self-accounting, will negotiate through the High Commission as such, not departmentally, and then, of course, the departments of the Kenya Government will come through my Ministry, and the procedure that I have already outlined for my Ministry and the Lands Department, and so the point is this; the departments of Government are not in the same position as a private individual. They are not. They are subject to Government control, and Government direction, and an overall Government umbrella, and surely it is right that in that respect the Ministry of Local Government should be the channel and should be the immediate contact between local authorities and the Government.

Head A agreed to.

Heads B, C, D, E, F, G, H and J agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee report to Council its consideration and approval of the resolutions on the Order Paper without amendment.

Question put and carried.

The House resumed.

[Mr. Speaker (Sir Ferdinando Cavendish-Bentlick) in the Chair.]

REPORTS

VOYE 26—MINISTRY OF LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that the Committee of Supply has considered and approved, without amendment, the Resolution that a sum not exceeding £221,210 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 26—Ministry of Local Government, Health and Town Planning.

Question proposed.

The question was put and carried.

VOYE 27—LOCAL GOVERNMENT CONTRIBUTIONS

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that the Committee of Supply has considered a Resolution that a sum not exceeding £1,313,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 27, Local Government Contributions, and approved the same without amendment.

Question proposed.

The question was put and carried.

COMMITTEE OF SUPPLY Order for Committee read.

VOYE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR.

MR. SWYNNERTON: Mr. Speaker, Sir, I beg to move that Mr. Speaker do now leave the Chair in order that the Council may consider Vote 21—Ministry of Agriculture, Animal Husbandry and Water Resources in Committee of Supply.

Mr. Speaker, it is customary for the Minister on these occasions to congratulate the top brass in his Ministry. Today I will move one lower down and express the gratitude of the top brass in the Ministry for the tremendous amount of

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work which is put in by the staff, who run the sections of the Ministry, who run the research and field divisions of both the Departments of Agriculture and Veterinary Services and who run the services in the provinces. I would also like to go on record in thanking the Government Printer for getting out the report of the Agricultural Department six or seven days ago so that Members of the House could have the opportunity of seeing the report on the work of my Department before this debate.

Now, Mr. Speaker, I will deal first with the 1959/60 Estimates for the Ministry of Agriculture because it is in the light of economies which have been effected by the Government that we must view the future prospects of development in so far as the services provided by the Ministry of Agriculture are concerned. I would like to take the House through a few of the intricacies of estimating for a Ministry such as the Ministry of Agriculture. There is one complication. The House will remember that last year substantial sections of African district council contributions to agricultural services were brought direct over into the Government by the provisions of White Paper No. 1 of 1957/58, "The Financial Relationship Between the Kenya Government and African District Councils". That take-over was taking place at the time of the preparation of last year's Estimates and it has been found that it has been necessary to bring in a further £45,000 into the coming year's Estimates.

At a certain stage during the year, Sir, the Treasury calls for a forecast of Estimates for Ministries and, having received the forecast, it then sets a ceiling on the expenditure of each Ministry. The Ministry of Agriculture considered that it was essential, in order to maintain services at the current year's level, to have a gross figure of £2,034,632, from which had to be taken appropriations-in-aid of £358,715, leaving a net figure of £1,675,817. The Treasury ceiling which was placed on the Ministry of Agriculture was £1,580,000, so that the Ministry had to start off the exercise by accepting a cut of £95,917. This was achieved by reductions of personal emoluments, by reductions of certain travelling allowances and equipment and by increasing appropriations-in-aid—that is, requiring

the services of the Ministry which earn revenue to earn more revenue; the soil conservation service, £10,000 more; the experimental farms £9,000 more, the hides and skin services £3,000 more, the Veterinary Station, Naivasha, £4,000 more, the Sera vaccines and laboratory products £10,000 more. After that, Sir, the estimates went on to the Council of Ministers who then undertook the economy exercise and required the Ministry to undertake further cuts. The first cut was of £152,000 succeeded by another one of £25,000, so that there was a further cut of £177,000 which had to be lopped off the estimates to achieve the Council of Ministers' ceiling. In this case the personal emoluments, mainly of the field division of the Agricultural Department, but also research and veterinary field divisions were reduced by £56,732, Other Charges by £94,516 and there was a reduction in subsidies and a further increase in appropriations-in-aid of £21,000. Now, Sir, those cuts represent 11 per cent. of the Treasury ceiling, or 164 per cent. of the forecast requirements of the Ministry of Agriculture to maintain its services at the level of the current year. Now, Sir, those cuts can be looked at in two ways. They can be dealt with as percentages of various items or they can be listed as actual individual cuts. The percentages, as they work out, come to 5 per cent. of the personal emoluments of the Ministry, 15 per cent. of the travelling allowances, 15 per cent. of stores and equipment, 20 per cent. on Miscellaneous Charges, 50 per cent. on Subsidies and Refunds, 35 per cent. on Guarantees, 10 per cent. on Maintenance of Research Stations and 10 per cent. on Unkept of Veterinary Laboratories and Centres.

Now, Sir, those cuts are very widely spread all over the Ministry in order not to affect any one particular service too heavily. Among the cuts are the abolition of the vacant post of Assistant Minister. However, Members will remember, Sir, that the Chief Secretary, in Vote 7, has two Assistant Ministers in the kitty. Economies in the Ministry's Office £700; reduction in the Guarantee Minimum Returns £25,000; Grants-in-Aid to Tropical Products Institute £5,000. That was an outright grant this year and was not an annual contribution. Closing of the Wami School saves £3,300. That

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was a school for the training of Asians in agriculture—in Tanganyika—which the three territories financed but which never succeeded. Subsidy to the Milk Recording Scheme £1,000; reduction in the provision for the Trade Commissioner in the Central African Federation £500; reduction in contribution to the European Agricultural Settlement Board £2,000; reduction in the provision of honoraria for agricultural committees £2,000; reduction in provision for check surveys on G.M.R. farming £500; elimination of provision for Production Conference £1,200; reduction for Quelea control £1,000; reduction in provision for pyrethrum research in the United Kingdom £1,000; closing of Matuga School in the Coast Province £3,410; transfer of research activities of Matuga Experimental Station to Mtwapa £6,976; elimination of Soil Conservation Unit at Lumbwa £9,000; abolition of the post of tease officer at the Veterinary Department Headquarters £1,713; abolition of the posts of one clerk and one messenger at the Veterinary Department Headquarters £1,173; elimination of allowances to two part-time veterinary officers £1,800; and in addition there has been the abolition of two posts of veterinary officer on extension work, £3,816. There have been miscellaneous savings in the Veterinary Department which amount to £1,750; abolition of the Sotik transport subsidy £4,000; abolition of refund on kerosene duty £10,000; the reduction in Agricultural Department services and the transfer of some to the Development Estimates £56,500. That last item implies the reduction of 21 assistant agricultural officers and technical officers and 56 agricultural instructors.

Before I move away from the financial side of the Ministry, Sir, there are one or two points which I would like to make. The provision for travelling in some Ministries is large and is always open to attack, but these Ministries have substantial travelling departments. The officers of those departments cannot perform their duties properly if they cannot get out and travel. There are departments which undertake mostly sedentary activities, such as the Treasury, the Establishments Division and so on; but so far as the Ministry of Agriculture

is concerned, Sir, if travelling is reduced below a certain level it is more economic to start cutting officers than to have officers sitting in their own offices for one, two or three months a year because they have run out of travelling funds. The officers of the Ministry must get into the field to advise farmers, to carry out research into local problems, to undertake farm planning and soil conservation, to develop cash crops and water supplies, to improve management in the pastoral areas, and so on.

The effect of the financial cuts, so far as the Agricultural Department is concerned, can be judged by two illustrations. In the European Highlands in 1958 the Department undertook 57,000 acres of farm planning for farmers. We had hoped in two years to raise that to 100,000 acres and in three or four years' time to raise it to 150,000 acres a year. That target will now have to be deferred. In the African areas our staff is very fully employed on soil conservation work, on developing farm plans and farm layouts in consolidated areas, on developing cash crops. Now, Sir, in each Province and in each district we shall have to study priorities to see whether it is more important to reduce soil conservation, to reduce farm layouts, or to reduce the development of cash crops.

Having said that, Sir, I would like to suggest that the Ministry of Agriculture is a progressive Ministry. If Government finance is tight then the Ministry must go out into the highways and byways in order to look for alternative sources of finance to finance such projects as it considers are of first priority. One of those means is going to the agricultural industries of the country in order to ask them to assist in tackling their problems and if hon. Members will look at the appropriations-in-aid they will see some of the contributions which have been made. Besides those contributions, Sir, there are some cash crop industries which are financing very substantially their own research and this never comes through the Government Estimates at all. The tea industry of East Africa finances its own tea research entirely. The Pyrethrum Board finances very substantial laboratory services—and also the Coffee Board finances quite a lot of research which does not come

[Mr. Swynnerton] through these Estimates. But in the appropriations-in-aid, Sir, we see that the coffee industry is contributing some £33,100 in the coming year, the Cereals Producers £11,689, the Sisal Growers £9,583, the Cotton Growers £5,999, the Wattle Growers £2,100, the Pineapple Growers £1,773, the Pyrethrum Growers £1,000 in addition to their laboratory services, that £1,000 representing the cuts which I detailed earlier on research in the United Kingdom and which the Pyrethrum Board have undertaken to meet.

There are, in addition, external sources of finance to which we can apply. Hon. Members are very well aware of the tremendous contribution to our agricultural development which the United Kingdom has made financially in recent years and also the contributions which the United States International Co-operation Administration have made. There are, however, Sir, a number of other contributions which will be coming forward in the new year as a result of applications which have been made. The United States International Co-operation Administration have recently granted a further £40,000 to maintain certain projects which they have started and to help us with the financing of the investigation into grassland management in the coast hinterland. We have also approached the Colonial Development and Welfare Fund which have a special research fund for assistance with a number of vital projects. One is on coffee berry research. For the last three or four years, with the aid of the Coffee Board, we have been financing an intensive investigation into the control of this disease, and the team which has been doing it has achieved marked success already. It is, however, necessary to finalize the efficient control-measures which they have drawn up and two more years' work is required. The Colonial Development and Welfare Research Fund has agreed to contribute £9,414 for the coming year and a similar amount in the year after. There is one complication, Sir, with the Colonial Development and Welfare Act and that is that it comes to an end on 31st March next and it will then be removed for a new period starting on 1st April, 1960, so that any assistance we get from that fund has to be divided into two parts—we will get an amount up to

next March and then we will have to put in a fresh application for the new five-year period. Now, in all the projects which I am mentioning, the people who operate the fund have indicated that they will consider sympathetically the continuation of finance for these projects.

The second project is that of plant breeding. We have been undertaking the study of cereals diseases and we wish particularly to step up the study of wheat stem rust. The cereals producers have contributed—very substantially to this work and the Colonial Development and Welfare Fund has agreed to contribute £25,690 in the coming year towards a total contribution over the future years of £65,000. That includes the breeding of hybrid maize and the study of cereals diseases and the breeding of wheat. Many people will wonder whether it is wise to breed maize hybrids at the present time with a view to raising yields. It is our opinion, Sir, that the higher the yields the lower the production cost and if yields go up it will enable farmers to grow a smaller acreage of maize more efficiently. However, we feel it is desirable to investigate the economics and efficiency of production of the whole range of our mixed farming crops and products because we believe that that is where the farmers can probably help themselves to get over the difficulties of a recession, by improving efficiency, and—by reducing costs. For that reason also, Sir, we have applied to the Colonial Development and Welfare Research Fund for assistance with two farm cost economists to augment the existing survey that is going on under the aegis of the Egerton Agricultural College. One of these economists will work in African areas. We have had agreement to a contribution of £6,330 for the current year, with continuation into the new period.

Another activity which has been mentioned in this House is the testing of agricultural machinery. This has been proceeding successfully for three years and will be financed until 30th June, this year, entirely from the Colonial Development and Welfare Fund. In the next financial year, there will be a split of finance into four quarters, one quarter each being carried by the Colonial Development and Welfare Fund, by Uganda, by Tanganyika and by Kenya.

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These contributions, Sir, give assurance for the continuation of a number of very important aspects of agricultural research in the coming year.

Now, Sir, I am not in a position to propound on Government policy. But I would like now to go on to report to some extent on the implementation of Government's policy and plans as already envisaged. A number of the agricultural industries of this country, Sir, have been in the public eye because to some extent they have suffered more severely than others from the recession in agricultural prices and markets. Before discussing industries in particular, I would just like to refer to the state of agricultural exports from this Colony last year. Although it was a year of recession nevertheless, Sir, we exported in 1958 agricultural products to the value of £26,320,584 which was an increase of £2,872,306. Now, Sir, I would like to detail some items because hon. Members will see that in fact the exports from a number of the mixed farming industries went up very substantially. Mixed farmers have suffered in the past year from a drop in prices of such products as milk, pigs and maize, and they have also suffered from having to carry the burden of development debt which was incurred at a time of higher prices and which must now be serviced at a time of lower prices. However, the recession has been cushioned by an increase in the quantity of money coming in from agricultural exports. Exports of maize in 1958 were worth £1,867,061, which was an increase of £1,400,999. Pyrethrum went up by £710,531. Butter and ghee went up by £465,590. Bacon and ham went up by £233,277. Now, Sir, that means that coming into the mixed farming industries from exports there was an extra £2,810,397, which was not to be sneezed at. Of the other crops, Sir, tea, sisal and cotton showed increases while wattle, coffee and hides and skins showed decreases. In the case of coffee the crop was well maintained but the prices came down.

There is no doubt, Sir, that for a number of our mixed farming industries a vigorous search-for-markets-at-the-present-time is essential. There is no doubt that if those industries could get

together themselves and if they could appoint their own trade representatives in these territories into which they could make entry and to which they could make substantial sales, that would be a great help to those industries. It would be very much more helpful to those industries if they could carry out their own negotiations and enter into their own contracts than if it is done entirely by the Government. Government have a useful part to play to break down trade barriers and tariffs and so on, but where the actual trade is involved is in the interests of the industries themselves, such as meat, dairy, poultry, pigs, and potatoes it is better if they do it themselves.

The Kenya Co-operative Federation of Agricultural Industries has been acting as a central organization to acquire and distribute information on world markets and to get their members interested in new markets. Over the past several months the Federation has been investigating the Persian Gulf markets and has sent a trial shipment to that place of its members' products. The Federation has been usefully active in this sphere. I make that statement particularly, Sir, because in a previous debate I did suggest that they had not been as active as they might have been—I want to correct that impression.

Now, Sir, perhaps I could turn to some of the industries concerned, particularly in so far as they have been affected by Government assistance. To take the dairy industry, firstly, in accordance with the recommendations made in the Troup Report, the Dairy Industry Ordinance was passed in August, 1958, and that set up the Kenya Dairy Board. This happened at a time when the price of butter on the London market had suddenly fallen to a disastrously low level and at the request of the Minister for Agriculture the Government agreed to guarantee an overdraft of up to £100,000 for the use of the Dairy Board in meeting losses incurred in exports. From this amount some £80,000 was lent to the Kenya Co-operative Creameries to support prices paid to producers. As a result of improved export prices this entire amount has now been repaid to the Dairy Board. The overdraft is being used also for general expenses of

[Mr. Swynnerton] the board until the income from its cess comes in. It is not proposed to withdraw the guaranteed overdraft facilities at the present time as the future trend of prices is not known.

The pig industry also ran into financial difficulties during the year owing to large losses which were incurred by the Uplands Bacon Factory on exports to Great Britain. The causes of these losses are the subject of an enquiry at the present time. The report is expected shortly but it became necessary for the Government to provide some financial support to the pig industry also. The Government agreed with the Pig Industry Board to take over Uplands Bacon Factory for a period of three years which has subsequently been extended to five years, and to put in a board with more commercial experience but retaining three producer-members nominated by the Pig Industry Board. An overdraft of £35,000 has also been guaranteed in order to enable the deep-freeze to be installed. Government also extended the guaranteed overdraft by £62,000 to cover the working capital required for the great increase in the export of bacon. During the first five months of the current financial year the Uplands Bacon Factory incurred further losses, but since December the factory has been able to obtain better prices in the United Kingdom market, though they are still not good ones. However, the factory has now been able to achieve a monthly profit. As a result of this, Sir, the Government has agreed that the recovery of those losses should be spread over five years and that a new price structure should be introduced from July which in itself will prove satisfactory to producers, although it will not be as high as before the crisis. It is hoped that the new price structure will arrest the decline in production and restore the turnover of the factory to capacity. A temporary additional overdraft of £40,000 arranged in December has proved to be no longer necessary.

I would just make one mention of maize, Sir. The House will remember that two or three months back it passed the Maize Industry Ordinance. So far, Sir, the new Maize Board has not been

appointed, but it is hoped that that board will be appointed this month.

Now, Sir, if I can turn to one or two of the cash crops which affect both the European and the African areas, the coffee industry has once again produced a record crop and the coffee industry has successfully sold that crop despite a disastrous fire in the mills which has left only one mill operating. I think the Coffee Marketing Board is to be congratulated both on that and on securing an average overall price for its coffee as high as £402 a ton for the season. A new mill is under construction and will be coming into use some substantial time after the opening of the new crop season, but when that is in operation, Sir, there will be no more efficient outfit for the milling, grading and packing of coffee anywhere in the world.

So far as African coffee production is concerned, Sir, coffee has been the cash crop by which the Government felt it could bring cash into the hands of Africans in the quickest manner. Although coffee grows within a restricted ecological area it has been felt that by pushing up the wealth within that area the money will go out into the other areas of the Colony and benefit producers generally. The measure of success which has attended this programme may be seen from the fact that in 1953 there were only 15,000 African coffee growers, whereas in the middle of 1958 the figures had risen to 75,000—an increase of five times. The measure too of production is beginning to be seen. Whereas in 1957 the African-produced coffee crop was 2,047 tons, it rose in the 1958/59 coffee season to 3,559 tons, an increase of almost exactly 1,500 tons—an increase in value, Sir, to the Africans of some £600,000 in one year, bringing the total value of the crop to £1,400,000. The first time, as far as African production is concerned that it has exceeded the million pounds.

We are in rather a paradoxical position, Sir, with regard to our coffee industry. The world is threatened with disaster because of over-production in a number of countries and because of very substantial surplus stocks which are held in those countries. Until they can be eliminated, and until tariffs in consuming areas can be reduced, there will be an ever present threat to the

[Mr. Swynnerton] coffee industry of the world as well as to Kenya, although, Sir, that is no fault of Kenya. The Mild Coffee Trade Association of Eastern Africa considers that were it available it could dispose of several times the present quantity of Kenya high-quality coffee. In other words, if we go on producing high quality, Sir, the trade can dispose of it, but the price will depend on the general trend of world prices, which will be affected by the general over-production, other than the Kenya high-quality grades which are so readily saleable. Therefore, Sir, it may well be that in this highly efficient industry we may nevertheless face the next crisis in our agricultural industry.

In the African areas quality has been a notable feature of the production, but the time is coming in some of the districts where the acreage is getting beyond the capacity of the field staff to supervise and advise. We have therefore, Sir, been going into the matter with the Provisional Market Board and with the people in the districts concerned, and in the Central Province there is consideration at the moment to a cess on coffee, whereby the Central Province Marketing Board will assist to finance additional Government staff for the purpose of helping Africans to expand their coffee crop and to maintain this high quality and the high yields which are so profitable to them.

On the subject of tea, Sir, this is a major expanding industry. At the moment expansion is going ahead at the rate of somewhere between 2,500 and 3,000 acres a year. We hope that that may be increased and in the decades to come tea may well become the more important crop to this country than even coffee. It will take a long time to reach that, but it may well come about. In the European Highlands 70,000 acres of tea have been licensed and only 32,000 planted so far. I believe that in the course of time, if it is successful, the African coffee industry could be no less big. I have mentioned it in the past in this House, Sir, that a number of the big tea companies have undertaken to buy the green leaf from the African producers off an acreage which is somewhat in excess of 3,000. Now, Sir, that is a tremendous help to the

African growers; but it is a greater help to us in Government in that it means that we can plan to develop in the other suitable areas away from existing factories for some years to come without having to worry about the erection of factories in the areas in which those agreements have been drawn up. Last September, Sir, I had discussions with the Colonial Development Corporation in London to see whether they would be prepared to come in with a number of tea companies to assist in the development of tea factories in areas away from existing tea producing areas. The result of that, Sir, was that in March a team consisting of the Colonial Development Corporation, nine companies interested in various aspects of the tea production and the Ministry of Agriculture undertook an investigation in the Central Province, in the Rift Valley Province, and in the Nyanza Province to see whether any effective projects could be drawn up, the tea being grown by the growers of course, but with the aid of the Agricultural Department and the Provincial Tea Marketing Boards, at the green leaf stage the tea being passed over to the tea factory companies to manufacture and sell to the best advantage. The indications of that investigation, Sir, were that we would get the assistance we needed when in any area we had built up planting to 250 acres, with another 250 acres coming on in the nursery. The difficulty which follows that, Sir, is the finding of the finance to develop the tea to that capacity in any particular areas. We reckon that it costs about £120 to bring tea in an African area from the time of sowing in the nursery to the point of sale of the green leaf to the factory. That is the nursery costs—the supervision costs—in the field, and the transport costs of collection of green leaf. We are now investigating, again with the Colonial Development Corporation, the possibility of getting loan money for this purpose, which would be repaid by the growers from a cess after that tea had come into production. In other words the money could be put in in the early years, let us say from year one to year five or ten, would be recovered in the later years, from say year five to year fifteen or year twenty. That, Sir, is being investigated at the present time. If we could develop ten such factories, each to cope with about

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1,200 acres of tea, we could augment the income in the African areas by the time that development was completed by about £1,500,000 a year.

I would just like to say one word on pyrethrum. Sir, The Pyrethrum Board has got itself into the position where it has expanded its markets, and where it has worked off the surplus of about 1,400 tons at June last to the very small carry over at June next. That, Sir, is due, partly, to rigorous marketing and partly due to a difficult season, but nevertheless, there are apparently fair prospects for the pyrethrum industry in the near future. In the African areas, in 1954, the Pyrethrum Board allocated a quota of 600 tons to be achieved by 1958. Now, Sir, I have been disappointed in the production of pyrethrum by Africans, because in 1958 the production had only reached 400 tons. There was one very good reason for that, and that was that in the Central Province land consolidation substantially interfered with pyrethrum planting as well as a number of other cash crops. Now that the land consolidation has settled down, I hope that a steady expansion will take place, because I think that there will be no difficulty in securing a quota, 1,200 tons for the African areas for 1960 onwards.

Now, Sir, I would like to pass on to agricultural education. I have mentioned before in this House my anxiety about the training of Africans to the level of the agricultural diploma. For many years the Makerere College has been providing that course, although not many Africans from Kenya have chosen to go in for it. However, with the development of the Faculty of Agriculture—the new Faculty of Agriculture at Makerere—and with their limited staff, they are going over to a full time degree course in agriculture and they are unable to take in any more people for the diploma in agriculture course as from the 1st July next. Now, Sir, that leaves us in a very difficult position because Government alone requires somewhere between 20 to 30 people a year with the diplomas in agriculture for appointments as Assistant Agriculture Officers and Livestock Officers. I believe that commencing in the years to come will make increasing use of people with such training. We have

therefore had to go into this very carefully because, of course, to set up a diploma college of our own would be an expensive matter. We already have agricultural training centres, particularly at Embu and Siriba where we train our agricultural instructors, but the calibre of that course does not come anywhere near to the diploma level. We have gone into the question, therefore, of developing one of these places and we picked on Siriba because there is a big teachers training college there, because there is a big livestock improvement centre of the Veterinary Department there and because there is a Jeanes School there, where adequate instruction can be given in extension work and animal husbandry as well as other aspects of agriculture.

Now, Sir, to develop Siriba to a diploma level will cost us something of the order of about £52,000 of capital and about £95,000 recurrent over four years, and I would like to say that we have been very fortunate in two generous contributions which have been made in support of that project. I am very happy to announce that the Devjibhal, K. Hindocha Trust Fund, set up by the owners of the Miwani Sugar Mills, have decided to donate £10,000 towards the building of an assembly hall at the Siriba Training College. The Hindocha family have done this as a mark of their association with the Nyanza Province over many years, and I am sure the House would wish me to thank them for this munificent donation given to such an important cause. In addition, Sir, when I got back from safari the night before last, I found a letter from the Rockefeller Foundation, saying that they would contribute £60,000 towards the running costs of the Siriba Agricultural College over the first four years. That, Sir, came about in this way. Last December we had the heads of the United States International Corporation and Administration out here, and their scientific adviser was Dr. Harrar, the Director of the Rockefeller Foundation, who was looking at certain research and educational projects that might be assisted. He came back with his Assistant Director, Dr. McElroy, in February to have another look round, and they were taken with the idea of this project, and they went to have a look at it on the ground at Siriba. As I say, the outcome

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of that was this grant of £60,000 which has come from the Rockefeller Foundation. We shall have to find more money for the capital development of this project, and I hope that it will be possible for us to include it in the 1960/63 Development Plan. If that does happen, it will take time to put up the accommodation, but it will take greater time to get the lecturing staff. I would anticipate that the first people turned out with the diploma will come out in 1965, but we shall do everything we can to advance that by one year, so that the first people come out in 1964, that is giving a four-year course, one year practical and three years' training in agriculture.

I would like to mention one subject which does not hit the headlines, Mr. Speaker, and that is the control of quelea birds. They cause a tremendous amount of damage to the small grain crops in this country, maize, rice and wheat in particular, and we have an outstanding Bird Control Officer in Mr. Haylock, who devotes half the year to destroying the roosts in the wheat, rice and maize growing areas, and the other half of the year following the birds back to their breeding sites and destroying them there. In the last mating season he, together with the assistance of aerial spray companies undertook eight night aerial sprayings and 26 blow-ups, killing 7,000,000 birds. In the last three months he has been down in Tanganyika, Sir, where we found that the birds which harm us come from, assisting to destroy the large breeding colonies. It is estimated that the Tanganyika experts on this, together with Mr. Haylock, may have destroyed as many as 75,000,000 birds in their roosts, that is breeding birds and their young. A similar figure, rather less, of 60,000,000 were said to be destroyed in 1958, and if we can keep on at this rate, it may well be that we can reduce these birds to a much more manageable proportion in years to come.

Now, Sir, I have not touched on the Veterinary Department or the livestock industry other than when I mentioned pigs and dairying. The livestock industries of this country taken together probably will, in the future, constitute one of the biggest agricultural industries in the country. If agriculture behaves us both to get on top of the various diseases

which restrict production and export and to improve the quality of our animals. Hon. Members will remember that when the outbreak of lumpy skin disease occurred it was considered that it might not be possible to control it. Hon. Members will remember that the Director of Veterinary Services went down to South Africa to investigate the control down there, and was not encouraged that he would be able to get on top of it. However, he came back and set about undertaking two measures. The first was to undertake the control of the spread of the disease by applying quarantines, and so far there has been no widespread infection from the original locus and from the peak of incidence in September last when 79 farms were in quarantine, three weeks ago there were only six farms from which quarantines had not been withdrawn. The next outstanding achievement of the Director of Veterinary Services was that he turned over the investigation of the production of vaccine to his research staff and they appear to have been very successful in this. As with all scientists, they have been a bit cagey about it. They say that in laboratory tests they have been successful, but they have yet to prove it on a full field scale. Well, that proof, Sir, is going on at the present time. Hon. Members will have seen about the outbreak in Turbo-Kipkaren where the Veterinary Department have vaccinated some 15,000 cattle in a radius around that outbreak, and so we are one step on towards the proving of the vaccine on the field scale, and I think that the Veterinary Department are to be congratulated on that, when in South Africa over many years that stage has not been reached.

Now, Sir, I would like to go on, and say one or two words on foot-and-mouth disease. This again, of course, is a matter with which we have gone to outside bodies and received substantial assistance. In this case from the Wellcome Foundation who have granted £100,000 towards the development of our Foot-and-Mouth Institute here in Kenya. Routine control work is unspectacular, but it is throwing a heavy burden on the field staff of the Veterinary Department with the increasing use of vaccine and ever-present threat of the S.A.T.2 form. In so far as the Foot-and-Mouth Institute itself is concerned it is hoped that it will be opened in December or January next. However,

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Sir, production of vaccine cannot be expected before 1961, due to the need to carry out extensive safety and duration of immunity tests before releasing the vaccine to the public from which you will see, Sir, the reason for the delay is a technical one. We hope by the development of this vaccine very substantially to bring down the costs. At the present time the vaccine costs Sh. 3/75 per valency but when the institute is in full production we hope that it may come down to a level where it will be possible to consider a compulsory vaccination scheme in areas where farmers wish to have them. As I said, Sir, the S.A.T.2 type of foot-and-mouth disease has been a particular threat to this country, and the Foot-and-Mouth Institute will tackle that particular form as well as the other forms.

Now, Sir, with disease control, livestock improvements, and particularly in the African areas is an essential feature of the work of the Veterinary Department. It is being effected in two ways, by the development of artificial insemination and by the marketing of improved livestock. The use of artificial insemination is increasing steadily. The number of doses given in 1958 was 25 per cent more than in 1957, and 11,600 doses went for use in African areas. Many difficulties in the handling and use of semen have been overcome, and this increased confidence in artificial insemination will do more than anything else to improve the quality of livestock in Kenya. The present facilities of the central artificial insemination station will be able to cope with the expected demand for semen within the next year or so, but a big expansion will have to take place by the end of 1960. It will be necessary to seek some £117,000, but it should become self-supporting financially in three or four years after that.

On the bulking of improved livestock, Sir, the Veterinary Department has 15 livestock improvement centres for the production of bulls and improved heifers for the African areas, the improvements being based on Sahiwal grades. At the end of 1958 in these centres there were 3,060 Sahiwal grades and 3,460 selected indigenous cattle. Here again the increased demand for improved livestock, particularly the Sahiwal grade, has begun to exceed the supply. The effect of the bulking-breeding stations at Kibigori and Water-

falls, will be even greater during the coming year and will go a long way to meet the demand for Sahiwal grade stock. A new livestock improvement centre has been established at Chebororwa to serve the Elgeyo District, and the bulls from this centre will be available next year.

Now Mr. Speaker, I want to say a few words on water and water resources as part of the portfolio of the Ministry of Agriculture. Sir, although some of the projects I will mention, in fact, are being financed from the Development Vote, rather than from the Colony Vote. The hon. Member for Ukamba, who I see is not here at the moment, has been very interested in the development of the water resources of the Tana River catchment up-stream Seven Forks. Consulting engineers, Sir Alexander Gibb and Partners, have been commissioned to undertake a survey on this and to submit a report to Government on the water resources and the agricultural potential of the Tana River catchment up-stream Seven Forks. The main items in their terms of reference are an assessment of the flows and the total water available in the catchment, an assessment of the potential demand for irrigation water, and the best way of providing for the water required. The report of the consulting engineers is now being printed and will shortly be available for consideration by the technical department of Government.

Provision has been made for finance for £140,000 to enable the Mombasa north mainland scheme to proceed when the arrangements have been finalized between the Mombasa Pipeline Board and the bulk consumers on the north mainland. The total cost of the scheme is estimated to be £240,000, but the completion date cannot be estimated at present.

Under water development projects, Sir, the work done at Malindi, this year in providing a reservoir is a preliminary to providing water from a new source—the Sabaki River, on which investigation and design is proceeding. Provision has been made in the 1959/60 Estimates of about £49,000 for this scheme. This will release the present borehole supply for use in the Gedi settlement areas—a scheme now under investigation. At Bondo in Nyanza Province—a water supply costing £15,000 will be completed this year.

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There are a number of water augmentation projects also being undertaken. At Fort Hall, a very good borehole costing a little over £5,000 is nearly completed, and it yields 11,000 gallons per hour, which is an exceptionally high yield for Kenya. In Machakos a scheme costing £105,000, including a large storage dam has been financed to supply Machakos with a quarter of a million gallons of water a day, but it will be possible to increase this supply to three quarters of a million gallons a day if it is wanted. In Kitui a scheme costing £22,000 from a large storage dam is expected to be completed in the coming year and will supply Kitui with 70,000 gallons per day. In Nyeri a scheme costing £43,000 to provide a new gravity main and new treatment works to supply 480,000 gallons a day is expected to be completed in the coming year also. At Bungoma, in Elgeyo Nyanza, work costing £10,000 is nearing completion.

Now, Sir, in addition to those schemes there are a number of rural water supply schemes either going on or completed. The Enarosura and Elburgon pipeline schemes have been completed. The Kinangop Ring main water supply scheme will be completed in July 1959—that is next month. This will be the eighth such scheme to be completed. The others are the Rongai river tunnel pipeline and the Kinja, Enarosura, Vissol, Elburgon, Olbanilla and West-ere pipeline schemes. The Kinangop Ring Main, which has cost about £164,000 conveys water by a pipeline 75 miles long from two widely separated rivers the Kitiri and the Tuiga which serve about 100,000 acres of agricultural land, hitherto inadequately provided with water. The permitted abstraction of water from the pipeline is 500,000 gallons per day. Consumption is running at 220,000 gallons per day.

It has been found possible to include some new water development projects in the coming year's Development Estimate such as one at Turbo and another at Maratal.

I would like to mention two of the irrigation schemes—Mr. Speaker, first there where 2,500 acres of black soil has been fully developed for rice cultivation and where a further 2,500

acres will be developed by the 30th June, 1960. It is not intended at the present time to extend that development beyond that although the total acreage that might be developed in the future could be as high as 30,000 acres. There are at present 334 tenants on the land each with a four-acre holding. From the rice crops just harvested which average twenty bags an acre, the tenants have got £107 net profit each after paying all their charges including water rates. The water rates are graded up so that as the land settles down and comes into full production the tenants get on to paying a full rate for their water. When the tenants are paying the full rate this scheme is expected to pay its way.

In contrast, Sir, at Perkera the area fully developed is 1, 600 acres. The final area for the scheme is about 3,000 acres but this is dependent upon securing suitable tenants, suitable cash crops and on the flow of the river. The Tugen and Njemps have so far not proved to be good tenants. There are 119 tenants on the scheme now, compared with 240 last year, the remainder having been removed for failure to pay their dues to the scheme. Whether this scheme will become economic will depend both on this, that is getting suitable tenants, and on the finding of a suitable high-priced cash crop.

It is very important in these schemes, Sir, and particularly when people say that they are short of land, that if they go to settle on schemes they should make every effort to make them successful. And that very often, as I have indicated, depends on the tenant. And if the local tenants are unable to do so, then it may be necessary to find tenants from other sources to take up these schemes on a year to year basis.

The African Land Development Board has a number of small irrigation schemes very helpful to the people in those localized areas undergoing development or developed in the Telita Hills and parts of the Rift Valley Province.

Now, Sir, just one final point: in this debate on the Budget speech the noble and Corporate Member for Agriculture, who I am afraid has not been able to present here this afternoon, raised the question of utilizing the empty lands on

[Mr. Swynnerton] the Membara road having regard to the availability of water and the economics of tsetse eradication and he suggested that there might be large underground water reserves collected from the Aberdares, the Muehakos Hills, the northern slopes of Kilimanjaro and Mount Kenya. I would like to say this. The area from Voi to the coast was carefully investigated between 1944 and 1950. A large number of boreholes were drilled based on extensive geophysical survey. The results were very disappointing: the percentage of failure of boreholes sunk was extremely high and most of the rest of the boreholes were highly saline. From the geological aspect, all the country to the west of Muekinnon Road right up to the Highlands consists of basement system, rocks in which the possibility of finding ground water is remote, and which forms an effective barrier to the movement of water from the Highlands. If the hon. Member wishes it, I can show him greater detail of this information at his convenience.

Of the economics of tsetse fly control the area is principally of value as potential ranching land. Land of this quality, even when grazed by economic beef cattle will not support an expenditure for bush control much in excess of Sh. 6 to Sh. 10 per acre per annum. The best available figures for bush removal in the area are from a scheme where we removed tsetse fly in the Athi-Tiva area and there the cost averaged Sh. 30 per acre. Thereafter annual control of regeneration is necessary.

The noble and Corporate Member urged a bold approach to finance to investigate this area as I think did the hon. Member for Aberdare. I, too, Sir, am a supporter of bold investment in the agricultural development of this country. We have a land of high potential in the African lands and in the European lands. We have those potential irrigation areas such as the Tana River and the Kano Plains. We have large areas which would benefit from sound grazing management and the provision of water supplies. We will serve the population and economic needs of the country better if we concentrate our energies and our moneys in those areas during the coming decade.

Mr. Speaker, Sir, I beg to move.

Question proposed.

GROUP CAPT. BRIGGS: Mr. Speaker, Sir, before I go on to make a few remarks I would like to congratulate the Director of Agriculture for the extremely lucid exposition of the policy of the Ministry that he has made and also for the general note of quiet confidence and encouragement which ran throughout his speech.

Now, in the course of his remarks he referred to the question of foot-and-mouth disease. And it is a matter in which I am particularly interested at the moment because it has been rampant in my constituency for the past year. And it appears to have developed a rather unfortunate tendency to be travelling in circles and which is making it extremely expensive from the point of view of maintaining inoculation. But although in fact quite a high proportion of the cattle have broken down to foot-and-mouth I think there is quite a lot of evidence to suggest that the effect of the vaccination has been to build up a considerable measure of resistance. But at the same time it is quite clear that in the case of the large beef producers the cost of vaccination is still such that vaccination is not really an economic proposition at the present time. And particularly it is that so if repeated vaccinations are required owing to the disease remaining endemic in any one particular area.

It was for that reason that I was very interested to hear the Director's remarks in regard to the production of a vaccine at the Institute here in Nairobi because I do not really think that the vaccination policy can be really tested out satisfactorily until that manufacture does take place here and the vaccine is no longer exposed to the inevitable risks which are involved in the course of transport from Europe.

Before going on, Sir, to other matters I would like to say that I think the farmers here in Kenya owe a very great debt of gratitude to the Kenya Veterinary Research Laboratories for their rapid solution of the problem of finding an effective vaccine to immunize cattle against disease, and to which the Director has already referred. I think they have performed a very great service to the farmers in this country and to Kenya.

[Group-Capt.—Briggs]

I would now, Sir, like to touch upon the activities of some of the boards set up by the Ministry and to which the Director has already referred, Sir, to some extent. And I would like to suggest that some examination or enquiry should be instituted to ascertain whether it is absolutely essential to maintain such a large number of different boards. In some cases apparently having rather parallel responsibilities. And also as a generalization, I have the feeling that there has been, perhaps a slight tendency for the Ministry to intervene too late in the affairs of these boards when things have gone wrong.

Now, the Pig Industry Board is a case in point and I am afraid that there are some indications at the moment that all is not entirely well with the Dairy Industry Board. Now, of course, I am well aware that steps have been taken to reconstitute the Pig Industry Board and I would not like to be too critical until the new board has had a chance of putting its house in order and a fair chance to produce results. I hope, therefore, that what I am about to say will be regarded as constructive and not destructive. But I cannot really see—there may be some perfectly reasonable explanation—but I cannot really see why there should be separate boards for the pig industry and a separate board for the Uplands Bacon Factory. I should have thought that at least one board could cover all the activities concerned with the pig industry and that if the Kenya Meat Commission can manage their affairs on that basis, it should be possible for the pig industry to do the same. And there might well be some economy. And an increase in efficiency as a result.

Now, the next point I would like to make is this in connexion with the pig industry. The farmer has to accept very stringent requirements as to grading and a slight error in judging the weight of the beast before it is sent off to Uplands or a slight error in feeding may result in quite a substantial financial penalty to the farmer. But on the other hand, he sees the end product in the form of bacon and ham sold ungraded. When I refer to that I will mention that I am referring not to the cuts but to the actual quality—grading by quality. Surely if the

Meat Commission can buy from the farmer according to grade and sell to the consumer according to grade it should be beneficial to the farmer and to the consumer for the Uplands Board to adopt the same system and I cannot help thinking that this might also possibly increase the demand on the home market, as well as overseas.

Now in the long term, I cannot help thinking that the interests and activities of the Meat Commission and the Pig Industry Board and the Uplands Board are all so similar that there might well be an economy in the expenditure and concentration of effort by merging all their activities into one board. For, after all, the Meat Commission concerned with the sale of cattle and the Pig Industry Board is concerned with the sale of pigs and the question arises in my mind as to whether it is really essential to have three separate organizations performing much the same functions—all selling meat of some sort or other.

There is a further point I would like to raise and that concerns the cost of the conversion of the pig into bacon. And I would like to ask the Director if he can do so, to tell the House how the manufacturing cost in Kenya compares with costs of manufacture in countries where the labour rates and other conditions are comparable or roughly comparable.

To turn to one other matter, there is I know, particularly amongst a good many young farmers, a great deal of concern about barley growers in regard to the market for malting barley. Now, one large and successful brewery here in Kenya manufactures maltings from locally grown barley and I believe it has performed a patriotic service in doing so. Supplies of maltings have also, I understand, been provided in the past to Unga Limited. But this concern has now decided for no doubt good commercial reasons and possibly other reasons to import a malting which I understand is considerably cheaper. Breweries other than the one I have referred to I understand import the bulk of their maltings and only obtain a small part of their supplies locally.

I would therefore like to ask the Minister to look into this with a view to

[Group Capt. Briggs]

making use of existing legislation to control the import of nullings and similar substances so that what is a growing and what may be quite an important aspect of farming enterprise can be developed to the full.

Now, the Director, I am sure, is well aware that quite a number of farmers are feeling the pinch as the result of their prices for the produce and that a number are even in considerable financial difficulties—indeed I did refer to that in the course of his speech. And he had said certain measures which he is proposing to make which he hoped might improve their position in the future. But I do suggest that it would not be in the interest of the economy of this country for farmers to go bankrupt due to what is I hope, only a temporary set-back in the prices of farm produce. I am well aware of the need for economy but I do feel that there is a case for consideration for trying to find some means of granting financial assistance to help the relatively small number of farmers whom I know are going through an extremely difficult time at the present time and might well go under; particularly is that so in the case of a good many farmers who have started up with not a very great deal of capital and who have been unfortunate enough to commence farming operations at a time when prices were falling. And I think it would be a very great pity if any of those young men and other farmers who perhaps have been unfortunate should go out of the farming business due to lack of a little help at the present time to tide them over. So I would ask him to give that his sympathetic consideration.

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

MR. ARAP MOI: Mr. Speaker, Sir, before I make my observations I would like to congratulate the hon. Director of Agriculture on his eloquent speech.

I think maybe that he is going to be our future Minister for Agriculture.

Mr. Speaker, Sir, Kenya is primarily an agricultural country and it is likely to be so for many years to come. I note with great interest in the Director's speech and also in the departmental annual report the report that covers acti-

vities of the Ministry of Agriculture and also I noted various steps which have been taken by the Ministry to advance agricultural methods in either African areas or European areas.

Now, Sir, I should like to point out shortcomings and pitfalls at the district and provincial levels. First, I question the wisdom of the Government and of course and that of the Department of Agriculture in appointing members to represent agricultural farmers on district agricultural committees and also provincial agricultural committees where policies and matters relating to farming are discussed. In most of these committees, Mr. Speaker, you find either chiefs or members of the administration and others claiming to know better than the real African farmer. What I should like to point out, Mr. Speaker, is that in these boards where you find chiefs representing African farmers are the same chiefs who are imposing grazing rules, restrictions and all other matters which are related to farming. It would be wrong Mr. Speaker, to embark on this very dangerous course if we want to raise the standard of living of our people and at the same time to see to the well-being and the interests of the African farmers. I consider it urgent, Mr. Speaker, for the benefit of the Africans as well as the Department of Agriculture to review the constitution of these committees in order to bring them into line with those of the European farmers.

I think the Government together with the Ministry of Agriculture think that the African has not reached a stage where he can represent his own ideas, and interests. I find in the Kenya National Farmers' Union that farmers have representatives on that board although, of course, it is open to African farmers who wish to join the Kenya National Farmers' Union. Still the committees that have been established in European areas are true representatives of farmers.

Now, Sir, if I may quote a statement made by somebody which I want to compare with the Government's steps and actions. "When you see a married couple coming down the street, the one who is two or three steps ahead is the one that's mad." Now, Mr. Speaker, the Government is perhaps rushing too much in not trying to co-ordinate the views and

[Mr. arap Moi]

the opinions—and the real grievances of the farmers. Now, Sir, I should like to touch upon various points that I should like the Government to take note of.

First, grazing areas in drier areas is one of the most important projects or schemes that has been undertaken by the Government. Now, I should like to mention one very important thing, and that is, in 1939 the Government produced what is called the Crop Production and Livestock Ordinance which in those days was a suitable piece of legislation. Its contents, of course, are multi-various and one of them, which I dislike and which I should like to point out in this House, is the introduction of permits in the controlled areas. In 1939, Mr. Speaker, permits could serve a very useful purpose but today its usefulness is non-existent—it does not exist at all—simply because Africans have now agreed to sell their stock without compulsion. I think the Minister or the hon. Director—it is not bad to call him the Minister—the Minister will agree with me that many markets in African areas, Africans bring their stock voluntarily to these markets and I do not see the reason why these permits should be introduced. The evils of these permits, Mr. Speaker, are numerous. First, it compels the African farmer to sell his stock at a very low price and at the same time the Government can apply the Crop Production and Livestock Ordinance in order to prosecute anyone who contravenes these rules, by trespassing from one area to another block. And, at the same time, if one is found to have more cattle than he is supposed to have (after all, cattle produce calves and so on), and if one is found to have more he is prosecuted and is asked to sell his stock whether he likes it or not. These cases have been happening in Kwale where farmers or graziers have been fined sums ranging from Sh. 250 to Sh. 1,000—which means crippling these African farmers.

Furthermore, Sir, I am not opposing these grazing schemes, but the right approach from the Government is the only one which is acceptable by the African. And at the same time if these matters are discussed by the people I think they can be done easily—without any friction at all, between the Government and those concerned. At the same

time, there are very typical problems that confront the graziers in particular. In introducing these grazing schemes one is bound to drive his stock 18 miles away from his home and the children are in need of milk. And in fact it is difficult to get milk 18 miles away in order to feed the children and the old people as well. Because, old people cannot walk far. This can easily be understood by those who are interested in moral obligation.

Further, Sir, in these grazing schemes I think the Government administration again is interfering with the normal way of contacting the African farmer. By the establishment of the District Rules Committee which have been established in Baringo and West Suk and in many areas where grazing schemes have been established, you find the chairman is the district commissioner and he will also be the man who sits as a magistrate to evict or indict those who have contravened grazing rules. How the law is going to be administered I just cannot understand unless another resident magistrate is provided to deal with such cases.

In this case, an African is put into a situation in which he is bound to suffer. And therefore I would ask Government to approach this matter very carefully, and further abolish permits.

Now, Sir, I think I should go ahead with the livestock because grazing schemes affect stock as well. As to de-stocking, Africans are—as I said before—are selling voluntarily and it would be wrong for the Government to undertake private enterprise. I know, Mr. Chairman, there is an organization which deals with African livestock and I should like to state here quite categorically that an organization which is full of bureaucratic officials, i.e., Provincial Commissioners, livestock officers, all sorts of people from the administration dealing with African stocks, and I think it is wrong for the administration to come into it instead of allowing Africans to exercise their knowledge and initiative in working together with the Government where necessary—

MR. SWYNNERTON: Mr. Speaker, I beg the hon. Member to give way. Could he on a point of explanation say whether he is referring to the board or whether he is referring to the other organization which purchases cattle.

MR. ARAP MOI: Mr. Speaker, I am referring to both because I feel that the municipality should not go to Government.

The African Livestock Marketing Organization is a board and therefore the A.L.M.O. carries the policy of the Livestock Marketing Organization Board and therefore I am quite in order.

MR. SWANNESTON: Mr. Speaker, on another point of explanation, is the hon. Member referring to the administration or the Veterinary Department. He was talking about the administration.

MR. ARAP MOI: Surely, Mr. Speaker, I am referring to the administration of the Livestock Marketing Organization as well as the board which purchases cattle, and also to the board.

As I said, Mr. Speaker, I think I am very much perturbed with this organization because of two things. A simple African private trader at an African auction sale buys an ox or bush stock and he pays fees to the African district council concerned and whether it be a sheep, goat, or a bull for that matter, the Livestock Marketing Organization does not pay the African district council concerned any fee. And at the same time hides which are of great value to the export market, this organization does not pay even a cent. Furthermore, I think the Minister in answering this will say: "Well, we pay when the organization sells stock to the Kenya Meat Commission. The Kenya Meat Commission pay back what is called a bonus. This bonus is sent back to the respective African district councils to advance livestock management." But, this is very curious. I feel that if when the Livestock Marketing Organization officer buys stock in any particular area he should pay the same amount to the African district council as the private trader does, and any amount from hides, from animals slaughtered at the field abattoirs.

Now, Sir, I come to the question of hides. I congratulate the Department for trying to organize and improve hides and skins in African areas. If one can quote the figures for 1959, one will find that there is a tremendous improvement in hides and skins and what I should like and it should be borne in mind is that hides and skins are the most important contribution of the livestock industry in this country. And it has been said in

other quarters that cattle of a poorer quality, the cash value of the hides is proportionately of much greater importance than with improved cattle. And what I should like to urge the Minister for Agriculture is that using the present methods of branding is very dangerous to our livestock. They should brand as little as possible, particularly on the legs where the hide would not be affected because the department by introducing various grazing schemes have been introducing very, very long names and at the same time they produce figures up to seven. They say a certain scheme covering one area shall have a different brand. So I think they should reduce all this sort of nonsense and allow us to have as little as possible of interference.

Before leaving hides and skins, Government should allow Africans to organize themselves. An African at the moment is getting very little out of what he sells. Those who can afford to buy in bulk and export are those who benefit a lot out of hides and skins and in this regard I should like the Government to encourage a co-operative society or something that might help the Africans. I would also urge the Government not to introduce co-operative societies in the sense that an individual loses his own initiative, because in various areas where 75 per cent. of the people decide to form a co-operative society, the remaining 25 per cent. are bound to join whether they like it or not. This is very dangerous. If that is so, I think the Africans should form companies other than co-operative societies, because this is the only source that I see at the moment from which an African can acquire money.

Now, Sir, I want now to turn to capitalized agriculture. There are certain crops which cannot be grown without large capital. In this respect, Mr. Speaker, I happen to be a member of a board which deals with agricultural problems. It is very difficult, Mr. Speaker, for an African to embark on a large scale in establishing either factories or some other projects which involve a lot of money.

Now I was glad to hear from the Minister that the Government is trying all it can to develop tea factories and help Africans within the tea-growing areas. I would like to ask the Minister

[Mr. arap Moi] what happens to the money given by the Colonial Secretary—£6,000 for the research work. I should like that sum of money to be used not only for research work, which has already been done in previous years, but to be used in other essential services concerning agriculture.

Now I know, Mr. Speaker, that it is very important to develop areas of higher productivity, but it should not be forgotten or the Government should not brush aside the fact that lower areas of lower productivity require also development. It is equally important that these areas of low productivity, people living in these areas, should have a higher standard of living and it is up to the Minister of Agriculture to help raise the standard of living by improving both their stock or some other projects in these areas.

It is also very important that water supplies should be provided where necessary, and I must stress this, Mr. Speaker, that drier areas like Masai and, most parts of the coast and the Rift Valley Province, and drier areas of Central Nyanza, should be given water facilities. It is also important that Samburu, where you have a large area of controlled grazing schemes, should also have water, available either through boreholes or some other forms.

Now, Sir, although I have seen the red light I have not finished what I have to say.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): You have five more minutes.

MR. ARAP MOI: Thank you, Sir. In Samburu I should like to touch on a matter which should be taken up by the administration, and that is the large herds of zebra on the Leroghi Plateau. On this plateau the inhabitants have asked the district commissioner to shoot most of them and have fewer on the plateau, but the forest ranger under the Forest Department says that unless the district commissioner reduces the number of stock equal to the number of zebra shot he could not do it. So I urge the administration and the Ministry of Forest Development to see that these should be reduced and not on conditions. They are increasing to mil-

lions in that area and they are over-grazing in that area and I do not know why the Government should help these animals and leave Africans to suffer.

Now, Sir, since I have got a few minutes to go there are a few matters that I should like to touch upon. Sisal has been a crop which Africans are not allowed to grow. I do not mean that they are not allowed to grow it, but they are not encouraged to grow sisal. Sisal has been a very important crop which can be grown, in most areas in Kenya, particularly in the drier areas, and I urge the Minister to see that Africans are encouraged.

My last, but not least, point is the settlers of Lembus Forest. The Government has decided to tell the people that unless you have two acres of grass Government is not going to give you any more, but I want to point out one thing. The Minister for Forest Development has demarcated areas along the Perkerra catchment which I did not disturb or oppose, and when we come to the Lembus Forest the Minister is not prepared to excise justifiable land for those who have been there for 50 years. I think contrary to what I have thought before, and unless the Forest Department thinks on human lines I am going to say that what we have been demarcating was not going to be in the interests of the people, and therefore unless they give us more we are not going to give them more.

So, Mr. Speaker, I end by saying that in order to co-operate with African farmers the best way is to approach them through the proper elected African farmers serving on provincial agricultural committees or district agricultural committees, and therefore with these few remarks I beg to support.

MRS. SHAW: Mr. Speaker, I should like to join other Members in congratulating the Director on what was a very clear and lucid and interesting survey of the achievements of the Agriculture Department. I think it was a great debt owed by all agriculturalists of every race in this country, to his Department, and African people particularly owe a tremendous debt for the amount of work which this Department does in the African reserves as regards land consolidation, etc.

(Mrs. Shaw)

The last-hon. speaker has complained I think of restraint. Well, none of us like agricultural committees and during the war I think the European farmers swore that they were the local Gestapo, but there is no question about it—those Gestapos have changed the face of both the European areas and the African areas of farming, and I do not think that as the last hon. Member kept on saying, anybody can expect to have the best of both worlds. You cannot have all the money and help and advice without some control. The Kipsigis, as a tribe, have seen this and taken full advantage of all the help and experience which the agricultural officers give so willingly, and so unsparingly in their reserve. Certainly the face of Kipsigis countryside has changed in the last few years out of all recognition.

In this connexion I would like to know what his Department is doing to encourage the Luo tribe to grow rice in the Kano Plain area—also sugar. And this brings me, as I say, to sugar, and there again all races in Nyanza have to be grateful to the Department for what it has done recently in this matter in research into sugar growing and the expansion of the sugar industry. I believe it has met with a temporary setback for plans for a new factory and I hope it is only temporary and that very soon this industry will be able to be expanded for the benefit of everyone. Here I would like to join the Minister in paying a very well-deserved tribute to the Ndocha family. Mr. Ndocha is at the moment president of the Kisumu Chamber of Commerce and he and his family are very public spirited and do a great deal for the welfare of Nyanza Province.

The tea industry in the Kericho District is bound to go ahead and will bring prosperity to farmers of every race lying within that area and I am glad the Director did pay a tribute and give thanks to the tea companies who are helping African tea growing to be established by offering factory facilities for the newly planted African areas.

I merely want to end by supporting what the hon. Member for Mount Kenya said as regards the expense of the foot-and-mouth inoculation, and the

difficulty for the sake of the farmer when this quite considerable expenditure is incurred and after he inoculates for the one type and probably a few months later a new type invades his area, and he has either to risk losing cattle or risk the displeasure of some neighbours as well, or else re-inoculate, which may well be completely uneconomic. I know the Department is doing a tremendous amount of research on foot-and-mouth, because quite recently a member of the Veterinary Department spoke to the settlers in Soiti on this matter, and was put on the mat for three hours. At the end of that time, after putting up a magnificent show and answering many questions, he was asked if he had any thing further to say. He replied: "Only that I am glad to be alive." But, as I said, I do know that the Department is doing a tremendous amount on this. It is the cost. It is not so much the cost for one single inoculation, but the fear you may have to inoculate for another type in a few months. Also I join hon. Members with a plea for the co-ordination and reorganization of the industry boards. That was borne out in another debate in this Council. The fact is that there are far too many agricultural boards in this country.

(With those few words I beg to support.

Mr. NZOKA (Nominated Member): Mr. Speaker, I would like to pay a tribute to the Director of Agriculture for the able way he presented his policy. In doing so, Sir, I would like also to pay tribute to those agricultural officers who are working in the African land units. If one goes to the African land units and comes across these officers one will be so surprised on the way they are working. They are really helping the Africans, and it is only through these officers that the African farmers are now getting something from the land.

Now, Sir, I would like to submit a few points to the Minister, and to start the first one is something to do with animal husbandry. In Machakos District, Mr. Speaker, the Veterinary Department have done very little, and I wonder, Sir, whether the Agricultural Department could take the responsibility of looking after the animals in that area, simply because they can advise them all the time.

(Mr. Speaker (Sir Ferdinand Cavenish-Bentinck) left the Chair)

(Mr. Deputy Speaker (Mr. Conroy) took the Chair)

Another thing I would like to say is in connexion with the artificial insemination in the Machakos District. In this district the African farmers get no support in improving their animals, and I wonder, Mr. Deputy Speaker, whether the hon. Director of Agriculture could consider the means of starting such a scheme in that district, especially in the coffee zones.

Another point I would like to submit to the Minister is something to do with the marketing board. In the Southern Province we have no marketing board, and I wonder whether the Minister could consider the way and the means of starting a board as soon as possible.

Now I come to irrigation schemes. I know near Machakos, Mr. Deputy Speaker, that a scheme has been started. I would ask the Minister how long will it take to finish this scheme because I know there are a lot of African farmers who are looking forward to going there and settling. I appreciate, and I know many Akamba farmers do appreciate, what the Agriculture Department are doing in establishing coffee in the areas where they can go, but I am afraid that in these areas where it is very dry and not enough rain falls no cash crops have ever been started, and I would ask the hon. Director whether he could find the means of starting such a scheme in these dry areas.

While I am on that point I would like to suggest to the hon. Director that we have got a river called the Athi River which is a river which never gets dry, and I would ask the Director whether it is possible to start a scheme of taking the water from the river and using it on these dry areas for cattle and cash crops.

Finally, Mr. Deputy Speaker, I would like to turn to land consolidation. In the Vote I have not seen anything devoted to the Machakos pilot scheme on land consolidation. I know there is something lacking in this scheme and I would ask the Director whether money could be obtained to start a pilot scheme in this area.

With these words, Mr. Deputy Speaker, I beg to support.

MR. KHAMISI: I have only a few points which I would like to raise. In the first place, Sir, I would like to state that I did enjoy the speech which the Director of Agriculture gave, and I was rather surprised by the remarks he made concerning the availability of water supplies in the coastal province or in the area between Voi and Mombasa. Although he gave us a very dark picture, a very gloomy one, that there are no water supplies available in that area, I was wondering whether anything further could not be done to get water in that area. As you know, Sir, people in Mombasa are getting water from Mzima Springs, which is 150 miles away from Mombasa. These pipes do pass through that area and I wonder whether the Director or the Ministry could devise ways and means in which some of this water which flows through that land could be utilised in order to improve the amenities and the fertility of the land through which it passes. I think with some effort the Government could do something because I do understand that there is unlimited supply of water in the Mzima Springs for this purpose.

The question of water supplies, Sir, and the improvement of the fertility of the land, in the coastal regions generally, is a very important one because it touches at the very root of the existence of the very many people who live there. I would like the Minister to know that those people have been living there for ages and they are content to live there, and therefore it is incumbent upon the Government to try and see that they are able to obtain the necessities of life through agriculture, which is the only means by which they could earn their living.

Perhaps I did not say, Sir, we have got the Tana River there and near Malindi there is one big river, the Athi River, which is a few miles away from Malindi town, and I should like the Government to take such steps that may be possible to utilize the lot of water that flows into the ocean from these rivers, for the benefit of the people who are resident in the areas.

Another question which I raised in this debate earlier was the question of

[Mr. Khamisi] construction of dams in the coastal province. I think there is a board which has existed for the last several years for the construction of dams in areas which cannot be served by rivers, the few rivers that are flowing through the coastal province. I should like the Minister or the Director to tell us what sums of money have been utilized for these schemes for the provision of dams in those areas and what activities have the Department of Agriculture undertaken in those areas to improve the fertility of the soil and the water supply for the people in those areas.

Sir, in the coastal province there are very many people who have got cattle and cattle is one of the wealths of the people in the hinterland of the coast. But as you know, the area is infested with tsetse fly and I should like to hear from the Minister or the Director of Agriculture what control measures Government has undertaken in order to remove the menace of tsetse fly in those areas. Again, as I have said, there is a lot of cattle in these areas, and I would like to know whether the Agricultural Department has done anything to improve the supply of hides and skins which is naturally obtainable from the cattle that are slaughtered in those areas.

Now in connexion with the Kenya Meat Commission, I see there is a loan of money to the Kenya Meat Commission. In the first place I would like to say that the Kenya Meat Commission has got a monopoly of sales of cattle, sheep, and goats in Kenya generally, and I would like to suggest that it is becoming too much for this Commission to be allowed to continue with this monopoly. As you may know, Sir, they are doing business and it is always a healthy sign for competition to be encouraged in business undertakings of this or any other nature, and I do not see the reason why the Government should help the Kenya Meat Commission and give them a monopoly and not allow them to compete in the open market with the other traders who have been doing this business. For that reason, Sir, I should like that the activities of this Commission should now be re-examined to see whether there is still a necessity to maintain this monopoly.

Lastly, Sir, I should like to touch on one point concerning agriculture generally. In other territories, Colonial countries, there are colleges and schools where agricultural instruction is given to adults in order to fit them to become good farmers and to farm properly. I would of course mention that this type of training has been going on for some years in Southern Rhodesia, and I should like to see a scheme of that nature introduced to Kenya whereby peasant farmers could be taken into this school for this type of training, and be given some useful training in agriculture. I do understand that some sort of encouragement has been given in the Central Province and in some other provinces but I think that that is not enough. Some intensive training for periods of, say, a year or 18 months would make these peasants go back to their reserves and contribute to making profit from the soil which they have, and in this connexion, Sir, I would like to ask or to suggest to the Director of Agriculture that the Egerton Agriculture College should now be open to all races. I do not see why this college has been restricted and is continuing to be restricted to one particular race. I am quite sure there are very many young Africans from the higher schools and from the colleges in Kenya, who would like to join this agricultural college in order to benefit from the training that is given there.

Sir, with these few words I beg to support the Motion.

MR. NAZARETH: Mr. Deputy Speaker, the Director, when he opened this Vote, said that he was not in a position or that he was not going to deal with matters of policy. I regret the necessity or the inability of the Director to deal with matters of policy because I think there is one particular matter of policy which deserves our attention, and that is the position of agricultural tenants. I feel that their position calls for early and very careful attention. It is likely that land will now increasingly be held on a tenant basis instead of the basis on which it has hitherto been mostly held, that is on an ownership basis.

Now, to the extent that land is at present held on a tenancy basis, the danger has not in the past been acute to tenants because the landlord has

[Mr. Nazareth] quite often been the Government. While that situation existed the danger was not acute. But when the landlord is a private landlord and the tenant has no right to compensation for improvements on the termination of his tenancy, a situation like that is likely to have very harmful effects on the development of sound agriculture in the Colony.

Now, in England, at least, as early as 1927, there was the Landlord and Tenant Act which provided that on the termination of a tenancy a tenant would be entitled to compensation for improvements he had made on the land. The result of that would be twofold. One would be that it would restrain the landlord from terminating the tenancy if he had a right to determine it, that is if it was held on a yearly basis or on a term which could be terminated. The landlord, fearing he may be compelled to pay compensation at the end of the tenancy, would be restrained from giving notice to quit and terminating the tenancy. So that in that way it gave tenants some security of tenure. On the other hand, the obligation to pay compensation on the termination of the tenancy would give tenants encouragement to make capital improvements on the land. If the tenant has no right to compensation on the termination of his tenancy then in that case he has no encouragement to make improvements on the land because he fears that on the termination of the tenancy the benefit of his labour and the capital which he has expended will pass over to the landlord. This is not merely a hypothetical situation that I am putting before the House: it has actually occurred in my constituency. There the tenants were unwise enough to take land on yearly tenancies, and the value of the land has been going up. Many of the tenants have erected houses and farm buildings, and they have put an immense amount of labour into the land, planted crops which are not merely annual crops and which yield fruit like sugar cane year after year, and the benefits of these go to the landlord if he can get possession of the land. When the tenancies were terminated they were in serious danger of losing their land with the result that the landlord would have obtained the

benefit of the improvements which the tenants had made. In other cases the tenants were offered the land at a price very much higher than the land was worth, as justified by the prices paid in that area. Rather than lose the buildings that they had put up and the fruits of their labour they had put into the land, they paid these exorbitant prices. It was just a form of blackmail, but as I said in the past, the problem was not acute because the Government was the landlord and one would not think that the Government would act in that way and I do not believe there has been any case where Government has acted in that way. But private landowners would certainly be tempted to act in that way.

Now, this matter has been put before the Minister for Agriculture. He gave the matter a sympathetic hearing but he has not taken any steps to pass legislation to ensure that the position is adequately dealt with. I know it is a difficult subject, and I think the Landlord and Tenant Act in England has been replaced by a more modern Act—I think in 1954, but I have not myself gone into the details of the subject. It is not a subject of which I have any particular knowledge but I am certainly aware of the hardships it has caused, and *ad hoc* solutions will not be sufficient to deal with these problems. It may be necessary if the subject is a difficult one to pass some temporary legislation to ensure that these tenants are not victimized, but the Minister, I hope, will take steps to set up a committee or in some way or other give close and careful attention to this subject, and that the gaps which at present exist in the Agricultural Ordinance in failing to provide for compensation for improvements on the termination of tenancies, whether the termination takes place lawfully or unlawfully, wrongly or rightly, will be filled and that if termination takes place the tenants get the benefit of the improvements and not the landlord.

I say that subject has got to be given immediate attention but if, because the subject requires careful study, it is not possible to pass legislation immediately, steps must be taken immediately to avoid the danger of losing their land. They certainly were in danger of that a few months ago until Government

[Mr. Nazareth]

came to their assistance and brought a certain amount of persuasion to bear on the landlord. I say they should not be left in this temporary situation. There should be temporary legislation passed to ensure that they are not held in the grip or at the mercy of the landlord and later that temporary legislation could be replaced by permanent legislation.

I do hope that the Minister or the Director, who is now functioning in his place, will give attention to this problem. Agriculture is not a subject with which I am very familiar and I will not take up the time of the House except to refer very briefly to one question which has been the subject of discussion for some quite considerable time and that is the question of making land available in the Mackinnon Road area for Asian settlement. I think on that subject the hon. Member for the Eastern Electoral Area, Mr. Hassan, has particular knowledge. I think he has served on the Coast Advisory Committee and I will leave him to deal with it.

The only point I would stress is that this has been under consideration for a very long time. I hope that the Director when he replies will let us know what progress has been made. It does seem to me progress has been very slow. Asian farming is in a very poor way. It ought to receive special encouragement. I hope the Minister will not hesitate to go out of his way to give it that special encouragement so that the Asians will fill a large part in the farming picture.

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

MR. HUNTER: Mr. Deputy Speaker, I rise to try to deal with one or two points raised by my hon. friend the Member for Mount Kenya. In the course of a thoughtful speech he stated that there were separate boards for the pig industry and for Uplands, and suggested that possibly there might be room for some form of amalgamation. A little later he also referred to the similarity of the boards which dealt with the pig industry, Uplands, and the Meat Commission. Now, Sir, we have had a debate on this subject previously and I think it is generally agreed that where there is room for some form of amalgamation or doing away with too many boards, that should

be done. But I would like to stress, Sir, that the Pig Industry Board is a statutory board set up to deal with the industry as a whole, and as such it has a responsibility to the whole of the industry. For that very reason it could not really be amalgamated with the functions of Uplands Bacon Factory, which is a processing plant to process some of the things which are produced under the auspices of the Pig Industry Board. What is more, there are other processing plants as well, and for that reason, Sir, I think it would be quite unethical to try to amalgamate these two particular boards.

Many years ago there was also some attempt to see if there could not be a closer amalgamation between what is now the Meat Commission and Uplands, but it was then found for quite a few technical reasons which I do not propose to go into now, that it did seem an impracticable proposition.

Now, Sir, in the course of his speech, the hon. Member for Mount Kenya also referred to the fact, which is only too true, that some farmers who are suffering from low prices are now in financial difficulties and he hoped that this was a temporary set-back only and that it might be possible to find some financial assistance to help them. Now, Sir, I think this raises one of the most important points in our agricultural economy today. There is little doubt in my own mind that when European settlers are brought out by the Settlement Board with, at the moment, I think, a capital requirement of £6,000, it has been found in practice so often that that is really too small a capital for the scale of farming which they encourage to undertake. I know many who have had the greatest struggle under these conditions, but the fact remains that today it has been assessed, and I cannot say this with complete accuracy because I do not believe it can be assessed as such, that those mixed farmers own something in the neighbourhood of £24,000,000. Now, Sir, when you consider that and realize that that can only mean that they are not really able to contribute to the economy of the country in the same way as the plantation crops do, because a lot of that money is borrowed from sources which were never designed to loan—equity or risk capital of that sort it is, I think, causing major difficulties in this country

[Mr. Hunter]

today, and I would ask that perhaps the Director of Agriculture would give this special consideration when he deals with this particular subject.

Finally, Sir, my hon. friend the Member for North Rift referred to sisal and the fact that the Government has not yet encouraged Africans to grow it. I would refer to the fact, however, that there was the Machakos Sisal Scheme and for a time that was virtually subsidized by Government, but in the end it came to an end because it proved totally uneconomic.

With those few words, I beg to support.

MR. HASSAN: First of all, Sir, I would like to pay tribute to the Director of Agriculture, who so ably gave us the progressive agricultural report for the last year. There is no doubt that he spoke in full detail about the veterinary activities in the country, but, as we know, agriculture and animal husbandry are the two main things—the backbone of Kenya's prosperity, and as such I would like the Government to know that it appears to be essential that a representative of the Veterinary Department should also be seen in the Back Benches of this Council.

Sir, he mentioned about the tsetse clearing around the coast. There is no doubt that the coast right up to beyond Makindu is having a fly belt. Experiments carried out there during my tenure of office for the best part of about 30 to 40 miles, touching Mackinnon Road, proved a very successful venture and the cost of bush clearing, which was on a selective basis, was 10 to 15 shillings per acre because the bush is not very thick in that area. The amount of good it has done to the grazing lands there is quite evidenced by the reports of the milk scheme which has now been carried out by the African district councils. Where the milk yield which used to be about 1,500 gallons average per day is now touching 3,000 gallons a day. It was very successful in 100 square miles of the Kwale District and after that it was expected that another 100 square miles of Kilifi would be dealt with. I believe the work has not been continued because of lack of funds. Now, this is not a

matter which will only benefit the coast and the stock there, but it will benefit the whole country. It was found out, by experiments, that if that area is left fly-ridden where the main railway line passes from the coast to up-country the railway carriages carry tsetse fly as far as Kilima Kiu, where infection was observed in some of the most successful farms of Kilima Kiu of Sir Frank Wilson and Major Joyce. If this work is continued right-up to Mackinnon Road, and even further, I believe that it will help the settlement in the coast as well as it will help towards the elimination of tsetse fly.

The second point I want to make refers to the question of Perkerra Settlement. This settlement is situated adjacent to the Njemps people. Neither the Njemps nor the Tugans were reported to be very expert agriculturists with the exception of some of the Tugans who are right on the top of the hill towards Kabarnet. The Perkerra Settlement area was heavily manured by thousands of stock of the Njemps people and the Kamasia people, as I remember from 1906 up to 1930 when I saw it myself. There is no doubt that the irrigation scheme produced extraordinarily good results for agricultural produce in that area. Now that the Government has found out that the Njemps and the Tugans are not paying very much attention to agriculture I hope the requirements of the stockowners in that area will not be ignored.

[The Deputy Speaker (Mr. Conroy) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavenish-Bentley) resumed the Chair]

It is predominantly a stock-ranching area from there right up to Baringo, and most suitable cattle herds of the Kamasia and the Njemps people rely for the best part of the year on the grazing on Perkerra Swamp and the Lake Baringo Swamp, and if there are not very efficient agriculturalists of the African tribes available in the locality, instead of introducing Africans from other areas it would be far better if it is developed and made fit for the stock that is kept by the people there. I do not know what the conditions are since the irrigation has

[Mr. Hassan] been in full swing because Njemps herds were all living on the Perkerra Swamp for the best part of the year and only during the six months of the dry season they used to be taken up on the slopes of the hills nearby.

The Minister also mentioned the Tebere scheme for rice growing where he thought that about 30,000 acres of land is under irrigation for rice.

MR. SWYNDERTON: I thank the hon. Member for giving way, Sir, but I said that 9,000 acres are being brought into development for irrigation, but the potential was 30,000 acres. I did not say that 30,000 acres was under irrigation at present.

MR. HASSAN: I also understand that the output of the rice is about 20 bags an acre. It is not known in this town as to what sort of quality rice is being produced and I would like to bring to the notice of the Minister that this is a commodity predominantly eaten by Asians and they like quality rice. The best quality rice seeds are available in Pakistan and India and I hope if this rice-growing scheme is introduced on a bigger scale in this country that the Director will not hesitate to import the best quality rice seed from India to introduce in the first instance. There was a time when I imported a few pounds of paddy from Pakistan and distributed it on the Tana River. It had very good results and the people in that area have never forgotten the quality rice which they had from that area. But the scheme was not followed up and unfortunately the rice got mixed up and the quality rice disappeared. If the Government has spent considerable sums on this irrigation scheme and rice-growing is seriously undertaken and it is extended to 30,000 acres, as the Director thinks it should, I hope that an attempt will be made to have a good quality rice seed imported here and I am sure, that the Africans will then get a good price and continue to produce the good quality rice.

The Director mentioned the disease fact among the stock in this country. In this connection, Sir, I would like to pay tribute to the Director of Veterinary Services and his staff who have succeed-

ed in producing a vaccine for lumpy skin disease which South Africa for over a century was not able to do. As it has proved successful in the laboratory experiments, I am sure we shall have very satisfactory results in the field. I hear that the experiments were carried out at Kabete. That is purely a small veterinary research unit and specially when they are all so busy in having other work done, this special research is very much appreciated and is very beneficial to the country.

There is also the question of foot-and-mouth disease. This is known all over the world and is a very serious disease, but particularly for the high-grade stock of this country. It has a very mild effect on the African stock, but it has a very serious effect on the high-grade stock. Ever since it appeared in Kenya, although some of the outbreaks have been dealt with by the vaccine imported into this country, yet the cost of the vaccine and its failure in some cases, when the form appears to be different than the form for which the vaccine was meant, has been very expensive for the stockowner in this country and I think that the institute which is going to prepare a vaccine for foot-and-mouth will be very, very welcome indeed, unless a vaccine is available at a cheap rate in this country and used wholesale all over the country, it will not be possible to get relief from the bad effects of the disease.

My friend, the Indian Member for Nyanza, mentioned about the demand of the Asians and Arabs. Well, this is one of the matters which has been brought annually to the notice of the Director of Agriculture and the Minister for Agriculture. I think it is one of those problems which is getting more and more acute every year when we find signs of unemployment among the youth in this country—it is on the increase—and I would like to bring it to the notice of the Director that greater attention should be given to this urgent need of Asian and Arab youth, so that agricultural land should be made available to them. When we have boards dealing with the agriculture of the European community and dealing with the agriculture of the African community, I think the Asians and Arabs should also be owned by the Government as people of this country

and some arrangement must be made for them so that they should be assisted to have their young men enter into this occupation. If it is not possible to have an Asian and Arab board to deal with this matter, we will be perfectly happy and pleased if the communal boards were done away with and one single board to deal with the agricultural requirements of all communities were started and we have our own members on it—it will satisfy us. I hope, Sir, that this matter will receive attention before we come to next year's Budget speech, so that we should not be again called upon to bring it to the notice of the Government.

I fully agree with the hon. Nominated Member, Mr. Hunter, that pig and mutton are incompatible, and if they are kept separate from each other it will suit us very well.

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

MR. ODINGA: Mr. Speaker, Sir, I do always enjoy the speech of the Director of Agriculture when he starts to speak on his subject, because he speaks with vigour and at the same time with a lot of conviction. But, Mr. Speaker, just as I mentioned the first time I stood here to address this House, I do believe that the Government give far too much emphasis and they spend a lot of time on European agriculture and not on African agriculture. I have not changed my mind from that, and especially for the Director, when he was addressing this House, my impression is that he laid a lot of emphasis on the projects and developments which mostly concern the European agriculture, and the African side of it is only mentioned in passing.

Mr. Speaker, if the Government believes that the European agriculture is the backbone of Kenya's economy, they should know it from me that I and my group do not believe in that. They should know it that I do not believe that the 3,000 European farmers here could not feed the whole population of Kenya. We can see this from other territories next door to us; for example, in Uganda they also plant coffee and they also plant other crops which we plant in this country. They are better off economically than the African in Kenya.

simply because the Government there take more time to see into their agriculture and to see that they develop. We are not going to allow that our development in this country should lag behind or should not be high enough simply because the Government is still occupying themselves in developing European agriculture.

Mr. Speaker, I can only give instances; for example, it is only recently, when coffee was introduced into the African area, and there are so many restrictions accompanying it that the African himself finds it cumbersome to get on with the coffee. Yet the African himself also goes to Uganda; he sees how those people are planting coffee; he goes to Tanganyika and he sees how his counterpart in Tanganyika is also planting coffee. Also, many of them have been on European farms. They have helped to plant coffee on those farms, and they find that they themselves are required to dig a hole which is three feet square and three feet deep in order to plant coffee, and that takes a lot of labour and that is another restriction which is quite unnecessary.

Mr. Speaker, if I do not labour on this point for a long time, it is because I do not like my time to be used up before I mention as many things as I can, because the agricultural field is a very large field.

Now, I will just go quickly over everything. I come now to the question of soil conservation services. I find that in the European areas there are generally a team of soil conservators who move from place to place doing the soil conservation service, and in time the farmers are required or requested to pay something—some money—for the services of these teams of soil conservators. In the African areas, it is the farmer who is required to labour, with his wife, day after day, trying to do what is completely impossible with his own hands, that he should make good or conserve the soil. Well, I have, you know, gone on to talk over this matter with some of the district commissioners or even the agricultural officers in the areas—that if there is the team of soil conservation service in the European areas, why not introduce the same thing into the African areas to assist these people, because there are so many badly eroded areas which you so simply make good by mere

[Mr. Odinga.] hand working. I think it is up to the Director of Agriculture, to consider and see that although the land might have been eroded, the Government should also consider that they, and the man who is owning the land are partners in reaping the benefits from that land, and therefore if there is any soil conservation the Government should not expect that all the time it will be reaping the benefit from the soil without returning something to the soil. You must actually expect income from that soil when you have also invested something into it. At present the Government is doing nothing on that land. The Government is not assisting the African farmer to conserve the soil. I do feel that instead, even if the African farmer was asked to pay a little sum, just as the European farmers are paying, and I know some of them do not even pay it—I have seen large sums being written off from some of the farmers who have failed to pay those. If the African farmers are asked to pay a little bit I know that the African people, provided the soil is properly prepared, will not object to it. The Government, of course, should also pay the difference.

Now, Mr. Speaker, coming to the next question, I have just received the report of the Department of Agriculture, and I note that the Director of Agriculture has commented on the change of attitude in Central Nyanza towards land fencing and land consolidation. But I should say that it is not a change of heart at all. I do not know what they mean, because the people in Central Nyanza are the people whose main duty is only on the land. They regard the land as their mother and they know that their chief source of income in Central Nyanza is directly from the land. It is only when somebody tackles them wrongly that they object seriously.

Of course, with the land fencing, land fencing was begun in Central Nyanza a long time before. It was not started recently. Many people fenced their land a long time ago, and I would say that they did it simply because they found it was expedient. The children go to school and they find if they have got animals they could push them into those fenced areas for grazing without bother. I knew that the Minister probably did

not like to compliment me on that, because I think but I have done a great deal in doing this, which he should have also considered because I advised the district commissioner that is the best way to go about the land fencing. I would support what is called land fencing, but I would not support what is called land consolidation at the present moment, and I have my reasons for it.

I do support the land fencing if it is done, because our people, even in the very olden days, they used to farm or to dig their gardens, and they liked to do it in groups. If they decide to go to a certain area they will all go to that area, and if they came to another area they all go together, and I thought that if they are encouraged to fence those areas in groups and they are encouraged to adopt co-operative farming, that would be more ideal than asking individuals to do land consolidation at this time. I believe that with land consolidation at this time we are only creating what we call the rich class of Africans against the very, very poor Africans, when we have not actually prepared these people for other ways of earning their living. At the same time, the reasons which the Director of Agriculture advances will not convince an African to say that he should leave the land which he is now using, which his father gave him, and his brother will employ him—who would actually give up what he has already got now in order to be employed later on by the same man? He will not possibly agree with that. As such, I feel that land consolidation is something which is bound to come in the long run.

Mr. SWYNNERTON: Mr. Speaker, I think the hon. Member should substantiate that people are being deprived of land that they own—I was not aware that anyone was being deprived of land, under land consolidation, which they had owned.

Mr. ODINGA: I think that the Director of Agriculture should be realistic. That is what will happen. At the present moment you must know that among the Africans you have got landlords who have large pieces of land, but with the African social system they are allowing other families to farm those lands in their area, and immediately you introduce land consolidation they will, of

[Mr. Odinga.] course, ask those people to leave the land and let him consolidate his land. If these people are allowed to come back in their former holding it will be fragmented again, which you do not like and you will not encourage that. You will only encourage those people, when they come back, to be employed, but who will agree—when this man is allowing him now to use the land freely without being the servant of this man—and you will ask him to leave that holding that he has, in order later on to be employed by this man—he will not agree and he will not accept it. I know that all these things will come slowly if we start by land fencing and encouraging people to work, to adopt co-operative farming. I think by that method we will get people to learn slowly, and later on some people who are landless will have to learn other trades and get on into other trades, leaving only a few people who could farm the land or who have got the land to carry on farming, but that will only come in time as we go along, and at the present moment I would only urge you that the best method to adopt is to encourage Africans to do co-operative farming.

I know that you may be pleased that even in Central Province you have completed the work of land consolidation, but there are a lot of problems facing you of the landless people for whom you will have to find jobs or create jobs for them, otherwise they will be very, very poor people in the country and we do not, at this very time, encourage that very, very poor class of African.

You understand the other time you were talking about the African social system, but we like that social system because at the present moment no one is very, very poor and no one is very, very rich.

Now, Mr. Speaker, I will come to the agricultural industry. I understand, according to the Minister's explanation, he has got so many projects and he has also mentioned funds which he received from I.C.A. and C.D. and W. and so on, but I tried to listen carefully to find those projects which are going to affect the Africans—in farming directly, and I completely say that I failed to see one of them, because many of these schemes which he men-

tioned only deal with European agriculture and nothing more.

Now, Mr. Speaker, I will turn to marketing organizations. Well, Mr. Speaker, my opinion about these marketing organizations and various boards—statutory boards—is well known. I know that the Ministry of Agriculture is very keen to create them one after the other, but these boards are far too remote from the African areas. We know that also it is another way of trying to preserve and encourage European agriculture, and in order to protect their exorbitant prices from competition with the African production, and that is the main reason for the creation of these boards. You created that Dairy Industry Board simply because the Kenya farmers could not compete openly with the Australian farmer and they were losing, and as such they have to be supported by this board, and the losses which they will make will be distributed equally among the people of Kenya. Then you control the African producer—not to come to town with his ghee or his fat. It is most unfair. It is most unfair. If the European producer prefers to sell his butter through the board, the best thing is to leave the African producer—if he is to compete with him—let the African producer compete with him equally, and that is how the African also could have helped to build his own economy in this country.

Now I would ask the Director of Agriculture to note that in the African areas I would advocate the marketing through co-operative societies and co-operative unions. I would advocate that very strongly, but no one is doing anything for that at the present moment and the Government is not even keen about it. They say that the Africans are not ready for it. But if the Africans in the Chagga area near Kilimanjaro can form co-operative unions with the assistance of their Government, well why not the Africans in Kenya, whom I think are even much more advanced in their way of thinking and in their way of handling business? I know, and the Africans do believe, that simply because the Ministry is still occupied in building up European agriculture.

Mr. Speaker, I come now to the livestock industry. Well, the livestock industry is, if I may be allowed to mention,

[Mr. Odinga]

the chief industry which, at the coming of the Europeans to this country, was flourishing to a great extent among the pastoral people—the Masai and all these other people in this country—and it is an industry which the Government should not have allowed other people to get into. It should have been left entirely to these pastoral people to carry on with. At the present moment the Government policy is destocking the African areas—destocking, destocking—whereas in the European areas they are increasing their stocks by thousands each time, and in the African areas it is destock, destock, destock, and no one is doing anything about improvement, although the Minister said here that there had been some centres for the improvement of African livestock. Well, if he allows I will tell him that I served in one of those centres for about four or five years, and I know exactly what is happening in those areas. You will never, never, by that method, improve the African agriculture in any way. It will not be. It will not be. Because the Sahiwal bulls you talk about, will not stand the East Coast fever in the country, and no one is doing anything about it. As you know, all these matters and what you actually said here have been said for the last 20 years. I know that even in that area from where I come we have not got the animals. If you go to the coastal area of Central Nyanza it is only suited for rearing the stock, but at the present moment, due to the tsetse fly which brings trypanosomiasis, you do not actually find the animals in that area, and the only centre where people go for probably microscopic examination of the diseases is only at one centre and that is Maseno. We had asked and we had said that the best thing is to spread these centres—take animals to be in Ukwala area and Bondio area, and install the microscope in those areas and leave one of these scouts there in order to examine the animals and take smears and examine them, and also to direct the treatment, but this is not done. You find that the place of the examination is far too remote and probably they come once in a blue moon and nothing more.

The result is that you have not got the animals in those areas, and that of

course is very bad for you, the Director, because they are talking very ill about the Agricultural Department and the Veterinary Department.

Now, Mr. Speaker, to end I will just say that the water supply, as you mentioned, that one has already been installed in Bondo—I am pleased to hear—but I would only mention that the people of Vyoma Location had asked for a water supply for a long time, and you know that Vyoma is one of the chief cattle rearing areas. I know that some people had argued that they should first of all consolidate their land in order to get the water supply, and that is already causing a great concern to the people because they said that land consolidation is something which come recently and land consolidation is something which they can only do if somebody convinces them that it is useful or beneficial to them, and their water supply had been promised by Government for a very long time and they would like it to be tackled and tackled immediately.

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

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Waweru): Mr. Speaker, Sir, I am sure that the hon. Member for Central Nyanza would not expect me to keep quiet when he attacks land consolidation. I have today failed to understand the logic of the hon. Member as far as land consolidation is concerned, because only the other day, when we were debating the policy debate on the Budget, the hon. Member said that he had been supporting land consolidation, and today he opposed land consolidation. When these two statements contradict one another, it surprises me, Sir, and it may interest other Members of the House to know that the hon. Member has himself consolidated his own holding.

MR. ODINGA: I thank the hon. Member for giving way. Mr. Speaker, I do accept land consolidation as a long-term policy, but not as the hon. Member would wish me to agree. On the question of consolidation of my holding, the hon. gentleman is misinformed and he should check up his source of information.

THE ASSISTANT MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Waweru): I do not accept his explanation, Mr. Speaker, Sir, but still I will continue with what I was intending to say.

The hon. Member, when speaking, referred to the method of planting coffee—of digging holes of three feet by three feet and of filling the holes with manure. I thought at first that he was going to attack the restriction of 100 coffee trees, but when he said that it was a waste of labour I asked myself as to whether there would be any coffee grower in the Central Province who would listen to this attack, because what we are always after is to grow more coffee, digging those three by three holes, and I know some African coffee growers in the Central Province who are disagreeing with the field officers or the agricultural officers, and are saying that holes of three by three are not enough, but are digging them four feet by four feet. A question may be asked by the hon. Member and I would ask him to visit the Central Province and I will take him to the farmers who have dug the holes I have already mentioned, and the hon. Member for the North Rift raised the point and said about it first. Any time when the hon. Member will want to do that I will take him, because the hon. Member for the North Rift said that he did not want to see the chiefs in the districts on the farming committees. I know, Sir, that there are very good African chiefs who are also very good farmers. In the area of the hon. Member I know one who is called Chief apf Tengecha. I have been to his farm. It is a well-run farm. This was an occasion when I visited for a short time, and I was really very pleased to see that it was well developed. I was pleased to see that this man had made his own location to be a very good agricultural location, which had been producing a lot of food-stuff. I thought that what we need is not the personality, but the experience of the African. If such a Chief was an experienced person in that area and could contribute a lot to the better African agriculture, I would say he would be the best person to be nominated to such a committee. The same thing applies with many districts of the Central Province, where we have had excellent chiefs, and

where their experience is used, a lot of wealth had been obtained from the soil. Therefore, to rule them out merely because they are Government chiefs, I think that it would be a blow to the future agricultural work of that district.

I now come, Sir, to the question of the loans to African farmers. I am grateful for how much so far has been achieved by the agricultural officers and the department, but I say here, Sir, that the sum of money that is given in the form of loans to African farmers has been far too small. Some have had £50, others £100, and being an experienced farmer, Sir, I think that a minimum of £200 would be an amount that would enable a farmer to have a good start. I know that in some areas where there are fire bush and grass, unless there is a piece of land undeveloped, it can hardly be improved by £50, and I would appeal to the hon. Director of Agriculture to do all he can to see that more money is given to the farmers so that we can get the fruits of the money given in the form of loans quickly, and that can start so many schools where farmers can visit and see for themselves what Government loans can do, instead of giving too many farmers loans, which would only show a little improvement on the farms. At this juncture, Sir, I would mention the loans where a farmer was given £200 and half of that was spent on the growing of coffee, but the first thing, the very first thing, Sir, improving the vegetable garden, buying of good cattle was not passed with the farm hand. The second half was left to meet the expenses of the items which I have already mentioned, and there, Sir, water was lost, and I think that water, Sir, is a very fundamental item for the farmer.

I now come, Sir, to the consolidated holdings, which have necessarily increased the production of cash crops. At this point, Sir, I would not fail to congratulate the field officers, working so hard to enable the cash crops to be grown. Their marketing has been very well organized, but other crops which have also been increased have not been organized as far as their marketing is concerned, and although I know some areas where the marketing boards are being formed, I think that this section needs a lot more staff to enable the production to be marketed outside the areas

[The Assistant Minister for Education, Labour and Lands] where they are grown. I know, Sir, that the hon. Director would say that he cannot increase the staff, because the Minister for Finance has reduced his Vote by so much. I was going to suggest that should there be any need for increased staff if the first money voted had been used to pay the wages of the increased members of staff, increase provision cess provided the produce is sold outside the area where it is grown. I think that would relieve the mind of the Minister for Finance and the Director of Agriculture as far as where they could get the money from. The field officers have also helped to buy livestock for the African farmers, and as the hon. Director said the varieties of cattle we have now being kept by the African in the African areas at Tibu, Jersey and Guernsey. We are grateful, Sir, to the Department of Veterinary Service in our own area for what they have done so far in supplying us with the required livestock, but I feel, Sir, that the same officers in the field, especially in the Central Province, are doing more than they can really cope with. Again, at this juncture, I would recommend that there should be more staff to enable us to keep pace with the demand, otherwise I know that the demand, is allowed to lead the farmers and the agricultural officers what will follow would be the complaints from the farmers. When congratulating the field officers in the case of the Central Province, Sir, I would not fail to mention some of the officers of the Ministry of Agriculture who have helped the Central Province so much, and their work is being respected by members of Kikuyu, Embu and Meru, and if I am allowed to mention just a few of them, I would mention Mr. Gimble the Provincial Agricultural Officer of Nyeri, who is dealing directly with the growing of tea in the Central Province, which is going to be our next chief crop; Mr. Golding, who is looking after our coffee and has made the coffee that is grown in the Embu area to take the first place in Kenya; Mr. Paul Thiongo, who has been in charge of the Wambugu Farm Institute at Nyeri, and now he is at Embu; Mr. James Mburu, the assistant agricultural officer of my own district, and Mr. Murlithi, the assistant veterinary

officer of my own area, and also Mr. Hall, have done so well. All that I would say here is that they are doing more than they can cope with, and assistants to help them to carry on, or to carry out their plans would be greatly appreciated by the Kikuyu, Embu and Meru farmers of the Central Province. I am sure, Sir, that I would not fail to say something about the farm planning and the farm layout of the Central Province, which is very widely done throughout the Province. I am sure that if I were to be asked which should be the priority of the two, I would say that farm layout should come first, and the farm detailed planners to come second. Why do I say so, Sir? It is because farm layout would show where coffee, tea, pyrethrum and so on should be planted, and where the homestead should be sited. These two, as I see them, Sir, are very important things to be done on the farm first and if they are meant to be laid out where they should be, the farmers' will in future start complaining. I would suggest to the hon. Director that, that should be considered and should he feel that he should reduce any of the staff he should spare the staff of the farm layout section.

With these remarks, Mr. Speaker, I support the Motion.

MAJOR ROBERTS: Mr. Speaker, Sir, I am sure I shall be speaking on behalf of all the coffee planters to express our appreciation of the work which has been carried out by the research team into coffee berry disease. No team could have worked harder or with more determination or have had better results and I am very pleased to hear the hon. Director say that the team is continuing its work for another two years.

Now, Sir, I was a little disappointed not to hear any indication from my hon. friend that any action was being taken regarding the Motion which was moved in this House some few weeks ago by my hon. and gallant friend the Specially Elected Member, Mr. Bruce McKenzie, in regard to the amalgamation and possible cutting down of the large number of boards which are involved in the agricultural industry and in the creation of a vigorous market research. I only hope, Sir, that the matter has not been pigeon-holed or found its way into the waste-paper basket so early.

[Major Roberts]

Now, Sir, the sands of time in this debate are running out and I only want to deal with one matter and that is to support my hon. friend, the Corporate Member for Agriculture, who is unable to be here in this debate in his quest for Government to make a survey of those vast areas of arid land in this country which really resemble a zoo, but could be put with determination in our opinion to better use. I am not in any way suggesting that the game parks should be removed. They are far too valuable an asset to even consider this, but there is room for both.

And now, Sir, a very well-known farmer in this country has recently returned from a visit to Australia and he tells me that the land in Australia—the grazing there—which is being used to graze enormous herds of cattle and are bringing great wealth to the country is really a desert as compared with some of this land in the Northern Frontier District and towards the coast which we have in mind. And I realize that to tackle this problem is a very big undertaking because it is an undertaking which can only be tackled by large capital. It is not for the small farmer. I realize the difficulty in clearing bush and trees; but Australia faced similar problems and by determination they overcame them. And I would suggest that Government do look into this and I would further suggest that they do take advantage of a visit to this country by a Mr. Samuel Hordern, who is President of the Royal Agricultural Society of New South Wales, and I understand he is visiting this country to open our Royal Show and that he will be here some three months. Well, there is a man who I gather is a complete expert on the utilization of this poor land. And I cast an aspersions on our own ranchers in this country in any way. "A prophet is not without honour save in his own country." And if Government could see their way to seeking advice from Mr. Hordern I feel sure it would be to their advantage.

Mr. Speaker, Sir, I beg to support.

Mr. TYSON: Mr. Speaker, earlier in this debate the Member for Mount Kenya referred to the question of malting barley. I must declare my interest,

but I would point out that the facts are that one of the breweries here spent practically £500,000 to put up maltings by which they could make their own malt from locally grown barley in order to avoid importation of malt from places like Czechoslovakia and Argentine and Australia. They invested something like £500,000 in the erection of these maltings to cover primarily their own requirements. Reference was made by the Member for Mount Kenya to a changeover on the part of Unga Limited from using the particular malting barley that was manufactured here to an imported product, but I think we must keep the whole situation in proper perspective. The amount of barley involved by the changeover which Unga Limited carried out is quite small—it amounts to something like 8,000 or 9,000 bags.

The Member for Mount Kenya also raised the question of other breweries using local malt. Well, in so far as it is possible the existing maltings are capable of supplying a certain amount of the requirements of the other breweries, but obviously if they prefer to import malt from overseas there is nothing to stop them doing so.

I merely mention this in order that we keep the whole situation in proper perspective.

There is one other point that I would like to mention which arose out of some remarks made, I think, by the hon. Mr. Nazareth, who is not here. He was referring to compensation for improvements carried out by tenants of land which they were holding on lease. I can hardly conceive any sensible person leasing land—as I understood from him—leasing land on a yearly basis and spending considerable sums of money on the permanent improvements and taking the risk of being able to get compensation if the tenancy was terminated. It really is unreasonable, I think, to expect Government to intervene in those sort of cases.

I support the Motion, Sir.

Mr. OLE TINIS: Mr. Speaker, Sir, I see that the time is running rather short, but I would like to say a few words on this Motion before the House.

Now, Mr. Speaker, I think we ought or at least our Government ought to do

[Mr. ole Tipis]

something drastic and urgent to save the situation because all along we have been told and we partly agree that the revenue at the disposal of the Government is quite limited. But one fails to understand why the Government should not at least approach the United Kingdom Government or the World Bank for that matter and get a bigger loan which would enable the Government of this country to spend more money on various essential development projects which ultimately would raise land productivity and the social and economic well-being and the standard of this country inhabitants, because I think by doing so we shall avoid the evils which go with having a bigger number of any country's inhabitants at a certain very, very low standard of living or economic standard.

Now, Mr. Speaker, Sir, I wish to stress the importance of water supplies in any agricultural country such as Kenya. This is a thing of real, paramount importance and taking into consideration—as I have said before—that our country's sources of revenue and the revenue at the disposal of the Government is so limited, I fail to understand or see how we could improve our water supplies so as to make quite a big area of our country's land which is waterless productive and inhabitable by the more landless people.

Now, Mr. Speaker, Sir, I think we have heard in this House before that the main backward tribes—especially the pastoral tribes—are difficult for the Government to try and teach them the modern agricultural and animal husbandry methods simply because the part of the country which these tribes occupy is so dry and without rivers and the Government has done very little if anything to provide water in these vast areas. Now, they have to move day after day hunting for water wherever they could get at least a wet spot. If we are really going to help these people and try to educate them to concentrate and become stable in one particular locality, then I should say that this same Government should do everything possible to provide water in these areas by constructing dams, boreholes and other means of water preservation and then, naturally, these people will say that:

"Well, now, the Government is doing something for us. We need not walk all over the country the whole year. We will concentrate here. We will fatten our livestock, our cattle and sheep and goats and that kind of thing", and there you can educate them. You can send the veterinary officers to show them and train them on the best methods of improving their livestock. There you could easily take drastic measures to protect their livestock against livestock diseases and that will really be an easy job. But as it is today I am just beginning to wonder just how we can tackle this problem without helping these people at least, let us borrow some money somewhere and I am sure once we have done that, we can rest assured that we shall have a very big dividend.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): We are not discussing ways and means. We are discussing the agriculture Vote.

MR. OLE TIPSIS: That is quite true, Mr. Speaker, Sir, but this also comes under the agriculture heading because you cannot be an agriculturist without water, Sir.

Now, let us try and do something about it, Mr. Speaker. Now, Sir, I see that the time is running short, Mr. Speaker, and I beg to ask leave to continue tomorrow, Sir.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the time for the interruption of business and I therefore adjourn Council until 2.30 p.m. tomorrow, Thursday, 4th June.

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

Thursday, 4th June, 1959

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

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:—

Sessional Paper No. 7 of 1958/59: Adjustments to the Boundaries of the Highlands.

(BY THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson))

NOTICE OF MOTION

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I beg to give notice of the following Motion:—

THAT this Council approve the adjustments to the Boundaries as proposed in Sessional Paper No. 7 of 1958/59.

COMMITTEE OF SUPPLY

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Continuation of debate interrupted on 3rd June, 1959.

MR. OLE TIPSIS: Mr. Speaker, Sir, when the Council adjourned yesterday I had just completed touching the necessity of providing water facilities in some of the driest areas in this country.

Now, Mr. Speaker, I would now like to touch on something to do with stock, to the African. I think it is time we started directing our attention, Mr. Speaker, Sir, to the ways and means of trying to organize our pastoral tribes on co-operative ranching or co-operative ranches. I think the main emphasis here should be to raise the quality of livestock

as well as raise the output of our marketable livestock. I think, Mr. Speaker, Sir, these might as well set a very, very good example to the rest of the inhabitants of those areas that good animal husbandry does really pay. What I have in mind, Mr. Speaker, Sir, is this, I think if by fulfilling my last request of providing water facilities first in some of these good grazing lands that we have in this country, by good selection of few heifers, native heifers, or good steers and by cross-breeding them either with pure bred or grade stock, we could very well, I am sure, improve the quality of our livestock and that, of course, will give us more than our internal needs for beef in this country as well as have a pig reserve for export. I am sure, if this is gone into it will help a very great deal. I remember, Mr. Speaker, Sir, sometime in 1955/56 there was a scheme whereas the Veterinary Department jointly with the local European farmers, the Veterinary Department went on selecting very good Doran heifers from the Northern Frontier Province, and brought them into the settled areas for resale to the local European farmers, and when these heifers were cross bred with these types of imported bulls, they did, in a way, raise our beef production tremendously up to its present level, and I think this was started also help if the same scheme was started for the African areas. I know how difficult and expensive it is, Mr. Speaker, to import these high pure-bred bulls, and especially with a loan accorded to the small African farmer. I do not think it can even meet the bare expenses of importing one bull only, and I am just wondering whether here the Ministry concerned could not look into the possibilities of expanding the present artificial insemination system, so as to cover some of the African land units. In the same way, Mr. Speaker, Sir, I think we have in this country, good mutton potentialities which are untouched in some of the African land units, and I think by cross breeding the best native ewes with pedigree rams, these areas, Mr. Speaker, Sir, can produce a better mutton as well as producing good wool clips for export, and I am sure this is really worth considering if we are to raise the economic capacity and the land productivity in the African land units. And I would sincerely ask the hon. Director to go into

[Mr. ole Tipis] this matter—I know he is not so blind to all these requirements, but the pace here has been very, very slow and if I may repeat again I think in the past I said it before, and I am going to say it again, in my way of thinking it appears to me that the Government seems to be directing all its energies and limited finances at its disposal to the more advanced areas occupied by people who, I think, can better stand the shock than the weaker and poorer members in some of these backward areas. I do not know whether it is because I come from one of these backward areas, but there it is, I think we have somehow neglected them.

Now, Mr. Speaker, Sir, the other thing I want to touch on is the prevention and protection of African livestock against diseases. I know in this country the East Coast fever is still in our midst, and it so happens that towards the end of last year I came across a very serious outbreak of this disease, and it appears from what I saw that the Veterinary Department is really doing very, very little, if anything at all, to check the spread of this disease, which resulted in a loss of many thousands of cattle in that area, and I am just wondering if something could not really be done. I know that our veterinary people have, for many years, been trying to get a remedy or vaccine for this disease, but I think we cannot just allow it to spread because it is really costing us quite a great deal, Mr. Speaker.

Now, the other thing also is the foot-and-mouth disease. We have had quite a number of outbreaks in the African land units, and to the best of my knowledge I think the veterinary people—the steps taken by the veterinary people in most of these areas is mostly to isolate the infected cattle and place them under quarantine. Surely I know there is a vaccine for this disease, and I think the cattle in these infected areas should be inoculated against this disease.

Now, the other thing, Mr. Speaker, Sir, if we are to increase the beef production of this country considerably, to allow for both internal consumption, and for export, I think the Veterinary Department and the public as well must do everything possible to tackle the various livestock diseases such as the

two I have mentioned—and other diseases, such as the rinderpest, pleuropneumonia, etc., and here I think the hon. Director of Agriculture and also our Minister for Game must clash somewhere because some wild animals are the main carriers of livestock diseases. I think the Minister for Game might do something to tackle some of them and give them an overdose against these diseases which infect livestock.

Now, Mr. Speaker, Sir, I come to our internal and interterritorial marketing of farm produce and livestock. I remember in this country we have been encouraging people to produce various varieties of farm produce as well as producing beef, bacon and that kind of thing, but if we cannot find an outlet for the produce and the livestock produced in this country, then, of course, we shall be ruining ourselves, and I think there is need for skill in the way of trying to go into this problem very, very, thoroughly and see if we cannot appoint quite a number of officers and station them in some of the neighbouring territories to see if they cannot find suitable markets for our produce and livestock. Also when it comes to the question of selling cattle from one tribe to another, if the area is clean I see no reason why there should be any sort of restriction whatever. The same thing also applies to purchase of slaughter stock. I know the Kenya Meat Commission is having all the cattle from the settled areas, and I know that in some areas, some butchers in the African land units would very much like to buy cattle for slaughter from the European farmers. I know that some European farmers would not mind at all to whom they sell their livestock provided they get good value for the livestock they sell, and this, in particular, I think, is the case when it comes to old cows and queen cows, and I would ask the Director to go into this matter because I think there is quite a lot of unnecessary restriction as far as this small butcher is concerned.

Now, another thought, Mr. Speaker, Sir, is the question of producing cash crops. Of course, we cannot give the Government a blank sheet or a very blank record. It is trying hard enough to encourage the African farmer to produce good crops in this country recently,

[Mr. ole Tipis] but the trouble here, is that this Government seems to be doing things too late and too little, and I would request the hon. Director to go into this matter and expand it further, and go right into some parts of the country where the conditions and the land fertility is suitable for a certain type of crop, then encourage, by all means, those farmers who produce it, and at the same time, without overlooking the marketing difficulties which might confront us.

Mr. Speaker, Sir, with these words I beg to support the Motion.

MAJOR DAY: Mr. Speaker, Sir, I would like first of all to say that when the hon. Member for the Rift Valley yesterday mentioned the question of the contribution made by the Kenya Coffee Board to research, I would like to emphasize this by saying that it is proposed, although not yet passed by the Coffee Conference, that a further large sum of money, if the Coffee Conference agrees, should be allocated towards research. In this connexion, Sir, as regards those hon. Members who have criticized the superfluity of boards, I would like to say that it has also been recommended that instead of setting up an additional statutory board it has been suggested instead that a committee should be formed by the Coffee Board and this will be put before the Coffee Conference. I think this, Sir, is an instance of the realization that perhaps we have got too many boards in this country.

Now, Sir, I would like to say a very few words on what has been stressed-by so many other hon. Members in so far as the question of water development is concerned; so necessary, as I think we all realize, if we are to develop the land, particularly the marginal and semi-arid areas of land to their full capacity.

I would like to dwell for a few minutes particularly on what is known as rain-making. I will be brief. The object of rain-making, as I think nearly everybody knows, is to try to induce, or to seed, clouds, so that they will produce rain—clouds which would otherwise not be rain clouds. I believe that I am right in saying that experiments are now going on with a view to getting a broad idea of the possibility of rain-making.

so as to know exactly how much potential rain in this way exists in Kenya under our climatic conditions. I believe that the outlook is hopeful.

Now, it goes without saying, I think, that there would be enormous value if this could be developed in the semi-arid areas. I am referring, Sir, first of all, to those potential ranching areas which exist here and which just need that little bit more rain to make them a practical proposition. And much land which already exists, where rain so often starts but goes away and falls elsewhere, perhaps miles and miles away from this country, and also the marginal lands, Sir, of which a great deal exists and just where a few more inches of rainfall would make all the difference to your crop.

I am aware that it is generally considered that rain-making is not likely to be able to produce cash crops as such in a semi-arid area, but nevertheless it would, as I have said, possibly, or could possibly, make a marginal area into an area which could produce cash crops.

An interesting point, Sir, is that if you seed cloud on an escarpment below which may be plains of a semi-arid nature you could possibly feed dams which could irrigate those plains.

Now, Sir, another point I would mention in connexion with rain-making, because I think it has such a very powerful future in this country, is the possible legal position which may crop up in regard to the firing of rockets on aircraft routes. It is possible that the Director might think it wise to anticipate what the legal position might be, and also, Sir, more important still, as between farmer and farmer in marginal areas so that we do not have, bickering, because of the fact that one farmer wishes to have rain and the other farmer does not want rain because he wishes to harvest his crops.

I would, Sir, finally request the Director of Agriculture to make sufficient funds available, if this experiment proves successful, because I think it would be of immense value in the future economy of this country.

Lastly, Sir, many people have touched upon this matter, and I have a certain diffidence in referring to it, but I would

[Major Day]

to stress that these agricultural development schemes, which are of the order of the day, and very good that they are, must proceed and be synchronized with a parallel agricultural marketing plan. Now, Sir, I am well aware that the Government are obviously doing everything they can, but I still think that there is a certain lack of confidence in the overall marketing planning of this country, because without careful marketing and sales organization you can certainly increase your productivity. But, Sir, you will probably just glut your market.

With these words, Sir, I beg to support.

Mr. KING (Nominated Member): Mr. Speaker, Sir, may I be allowed to congratulate the hon. Director of Agriculture upon his speech of yesterday. Surely it proved, amongst other things, the good heart in which the Colony's main industry is today, and in good heart in which it can remain as long as the hon. Member for the Central Rift said, our produce can be adequately sold on.

Sir, two years ago the Kenya Meat Commission had 1,200 tons of assorted frozen meat in the refrigerators at Athi River, some of which had been there for three years. Obviously, in order to get ourselves into a position whereby we could accept from producers their cattle, Sir, those refrigerators had to be cleared out. At that time, Sir, there was no adequate marketing organization to which we could turn and which could accept large tonnages of meat in a hurry, and that, Sir, is what we wanted. In the meantime we had to turn in whatever refrigeration we could in order to clear out those refrigerators. The first thing, obviously, was to turn to the cannery.

May I interpolate here that any remarks I have to make about the Kenya Meat Commission do not preclude the fact that I would like to pay a tribute to the work of the staff who have been under fire for many years, culminating in the Neville Report and then they had the misfortune to have me put on top of them. Also to my colleagues on the board who have served me so well and so painstakingly—all the time without any begrudging in giving extra work and

longer hours which have been demanded of them.

Sir, we got the cannery going, and from March last year until the end of the year we have managed to produce about 3,600,000 cans of beef. Sir, I would like to gloss over the terrible months of September, 1957, to June, 1958, but I would like to pay a tribute also to producers from whom we could not accept cattle and who were so forbearing not only with me but also with the Kenya Meat Commission. But by early last year the cannery was in production and although Leibig's Extract of Meat Co. Ltd., who provided the technical assistance to get the cannery going were insistent that we should not be granted their international "Beefex" label for at least 18 months, through their efforts we got it in three.

Sir, when we started a little over a year ago our output was 8,000 cans a day, and yesterday we produced 32,500, and one of the reasons we went to Leibig's to run our cannery was because they had a world-wide sales organization. Therefore, when we produce either extract or corned beef, we knew we were confident that they could sell and thus we were relieved of the matter of the corned beef and also as it was under a world label it goes throughout the world and thus as soon as the stuff is produced it goes—an enormous relief to us. It would have been no good turning frozen beef into canned beef and then keeping it in store here—that would have got us nowhere. Furthermore, Sir, during my visit to London I saw Messrs. Dalgety and Co. Ltd. and they came to the rescue with selling our frozen beef. To give you some idea, Sir, in 1957 we exported a total of 1,500 tons, in 1958, last year, we exported over 4,000 tons. At the present time we are behind on our contracts.

Sir, if I can convey to this House the difference in the climate when one has one carcass, whether it be a goat or a steer, too few for requirements—the difference between that climate and when one has one carcass too many—then I shall have achieved something towards trying to get access to the House how terribly important it is that we do have a really efficient marketing organization for not only our beef, but for our other products.

(Mr. King)

Sir, in June of last year the hon. European Minister without Portfolio, Mr. Harris, had some of the high executives of the various statutory boards to lunch and he was prompted so to do because some months earlier he tried to ring up the three high executives of the various statutory boards and, Sir, they were all in Uganda trying to sell their various products. This obviously appeared to Mr. Harris as being hardly wise; why should not one man do it—there would then have been only one hotel bill, one travelling expense. Was it not absurd that all the various statutory boards should do their business by themselves, finance them by themselves and why not do it in co-operation? Sir, about 18 months ago we found ourselves squabbling with another statutory board of Kenya for refrigerated space not only the railways but also on steamers. Sir, had there been a little more co-operation then as there is nowadays, that would never have arisen.

Sir, my own view is—and it is only my view, not of my other colleagues of the Kenya Meat Commission or its executives—that the responsibility of the various boards should cease with the termination of the processing of the product and that thereafter those products should be channelled through some organization. The obvious question is: what sort of an organization? Who would undertake this? Should agents do it working on a commission basis? Sir, I would like to suggest that possibly, and I realize the delicacy of the ground upon which I am treading now, that agents working on a commission basis are possible on their way out and I think they are changing their business more and more to a principal to principal basis. I know one illustrious firm in this country which is doing that in which it is indeed working on a principal to principal basis.

And agent, Sir, stationed thousands of miles from where his real client is located surely rather tends to treat his buyers as his clients rather than the client whose products he is selling. Sir, I think that is only human. Is a man going to bat quite as hard for you as you would for yourself? Is he really going to put the screw on his buyer thinking that when things go against him the buyer will go

elsewhere? Sir, I wonder if the role of the agents is indeed on its way out?

Sir, in Nairobi, for instance, we in the Kenya Meat Commission deal directly with our clients, the various butchers in Nairobi. We are in complete touch with them; we know exactly what they want, and what we cannot give them, and we are right on top of the whole climate of the retail meat business in Nairobi. Sir, is it not ironical that the Kenya Meat Commission sales department is permitted to deal with beef, mutton, lamb and goat meat but not, Sir, in pork? Should not this one organization—an organization which I can define later—not handle the lot? If, Sir, therefore one organization can handle beef, mutton, lamb, goat meat and pork, why should it not handle the dairy products, the egg, poultry output and also the fruit and vegetable business as well? Surely there would be an enormous saving in overheads. For, instance butchers' invoices for meat—there would not be one invoice for beef, mutton, lamb and goat meat and another for pork. There would be one for the lot and one monthly statement for the lot at the end of the month. It could be done in one office by one man.

Sir, overseas, Sir, we in the Kenya Meat Commission would like our own employe in Mauritius, possibly, certainly in the Congo and possibly in Europe. But, Sir, we cannot possibly afford that one man. It would just be uneconomic. But if an organization was formed here in Nairobi to handle the sales of these various products which I have mentioned, then surely, Sir, one could have wholly own subsidiaries in these other countries, wholly owned by the first company in Nairobi. These companies would have our own employes in those countries. What I would envisage would be a company in Nairobi, the director of which would be, say, the chairman and/or the managing directorate of the various boards or of those industries concerned, that is, the pig industry, the dairy, the beef, the poultry, eggs, and the vegetable/fruit thing. Sir, that directorate would then obviously take over the produce as it left the factory. It would be sold locally. It would then, for argument's sake, start a company, start an organization, in the Federation and you could call it—shall

(Mr. King)

we say—the present company—East African Products Limited, in the Federation or in Mauritius it would be East African Products (Mauritius) Limited.

Sir, in that subsidiary company the board surely could be two, if not three, really influential people in the country concerned. For instance in Mauritius, the head of the illustrious firm which handles our products—I would like to suggest that we might appoint him the chairman of East African Products (Mauritius) Limited; thereby, Sir, getting yourself good will not only from the agents that we have at the present time but also further good will from further similar appointments. Sir—instead of sending somebody out to the wilds of Mauritius and the wilds of the Federation not knowing whom to approach and where to live, what to say, what the form is, what language to speak, he could go out there to a company which already would be provided by good will by having appointed to that company influential people of that country to its board.

I would also like to suggest, Sir, that if you did that you might get the chairman here of that board on a trip, let him go around Kenya and surely we might get a two-way trade going in tourism as well as selling your products out there. But the great thing, Sir, is to get rid of the stuff as soon as you possibly can, not have it hanging about.

Sir, I have not discussed this with my colleagues or with my executives as I have already said, but I am sure that there is possible opposition due to the diminution of the existing empires of other industries including our own. But this, Sir, is a thing that has got to be faced. We live in a tough, hard world and what our object has got to be is to get as much money as we possibly can into this country, into the pockets of our producers, and thus increase not only his wealth but also that of the Colony.

Sir, in my view there is no necessity at all for us to import some expert who will probably be unaware of the conditions prevailing in this country or of our problems. Why waste the time in getting the man out and the money? This could be sparked off quite easily.

I would like to suggest, Sir, by the Ministry; and under which Ministry East African Products would work, Sir, I am not altogether certain. Could it possibly be the Ministry of Commerce and Industry as opposed to the Ministry of Agriculture? If you accept the hypothesis that at the end of the processing period the actual marketing of that produce goes to the purely marketing and sales organization.

Sir, there is an endless possibility in a thing like East African Products with a combined sales organization because it could, down the years, be used as a shock absorber to accept the shock from one industry to another. I would like to leave that thought with the House. Furthermore, East African Products, if it got away to a good start could be employed as a finance agent or as a bank—hand bank—in some way. I have already stated how the quarrel for the refrigerated space could easily be overcome by co-operation.

Sir, it is absolutely vital in my view that this sales organization is ready in position; ready, Sir, to accept the vastly increased outputs of the various products of Kenya's agriculture when the Swynnerton Plan really gets itself into top gear. Sir, surely time is the essence of the contract and the sooner we get something going on the lines of East African Products Limited I suggest, Sir, it will be the better for all of us.

CMR. GOORD: Mr. Speaker, Sir, it was my intention to pursue this extremely interesting subject of marketing—this very vital subject—but the last speaker has put into words so admirably and so very much better than I could possibly have done myself, Sir, that I have nothing more to say except that I agree with every word he has said.

MR. PEMBRIDGE: Mr. Speaker, Sir, I should like to say a few words on the forests. Now, the forests have such a profound effect on the climate and water resources of the Colony and, eventually through those two on the agriculture, that I think it is essential that our forest policy should be correct.

If our forest policy is not correct, then, to a very large extent, any moneys that are voted year to year on the Vote for Agriculture and Water Resources

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of order, Sir, is the hon. Member in order in discussing forest policy under the Agricultural Head, Sir, because if we start a debate on forest policy, Sir, I suggest those people wishing to speak on agriculture will be unable to voice their opinions in the time left.

MR. ALEXANDER: Mr. Speaker, on a point of order, I think that the speaker was leading up to water and the part that forests play in the water resources of the country.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): It really falls to me to reply to points of order, but in this case I am rather in agreement with the ruling given by Mr. Alexander. I thought the hon. Member was probably leading up to it but if he goes on to forests I shall have to stop him.

MR. PEMBRIDGE: Mr. Speaker, I will try, as far as I can, to keep this on the Agriculture Vote, but if I appear to stray a little from the Vote I am, in fact, not really astray because, as I have said, if the forest policy is wrong it will have such a profoundly bad effect on this Vote from year to year that the moneys voted under this Head will, to a very large extent, be wasted.

Now, Sir, the forests are at the moment Crown property and it is very doubtful if the Crown is the right person to hold those forests because they are inclined, to the damage of the Colony and the water resources of the Colony, to allow the forests to be wittled away to a stage where they will not be sufficient to keep up those water resources. And I feel that that has got to be stopped in some way or other.

Now, it seems to me that the forests should be vested in an independent authority charged with the preservation, the maintenance and the exploitation of the forests in the interests of the Colony generally. And I do very seriously ask Government to take a serious view of that proposition. If the forests are not protected in this way, and I believe the Crown cannot protect them because it is subject to too much pressure from other interests to be able to do so, I feel that the time spent on a lot of the—as it were—expenditure votes in this debate

from year to year will be time spent eventually on the funeral oration over our lost agricultural lands.

Mr. Speaker, I beg to support.

MR. ALEXANDER: Mr. Speaker, Sir, the Acting Minister did spend quite a part of his time focusing attention upon marketing and the disposal of the produce of this Colony. He was right to do so. He then went on to say that it was not the function of Government to organize marketing as such, that it was really the task and the responsibility of the various industries to do so. He was wise to remind us of that because, indeed, I agree with him that marketing is essentially the function of individual initiative and of private enterprise.

However, there is one very important aspect that is related to marketing which he did not dwell upon and which I would like him to answer, And it does concern, Mr. Speaker, the Government policy on the price structure of our agricultural products so far as they relate both to internal consumption and to exports.

Dealing first of all with exports, I will take as a specific example the very excellent industry in biscuits—the production of biscuits—that has been created in this country over recent years. Now, the main ingredients of the biscuits are flour, butter and sugar. And these products, Mr. Speaker, in this Colony, the internal price of these products are amongst the highest in the world. I do not disagree with him in order to help our local farmers; but I do disagree when that element of subsidy—and that is what it amounts to—has to be retained in the price of the exported product. We know that our internal butter prices are amongst the highest in the world. I have no quarrel with that, Mr. Speaker. I had no quarrel with that, Mr. Speaker. I had the good fortune to learn something of the problem when I sat on the Troup Committee that looked into the dairy industry and I realize that in order to help our Kenya farmers we have to have a high internal price in order to cope with the lower export price that they have obtained in order to cope with periods of gluts.

Similarly our sugar is highly priced. The result of all this, Mr. Speaker, is that our processing industry in this country that has to use these products finds that it is unable to compete or

(Mr. Alexander) finds it exceedingly onerous to compete in the export market. And I do urge upon the Government the need to look at this problem so that these products—these primary products—that are contained in exports are worked on a system that will enable the processor in this country to get a refund.

It is not unusual this problem, the world over. It is not an easy one. But in other parts of the world where there are high internal prices, it is worked on formulas, formulas of the ingredients in each type of product and then after that—once that is established and agreed with Government—the matter becomes one of the tonnages exported. Relating this to biscuits, if the Government would agree on the policy whereby the products that go out in the form of biscuits go out at the same price as they do in their raw state, then it would mean that once Government had agreed the formula of the ingredients in biscuits, they would then only have to know the number of tons of biscuits that are exported. That deals with the problem of the export trade and I hope that I have impressed upon the Acting Minister the need to look at this seriously in connexion with the whole of this marketing problem, that he so rightly focused attention upon and upon which other Members have spoken.

Now, so far as concerns internal consumption, the problem works much the same way. Let me give you one example, Mr. Speaker. There is at this moment an opportunity for this country to set up a processing of an item—an edible item—which at the moment is coming into this Colony at the rate approximately of £75,000 a year. Now that product could be made in this country but not on the price that has to be paid in this country for the products from the farmer. Here again, I would urge upon the Minister to have a serious look at this because as I know the Minister for Finance will readily agree, the more that we can process in the Colony for consumption in this Colony the more it is to our benefit in the balance of payments. For example one that I know about, just to draw a comparison, is the cement industry which is saving this country today more than £2,000,000 a year in our balance of payments and there are

considerable items that should be made out of our primary products if they were encouraged by Government in the proper way on the price structure that could go a tremendous way to improving this balance of payments still further.

Mr. Speaker, I beg to support.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Speaker, Sir, there are one or two points which I think concern my Ministry in some part which have been raised in the course of this debate and which I would like to answer apart altogether from the points made by the hon. Member for Usain Gishu.

And first of all I would like to deal with two matters which were raised by the hon. Member for the North Rift.

The first one is the question of the Lembus Forest and he said, Sir, that he thought my Ministry was being somewhat mean in not giving a larger quantity of land out for African farmers. Sir, the fact is this, that some 841 families have been accepted into Lembus. They are not all right holders of old although the majority of them are, but there are 86 of them who cannot be considered to be right holders, but who have been allowed to partake of this land that is being set aside for settlement in Lembus. Now, Sir, the area of land which is allocated per family is eighteen acres. The hon. Member in his speech referred to two acres—

MR. ARAP MOI: Twelve!

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Twelve, I am sorry. Well, the figure is based on eighteen acres per family and I submit, Sir, that that is a very generous apportionment of reasonable good land such as there is in Lembus Forest to carry a family. It is proposed that of that 18 acres so far as possible six acres of potential arable and twelve of grazing shall be allocated to each family. The total figure for those 841 families works out at about 15,000 acres. And in addition to that it is proposed to allocate an area as a stock-holding ground to facilitate the marketing of stock from that and neighbouring areas.

But in addition to that, Sir—in addition to the land that is being given out for individual occupation—it is proposed

[The Minister for Forest Development, Game and Fisheries]

to hand over approximately 90 square miles of forest, that is to say, the whole of the Lembus Forest north of Sclaters Road, as an African district council forest on the understanding that the profits from that forest, for at least 15 years, will be used in the development of the Perkerra catchment area. And it will be appreciated, Sir, that the irrigation scheme, to which I shall make further reference later, at Marigat is entirely dependent—or almost entirely dependent—on the water that is collected in the water shed, most of which is in the Lembus Forest.

Now, Sir, if I may go on to a point raised by the Member for the East Electoral Area, and this is more an agricultural point, but since he took us back a long way to the early '30s and since I knew that country at that time, I think it may be as well that I reply. He referred to the excellent quality stock that there was in the Baringo area in those days—and there I entirely agree with him. But I think he will remember that during the end of the '20s and the early '30s Baringo went through a period when due mainly to overstocking and additionally to years of poor rainfall that country deteriorated to an extraordinary extent. Erosion set in in a very large way and I believe it is true to say that for a year or two the major export from that area was hides. The cattle population was very considerably reduced during that period and I believe that it would be correct to say that it has not yet got back to the high standard it was there in the early '20s. But, Sir, the hon. Member went on to say that if the Tugen were not good agriculturalists and did not take readily to cultivation of the Marigat irrigation area, that it should revert to stock-carrying, and he pointed out that in the old days the Perkerra Marsh was an essential feeding ground for the stock in that area.

Now, Sir, I am going to suggest to him that that would be an extremely retrograde step. There is no question that given an acre of land which can be devoted to cultivation it can produce a great deal more in monetary return under cultivation than as a grazing area.

And that is much more true in the case of an area that can be irrigated. And here you have an area that can be irrigated and I suggest under irrigation it is perfectly capable of producing 15 or 20 times as much as it could by being devoted to stock only. And I therefore suggest that if the area falls entirely as a settlement scheme that it should still at least be kept under irrigation and be used for the production of irrigated stock feed.

Now, Sir, if I may go back to the hon. Member for North Rift: the other point that he raised was in connexion with game in Samburu country. Now, Sir, I am aware of the position there and I am aware that it is causing a great deal of disquiet among the people and that there is serious competition between game and cattle for grazing.

I believe, Sir, that the answer to that problem is in the implementation of the recommendations of the Game Policy Committee, and that the area should come back under the control of the Game Department which is charged with a dual function whereas the Royal National Parks are only charged with the function of preserving game. The function of the Game Department is not only preservation of game but the control of game. And I think—I hope—as I said earlier in this debate that we shall get the Game Policy Committee Report considered and determined upon in a reasonably short time.

And now, Sir, if I may go on to the remarks of the hon. Member for Usain Gishu. I will not go into any very great detail in replying to him. I would only call his attention to two things. One is the Forest Policy Statement which has been printed and which was debated in this Council at length early in 1958 on White Paper No. 85 of 1957 which sets out very clearly, I think, the aims of the Forest Department in connexion with forests in this country.

The other thing that I would like to refer to him; to provide the answer to the particular point that he was making and that is to what is known as the Hiley Report, a report which was written in 1950 and on which a White Paper was laid before this Council in 1952. And as you, Sir, will well remember,

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it was very thoroughly debated in 1953. That White Paper sets out the arguments for and against the Forest Commission taking over the forests of this country as against them being run by Government and I think that the hon. Member if he likes to look up that Paper and if he will look up the report of the debate on the subject will find it there very fully explained. I think, Sir, I should not in this debate on agriculture take up more time in going into the details of either the Hiley Report and the White Paper thereon.

With those words, Sir, I beg to support the Motion.

MR. KIAMBA: Mr. Speaker, Sir, in the many districts of this country the majority of the inhabitants are farmers; mostly in the African areas people there are by nature farmers. The Agriculture Department has tried all they can to teach people the best methods of using the land there in farming. But now all land that is usable for this purpose has become short. They are short of land in the reserves; they are short of employment; but the people have got to live.

Now, Sir, I tried to suggest that the local authority should be given power to acquire land and allocate this land to farmers. There are also schemes like we have at Machakos, Yatta and Makueni. Well, the Akamba people in the district are very grateful to the Government for these schemes but the rules are very strict so that many people, especially in the Yatta area, are beginning to think of quitting the area because they think that it is not serving any useful purpose to remain there; this is because of the rules, not because the schemes themselves; but people think or tend to think that the rules are more strict than they were before. These people should not be called lazy, because they have been trying all they can to obey the rules, but the rules are becoming stricter every day.

As we know, Sir, people there have begun to plant coffee, but they are puzzled by the way the prices are arrived at. And I would like the Minister to see that these people, in these areas, are given a chance to see how these prices are arrived at.

Then I come to the question of de-stocking. The people there think that this is going on indirectly and I ask the Minister to see whether this is the right time to do it, when there is no employment in the district; the people were trying to learn a good method of farming but they had not sufficient lands.

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

MR. MUCHURA: Mr. Speaker, Sir, I have only got three points to raise, one with regard to livestock and the supply of meat—or whatever it is called—for consumption.

First, I think there is such a thing as a Livestock Trading Licence or authority to buy livestock for slaughter and put into meat at the other end. I thought that if once one was given a licence within the Colony he could buy his cattle, sheep or goats from one area or another for slaughter; allowing for such exceptions as cattle disease in one area where the Director of Veterinary Services will say, no movement of stock from this particular district to another, or when there is something like rabies or the right is curbed, certainly then there will be a restriction once somebody has been given a licence to trade in livestock.

Now, my reason for saying this is that I understand that some of our local butchers besides the Meat Commission are refused to buy their livestock anywhere outside Ngong and Machakos District and by that I refer to the butchers in Kibira and in Ngong itself. I must say this, that Africans are not particularly very interested in the deep-frozen meat—three years old—in a refrigerator. We would like to have something fresher.

We have not got a lot of condiments to season up what has been lost by deep refrigeration. I would like to ask the Minister to explain—I may be completely wrong—but I would like the Minister to explain as to the restrictions as to why they should not go, for instance, beyond Ngong and Machakos for their livestock. And too it has been mentioned, very well, by the hon. Nominated Member, Mr. King, that they are falling behind a little bit in their contract of the meat they are supposed to supply. If these restrictions are removed

[Mr. Muchura]

he could have a lot more to send out than he is able to at present.

Another thing, Mr. Speaker, Sir, is just the waste of land. A friend of mine saw an agricultural officer and asked for advice as to whether his particular piece of land was good for planting coffee; he was advised that his piece of land was good for planting coffee, so the exercise started, and he was told "you will dig holes three feet by three and so many inches apart, and plant some things like bananas to provide shade and wind-breaks. After you have done all these things, the following year you will get some coffee seedlings to plant. This particular friend of mine started off with one or two men to help him. He dug the necessary holes, filled them up, right up to the specifications of the agricultural officer, and after doing all these things he went back and said: "I have planted the bananas and dug the holes and treated them with manure, and where are the seedlings?" He was told: "We are very sorry, there are none available." Now, I cannot see him ploughing it up to plant maize because probably he would not know where the holes were. He has got to go back to coffee. He has already wasted enough labour and capital, so I would suggest it would be better that he should have been told right from the beginning that there is no hope of him getting anything, but perhaps in two years' time, but the land will have been wasted because it already has the holes in it for coffee and he cannot use it. I think that when the hon. Director is replying he will be able to explain what is happening, but I would suggest it would be much better to tell him not to do anything, but put in the maize or cassava or something else for a year or two years until it is possible for him to start on this exercise.

Another thing which is a big problem in the Civil Service life as in anything else, is the question of training of livestock officers, or whatever their qualifications and training are in comparison with the assistant veterinary officers from Makerere. I am told it takes six years to go through the veterinary school at Makerere, and the livestock officer probably gets a shorter time, either at Egerton School, Njoro or through the

departmental training. What is important, or what is interesting to know from the Director is as to why the two—assuming both have school certificate—one has done a two-year course and the other has done a six-year course, including two years of higher sciences, should have the same scale of salary. He may, of course, have a very good explanation, but it would be very interesting to know the difference in the two, the academic qualifications and the value professionally or administratively.

Another thing on which I would probably like to hear from the Director when he replies is that I am told I may be completely wrong again—but I am told that loans, even in places where African farmers have consolidated their land, in some cases, I will not say what grants because it is not a free gift, but even when they apply they are sometimes refused.

Mr. Speaker, Sir, I beg to move.

MR. MULIRO: Mr. Speaker, Sir, I think it would be most unfair to my constituents probably not to say anything on agriculture. I was very interested yesterday when the Member for North Rift, who is also a member of the ALDEV Board was giving a very thorough exposition of agricultural policy in this country in reply to the Director of Agriculture. One thing in that I support him very strongly for was the composition of the boards, agricultural boards, or agricultural committees in the African district councils. These agricultural committees in the African areas consist of, as the Member mentioned, of the district commissioner, the district medical officer, the district veterinary officer and district officers plus a number of chiefs—and one or two civilians. I feel that is not the way of dealing with agriculture in the African areas, because the district officer or agricultural officers or even the district commissioner are not actually engaged in farming themselves as such, although they know a considerable amount about the problems of the farmers, they are themselves, not farmers, and they do not constitute continuity in the agricultural policy for the given district, because an agricultural officer today may be in Machakos, next week he will be in Kilifi, and probably the following month you

[Mr. Muliro] would find him in South Nyanza, and the year after you will find him probably in Mbeya.

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

[Mr. Deputy Speaker (Mr. Bechgaard) took the Chair]

Therefore, a man like that cannot have any policy of continuity, hence the problem of the district agriculture being confused. I think every district should have some form of economic development committee in Kenya, and these committees should consist of people who are keen on farming, livestock, poultry and also have, say the agricultural officer and livestock officer for the area on such committees, but the officials alone should not constitute the planning committee of the area.

This year, because of the Government economies also, Mr. Deputy Speaker, very many agricultural instructors have been replaced. In my own constituency these agricultural instructors have either been transferred to other areas, or have been dismissed, but now the administration has been combined with the Agricultural Department, the Magurus who are elders assisting, but unpaid, go around the areas talking about agriculture and when one looks at these people some of them are not at all good, but the administrators use them for administration and also now to assist the Agricultural Department. I think to replace a trained gardener by an untrained gardener is a very wrong approach by the Agricultural Department.

Another point, Mr. Deputy Speaker, which I would like to raise is on the question of the consequential problems which have arisen as the result of land consolidation and land enclosures in various African areas, particularly in North Nyanza, and Elgon Nyanza, which are my own districts, and in the Central Province, which has carried on land consolidation somewhat by compulsion to a very high degree. Mr. Deputy Speaker, these areas are now harbouring hundreds and hundreds of landless Africans. These landless Africans have no form of livelihood. They cannot get money to pay school fees for their chil-

dren. Well, the Minister for Agriculture, and probably the Minister for African Affairs, who deals with everything African, is going to get up and say that this is not true, but it is very true, and if these people, who are now removed from lands which they possessed, either by African courts or the process of land consolidation or otherwise, they should get some place in the Kenya Highlands where they could go and earn their livelihood. It is heartbreaking. Mr. Deputy Speaker, to find that in some European areas some people own as much as 50,000 acres.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): On a point of order, Sir, has this any relevance whatsoever to the Agricultural Vote which we are discussing?

THE DEPUTY SPEAKER (Mr. Bechgaard): The Agricultural Vote concerns the Ministry of Agriculture, and I think the point raised is within that Vote.

MR. MULIRO: Thank you very much, Mr. Deputy Speaker. You can talk of racialism, but we are interested in all the land in Kenya being exploited to the fullest possible extent. We want money, Mr. Deputy Speaker, in this country to carry on the various projects for this country, and unless our land everywhere in Kenya is fully exploited, we are not going to get the money we want in this country.

AN HON. MEMBER: Interjection.

MR. MULIRO: You have your own time to talk, and the hon. gentleman can get up and talk at any time. He should not interfere. Mr. Deputy Speaker, the problem is this. When one looks at 50,000 acres, one finds that probably the farmer might be farming 200 acres very well. Let him utilise that. But the remainder should go to the thousands of landless people, say you might give them ten or twelve acres to exploit that fully and we would get the necessary money in this country. As long as we do not have this, Mr. Deputy Speaker, we are not going to get anywhere. We can talk of solving problems, but as long as we get this landlessness, and as long as those lands are not exploited fully, the money we want for social services will never be obtained.

[Mr. Muliro]

Another point, I would like to raise on this issue about people whose land consolidate their holdings is the question of water. Without the abundance of water we can never get any agricultural projects of value at all. The hon. gentleman has been talking of Masai land. Yes, Masai land is, a very barren land. They have not got water in Masai land, but in the areas which are well watered why should not the people go into these areas. He talks of Masai land. What about the fertile Laikipia; was it not all Masai land?

Mr. Deputy Speaker, I now come on to the question of co-operative development in Kenya. The African areas where people are consolidating land, I think it would be of great benefit if the Agricultural Department would encourage them, or would give them loans to own the farming implements like tractors or harrows and ploughs co-operatively so that they can use this modern equipment in the areas for more mechanized and scientific work to help produce better work. I found very interesting examples of this when I was in Israel, they have got co-operative farming, and it is of two kinds. I will not go on to elaborate, but I think that co-operative farming is indeed an interesting thing as far as Kenya is concerned, and also, the co-operative marketing of goods.

Now we find in the African areas, in particular the co-operative movement in Nyanza Province, in South Nyanza, in Elgon/Nyanza and a good proportion of North Nyanza are getting on very well, but maize co-operatives are mere stores of Nyanza Marketing Board, because they get maize, collect maize, and then they do not know where to market it directly, but they collect the maize in their stores in order that the Nyanza Marketing Board, a private company, can buy it from them. The African farmer must get the full value of his maize by selling his maize in the proper place. Mr. Deputy Speaker, we have found it very heartbreaking in Nyanza Province because the maize controls the movement in the African areas. The Africans are being tried almost every month, almost every day, when one goes to Kakamega or Busia African courts, one sees many Africans being prosecuted every day because of trying to get their

maize either to Uganda to get a better price for it, or trying to get the maize from their own districts. In North Nyanza, for instance, no person is allowed to get maize from North Nyanza to Kisumu in Central Nyanza or even within the same district for that matter. Now that restriction should not be there. I think if every African could get his maize to Uganda where it would fetch Sh. 40 or Sh. 30 at least, which is higher than Sh. 21 in Kenya, the money obtained from Uganda would still come in to Kenya. I think the Agricultural Department is not business minded. I think if we could get Sh. 30 for a bag of maize, it is much better to do that than to get Sh. 21 in Kenya. I know there is transport to get the maize there, but as long as he gets Sh. 30 he is quite happy about it.

I now come to another point, Mr. Deputy Speaker, and that is the question of cash crops. The question of cash crops in the African areas is really very, very depressing. Coffee indeed, as we heard yesterday, is becoming very lucrative as a crop in the African areas, but the restrictions which are there on the cash crop are terrible. There are a hundred and one restrictions, and many of the people who are giving instructions on growing coffee—some of them are not coffee growers—I asked someone the other day: "Have you got coffee in your own area?" and he said "No", and so I told him: "That since you have no coffee in your own shamba, why should you be worrying me when you have no definite experience. I want to do the best to make money for myself. If you are not making money you go away and talk to those people who are lazy and not prepared to work." I think the coffee instructors should be well trained and definitely they should be Africans with experience in coffee areas. I find, for instance, when I go to quite a number of my farmer friends who are also agriculturalists in Trans Nzoia that these farmers are not very much better than the farmers in Elgon Nyanza, but they are not being burdened by the instructors there. One of them told me: "Look here, the African farmer is suffering more because you have so many of these instructors. They come to bother every day but they never come to our farms.

(Mr. Mullio)

I work hard because it is my poverty that makes me work harder and harder every day, and not what any instructors would have to say. We tell them to go to Kisiak which is an experimental farm, but experiment on us, because we want the money." That was a good tip from my fellow farmer. I think that these agricultural instructors are the people who should be reduced in number and probably eventually have a few of them. I do not say get rid of them all because some of them are useful in making or measuring the holes for coffee.

Another issue, Mr Deputy Speaker, when I was talking about these instructors is about the deplorable attitude of the Government in not wanting to employ the African students who have been through the agricultural course at Makerere. The Director is going to get up and say the hon. Member should quote an example. I know a young man in my own constituency who has been at Makerere—a very able young man—but the Kenya Government cannot employ him although we ought to, do so. He has failed one subject and has gone to take up employment in Uganda. I think it is a very big shame for the Government of Kenya after wasting a lot of money on a student not giving him employment. Mr Speaker, in Kenya and the student goes to Uganda. I think this particular attitude by the Kenya Government is really deplorable, and I really question the wisdom of the Government, Sir, having spent so much money, why did not the Government employ this young man in Kenya?

And finally, Mr. Deputy Speaker, I would talk about good animal husbandry. The Africans all over want to have good stock, and this good stock, for example, in Nyanza Province, there are restrictions that we cannot buy stock from the European farmers, which are for dairy purposes. Some of us are very interested in having good stock from the European farmers because by having something definite in common like that we would be creating a better society in Kenya which we are all deeply interested in making.

I feel that that particular policy of the Agricultural Department should be

changed so that the African will examine whatever he can get to get better cattle for his farm and produce more milk.

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

MR. SMITH: Mr. Deputy Speaker, Sir, I would like to congratulate this House on having taken to heart the words of Mr. Speaker two days ago, as in the very short time that we have had available on this debate no less than 22 speakers have spoken since yesterday afternoon. I would also like to say, Sir, and I am sure the acting Member for Uasin Gishu would support, that when agriculture, the Head of Agriculture, comes up for debate, and when it is very late on the list I do suggest that the powers that be should put the other Ministry which is very closely allied, the Ministry for Forest Development, Game and Fisheries, very high up on the list so that we can have a full debate on those particular subjects, many of which are allied to agriculture.

The Acting Minister, Sir, when he gave his speech on this debate, gave us a list of those estimates which would have to be cut, and I would like to comment on three of them.

First of all, on the question of agricultural credits and guaranteed minimum return, I would very much agree with the Member for Mount Kenya when he said that it was essential that certain young farmers, new farmers and possibly others, too, would need financial assistance for the first few years of their lives, and possibly, from time to time, owing to very adverse circumstances and other factors which might creep in. But, Sir, what I would oppose would be that the advances that you can get each year on a B Form against the guaranteed minimum return. I would like to say that they should not be considered as a permanency, as a permanent form of finance. To my mind, Sir, if a farmer has been farming for ten years or more it is not right that every year, February or March, he should have to draw on Government for his oils and fuels, seeds, fertilizer or machinery and other things for that particular year. I do feel, Sir, that by that time he should be in a position to support himself very much more than to require all this finance, which I believe

(Mr. Smith)

might well go into a development fund for possibly short-term loans for the benefit of all.

Secondly, Sir, the Acting Minister mentioned the question of experimental farms, which would have to try and produce more revenue. In most areas we have experimental farms—in Western Kenya in particular. We have one in Eldoret and one in Kisiak, both of which are on very poor type of land and which are therefore, in themselves, a matter of research, and it is very difficult indeed, I would say, to decide just where research stops on these farms, and whether the farm itself is a question of research or not. I do hope, Sir, he will bear that in mind and not be too severe on these experimental farms because this form of research is of the very greatest benefit to us.

And thirdly, Sir, I would like to mention the East African Milk Recording Scheme, which I see in this year's Estimates are down by £1,000. This, Sir, is one of the most important things that could possibly be done to our milk industry and to our whole cattle industry in Kenya, and while I understand that money may be available from other sources, I do suggest, Sir, that this Ministry must take great notice of this, and be prepared to step in, if necessary, to see that this recording society does not go down the drain but does, indeed, go on to do greater and greater things for the benefit of farmers in this country.

I would just like to mention what the hon. Member for North Rift said when he criticized certain of the grazing schemes in the African areas. I do suggest, Sir, that I could not entirely agree with him. In his own particular constituency I would like to mention West Sotik and part of the Kerio Valley down to Ndoo where these grazing schemes have been of the very, very greatest advantage to the African population. Without them they would rapidly deteriorate into desert, and today it is possible to see the result straight away, and to see a grass covering.

(Mr. Deputy Speaker (Mr. Bechgaard) left the Chair)

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

He also mentioned, Mr. Speaker, Sir, the question of chiefs being possibly unsuitable to be put on the agricultural committees. Again, Sir, I would like to refer him to some parts of his own constituency area where, as he knows, as well as I do, many of the chiefs are some of the best farmers in those particular areas—where they win prizes at the show at Kamari for their cattle—and who have been very much responsible for promoting better and better cattle and better and better farming generally in those particular areas.

There was another point, Sir, mentioned by the hon. Member for Western Electoral Area, and I think it has been mentioned for the first time in this House, and which I found particularly interesting, and I think he was referring to the question of tenant right, which possibly we might be considering in this country, now that our farms are improving more and more year by year and getting more and more valuable, to be able to lease your farm, or sell your farm, and know what you put into it, farm, and good what you put into it, by way of good grazing, more and more cattle and leys, your fertilizers and so on are going to be of benefit to you because it benefits the farm over a period of years, I hope the Minister will, in due course, consider some tenant-right schemes whereby all farmers will benefit.

The only other thing I would just like to mention is that the Member for the Rift Valley, during the course of his speech, mentioned the coming visit of Mr. Sam Horn from Australia. I would like to assure him, Sir, that this visit has been arranged by the Royal Agricultural Society of Kenya, and he is coming here. We intend to "pick his brains" to a very great extent, and we shall take every opportunity of putting him round the country so that he can see what we are doing and that he will be able to advise us with his very great knowledge of the meat industry.

Sir, I beg to support.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I would like to inform hon. Members that shortly before 4.30 p.m. I shall call upon a Minister to move the closure in order to give the Mover three-quarters of an hour in which to reply to the debate.

MR. PANDYA (Eastern Electoral Area): Mr. Speaker, Sir, at this late stage in the debate I would like to congratulate the Director on the very able and lucid survey of the work of the Ministry. It was very heartening to hear such an encouraging review although it had its cautious moments with frequent references to European and African agriculture. I remember my hon. friend the Member for Nyanza Central yesterday complained of more references that were made to European agriculture than African agriculture, but I wonder, Sir, whether he realizes that no reference was made to Asian agriculture at all, and it is, because of this neglect by the Government that the Asian members from time to time in this House raise several times matters where the Asian community has been entirely neglected. I am sure, Sir, the House will bear with me, and I think this matter can stand repetition because the community has been asking its representatives quite often as to the progress made by them in the discussions with the Minister as to the policy of Government in encouraging Asians to settle in agriculture. Sir, the situation is fast developing in the community when the youth of the community must be allowed to take an increasing part in all the economic activities of the Colony, and there should be no exception from agricultural pursuits for the youth of the community, for after all the mainstay of the economy of this Colony is agriculture, and it is from this point of view, Sir, that I think it is high time that the Asian and Arab Settlement Board should be revived, or I think better still, we should have a Board of Agriculture for all races which would tackle the problems on a countrywide basis for the benefit of all its peoples.

I think what is more important, Sir, is that I remember last year the question was raised by several Asian Members in this House, and the Minister, for no reason that was known to us, did not even refer to it in his reply, and I hope, Sir, that the Director will make a note of this and let the Asian Members know as to the attitude of the Government with regard to these questions which have been under discussion with the Minister several times.

I have, Sir, urged in the past in this House, with regard to the appointment of Asians as agricultural officers. Just listening to the speech of my hon. friend, the Member for Nyanza North, he has been complaining that many qualified people have not been taken up in the Agricultural Ministry. I would like to know, Sir, how many, if any at all, Asians have been offered posts as agricultural officers since I raised this matter during the Budget debate last year. During my recent visit to Britain this year, Sir, I met a young Kenyan who was doing agricultural research, and he was wondering, and indeed he was worried, about the future prospects for him in this country. I do hope, Sir, that there are openings in the department for these highly qualified and trained young people to serve their own country, particularly in the lines that they have specialized.

Now, Sir, I was very glad that the Director referred in his speech to the proposed scheme for supplying water to the North Mainland of Mombasa, and that it was hoped that agreement would be reached on this matter. I hope, Sir, that there will not be any delay for one has experience that such schemes have taken a long time to reach agreement, for there have been prolonged negotiations, for I feel, Sir, that any unnecessary delay will retard further development of this northern belt which can be made very productive by a fair section of people who live in this particular area, and I hope, Sir, that when the plans are finally made and the construction is about to take place, that the Ministry will keep under consideration the fact that this pipeline will serve large hinterland villages and that water is adequately and properly served to them.

I was interested, Sir, to listen to the speech of my hon. friend, the Member for Nairobi West, when he justified the subsidy element in the high prices of wheat and butter so that the few can prosper at the expense of the majority who have to pay the high prices for wheat and butter products. Although he was advocating an economic price structure for exports, and complaining about the high prices that existed in this country with regard to biscuits, I could hardly understand, Sir, the logic of

[Mr. Pandya] accepting or justifying the high prices that existed for wheat and sugar and butter in this country.

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

MR. COWIE: Mr. Speaker, Sir, I do not intend to speak for very long, but the hon. Member for North Rift levelled an attack on some of my constituents and I must challenge him. He said something about buffalo having to take a dose of something or other to get rid of them. Well, Sir, the curious thing, and what might surprise him, is this, that I do agree with him up to a point. I do not agree with the method he suggested, but I have always agreed that this country should be zoned so that in certain areas you use it for one kind of purpose or another. Now this battle between cattle and game is becoming quite a difficult problem, and I feel myself that there will be a solution in time, and I also feel that in certain areas cattle and wild animals are complementary, but I would invite the hon. Member to do this. I would like him to go to an area where there are no cattle, sheep or goats, but where there are a lot of wild animals and examine the grass and the soil, and find for himself what damage has been done to the land by those wild animals. Then go to an area where you have an excess, perhaps, or even what certain Members think is a reasonable number, of cattle, sheep or goats, and similarly examine the land and the vegetation, and decide which has done the most damage. The point of my story is this, Sir, that if the hon. Member and the other hon. Members support this idea of increasing cattle and providing water in arid marginal areas it may be the right thing to do, but what matters most is to assess whether the land will stand it, because the land, the water that is upon it, and the vegetation on it, is the very backbone of our economic structure. Sir, that matters far more than whether we have cattle or game or anything else: The fundamental asset is the land.

I would commend, Sir, to the hon. Member for North Rift, one other point, and that is that in certain places, in some of these arid zones, it may be

profitable to take a crop of wild animal meat. Its protein value and other products may be much more valuable than impoverished cattle or anything else. I would just like to leave that thought with him, Sir, and I support the Motion.

MR. OGUDA: Mr. Speaker, Sir, I think it was the old English poet, Tennyson, who said "the old order changeth yielding place to new. And God fills himself in many ways lest one good custom should corrupt the world". Mr. Speaker, Sir, I make that quotation because I think, and I believe, that it is high time some of the methods which have been adopted by the Agricultural Department for the implementation and carrying out of Government's agricultural policies in the African land units should be changed straight away. Much has been said in this House by African Elected Members about the composition of districts as well as provincial agricultural committees. I do not like to repeat what they have said but I would only like to say this to the Government. The Government knows full well that the administration really, and it is true, retains, Mr. Speaker, an astounding degree of freedom in influencing agricultural policy in the African areas. I think that it is high time the Government did something to diminish that influence of the administration. However, Sir, it is not just enough to elect members to these committees to be the representatives of the farmers. I would be inclined to think that the Government should do everything possible and everything in its power to try and encourage Africans to organize themselves into African farmers' unions or associations for that matter. I say that because I feel that eventually these district and provincial agricultural committees will have to be replaced by these farmers' associations or unions, and they would only have to be advisory bodies to farmers in some years to come. Also, I think that if farmers were allowed to organize themselves into associations or farmers' unions, as Europeans have done in this country, they would be in a position to affect Government policy in matters affecting agriculture in their own areas. After all, Mr. Speaker, it was only yesterday when the Acting Minister said that certain agricultural industries were financing their own industries—in other words, that they were self-supporting.

[Mr. Oguda]

Well, Sir, these industries are found in the European areas and these industries are only able to finance themselves, in other words they are only able to support themselves, because the European farmer has been allowed to exercise a certain amount of initiative in all branches of farming in the Kenya Highlands, but those opportunities have not been extended to the Africans, and refusing the Africans to organize themselves on that basis would to me, be killing the initiative of the Africans. In my own district I have tried to work very, very hard, and the Acting Minister knows about this very well, to try to organize farmers into a sugar growers' association. The administration were all up against me. In fact, they even went as far as threatening to take action against any farmer who would show that he was an adherent of the new policy I was trying to propagate. Now, I think, Mr. Speaker, that that is very, very serious.

Another factor, Mr. Speaker, which I think is very detrimental to the development of agriculture in the African areas is the establishment of marketing boards, particularly at provincial levels. I think the Acting Minister knows that the Nyanza Marketing Board is more of a trading firm than a marketing organization, designed particularly to help the Nyanza African farmers to market their produce. It deals, of course, in a wide variety of African products. It acts as it were, as an intermediary between the primary African producers in Nyanza and the final consumer, and in that way, Mr. Speaker, the profits which the producer would otherwise get are very much reduced. Let us take, for example, the dairy industry in South Nyanza. Several times I have spoken to the administration in that district and they say they are very disappointed that the dairy industry has not been a success. But whose fault is that? I would turn round and say that it is the fault of the Government. It is because the profits which the ghee producers would receive are reduced, owing to the fact that all their products have passed through the Nyanza Marketing Board. If instead of the Nyanza Marketing Board we had, shall we say, a Ghee Board on a Colony-wide basis, such as we have for other products, the Kenya Coffee Board and

the Pyrethrum Board of Kenya, then the people, I think, would be placed in a much better position and they would be able to realize a much bigger profit for their products. That is not the case at the present moment. So, I would suggest to the Government that rather than having these boards on a provincial basis we should aim at having boards on a Colony-wide basis as far as possible.

Mr. Speaker, Sir, I think I will be very, very short because my hon. colleague Dr. Kiango would also like to say a few words on this. He has told me to leave the last five minutes for him. But before I sit down, Mr. Speaker, I would like to say something about cash crops. Generally speaking, all Africans seem to me to be mixed farmers. There is no specialization, as it were, among African farmers. Of course, every student of economics knows that we can only increase agricultural productivity in any country through specialization and division of labour. In the African areas the Acting Minister spoke of ecological areas. Well, I think these ecological areas exist more in theory than in practice. In my own district, for example, there are certain places where people do not just know what cash crops to grow. I would suggest, Mr. Speaker, that in each ecological area it should be the policy of the Government to have at least one principal cash crop and another subsidiary cash crop. I would like the Acting Minister to tell me, when he replies, whether any experiments are going to be made with regard to the cultivation of tobacco in Nyanza Province, because I remember that in reply to one of my questions here the other day the Minister said that certain experiments were carried out but that they were a failure. I would like to know in which parts of South Nyanza and Central Nyanza these experiments were carried out and what these failures were attributed to.

Mr. Speaker, Sir, with only three minutes left for the hon. Member for the Central Province South, I beg to stop.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): Dr. Kiango, you may speak for not more than five minutes.

DR. KIANGO: Thank you very much, Mr. Speaker. I will only speak for four minutes.

[Dr. Kiango]

My first point is the question of loans to farmers. I know that funds are being sought in order to aid them in this regard and I would like him to aim at a minimum of Sh. 4,000 each per farmer to borrow money because I think that Sh. 1,000 or Sh. 2,000, which is usually lent to farmers, are not enough to buy a decent plough. So in his search for more money to lend to farmers I would like him to consider at least Sh. 4,000 being the minimum he could lend.

I would also like to know what the position is with regard to the loans to African farmers from the Land Bank. I mentioned that previously to another Minister but that was not answered and, since this is an agricultural matter, I would like to know whether the facilities are now there for Africans to borrow from this Land Bank.

Thirdly, I would like to say that at present the restrictions regarding the marketing of African produce are responsible to a certain extent for raising unnecessarily the cost of living, particularly in towns. I have in mind, for example, the situation whereby the restrictions are such that a bushel of bananas in Nairobi is about Sh. 6 whereas if you just go as close as Githunguri you can get the same thing for Sh. 1 or Sh. 1/50, and it is because of the restrictions that exist that the position is made very difficult for the poorest small farmer to go directly to the market because of the various restrictions that he may encounter. I believe that in our agricultural reforms in this country we must concern ourselves not only with the question of increased production but also the participation in marketing. The regulations seem to hinder rather than facilitate the marketing of many of the African crops, not necessarily the famous cash crops like coffee and tea but even the smaller things like vegetables, bananas, and so on. I could give you examples of this but I will not go on into the details considering the short time which is available to me.

I would also like to say that in the consideration of agriculture in the country, there is a neglect of the question of grazing—in my own constituency in Kiambu I do find that people with cattle and so on are having a lot of difficulties as to where to graze and so

on, and I would like to hear the Minister answer with regard to what provisions are being made for this, and what plans are being made in the agricultural changes that are taking place, what solutions are being offered, in order to provide adequate grazing for the cattle in the Kiambu and in other districts.

Now, Sir, when I come to the question of advice given to African farmers by the various agricultural officers, it is unfortunate, Sir, that in many places some people mistake advice for compulsion, which gives agricultural advice a bad connotation. I have in mind, for example, the various and sometimes excellent farm plans available to African farmers. Now, when I compare the types of practices found, let us say, in some of the European farms, and compare those with the African ones, Sir, I find that the advice given to the Africans, which some of them consider to be law, brings about differences which make the people question the correctness of the advice. Now, I know, for example in the case of planting coffee, that it is necessary that you have proper preparations in order to get a good crop. But you always find people, in my constituency at any rate, who say: "Why is it that we have got to dig a pit three feet in diameter, fill it with humus for coffee plants, while our European neighbours doing the same thing are not required to do the same thing?" I realize that humus is necessary. I do also realize that fertility is not uniform throughout the land and such recommendations should have relevance to the fertility of the piece of land rather than making it a general regulation irrespective of the area and irrespective of the fertility of the piece of land in question.

Lastly, Sir, having had to cut so many other points that I had in mind, I would like to ask the Minister to consider again like the question of water supplies in such the Fort Hall areas as some parts of the Fort Hall District where irrigation is taking place, and in some other areas, in other places, and I would like to know what they do there, because they are good potential areas but they require still further improvement and water, and irrigation and so on.

However, the main point I would like to raise with the Minister is, that I would like him to say something about

[Mr. Swynnerton]

South Nyanza. It is now up to interested sugar companies to put up propositions or to enter into those areas if they consider that it is economic to develop sugar.

The hon. Member for Nyanza South mentioned his activities in connexion with the development of, I think he called it, a sugar association for his area. The main effect of his personal activity has been to frighten away the interest of a commercial firm which was prepared at one time to put up the finance to put a sugar factory into that area once the soil survey had been completed. So we are virtually back where we began except that we shall have a soil survey of the area.

The Kano Plains, Sir, were fully surveyed by Sir Alexander Gibb and Partners three or four years ago, and they reported that there were 30,000 acres which could be brought under irrigation and considered that about half of that would be suitable for sugar and that half would be suitable for rice. Once again, Sir, we are back to the question of capital. It will cost something of the order of £3,000,000 to develop such an irrigation scheme. It would cost perhaps another £2,500,000 to put in a sugar factory, although it might go in cheaper. But, Sir, even were those two requirements fulfilled there is still the question of the people themselves. The Kano Plains are very heavily populated. Would the Luo wish to undergo the disturbance of an irrigation scheme being brought in in order that, once they were freed from the land, they could produce four or five times as much as they do now? That is a matter for the people themselves.

On the question of rice, Sir, we have established two irrigation research stations, one at Mwea in Embu District and one at Athi on the edge of the Kano Plain. The Mwea station has been going now for some three years and has tested several hundreds of varieties of rice from all parts of the world. I think that answers the question of the hon. Member for East Electoral Area. The results to date on yields are that a local variety by the name of Sindano outyields any other imported or local variety. On quality it is generally up to the requirements of the consuming

public except certain of the wealthier Asians who have very particular tastes for certain varieties and qualities of rice.

I would just say one word, Sir, on rice, in regard to the usual problem of over-production. At the present time we consume about 8,500 tons a year, perhaps 8,000, of which 2,000 tons come from Nyanza and the coast, 2,000 from Tanganyika, 2,500 tons of high quality rice are imported, and we are working up towards 2,000 tons from the Teberi irrigation scheme. We think that consumption could be pushed up to about 10,000 tons—in other words we could replace the Tanganyika quantity and perhaps get in another 3,000 or 4,000 tons of our own. After that it would be a question of export economics and of people acquiring the taste for it. In many areas where it is developed it is remarkable how quickly people take to rice, but, of course, they do that at the expense of maize and wheat and that creates a problem elsewhere.

We have heard a great deal, Mr. Speaker, about marketing boards. You would have thought from the amount that was said on them that we were going back over again a debate which we had only a month ago, and in that debate on behalf of the Government, Sir, I did accept the Motion that the Government would consider establishing an enquiry into the number and functions of the agricultural boards of this country. Now, the position in the interim of course has been that we have had no Minister. We have drawn up proposals for terms of reference and, when the Minister is appointed, it will be up to him whether to proceed with the enquiry or not and whether he accepts the terms of reference or whether he wishes to change them. But in the course of this debate, Sir, we appear to have covered a very much wider field than that previous one. We have had suggestions almost that we should set up a "productivity council", perhaps similar to the one in the United Kingdom whereby the heads of the various industries get together and plan production. We have had the suggestion, too, in a very valuable speech from my friend, Mr. King, of perhaps setting up an organization called East Africa Products Ltd. which would establish and

[Mr. Swynnerton]

foster markets in the neighbouring territories. Well, Sir, I am sure that, if a committee of investigation is set up it will study the speeches which have been made in this debate.

My hon. friend Mr. Nzioka asked whether there could be a marketing board for the Southern Province. He did not appear to be in agreement with some hon. Members who did not want provincial marketing boards. The answer to that one, Sir, is that it is being investigated at the present time and is in the embryo stage and we would hope to get a form of marketing board for the Southern Province ready at the time that the Matze and Produce Control passes out at the end of July.

On the subject of the numerous committees, I think most of the African Elected Members who spoke objected to the composition of district agricultural committees and provincial agricultural committees. I have a feeling that one member also objected to the composition of the agricultural committee of African district councils. Well, the answer to that, Sir, is that the best farmers, or the people who are considered to be the best farmers, in each area who, at the same time, are capable of making a useful contribution to those committees are chosen and it is a fact, Sir, that among the good farmers are a number of chiefs.

Now, the hon. Member for Nyanza Central expanded substantially on the need for the development of co-operative societies. Now, Sir, I would support him strongly, at least on this point. Co-operative societies, in fact come under the Minister for African Affairs, but they handle agricultural produce, and I would strongly support the formation of strong co-operative societies and their amalgamation into strong co-operative unions. These are bodies which must come up from the wish of the people down below. They are not bodies which can be imposed on the producers.

MR. ODINGA: Mr. Speaker, I thank the hon. Member for giving way. The Minister for African Affairs is soon going away and therefore co-operative societies will soon revert to your Ministry.

MR. SWYNNERTON: Now, Sir, supposing in Nyanza Province all produce was marketed by co-operative societies, and all those co-operative societies were members of one strong union or a number of strong district unions, then it might very well benefit us to replace the Nyanza Province Marketing Board by the body governing that union. But so long as there are unions and individuals producing and wishing to sell at the present time, if the benefits of the Government guarantees and the Government-supported prices are to go over to the farmers, then it is very necessary to have that Provincial Marketing Board.

Mr. Speaker, I would like to quote a few figures on co-operative societies because it appears to me from the debate that hon. Members think that they do not exist. At the end of December there were 434 co-operative societies, 110 of them being in Nyanza Province, with a total membership of 109,500. Unfortunately, Sir, 152 of these societies were not operating and 10 were in liquidation. In addition, there are 15 registered African unions with a membership of 198 societies—that is, groups of societies forming themselves into a union to handle their produce and affairs. I cannot give the hon. Member the number of societies which exist but the annual report of the Registrar of Co-operative Societies will be published shortly and I would refer him to that. I will, however, look up the figures from Nyanza because this was the point particularly made by the hon. Member for Nyanza Central. There are 82 coffee societies, of which 39 are in Nyanza, and 21 dairy societies, of which there are 13 in Nyanza. I think it was the hon. Member for Nyanza South who was suggesting that there were rather less. There are 100 grain and cereals societies, of which there are 55 in Nyanza. There are ten societies of perishable producers, none being in Nyanza, there are 12 pyrethrum societies, of which there is one in Nyanza. I would suggest, therefore, Sir, that in fact co-operation in Nyanza in some of the principal crops is not entirely backward.

My hon. friend Mr. Tyson touched on the subject of the marketing of barley or should I say the milling of barley

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and the marketing of malt. I have nothing to add, Sir, in what he has already said except to say that I would hope that all the breweries in this country would consider the overall economic interests of this country and of the farmers in this country in the use of malt.

A number of people, Sir, have raised the question of loans to farmers. My friend, Mr. Wanyutu Waweru, thought that the good farmers should get big loans to the exclusion of the weaker members of the community. The hon. Member for Central Province South thought that everybody should have loans of not less than Sh. 4,000. Well, I would say that hon. Members know how short funds are. But we do assess the needs of individual farmers for loans. It may well be that a farmer can get himself on his feet for £50, or it may well be that a farmer cannot get himself on his feet for less than £200 or £300. Each person has to be considered on his merits and on the priorities of the productive enterprises which he wants to develop. I was asked about loans for tractors by the hon. Member for Nyanza North. The position on that, Sir, is that the Minister for Commerce and Industry has I.C.A. loan funds for the development of trading industries, and out of that fund he is prepared to lend money for tractor contractors—that is, people who wish to purchase a tractor in order not only to plough their own land but also to plough for other people; and, in fact, I think that such a loan, if not more than one loan, has been made in Embu.

The Member for Central Province South raised the question of Land Bank loans. I would have to get this confirmed, but I think that the Land Bank would certainly lend to African farmers provided that they could obtain security over land and/or other chattels just as they do in the case of loans to European farmers.

Now, Sir, the hon. Member for Mount Kenya raised one or two points. He apologized for the fact that he was not going to be here today. He referred to the grading of pigs. The general position on that is that when the new grading regulations come into force on 1st July there will be more differentiation in grading and the question of selling by grade is under consideration. It is a

question, of course, as to whether those grades are to be passed on to the consumers. I think he then referred to the cost of processing pigs. In Kenya the costs of processing pigs are higher than in other comparable countries due to the fact that at present we are using both the old and the new factories. When the activities are concentrated in the new factory alone, and that will be fairly soon, costs should certainly be no greater than elsewhere.

One other point—my hon. friend Mr. Smith raised the question of the contribution to the milk recording scheme. The answer to him is that the Dairy Industry Board is sympathetically considering taking over the finance of that project or at least taking over the deficit of £1,000 in the finance of that project.

Now, Sir, I come to the hon. Member for North Rift. He raised a number of points which were also mentioned by the Member for Mombasa Urban and the Member for Central Rift including the development of the low productive areas and the putting in of water supplies. Now, Sir, the Government has responsibility for land. What is done must be done with the aim of maintaining and improving its productivity. Government would not normally consider putting in water just for the sake of putting in water. Putting in water in these dry areas attracts large numbers of stock and the country around for a radius of five or ten miles becomes very rapidly very severely denuded. If the putting in of water supplies is tied up to a grazing management scheme, then Government will do all it can to assist with the development of those schemes, that is, where the grazing is rotated from one block to another, and from one water point to another, the whole time encouraging the re-establishment of grass and preventing the complete denudation of the country. Now, Sir, in grazing management schemes, success can only be attained if there is control over the stock numbers—that is, the carrying capacity of the land. When a grazing scheme is initiated the land in those areas has normally been so heavily denuded that the carrying capacity may be of the order of one beast to 12, 15 or 20 acres. After some years of controlled grazing it may well be possible to improve the carrying capacity to something

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of the order of one beast to eight or ten acres. In that case the carrying capacity is greatly improved and, not only that, but the quality of the animals is improved generally out of recognition.

Another matter—and my hon. friend the Minister for Forest Development mentioned this—that has to be borne in mind is that one must adjust one's stocking to one's dry years and not to one's wet years. We have these tremendous fluctuations in Kenya where we may have two or three dry years and then two or three wet years and at the end of the wet we think everything is wonderful and base our stockings on the capacity of the two three, wet years, only to find that when the dry years come along, the land will not carry the animals.

I was very glad to hear the reference by the hon. Member for the Rift Valley, supported by my friend Mr. Smith, in regard to Mr. Samuel Horton and his visit to this country. I am very glad to know that he is coming here for such a long period and certainly in co-operation with the Royal Agricultural Society, the Ministry of Agriculture will be very happy to take him round some of our drier areas and to seek his advice.

The hon. Member for Central Rift raised the question of East Coast fever and the possibility of producing a vaccine for it. Recently in Nairobi there has been established the Wellcome Research Institute—that is not the Foot-and-Mouth Institute but the Research Institute—and East Coast fever is one of the major items on its research programme, so we can hope to hear of its progress in a few years' time. Therefore, Sir, that aspect of animal disease is not being neglected.

On the question of rinderpest, this country has, in fact, been kept very substantially clear of this by the activities of the Veterinary Department, but they would like, in the course of time, to create a clean barrier right across the Northern Province to protect the other provinces of this country from that end.

The hon. Member for North Rift raised a number of points in connexion with the African Livestock Marketing Organization. That organization's activities concentrate in the main on Samburu and on the Northern Province. The movement of stock from those areas pre-

sents a special disease problem and the demand for meat from consuming areas is such that it can only be met by an efficient organization under central control which can deal with vaccinations, holding grounds, and transportation. In doing so, the African Livestock Marketing Organization, contrary to what the hon. Member said, pays all normal fees to the African district councils. So far as paying for hides and skins is concerned A.L.M.O. buys on the hoof at prices based on Government guaranteed prices, but deducts nothing for overheads which are subsidized by the Government. The Director of Veterinary Services plans to return the Kenya Meat Commission bonuses to the districts of origin in ratio to the numbers of cattle produced from those districts.

The hon. Member for Mombasa Urban asked why the Kenya Meat Commission had a purchasing monopoly in the European areas only. Government guarantees the price to the producer and must therefore control the marketing. The Kenya Meat Commission monopoly of sales in certain areas guarantees a source of clean meat. This question involves high level Government policy which was reaffirmed as a result of the Neville Report as my hon. friend, Mr. King, said earlier this afternoon. The Kenya Meat Commission has performed a very valuable service by building up exports of meat.

My hon. friend, Mr. Nzoka I think was under a misapprehension in regard to the Veterinary Services in the Machakos District, because in fact the Machakos District is better staffed by the Veterinary Department than almost any other district. There is a district veterinary officer and five live-stock officers. He also overlooked the fact that there is a livestock improvement centre just on the outskirts of Machakos township and the Veterinary Department is running an A.D.C. ranch at Simba for the African district councils.

He also asked about the provisions for artificial insemination in his district. If groups of farmers within a reasonable radius have got a scheme for improving their livestock which they have agreed with the Veterinary Department, the Veterinary Department will most certainly consider assisting them with an artificial insemination scheme.

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The hon. Member for Mombasa Area and the hon. Member for East Electoral Area raised a number of points on tsetse fly and so did the hon. Member for Nyanza Central. A very large amount of development money has been spent in the coast hinterland on developing grazing and water supplies and clearing bush. However, the local tribes have refused to co-operate in proper cattle management, and it would be ill-advised of Government to put too much money into that area until greater co-operation in regard to the management of land and the control of bush regeneration is achieved. As I mentioned yesterday, Sir, the United States International Corporation Administration have made £15,000 available for grazing management investigation in the meantime.

Now, the hon. Member for Nyanza Central queried the diagnosis of trypanosomiasis along the lake-shore area and suggested that all slides have to go to Menoara there was nowhere else in the province where they could be looked at. Mr. Speaker, all veterinary stations are equipped to diagnose trypanosomiasis and routine smears are prepared in most of the Nyanza areas. Work along the lake-shore, Sir, which has been undertaken recently includes fly clearing along 400 miles to the Ruja-Migori River system, eight miles of lake-shore sprayed near Homu, 100 miles of the Little Awach River system sprayed and insecticide experiments have been carried out on the Tanganyika border at Mohora. In fact, the Tsetse Division of the Veterinary Department has done a very substantial amount of work in the Nyanza Province for the control of tsetse fly and large areas and large numbers of people and stock have been protected by their work.

Now the hon. Member for Western Electoral Area referred to Mackinnon Road and its inhospiability. A tremendous amount of development would have to be undertaken in this area before it could be used economically for ranching. It has been carefully investigated over the last year, or 18 months from the point of view of establishing ranching settlements, but more has to be done on the investigation of water supplies and the economics of the size of holdings before

in fact a settler could operate in that area. A subcommittee of the Coast Lands Advisory Board is actively considering the problem and has recently submitted various water reticulating schemes to the Hydraulic Branch of the Ministry of Works, this includes reticulation from the Mzimba pipe-line which, of course, comes under the Mombasa Pipe-line Board. It is hoped that this sub-committee's report will be available soon and that a decision will then be possible on the practicability of the scheme. I understand that the hon. Member for the East Electoral Area is on the sub-committee and knows something about it.

The hon. Member for the Eastern Electoral area suggested that nothing had been said about Asian agriculture in the country. I did in fact, indicate the prosperity of Asian agriculture when I announced the gift which the Mindocha family has so generously made towards the development of Siriba, in fact, the sugar areas, except for one or two problems mentioned by the hon. Member for the West Electoral Area regarding land tenure are a prosperous and developing community. He also asked for the number of Asians employed in the Ministry of Agriculture. Well, Sir, the position is that there are 40 Asians on the C scale of whom a number are assistant agriculture officers and laboratory technologists in the Agricultural Department and they are performing very useful services in a number of fields, particularly in the Coast Province and in certain research sections of the Agricultural and Veterinary Departments. There are 32 other Asians employed in the Ministry on the E scale, but that in general is the clerical and accounting service. I would, however, say in regard to farming by Asians in this country, that there was virtually no, or very little support, for the agricultural school which was set up in Tanganyika at Nami on behalf of the whole of East Africa for training Asians for agriculture, and therefore I would suggest that to date not very much interest has been shown by the Asian community in farming, in that they are probably happier in their accustomed pursuits of trade and commerce.

Mr. Speaker Sir, I would just say a brief word on agricultural education.

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which I touched on very substantially in introducing these estimates. The hon. Member for Mombasa Area asked about provisions for training of adult African farmers. The answer to that one, Mr. Speaker, is that in a number of districts we have developed farmers' training centres, particularly in the areas which have gone ahead quickly such as in the Central Province—Meru, Embu, Nyeri and Kiambu where there is a farmers' training centre in each district and progressive farmers attend these for a short course, with Kabiranga and Bukuro developing in Nyanza. I think the number of people who went through the Nyeri school, I have not got the exact figures—but I think there were four or five hundred farmers during 1958 and I think we can probably step that up. In other words, there is a certain amount of mass production in the teaching of agriculture to farmers and I hope for similar training centres in the Rift Valley, Southern and Coast Provinces in future.

I was asked by one hon. Member why all the output of the Makerere diploma course was not employed by the Agricultural Department. Mr. Speaker, people have to be employed on their character and ability and the reports of their work, and if they are not suitable for a particular grade, and if they wish to go into a lower grade, then it is up to them to apply for it. During the present year, four people have come out with a diploma from Makerere: two we have found suitable and have been able to take on in their proper scale as Assistant Agricultural Officers; two we did not consider were up to the job. One of those has been appointed a temporary Assistant Agricultural Officer to try him out, and one is being offered a post as an Agricultural Instructor at an appropriate point in the scale, and if he makes the grade he can certainly be considered later for the post of Assistant Agricultural Officer.

The hon. Member for Western Electoral Area raised the question of landlord and tenant legislation. Mr. Speaker, proposals for landlord and tenant legislation have been put forward by the Kenya National Farmers' Union and are under consideration at the present time by the Ministry of Agriculture. I can assure the hon.

Member that in the course of the next year or two, according to priorities in legal drafting, legislation will appear.

Now, Sir, before finishing I would like to refer to two points made by the hon. Member for Mount Kenya and by my friend, Mr. Hunter.

The hon. Member for Mount Kenya said that he felt that a case existed for considering means of giving financial assistance to relatively small farmers who are finding themselves in difficulties during the present low price period. Many of those farmers are young farmers and it would be a great pity if they were not able to survive.

Now, Sir, as long ago as last November, Mr. Blundell asked both the Board of Agriculture and the Agricultural Settlement Board to deal flexibly with the difficulties being faced by some farmers in meeting interest payments on borrowed capital during the present low price period. Both boards have been watching the position with great care and have put into operation means whereby farmers who are genuinely hard pressed can be assisted. It is significant, however, that both boards have found that farmers are meeting their obligations in a most exemplary manner and although this probably means that many of them have had to tighten their belts considerably, it does show a highly responsible outlook towards the commitments which they undertook in more prosperous times. Financial assistance has only had to be given in a relatively small number of cases and a few more cases are under consideration.

Now, Sir, my friend Mr. Hunter supported Group Captain Briggs in this plea for assistance for farmers, and he said that he had heard that farmers were collectively in debt to the extent of £24,000,000. He mentioned that the European Settlement Board was bringing settlers out and stipulated a minimum capital of £6,000. He thought this was too low for farming on the scale which they were expected to undertake. I suggest that Mr. Hunter's figure of £24,000,000 cannot possibly be considered purely in the terms of debts. A very large proportion of it is made up of development and working capital which farmers have borrowed in the normal course of business, just as many

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commercial firms carry on their day-to-day business by means of bank overdrafts for borrowing capital when they want to expand.

With regard to the £6,000 minimum capital requirements by the European Agricultural Settlement Board to be introduced by a new settler, this represents the minimum personal contributions needed to establish a minimum economic unit. Experience has shown that farms established with any lesser personal contribution are seldom successful and that it would be dangerous to reduce the size of the farming unit. I would agree that a larger amount of personal capital is desirable, but the proportion of Settlement Board tenants who have made a success of their ventures on the minimum capital shows that the right type of men can establish a successful farm on this amount if they are prepared to put their backs into the job.

Mr. Speaker, Sir, I beg to move.

MR. SPEAKER (Sir Ferdinand Cavenish-Bentley): Under Standing Order 112, as it is an hour before the time for the interruption of business, the Council goes into Committee without Motion put.

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]

VOTE 21—MINISTRY OF AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES

That a sum not exceeding £1,452,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 31—Ministry of Agriculture, Animal Husbandry and Water Resources.

Question put and carried.

DEVELOPMENT ESTIMATES

That a sum not exceeding £9,576,078 be granted to the Governor to defray

the charge which will come in course of payment for the year ending 30th June, 1960, for the Development Estimates.

Question put and carried.

VOTE 16—HIGH COMMISSION SERVICES

That a sum not exceeding £1,518,318 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 16—High Commission Services.

Question put and carried.

VOTE 38—MINISTRY OF TOURISM AND COMMON SERVICES

That a sum not exceeding £35,650 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 38—Ministry of Tourism and Common Services.

Question put and carried.

VOTE 31—LABOUR

That a sum not exceeding £268,100 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 31—Labour.

Question put and carried.

VOTE 42—HOUSING

That a sum not exceeding £15,120 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 42—Housing.

Question put and carried.

VOTE 1—THE GOVERNOR

That a sum not exceeding £43,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 1—The Governor.

Question put and carried.

VOTE 2—JUDICIAL

That a sum not exceeding £134,300 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 2—Judicial.

Question put and carried.

VOTE 3—LEGISLATIVE COUNCIL

That a sum not exceeding £108,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 3—Legislative Council.

Question put and carried.

VOTE 4—COUNCIL OF STATE

That a sum not exceeding £9,370 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 4—Council of State.

Question put and carried.

VOTE 5—EXCHEQUER AND AUDIT

That a sum not exceeding £62,714 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 5—Exchequer and Audit.

Question put and carried.

VOTE 6—CIVIL SERVICE COMMISSION

That a sum not exceeding £16,925 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 6—Civil Service Commission.

Question put and carried.

VOTE 10—IMMIGRATION

That a sum not exceeding £21,600 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 10—Immigration.

Question put and carried.

VOTE 11—LEGAL AFFAIRS

That a sum not exceeding £72,600 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 11—Legal Affairs.

Question put and carried.

VOTE 12—THE TREASURY

That a sum not exceeding £143,365 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 12—The Treasury.

Question put and carried.

VOTE 13—MISCELLANEOUS

That a sum not exceeding £298,575 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 13—Miscellaneous.

Question put and carried.

VOTE 14—ANNUITY TO H.H. THE SULTAN OF ZANZIBAR

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, 1960, for Vote 14—Annuity to H.H. the Sultan of Zanzibar.

Question put and carried.

VOTE 15—PUBLIC DEBT

That a sum not exceeding £2,506,517 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 15—Public Debt.

Question put and carried.

VOTE 17—CONTRIBUTION TO EMERGENCY FUND

That a sum not exceeding £1,600,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 17—Contribution to Emergency Fund.

Question put and carried.

VOTE 18—PENSIONS AND GRATUITIES

That a sum not exceeding £1,349,880 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 18—Pensions and Gratuities.

Question put and carried.

VOTE 20—COMMUNITY DEVELOPMENT

That a sum not exceeding £241,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 20—Community Development.

Question put and carried.

VOICE 22—MINISTRY OF INTERNAL SECURITY AND DEFENCE

That a sum not exceeding £77,707 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 22—Ministry of Internal Security and Defence.

Question put and carried.

VOICE 23—MILITARY

That a sum not exceeding £1,336,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 23—Military.

Question put and carried.

VOICE 24—PRISONS

That a sum not exceeding £1,131,110 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 24—Prisons.

Question put and carried.

VOICE 28—HEALTH

That a sum not exceeding £1,733,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 28—Health.

Question put and carried.

VOICE 29—MINISTRY OF EDUCATION, LABOUR AND LANDS

That a sum not exceeding £115,700 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 29—Ministry of Education, Labour and Lands.

Question put and carried.

VOICE 32—LANDS

That a sum not exceeding £133,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 32—Lands.

Question put and carried.

VOICE 33—SURVEYS

That a sum not exceeding £163,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 33—Surveys.

Question put and carried.

VOICE 34—MINISTRY OF FOREST DEVELOPMENT, GAME AND FISHERIES

That a sum not exceeding £505,597 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 34—Ministry of Forest Development, Game and Fisheries.

Question put and carried.

VOICE 35—COMMERCE AND INDUSTRY

That a sum not exceeding £306,357 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 35—Commerce and Industry.

Question put and carried.

VOICE 36—MINISTRY OF WORKS

That a sum not exceeding £2,734,023 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 36—Ministry of Works.

Question put and carried.

VOICE 37—MOBASA WATER SUPPLY

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, 1960, for Vote 37—Mombasa Water Supply.

Question put and carried.

VOICE 39—COAST AGENCY AND PASSAGES

That a sum not exceeding £695,115 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 39—Coast Agency and Passages.

Question put and carried.

VOICE 40—PRINTING AND STATIONERY

That a sum not exceeding £128,900 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 40—Printing and Stationery.

Question put and carried.

VOICE 41—SUPPLIES AND TRANSPORT

That a sum not exceeding £124,576 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 41—Supplies and Transport.

Question put and carried.

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

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I have to report that the Committee of Supply has considered the following Motions and approved Resolutions in respect thereof without amendment:—

That a sum not exceeding £1,452,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 21—Agriculture.

That a sum not exceeding £9,576,078 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for the Development Estimates.

That a sum not exceeding £1,518,318 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 16—High Commission Services.

That a sum not exceeding £35,650 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 38—Ministry of Tourism and Common Services.

That a sum not exceeding £268,100 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 31—Labour.

That a sum not exceeding £15,120 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 42—Housing.

That a sum not exceeding £43,500 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 1—The Governor.

That a sum not exceeding £134,300 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 2—Judicial.

That a sum not exceeding £108,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 3—Legislative Council.

That a sum not exceeding £9,370 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 4—Council of State.

That a sum not exceeding £62,714 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 5—Exchequer and Audit.

That a sum not exceeding £16,925 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 6—Civil Service Commission.

That a sum not exceeding £21,600 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 10—Immigration.

That a sum not exceeding £72,600 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 11—Legal Affairs.

That a sum not exceeding £143,365 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 12—The Treasury.

[The Temporary Minister for Legal Affairs—

That a sum not exceeding £298,575 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 13—Miscellaneous.

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, 1960, for Vote 14—Annuity to H.H. the Sultan of Zanzibar.

That a sum not exceeding £2,506,517 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 15—Public Debt.

That a sum not exceeding £1,600,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 17—Contribution to Emergency Fund.

That a sum not exceeding £1,349,880 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 18—Pensions and Gratuities.

That a sum not exceeding £241,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 20—Community Development.

That a sum not exceeding £77,707 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 22—Ministry of Internal Security and Defence.

That a sum not exceeding £1,336,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 23—Military.

That a sum not exceeding £1,131,110 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 24—Prisons.

That a sum not exceeding £1,733,200 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 28—Health.

That a sum not exceeding £115,700 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 29—Ministry of Education, Labour and Lands.

That a sum not exceeding £133,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 32—Lands.

That a sum not exceeding £163,000 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 33—Surveys.

That a sum not exceeding £505,597 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 34—Ministry of Forest Development, Game and Fisheries.

That a sum not exceeding £306,357 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 35—Commerce and Industry.

That a sum not exceeding £2,734,023 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 36—Ministry of Works.

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, 1960, for Vote 37—Mombasa Water Supply.

That a sum not exceeding £695,118 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 39—Coast Agency and Passages.

That a sum not exceeding £128,900 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 40—Printing and Stationery.

That a sum not exceeding £124,576 be granted to the Governor to defray the charge which will come in course of payment for the year ending 30th June, 1960, for Vote 41—Supplies and Transport.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vosey): 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.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentley, K.B.E. C.M.G., M.C. in the Chair]

The Criminal Procedure (Amendment) Bill

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 agreed to.

Clause 25

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to move that clause 25 be amended by the insertions in the proposed new subparagraph (i) of paragraph (a) of subsection (5) of section 205, immediately before the words "of the same offence" of the words "on the same facts".

Sir, this proposed amendment was suggested by the Law Society. It is merely to add some words for the purpose of greater clarity. As hon. Members will have seen when reading the Bill, this proposed new subsection deals with pleas of *autrefois convict* and *autrefois acquit*, and it is clearly desirable that this greater clarity should be given to this proposed new subsection.

I accordingly beg to move the insertion of those words.

Question proposed.

Question that the words proposed to be inserted, be inserted, put and carried. Clause 25, as amended, agreed to.

Clauses 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 agreed to.

Clause 37

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Sir, I beg to

move that the following clause be inserted in place of clause 37:—

Amendment 37 of section 356 of the Code

(1) Section 356 of the Code is amended—

(a) by substituting for the proviso to subsection (1) thereof the following proviso—

Provided that where an application for bail is made to such subordinate court as aforesaid and is refused by that court no further application for bail shall lie to the Supreme Court, but any person so refused bail by a subordinate court may appeal against such refusal to the Supreme Court and, notwithstanding anything to the contrary in sections 352 and 358 of this Code, such appeal shall not be summarily rejected and shall be heard, in accordance with such procedure as may be prescribed, before one judge of the Supreme Court sitting in Chambers;

(b) by adding at the end thereof the following new subsection—

(3) The Supreme Court may from time to time frame rules to regulate the procedure in cases under this section.

(2) This section shall come into operation on the expiration of a period of one month beginning with the day on which this Ordinance is published in the Gazette.

Sir, two hon. and learned Members opposite drew attention to the desirability of appeals from the refusal by a magistrate of bail to a convicted person, who was appealing, being heard summarily—that they should be heard before the sentence of imprisonment had expired in many cases. The Law Society drew my attention to this desirability about a month ago, and for that reason I have moved this amendment.

Sir, the purpose of the new subsection (3) is to allow the Court to prescribe by rules the summary procedure which will be followed in this case and the purpose of the delaying subsection to clause 37 is to give the Supreme Court a month in which to make those rules.

[The Temporary Minister for Legal Affairs]

I accordingly beg to move, Sir,

Question proposed.

Question that the clause to be deleted be deleted and the clause to be substituted therefor be substituted put and carried.

Clause 37, as amended, agreed to.

Clause 38 agreed to.

Clause 39

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, Sir, I beg to move that clause 39 be amended by the insertion in paragraph (c) of subsection (2) of the proposed new section 378, immediately before the words "where the Court of Appeal, of the words "or corporal punishment".

Sir, this again is an amendment the desirability of which has been pointed out to us by the Law Society of Kenya, and the purpose is that where corporal punishment is imposed by the Supreme Court, an appeal shall lie only under the proposed new section 378 (2) (c).

I accordingly beg to move, Sir,

Question proposed.

Question that the words to be inserted be inserted put and carried.

MR. MANGAI: If the hon. and learned Mover has finished with this clause, and there is no other amendment coming, I have a small point on this clause. If the learned Mover could be so good as to lend me his copy of the Criminal Procedure Code once again I will be more sure; and at least he will be less sure of it. But I think he will agree probably, without reference to the book, that in subsection (2) of the proposed section 378, in line 4 of that subsection, the first word "of" should be "or" as, to the extent of it to the legality. If it is so in another section, I think it should be so in this.

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Sir, the hon. and learned Member is precisely right, and I should like to congratulate him on being in excellent company, because the Chief Justice of Kenya drew my attention to this about three days ago. We had already noticed it, and it is a printer's error, and I had made a note to tell the

Clerk in order that it might be put right in the way in which we do put such errors right. In the final line of subsection (3), the sixth word should be "or" and not "of", Sir.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think everyone would agree that it is a printer's error.

Clause 39, as amended, agreed to.

Clauses 40, 41, 42 and 43 agreed to.

Title agreed to.

Clause I 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 the Criminal Procedure (Amendment) Bill, with amendments.

Question proposed.

The question was put and carried.

The House resumed.

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

REPORT

The Criminal Procedure (Amendment) Bill

THE TEMPORARY MINISTER FOR LEGAL AFFAIRS (Mr. Conroy): Mr. Speaker, I beg to report that a Committee of the whole Council has considered and approved the Criminal Procedure (Amendment) Bill, and I beg to report the same with amendments.

Report ordered to be considered tomorrow.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the end of the business on the Order Paper and I therefore adjourn Council until 9.30 a.m. tomorrow, Friday, 5th June.

The House rose at fifty-five minutes past Five o'clock.

Friday, 5th June, 1959

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

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

PRAYERS

COMMITTEE OF WAYS AND MEANS

[Sir Ferdinand Cavendish-Bentinck, N.D.E., C.M.G., M.C., in the Chair]

MOTION

CUSTOMS TARIFF

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

THAT, subject to the enactment of the Customs Tariff (Amendment) Bill, 1959, the proposals relating to import duty contained in subparagraphs (i) to (xiii) on pages 2 to 5 of the Financial Statement for the year of Accounts 1959/1960, as varied by the amendments contained in the notice of amendments published in the Orders of the Day for 4th June, 1959, be approved.

Sir, this is the usual procedure whereby in anticipation of the presentation of a Bill covering the taxation, the concessions and the amendments proposed, the Committee is given its chance to debate at fair length and freedom the proposals contained both in the Budget speech and in the Bills concerned. As Sir, all the measures concerned have already been referred to both in the Budget Speech and in the Financial Statement, I shall deal at this stage only with the proposed amendments.

Sir, the first amendment that is suggested is the alteration which has been made very largely as a result of representations which have been made in various councils and committees of the territorial legislatures. The one concerned was the "knitted tubular" which in the original proposals was, of course, much less than the present and now proposed Sh. 3 per pound. The tone of several Members of the House when this particular measure was debated was that it was not high enough to serve its full protective intention. So the Government has, in consultation with the Govern-

ment of Tanganyika decided that the new tariff should be imposed at the higher rate in order to fulfil these protective intentions.

The next one, Sir, is by inserting after the words "enamel hollowware" the expression "and". This, Sir, is to enable us to give certain concessions in duties to certain enamel hollow-ware required for use by such institutions as hospitals for of course it was not the intention that that particular class of enamel goods should have the same level of duty imposed upon it.

Perhaps the most important, Sir, is however (i) (c) which deals with the amendment to the proposed tariff duty on films. The hon. Member for Nairobi North I think it was in particular who from the other side of the House drew attention to the difficulty that would be imposed upon a dealing of the smaller film companies dealing particularly in the 16 mm. and 8 mm. field by the new duty. I met the film companies concerned on two or three occasions and as a result of those discussions the present amendment is now being put forward plus, as hon. Members will see at a later stage in the Committee of Ways and Means a suggestion of amendment to the Entertainment Tax Ordinance. With this amendment, Sir, films printed or exposed for exhibition on a scientific, technical or educational nature for exhibition solely to or by scientific or technical societies or educational institutes or for exhibition free of charge solely for the purpose of training will be allowed in free. Newsreels will be allowed in free. On the other films — 8 mm. film and that constitutes a small proportion of the film that is used for cinematographic exhibition in this country, the tax has been reduced from 25 cents per linear foot to 24 cents per linear foot. In the 3 mm. to 16 mm. range which covers the 9 mm. and the 16 mm. which are two fairly large groups, the 16 mm. representing of course, the most important group of the smaller film range, the tax has been reduced from the suggested 25 cents a foot to 5 cents a foot whilst over and above the 16 mm. the import duty remains as originally proposed.

Now, Sir, in so far as No. 2 is concerned, this is the amendment which

[The Minister for Finance and Development]
hon. Members will, I am sure, recollect I referred to in the Budget Speech. This is the manner in which we propose that this particular assistance to the paper bag industry should be brought about.

Sir, I beg to move.

Question proposed.

THE SPEAKER (Sir Ferdinand Cavendish-Bennick): Before I propose the question, may I just say that whilst on this particular Committee under Standing Order 115 Members may only speak twice in each Motion but their time is unlimited!

MR. ALEXANDER: Mr. Chairman, Sir, page 4 of the Financial Statement for the year of account 1959/60, Item IX, Commercial Vehicles, I do here declare an indirect interest in the matter in that professionally, but not financially, I am concerned. Well, I suppose in one way or another I am concerned with most things, if I stop to think, Mr. Chairman, but I know that I am very concerned with this one, and I would like to ask the Minister whether he can tell us what his attitude is to the representations that have been made to him on behalf of those in business dealing with passenger transport. There is evidence that this duty will cause quite a great deal of addition to the overheads of passenger transport operators, and it seems that their remedy is to increase passenger fares. Now, we know that the main income, practically the entire income of passenger transporters is in the low-fare group, and this, of course, does have an immediate impact on the working-class population of this country. In speaking in the main Budget Speech the Minister did give us a very reassuring low percentage of impact as a result of this duty, but when that is translated into practice in the low fares, what, in effect, happens is that the percentage becomes quite unrealistic because, as everybody will appreciate, Mr. Chairman, it is never possible to increase a fare by one cent, or two cents, or three or four cents. If the fare is to go up it must go up by five cents, and an increase of five cents on a fare of 15 or 20 cents is, of course, a very substantial increase. Five cents on a fare of 20 cents, of course, will be

an increase of some 25 per cent, and if, and I believe from my information that passenger transporters will find that their only remedy is in the increase of fares, I do submit to the Minister that the working-class population of this country will, in fact, find quite a substantial impact on their travelling costs and that, of course, in turn, will result in demands for increased wages, and so the spiral goes on, and I would ask the Minister to let us know what his attitude to this is and let us know whether he accepts my argument that, in fact, you cannot, in practice, put a fare up by anything from one to four cents. It must go up by a minimum of five cents.

MR. MACKENZIE: Mr. Chairman, the Government has given very considerable consideration to the representations of the bus companies to which my hon. friend the Member for Nairobi West has just referred. I think I should explain the method by which the percentage which was mentioned by my hon. friend the Minister, in his Budget Speech, was worked out, as some hon. Members may not have entirely followed it. The position is that each of the biggest of the buses carries 61 passengers, and the additional cost is 27 cents per mile—the additional cost due to the increased duties—and it is therefore obvious that the cost per passenger-mile works out at about half a cent per mile per passenger or, indeed, just a little less. Put another way, the companies informed us that the additional cost per annum to them will be round about £20,000, that was the latest figure they gave me per year, and that compares with total earnings of about £1,250,000 and the percentage is, of course, very small.

Now, Sir, my hon. friend admits, as I understand it, that that is the position, but he says, and this, of course, has been the contention of the companies, that although the amount is very small, it will be just sufficient to make it necessary for them to make some adjustment in their fares, and their argument is, and it has just been put to us by my hon. friend the Member for Nairobi West, that it is not possible to deal in amounts of less than five cents, although I must say I am assured by the currency officer of Nairobi that one-cent pieces are still in circulation in the Colony, so that it would not be physically impossible to

[Mr. Mackenzie]

do it. But even admitting, Sir, for the moment, that there was no other method of making up something costing £20,000, or half a cent per mile per passenger, than by increasing the fares, the lowest fares, by ten times that amount, by five cents instead of by half a cent; even if that were admitted, that as far as the adjustment of fares was concerned that was the only increase possible, that instead of being 15 cents it had to be 30 cents; while not being an expert in this business, I would have thought, myself, that it would be possible to find other ways of making up that amount than by increasing all the fares at the bottom levels. If the House thinks of that, Sir, it will be obvious that to increase all the low-level fares by five cents would bring in something like ten times as much as is needed to cover this additional cost. Well, Sir, as I say, I am not an expert in transport matters, and I would not like to try to suggest firmly what other measures could be taken, but it does seem to me that the obvious one is the possibility that a relatively small amount of that kind could be met by economies. There are various other measures which immediately occur to one, such things as the adjustment of fare stages, which is not an uncommon means of dealing with this sort of problem in other places, I believe. Then, of course, there can be differential adjustments, but I must say, Sir, that I do not think that the company would be at all justified or that anyone would be at all justified to make up for a proportionately relatively small increase of this kind by increasing all fares in the lowest levels by as much as five cents. As I say, it is a matter for them, not for us, but I would hope that they would find some more equitable means of making good this extra expense.

Now, Sir, I beg to support.

MR. ALEXANDER: Mr. Chairman, it is quite apparent from what the Secretary to the Treasury says, that the Government are prepared to extend no sympathy whatsoever to the representations that have been made to them on this subject. He retorts and says, virtually, it is up to the passenger transporters to find other ways. Government is really not very interested in them at all, although we have just had, a few moments

before, clear evidence that Government was prepared to interest itself in the representations of other folk. We have just had, of course, an explanation of the amendments affecting the film industry. I do wish to make it clear that this is not a company I am talking about. This is the subject of passenger transporters generally throughout the country, and when the Secretary talks about "other ways" of finding this, let me tell the House, Mr. Chairman, that in very many cases these passenger transporters are subject to the tight conditions of franchises that they have with local authorities. For example, in Nairobi, I happen to know that the City Council of Nairobi has a very close control over the profits and the dividends of the franchise operator in this City, and they, the City Council of Nairobi, make it their business to see that excessive profits and excessive dividends are not made, and I do suggest to the Secretary to the Treasury that there is a far more serious way in which Government can look at this particular problem. The profits of some of these operators, I know, are fairly marginal, and they are operating, with great efficiency with the lowest overheads.

I do warn him that it may well be, in view of close scrutiny by local authorities, that these transporters will have no other remedy but to put up passenger fares, and I am sure he is not really serious when he suggests that bus conductors can really start dealing in one cent pieces. They will perhaps have to put up their fares even higher to cope with all the fares they would not be collecting because the bus conductors are busy handing out change in one cent pieces. I do not really believe that he is serious about that. Quite realistically, Sir, if a fare has got to go up then it will go up by five cents and there will be an impact on the wage structure of this Colony.

MR. MACKENZIE: Mr. Chairman, Sir, I have noted what my hon. friend has had to say about the franchisees and control by the local authorities. In fact, that is one of the points that so far as the travelling public is concerned gives me a certain amount of reason for believing that it should be possible to adjust this matter without imposing too great—hardships—on—the—travelling

[Mr. Mackenzie] public and without ruining the bus companies. The fact that the franchises are subject to control surely means that when any adjustments are being made they have to be put up to the local authority and there have to be discussions and they presumably will do everything possible to make sure that while a reasonable return is allowed to the company excess profits or excessive profits will not be made by too harsh increases in fares on an overall basis. As I said, Sir, when I spoke before, it seems to me that it should be possible in a business of this kind to make adjustments in for more ways than a straight flat rate increase in fares. I would have thought that such things as the adjustment of fare stages is the one that strikes one as being the obvious one to make a certain amount of flexibility, indeed a good deal of flexibility, possible. There are also the possibilities of making adjustments in the higher fares which would work out more fairly than putting five cents on to a 15 cents fare. Five cents on to a shilling fare would be getting a little nearer to the amount, but even that would be rather on the high side. As I say, Sir, I do not claim to be an expert in transport matters, but looking at the thing from the point of view of the layman I would have expected that other methods were possible than this overall increase.

As regards the question of the one cent, I agree that there may be difficulties in using the one cent piece, although it does often seem to me that that particular argument is very often used far too freely by people who are selling things and that it might well be in the interests of the people of the Colony if the one cent piece were to be brought into use a good deal more and then the old argument that you must increase everything by five cents every time there is a fractional increase in costs would be heard a good deal less and the general public would benefit.

MR. COOK: Mr. Chairman, I thought the reply of the hon. Minister was frightfully weak and unsatisfactory. He is just full of pious hopes. Supposing the bus company does not make the adjustments he hopes for, and supposing that fares do go up by five cents, then surely it is going to strike very hard on

the poorer sections of the community. Surely it is the business of the Government to see that that does not happen. We should be given an assurance now that that will not happen. But merely to express pious hopes that "it will not happen" is not meeting the case at all, so far as I can see.

SIR CHARLES MARKHAM: Mr. Chairman, perhaps when the Minister replies he could give the House some figures of what revenue Government expects, not from the duty on chassis of these commercial vehicles, because we know that figure already, but the figure he expects to receive from the bus companies. If, in other words, the Minister relied on this one and allowed buses to come in duty free, as they have been allowed in the past, what revenue would be lost by the Government? I think a figure was given that it would cost £20,000 a year. Sir, I share the fears expressed by both of my hon. friends on this side of the Council that this increase at the present time is going to hit the poorer sections. It is funny, Sir, that when I was in England the other day, during their Budget debate, they have just removed duty on these heavy vehicles but Kenya has now put it on.

During the Budget debate, Sir, my hon. Nominated friend Mr. Jones quoted certain figures of what the increased costs would be on projects. I think that that can perhaps be related to the cost of living. But on this issue of bus transport it does only affect the very poor sections of the community who travel by bus. I would urge the Minister to reconsider this one, especially as the representations made by him by interested parties prove that you have got to, on most of your fare structures, realize you have got what you call "short-term haulage." In other words, it is from the City Council estates into the middle of Nairobi. Therefore, Sir, if you work on the franchise holder having to run his service throughout the day then a lot of those buses are running fairly empty and when you do get your peak time, therefore, that is the time when you have got to expect to make your income.

I do not believe that the argument concerning one cent pieces, put out by the Secretary to the Treasury, is at all good. It is like England talking about going back to farthings. Based on the

[Sir Charles Markham] present costs they are unrealistic and nobody bothers with them. I hope that the next time the Secretary to the Treasury goes to get his petrol—and pays cash for it, I hope, too—he will get his entire change in one cent pieces, and that he will be delighted with having a pocketful of one cent pieces and then, Sir, he may go on a bus and present all those one cent pieces for his fare and see what sort of a reception he gets from the bus conductor. I hope that that argument of his is not taken seriously because it is unrealistic and I would suggest to him, Sir, that he really should grow up financially, if I may use that expression, to the fact that one cent pieces are not really worth even one cent.

MR. BOMPAS: Mr. Chairman, I wanted to be quite sure that this particular aspect of the Motion was cleared. I did want to make some observations with regard to the duty on the cinema films. I do apologize to the Minister that I was not here to hear his opening address. I was, unfortunately, detained.

First of all, Sir, I would like to welcome the adjustment which has been made in the customs rates in relation to 16 mm. and under films. I am still pleased by no means happy about the situation with regard to the 35 mm. films. I have no sort of brief, Sir, from any film distributor and I know very little about this particular subject. It seems to me from a pure commonsense point of view that the rate of duty related to a short circuit showing of a film, as opposed to a film which shows for a long period, is quite inconsistent. If I may put it another way, if a film is imported into this country, Sir, and only has three showings, as opposed to a film which is imported and which has 30 showings, it seems to me that the method of calculating the customs duty on that film or the method of obtaining revenue from that film is wrong. I cannot help feeling, Sir, that the proper approach to this subject, if it were necessary to obtain further revenue, would have been related to the actual earning capacity of the film itself, and tied in some way to entertainment tax. I would like to hear from the Minister because the entertainment tax, as I see from the Order Paper, is later due for some sort

of amendment, and I would like to see some sort of reconciliation of the mental processes which have been going on in the Minister's mind in relation to these two, I think, inconsistencies.

MR. JONES: As I have something to do with transport in this country, I think that I should take some part in this debate. The case for the franchise operators in the cities has been made very clear, I think, by the hon. Member for Nairobi West, and I have a good deal of sympathy with what he said. The question of running buses economically and reducing overheads is something which these people in this highly competitive trade always have in mind. Sir, I have a great deal of sympathy with what has been said for the City operators. But, Sir, I do not want to miss this chance of representing the position as regards the up-country operators of one-man buses. These people, Sir, have the greatest money problem all the time to lay aside money to buy new buses. It is only, I think, in a minority of cases that they ever manage to do that and when they come to buy a new bus they usually enlist new capital so that they do not get that continuity of operation which is desirable when responsible business-like people are transporting passengers. Sir, we are always telling people, when they come for licences, that they have got to have a high standard of safety and although there are police regulations to ensure that buses are inspected before they are licensed and they are only inspected once a year, and they are only in perfectly good road-worthy condition when it was inspected is not necessarily so in six months' time. What happens is, when these people have not got money to buy a new bus or even to carry out safe overhauling they go on working what is described in the trade as a "clapped out Charlie," so that the travelling public is put in danger. So, Sir, I do have sympathy with those operators who are told by us that their revenue from that high standard of have got to maintain a high standard of operation, to get up-to-date vehicles and so on, when they are now put in a position where when they replace their buses they will have to pay more for them. Sir, I only hope that the Minister will give that matter some sympathy and some consideration.

Sir, I beg to support.

MR. ALEXANDER: Mr. Chairman, on a point of explanation, I do hope the Members who have just spoken will agree that I did make it very clear that I was not just speaking for the operators in the towns, but that I was speaking for the passenger transport industry as a whole.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): My hon. friend, the Secretary to the Treasury, has, I think, covered the main points on the question of buses. Sir, I would like to say that we have been into this matter, not only myself, but the Finance Ministers of all the territories, extremely closely before we took this particular step. I am a little, shall we say, amused, perhaps, by the fact that we are so often told that indirect taxation should be placed on the country and that direct taxation should be reduced, but apparently it is only when it is done that the people begin to wake up to the fact that indirect taxation can be just as harmful as direct taxation in the overall structure and that in fact if you want to shift this burden—which was, as usual in this country, so terrifically welcomed as a change in the very early stages of the Budget—you cannot do it except by taxing things which people must have and must use, since you cannot assure yourself of a great deal of revenue if indirect taxation is applied to luxury goods only. So let us, first of all, realize, Sir, that the revenue of this direct taxation which has been taken away has had to be replaced, and in the replacing of this there was long and careful thought given to all the points that have been raised, either by the hon. gentleman opposite or by the hon. Opposition Member on this side.

That gentleman, Sir, went into the question of transport costs and their effect on the cost of living, not only from the point of view of Nairobi but from the point of view of the country as a whole. It was decided, after very careful thought and a lot of investigation, that indeed even if the fare had to go up to what we regard as an unnecessary extent, because there are many ways of adjusting costs as well as a direct increase of the kind that is now waved about as an inducement to the Government to give way, but even if it

were thus, Sir, the cost, so far as the cost of living index is concerned—and I would point out that the cost of living index is not based on luxury standards—was only about one-tenth of one per cent.

Now, Sir, I was interested to hear that "a commercial concern" is automatically running efficiently with no waste in costs and that there is no possibility of adjustment and economies in the running of the business. I wish hon. Members would recognize that the Government sometimes feels that way about itself, too. But of course I suppose that that does not apply when the argument comes from this side of the Council and Committee. Sir, we really feel, having been told this, that it may well be that there may have to be some adjustment, in so far as the companies which run in the popular centres are concerned, enjoying as they do a monopoly in many cases of the bus traffic in the towns, and if they feel that there is a case for increased fares because of increased costs—and we do maintain that this increase in costs is negligible—they will apply to the local authorities. And I have no doubt the local authorities will deal with that application particularly remembering the interests of the companies and the ratepayers concerned. And the only assurance I can give to my hon. friend, the Member for the Coast, is that we should, of course, ask the local authorities to bear this aspect very closely in mind.

But, Sir, I must say that this is another case where there is a great deal of exaggeration of the effects of an increase in duty upon a vehicle which can be run for many thousands of miles and indeed a little perhaps more efficiency in looking after the vehicle in making its life a little longer can compensate and is one of the many ways in which there could be compensation in this type of vehicle.

But, Sir, if when all that is said and done the companies have to put up their fares, then, Sir, we must face up to the fact that if we are to prefer indirect taxation to direct taxation, this is one of the inevitable effects of indirect taxation in a country of this kind, you cannot implement the policy of indirect taxation without increasing the costs structure of the economy—and I hope when hon.

[The Minister for Finance and Development]
Members next plead for an increase in indirect taxation, whilst I shall not be here I hope, to hear them plead they will at any rate remember that in economics there is an immutable law; you cannot have it both ways. That is an immutable law of economics.

Now, Sir, I turn to the Member for Ukamba who asked me what would be the cost of giving way in this so far as buses are concerned. The figure quoted by my hon. friend, the Secretary to the Treasury, referred only to the cost to the Nairobi Company. The difficulties of this would be that every bus would have to be treated in that manner and there would undoubtedly be a fairly heavy drain overall on the revenue but I cannot, Sir, give him the figure, I will, however, get it out for him if he wishes and give it to him.

Now, Sir, my hon. friend the Member for Kiambu, I am sorry he was not there at the very beginning to hear I expect he thought I should make a longer speech and he could come in and hear the tail-end of it as it was. But while, Sir, my hon. friend the Secretary to the Treasury, modestly said that he did not pretend to be an expert in transport, I, Sir, at any rate, can claim to have had some considerable experience in the film industry and, Sir, I would be—if I were on the same side of the House as the hon. gentleman—would strenuously oppose any effort on the part of any Government to put a tax on films on to the takings of a film—the earnings of a film.

Sir, when a company purchases a film and brings it into this territory, each operation is a separate business transaction and you can assess what cinemas the film would be shown at, whether it will be purely the local Kenya or Nairobi showing, whether it will command earnings in Tanganyika and in Uganda as well as in Kenya and usually you can assess the audience reaction from your knowledge accumulated over years of experience of these films.

Now, Sir, if a company brings off a success by importing a film which takes a great deal of money—believe me, there are some which take a great deal of

money—it would be entirely wrong, I suggest, to impose on them, in fact, an additional tax on the success of their judgment. What they are faced with in this operation is a flat tax which enables them to assess exactly what the film will cost them to bring into this country from the distributor in England. Indeed, it is sure to make some claim on the exhibitors to think very carefully before they bring bad films in and foist them upon the public because now the film will have a certain basic cost.

Where the duty does press high is, of course, in the case of a minor company which cannot assure its film of a showing in Nairobi. The fact remains that we cannot hope to shape our tax structure to safeguard those particular interests, but as I did say—and the hon. Member I know was not here—Motion F on the Order Paper this morning does put forward a suggestion which I hope this Council will accept for a reduction in entertainment tax in certain spheres.

Now, this will, indeed, allow through the concession made in the level of entertainment tax, the exhibitor to recover more of the cost and transfer it on to the distributor to help the distributor to meet this cost. And this is particularly designed to assist the small and external cinema—I say external from the point of view of not showing in Nairobi.

Sir, I do not want to anticipate—I am sure you would rule me out of order if I anticipated Motion F too much—but I hope the Member will now realize that the two are balanced and that the reason for bringing in Motion F is because of our attempt to assist the smaller exhibitor and distributor to be able to recover the cost without yielding too much to the exhibitor, to the distributor at the centre.

Sir, I beg to move.

Question proposed.

The question was put and carried.

MOTION

EXCISE TARIFF

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

THAT, subject to the enactment of the "Excise Tariff (Amendment) Bill,

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1959, the proposals relating to Excise Duty contained in subparagraphs (i) and (ii) on page 5 of the Financial Statement for the year of Account 1959/60, be approved.

Sir, this refers to the beer excise duty increase and to the excise duty of Sh. 120 which will come into effect when the East African Customs Management Act is amended to provide for the local production of these spirits. The second part will, of course, have no immediate revenue effect. I dealt with this at length in the Budget Speech and the Budget debate and I propose only to answer questions or arguments and not delay the Committee longer.

Sir, I beg to move.

Question proposed.

The question was put and carried.

MOTION

INCOME TAX (RATES AND ALLOWANCES) (SURCHARGE)

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

THAT, subject to the enactment of the Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill, 1959, the proposal relating to income tax contained in subparagraph (2) on page 5 of the Financial Statement for the year of Account 1959/60, be approved.

This, Sir, deals with the removal of the 75 cents surcharge on all chargeable income in excess of £800 which, Sir, I am sure hon. Members will be delighted in this case to hear will operate with "retrogressive" effect as to the year of income 1958. I do not expect, Sir, in this particular debate to be faced with any arguments against the "retrogressive" effect of income tax legislation.

Sir, I beg to move.

Question proposed.

The question was put and carried.

MOTION

PERSONAL TAX

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

THAT, subject to the enactment of an appropriate amendment to the Personal Tax Ordinance, 1957, the proposals relating to personal tax contained in subparagraph (3) of the Financial Statement for the year of Account 1959/60, be approved.

This, Sir, deals with the reduction in the rates of personal tax on incomes below £120 per annum and between £120 and £160 per annum which can be reduced in the former case from Sh. 25 to Sh. 20 and in the latter case from Sh. 30 to Sh. 45.

Sir, I dealt with this matter again at length in the Budget Speech and it was referred to in some considerable degree during the Budget debate. I again do not propose to delay the Committee further.

Sir, I beg to move.

Question proposed.

The question was put and carried.

MOTION

ESTATE DUTY

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

THAT, subject to the enactment of an appropriate amendment to the Estate Duty Ordinance, the proposals relating to estate duty contained in subparagraph (4) on page 5 of the Financial Statement for the year of Account 1959/60, be approved.

This, Sir, deals with the abolition of estate duties as from the date of Financial Statement and, Sir, it was explained fully during the Budget Speech. It was dealt with at length and most various points of view of approval and criticism by hon. Members of the Council. I do not propose, Sir, to elaborate the matter any further.

Sir, I beg to move.

Question proposed.

MR. USHER: Sir, there is just one point in this. There is a very positive statement here in regard to the anticipated loss of revenue. It will appear to the public that we are throwing away £250,000 a year in some years. In some lamentable circumstances, of course, it might be a far greater sum, but normally I believe I am right in saying that it might be very considerably less. It probably would be. Perhaps the Minister could clear up that point just to reassure the public on this matter.

MR. MAXWELL: Mr. Chairman, Sir, I merely wanted to ask the hon. Minister if he could give me information on one point and that is, assuming a resident in Great Britain invests money in this country in local companies, land or buildings and he dies, is his estate in England then chargeable with death duties on his local investment or not?

MR. WEBB: Mr. Chairman, the answer to the hon. Member's question is not very easy and cannot be given categorically for every particular case, but the general rule is that in such a case the estate will attract estate duty in respect of personal estate in Kenya, but not in respect of real estate. The difference—as hon. Members know—is that, roughly speaking, between land and not land.

Now, in the instance which the hon. Member gave, shares in companies would be personal estate and would therefore normally attract English estate duty, but interests in land, which probably include mortgages, would probably not attract English estate duty.

I apologize, Sir, for being rather vague in this answer, but it is a very difficult question involving considerations of English legislation and, possibly, private international law. But that is the general position.

MR. BOMBAS: Mr. Chairman, had my hon. friend, the Member for Trans-Nzoia, consulted me before he attempted to get this legal advice—free legal advice—I would have quoted the old axiom to him, Sir, that free legal advice is worth usually precisely what you pay for it. I think the House will agree that this is a somewhat nebulous statement we had from the hon. Mr. Webb.

Sir, I would like to ask the Minister if he has any indication at all as to over-

seas reaction to the withdrawal of estate duty. It has been very widely welcomed in this House and in this country generally, and we believe that it will be of very great benefit to Kenya, and I am wondering whether he has any news for us as all as to the general overseas reaction; and, indeed, whether there are any plans to make it clear through some organizations such as the Information Department what the new estate duty set-up in this country is, because I believe that this is a thing that should be put across in the outside world—if one may use that expression.

I beg to support.

MR. ALEXANDER: Mr. Chairman, I entirely agree with my hon. friend, the Member for Kambui. Perhaps I can help a little. The *Daily Telegraph* took a leading article in its daily paper to tell this story. But that is only the *Daily Telegraph* and my hon. friend is quite right to ask what is the Government doing to have this widely publicized. I do know in London that the impact of that news story in the *Daily Telegraph* had a very good effect indeed. But it is very small and the circulation of the *Daily Telegraph* is not all that wide, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, to answer first of all the hon. Member for Mombasa. Of course one of the difficulties about a duty like estate duty is the assessment of what it will be worth in revenue during a coming 12 months. One has not, of course, time to study the medical histories of all the comparatively wealthy men in the territory and assess the chances for or against them during the coming 12 months nor, of course, would we like to indulge in quite such a morbid exercise. But what we have done as a rule is to place an average in our Estimates and it is surprising how very near, considering all the difficulty that can arise, our Estimates have usually been. It has fallen as low as £160,000 but it has, of course, been over the £250,000. But we think that in general circumstances about £250,000 is a fair assessment.

But, Sir, it is not only a question of giving £250,000. It was a point of trying to make clear to the investor overseas that this is an assurance of our understanding—our desire to meet the fears

[The Minister for Finance and Development]

of overseas investors in territories like this. I would say in answer to my hon. friend, the Member for Kiambu, and the hon. Member for Nairobi West that, of course, we took very great pains through our Public Relations Office in London and through the East Africa Office and many leading firms in England and to many leading people in the financial world copies of this particular statement so that they should have first-hand knowledge of what the Government of Kenya had proposed to carry into effect. If, for instance, there is a story in the *Daily Telegraph*, then that story could only have come either through the receipt of the news direct from the Kenya Government or through action possibly by the Kenya Public Relations Officer in London. But, of course, Sir, although our affairs are of world-shattering moment to ourselves, they are not always of world-shattering news except in certain circumstances to the Press abroad. Thus in quite a number of publications like the *Financial Times*, which one would have thought would have shown an interest in this particular measure—one has searched through their columns day by day and looked in vain for any comment upon it. But there is nothing that we can do in that respect except as I say, supply the information to them and hope that they will find it of use and of interest to their readers. But this I can say, and that is that the general reaction from the investor abroad has been one of great interest and value and that indeed we know of a case of a man of good standing who was looking for investment in Africa who arrived at Mombasa to hear the news that estate duty had been removed and immediately began to do what he had not intended to do—investigate the possibility of investment in Kenya.

Now, that is the type of thing which we hope will more than compensate for the disappearance of this revenue because it will be the building up of our capital assets over the years by money being put into the private as well as the public sector and I think one can say that the first reactions therefore to this in the

economic sense have been extremely good and encouraging.

I do not think, Sir, that I have any other point that I have to deal with. If there are any other questions, I shall, of course, be delighted to answer them but I would reiterate my own opinion, Sir, that in the long run this will prove to have been a very beneficial measure from the point of view of the economy of the country.

The question was put and carried.

MOTION

ENTERTAINMENT TAX

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

THAT, subject to the enactment of an appropriate amendment to the Entertainment Tax Ordinance, 1950, the deletion of the rates set out in the Schedule to the Ordinance, namely:—

Where the payment excluding the amount of tax—

	Sh. etc.
(a) exceeds twenty cents, but does not exceed one shilling	15
(b) exceeds one shilling, but does not exceed two shillings	25
(c) exceeds two shillings, but does not exceed four shillings	50
(d) exceeds four shillings, but does not exceed eight shillings	1 00
(e) exceeds eight shillings: one shilling for the first eight shillings and fifty cents for each additional four shillings or part thereof.	

and the substitution thereof of the following rates, be approved:—

Where the payment for admission, excluding the amount of tax—

	Sh. etc.
(a) does not exceed one shilling	Nil
(b) exceeds one shilling, but does not exceed two shillings	15
(c) exceeds two shillings, but does not exceed four shillings	30
(d) exceeds four shillings	75

Sir, this is the second part of the exercise to which in some part I referred when I replied to the hon. Member for Kiambu. This is how we propose to assist the exhibitor and the distributor in so far as the impact of this particularly film duty is concerned. We have, of course, to recognize, Sir, that in the other two territories where the

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same import duty had been imposed there was in fact no entertainment tax and that left the exhibitor, particularly, in those territories, in a much better position than the exhibitor in Kenya. But, Sir, we felt that we could not justifiably sacrifice the amount of revenue which would have been involved in the complete abolition of the entertainment tax, nor, Sir, at a time when there are other forms of taxation which deserve consideration could we feel justified in choosing this one for complete abolition. But, Sir, in consultation with the distributors of the 35 mm. film side, we have decided to put before this Committee the suggestion that the rates should indeed be reduced in so far as the entertainment tax is concerned. Now, Sir, this will mean that it will be open to the companies concerned either to do away with the tax part of their present admission prices and hope to attract greater custom by having the lower price offered to the public or, alternatively, to meet, at least in part, the cost of the extra charge which the distributor may place upon them by using up the part which was previously taxed to meet the extra charge which will undoubtedly be made by the distributor. If, of course, the result of this measure is an extra profit in so far as the company is concerned in the overall operation then the income tax structure will take care of that particular aspect, at least in part. But I would say, Sir, that I do not anticipate that the companies will do very much in the way of the reduction of prices of admission because the primary purpose of this is to give them some leeway, particularly in the outside areas, the areas outside Nairobi, to meet the extra charge which the distributors may feel that they have to bring to the exhibitor in order to meet the increased import duty.

Sir, I beg to move.

Question proposed.

MR. ALEXANDER: Mr. Chairman, earlier this morning we had a short but devastating lecture from the Secretary to the Treasury concerning the way in which he deprecates the attitude of commerce to the use of the one cent piece or the lack of use of the one cent piece

and in fact he inferred really that the morals of commerce were rather over-optimist in this particular respect. Having listened carefully to that lecture, Mr. Chairman, it does come to me as a great surprise to find that even the Government finds it convenient to round off these figures of entertainment tax to the nearest five cents. It surprises me still further when I heard the Minister just now saying, and I can understand why he said it, that the Government were reluctant to give away too much revenue on this item. I would have thought that he would have achieved that end very conveniently if he was prepared to call this 15 cents perhaps 16 or 17 cents—it would not have been a great figure, of course, but it would at least bring in a little bit more revenue and employ, of course, the ticket collectors in the theatres, and give them considerably more work, but, of course, that would not matter really—the fact that people had to run around collecting coins for their change as they went into the theatre—so I am very surprised indeed to find that even Government indulges in this somewhat immoral practice.

Of course, Mr. Chairman, we had a typically fatherly lecture from the Minister himself, reminding us about the effects of a move to indirect taxation, but as he so often does he completely over-emphasized and distorted our approach to this. All we have been trying to attempt to do has been to draw attention to a too heavy impact in certain places. I am wondering, in this particular instance, on this particular subject, whether perhaps he could not have given more thought to a particularly heavy impact at a particular point. He does not deny our argument that in general he is wise to move further towards indirect taxation and to beg of him not to try to distort the picture by suggesting to us, in his fatherly way, of course, that we do not really realize what we are talking about on this side of the House when we advocate indirect taxation.

MR. MAXWELL: Mr. Chairman, I would like to ask the hon. Minister one question. Can he give any indication of the extent that the Government hopes to benefit financially by the reduction in the entertainment tax and the position of this import duty on cinema films?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the answer to the hon. Member for Trans Nzoia is that there will indeed be very little overall gain to the Exchequer— that indeed the one will probably balance out to a very great extent, the other. The hon. Member will realize, however, that the one is a field in which interterritorial unity has to be sought and the other is a field whereby territorial action we can adjust the matter so that there is at any rate not too big a margin of difference between the operators in Kenya and the operators in the other territories.

In so far as the hon. Member for Nairobi West is concerned, Sir, I always have to smile when the hon. Member, in speaking because, of course, if the argument comes from that side of the House the argument is one of reasoned fact and a clear and definite picture. If the answer comes from this side of the House it is one of distortion and twisted fact and vision. Sir, I am afraid that I did not see that very much of what the hon. Member said which referred to entertainment tax, but I must repeat, fatherly as it may seem, what I said about the impact of indirect taxation.

In so far as the question of cents and odd cents in this are concerned, if the hon. Member looks at the amounts at present in existence he will see that they are 15, 25, 50 and Sh. 1. If he looks at the amounts now proposed he will see that they are 15, 30, and 75, so that indeed the same pattern has been observed as was observed in the original Ordinance. I do not think that I need say any more at this stage.

MR. NAZARETTI: Mr. Chairman, I was wondering how these figures would work out. The Minister is a master of entertainment and had great experience of the film industry, and I speak with diffidence. The present prices of admission in Nairobi generally begin at Sh. 1/15, and that includes 15 cents tax in the lowest class. Now, if the lowest class of the new scale is Sh. 1 and is exempt then it will not attract any tax—there would be no tax at all. However, if on the other hand the exhibitor were to charge Sh. 1/15 as the price of admission he would attract a tax of 15 cents since the price of admission

would exceed Sh. 1. Would it not be better if the lowest scale was put at not exceeding Sh. 1/15 so that the exhibitor could retain 15 cents for the purpose of paying the increased charges which the distributor would make him liable to pay and in that way compensate himself for those increased charges. I was wondering whether the whole scale should not be altered to read "(a) does not exceed Sh. 1/15 and (b) exceeds Sh. 1 but does not exceed Sh. 2/25" or something of that nature, so as to enable the full benefit to be obtained by the exhibitor. I am wondering whether it should not be on those lines rather than on the lines which we now see.

MR. MAXWELL: I would like to ask the Minister a question arising out of his answer to my previous question. He has indicated that the Government expects to derive little or no financial benefit in regard to these new measures. If that is the case then why did the Minister feel it necessary to indulge in this exercise?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): To begin with the hon. Member for Trans Nzoia, Sir, firstly, I thought I had said that there were certain fields where interterritorial unity must be preserved. Sir, without elaborating the situation further I thought that I had already given the hon. Member a pretty clear indication of the fact that there is a field in which interterritorial unity must be preserved to the greatest extent possible. There are other fields in territorial taxation where the local initiative or desire or intention can be operated purely from the territorial point of view. Sir, that is why exercises have to be indulged in from time to time.

I would like to deal with the point made by the hon. Member for the West Electoral Area. Sir, I can see exactly what he is driving at. I think it is possible that we should have a look at this and if we put "exceeds Sh. 1/50 but does not exceed Sh. 2" the exhibitor would be able to maintain his present Sh. 1/15 price, and fulfil the intention we have, whereas of course it may well be that if he does it this present way he will find that he is compelled to charge Sh. 1/30, which is an addition. I would like to look at this again. The amendment to the Ordinance will have to

[The Minister for Finance and Development] come before the Council and I shall hope to have given full consideration to the point made by the hon. Member and deal with it at the time that the amendment is put before the Council. There is a great deal of validity in what the hon. Member has said.

MR. BOMPAS: Mr. Chairman, could I ask the Minister, while he is looking at that particular problem, also to consider the possibility of a further stage at the Sh. 5 mark, because I believe that a similar argument will come in there.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I do not want to increase the number of groups. I think that the point mentioned by the hon. Member for the West Electoral Area applied equally to all groups—that perhaps it would be necessary, in order to let them keep the present price level and gain the benefit of the tax reduction, to adjust the groups. That, Sir, I will look at. What I would not like to do would be to put in an additional class of over Sh. 5.

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 Resolutions on the Order Paper without amendment.

Question proposed.

The question was put and carried.

The House resumed.

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

Council resumed.

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

REPORT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the following Motions—

THAT, subject to the enactment of the Customs Tariff (Amendment) Bill, 1959, the proposals relating to import duty contained in subparagraphs (i) to (iii) on pages 2 to 5 of the Financial Statement for the year of Account 1959/1960, as varied by the proposals

contained in the notice of amendments published in the Orders of the Day for 4th June, 1959, be approved, and has agreed the same without amendment.

Question proposed.

The question was put and carried. THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Motion—

THAT, subject to the enactment of the Excise Tariff (Amendment) Bill, 1959, the proposals relating to excise duty contained in subparagraphs (i) and (ii) on page 5 of the Financial Statement for the year of Account 1959/1960, be approved, and has approved the same without amendment.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Motion—

THAT, subject to the enactment of the Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill, 1959, the proposal relating to income tax contained in subparagraph (2) on page 5 of the Financial Statement for the year of Account 1959/1960, be approved, and has approved the same without amendment.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Motion—

THAT, subject to the enactment of an appropriate amendment to the Personal Tax Ordinance, 1957, the proposals relating to personal tax contained in subparagraph (3) of the Financial Statement for the year of Account 1959/1960, be approved, and has approved the same without amendment.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Motion—

THAT, subject to the enactment of an appropriate amendment to the Estate Duty Ordinance, the proposals relating to estate duty contained in subparagraph (4) on page 5 of the Financial Statement for the year of Account 1959/1960, be approved, and has approved the same without amendment.

Question proposed.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of Ways and Means has considered the Motion—

THAT, subject to the enactment of an appropriate amendment to the Entertainment Tax Ordinance 1950, the deletion of the rates set out in the Schedule to the Ordinance, namely—

Where the payment excluding the amount of tax—	Sh. cts.
(a) exceeds twenty cents, but does not exceed one shilling	15
(b) exceeds one shilling, but does not exceed two shillings	25
(c) exceeds two shillings, but does not exceed four shillings	50
(d) exceeds four shillings, but does not exceed eight shillings	1 00
(e) exceeds eight shillings, one shilling for the first eight shillings and fifty cents for each additional four shillings or part thereof.	

and the substitution thereof of the following rates, be approved—

Where the payment for admission, excluding the amount of tax—	Sh. cts.
(a) does not exceed one shilling	Nil
(b) exceeds one shilling, but does not exceed two shillings	15
(c) exceeds two shillings but does not exceed four shillings	30
(d) exceeds four shillings	75

and has approved the same without amendment.

Question proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I wonder, with your permission, Sir, if I might just make a state-

ment of Government's intention on this. Now that it has heard the Committee stage, it will accept for the (a), (b), (c) and (d) in the new rates suggested amendments on the lines which were suggested by the hon. Member for the Western Electoral Area, and it is proposed that this shall have effect as from the 1st July, 1959, although the bringing into operation of the law will probably take some time.

The question was put and carried.

BUSINESS OF COUNCIL

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, with your permission, Sir, I would like to place before the House the suggested future programme as decided by the Sessional Committee at a meeting last night. That is that the current meeting is expected to continue until the end of June, that the Council will then be called upon to meet again on the 21st July for business which it is anticipated will take about a week to deal with measures which will then be ready to be taken. After that is completed the Council will then adjourn to a date in September, which will be announced later, and will continue as necessary to deal with outstanding business. For the further business, Sir, for next week, it is proposed, subject, of course, to hon. Members allowing with their method and length of speeches—is to keep to the programme, the following business. Tuesday, all stages of the Appropriation Bill; First Readings of the Registration of Titles (Amendment) Bill, the Land Titles (Amendment) Bill, the Registration of Documents (Amendment), Law of Contract, Tribal Police (Amendment), Accountants (Designation) (Amendment), Land (Perpetual Succession) (Amendment), Income Tax (Rates and Allowances) (Surcharge) (Validation and Recall) Bill, Excise Tariff (Amendment) Bill and the Customs Tariff (Amendment) Bill; the Second Reading of the Native Lands Trust (Amendment) Bill; and the Third Reading of the Criminal Procedure (Amendment) Bill. This will be followed, running into Wednesday, 10th June, with Motions on Supplementary Estimates and Development Supplementary Estimates and the Statement of Excess; and the Committee stage of the Native Lands Trust (Amendment) Bill. Then we

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shall follow on with the Second Reading of the Bill which will have been read the First Time and the Motions on Sessional Paper No. 4, Report on Asian and European Education, and Sessional Paper No. 6, the Transfer of Stores. That, Sir, should continue until Thursday; and on Friday, according to the time taken up by various Members, it is suggested that we should deal with Private Members' Motions, as follows: Lowering of African School Entry Age and the Provision of African Boarding Schools—both of those from the hon. Member for Mombasa Rural, I think; More Crown and Alienated Land for Africans in the Coast Province by the same hon. Member and the Revocation of Emergency (Control of Kikuyu Labour) Regulations by Mr. Tipis. It is suggested, too, Sir, that in Private Members' Motions we should make the following limitations on speaking. That the Mover, in moving and replying, and one Member on the Government side be allowed 30 minutes and all other speakers be allowed 15 minutes only. Sir, that is all.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the termination of the business on the Order Paper, and I adjourn Council until Tuesday next, 9th June, at 2.30 p.m.

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

Tuesday, 9th June, 1959

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

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

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

Report of an Administrative Enquiry by Mr. A. P. Jack into Allegations of Ill-treatment and Irregular Practices against Detainees at Moryani Detention Camp and Fort Hall District Works Camps.

(BY THE ACTING CHIEF SECRETARY (Mr. Vasey))

The Gold Mines Development Loans Ordinance, 1952: Balance Sheet as at 31st March, 1959.

(BY THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) on behalf of the Minister for Commerce and Industry)

NOTICE OF MOTION

OVERDRAFT FACILITIES—

MAIZE MARKETING BOARD

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blumi): Mr. Speaker, Sir, I beg to give notice of the following Motion:—

THAT this Council takes note of the Government's intention to guarantee overdraft facilities to the Maize Marketing Board established under the Maize Marketing Ordinance, 1959, to the maximum of £1,700,000 with effect from 1st August, 1959.

ORAL ANSWERS TO QUESTIONS

QUESTION No. 128

MR. NGALA asked the Minister for Agriculture, Animal Husbandry and Water Resources:—

- (a) Whether the Minister was aware that in some parts of Tsangatsini, Silaloni, Bamba, Kafuloni and Mirihini sublocalities of Kilifi District women have to literally travel 40 miles for drinking water and each woman spending 12 hours a day (travel and queue time) to get one pot of drinking water during December to March every year.

(b) What steps does Government intend to take to remove this serious hardship?

MR. SWYNNERTON: Mr. Speaker, Sir, on behalf of the Minister for Agriculture, I beg to reply:—

(a) I am informed that in a normal year people living in the areas mentioned do not have to travel 40 miles in order to get drinking water; that, even in a year of severe drought, the distance would not be more than 12 miles each way, and that the people who may have to travel further comprise some 80 families of nomadic charcoal-burners who are continuously on the move and are in no way a settlement.

(b) The development of water supplies in Kilifi District is not easy; boreholes are apt to produce saline water and dam sites are difficult to find. The Government, however, will do what it can to promote such development within the limit of the funds available; the Land Development Board (Non-scheduled Areas) will be prepared to make grants or loans to the African district council, and consideration is being given to the undertaking of a comprehensive survey of the area from the point of view of water requirements.

The augmentation and improvement of water supplies in any area largely depend on the extent to which the people concerned are prepared to help by contributing to capital expenses, by carrying out work themselves, and by meeting maintenance costs. It is regretted that up till now the Kilifi District has been behindhand in this respect, and the undertaking of any large-scale programme of water development in it will not be possible until a greater measure of self-help is forthcoming.

MR. NGALA: Mr. Speaker, Sir, arising from that answer, is the Minister not aware that people are really helping themselves by contributions they make under the African district council rates and free communal labour?

MR. COOKE: Mr. Speaker, Sir, is it not a question of a main scheme for

say, Mirihini to Kaloleni across that country—the Giriama country, which would require a big capital sum, but would in the end be economic?

MR. SWYNNERTON: Mr. Speaker, the hon. Member, Sir, is right in that an overall plan has in fact been put into that area—the Coastland-Hinterland Scheme—which has taken place over the last ten years and into which has been invested about £171,000. Sir, an investigation of the water required is to be undertaken, but there is no point in any big scheme if the people themselves are not prepared to co-operate with grazing management schemes and to contribute towards the financing or repayment over a number of years or provide £ for £ grants with Government. At the present time the people are not willing to.

MR. NGALA: Mr. Speaker, Sir, the Minister is not being relevant. I am not enquiring into the hinterland scheme which is in—(inaudible)—district. This question is on the Kilifi District.

MR. SWYNNERTON: Mr. Speaker, Sir, the point is that this hinterland scheme applies to the Kilifi District as well as to the Kwale District.

MR. HASSAN: Is the Minister aware that several dams built in the Kilifi District under the hinterland development scheme have proved absolute failures?

MR. SWYNNERTON: I think I answered that, Sir, in my original reply.

QUESTION NO. 139

MR. COOKE asked the Minister for Agriculture, Animal Husbandry and Water Resources with regard to the rehabilitation loans amounting to £875,000 provided in 1951 to enable cereal farmers to turn 10 mixed farming:—

- (c) What amount of this loan was expended?
- (b) What amount has been repaid to Government?
- (c) What amount (if any) is in arrears?
- (d) What steps have been taken to recover these arrears (if any)?
- (e) To what account has the amount repaid been credited?

MR. SWYNNERTON: Mr. Speaker, Sir, I beg to reply on behalf of the Minister for Agriculture.

The total moneys made available for rehabilitation loans amount not to £875,000 but to £1,000,000 provided over a period of six years as follows—

	£
1951	200,000
1952	200,000
1953	200,000
1954 (January to June)	100,000
1954/55	200,000
1955/56	100,000
	£1,000,000

(a) Up to June, 1956, the sum of £874,310/19/0 had been expended by way of loans. Administrative expenses charged to the fund up to June, 1956, amounted to £17,360/4/61.

(b) £45,031/17/25 was repaid to Government by June, 1956. With effect from 1st July, 1956, the fund was converted into a revolving fund in the sum of £97,607/18/14. By virtue of interest payments the fund now stands at £80,442/16/04.

(c) As at 30th April, 1959, arrears totalled £1,184/10/5 in respect of moneys due on 1st January, 1958, and £1,163/18/83 in respect of moneys due on 1st January, 1959, making total arrears of £14,348/8/88.

(d) Most of the £1,184/10/5 is due from estates of deceased persons, and payment is expected after grant of probate. As regards the £1,163/18/83, letters have been sent to all debtors reminding them that failure to pay constitutes a breach of agreement, and inviting immediate payment, or, where this is not possible, proposals for payment by instalments.

(e) The sum of £45,031/17/25 repaid by June, 1956, to Government was credited to Colony Revenue—Head Redemption. Repayments since 1st July, 1956, have been made to the fund, and up to date the total sum lent to farmers is £1,126,000.

MR. COOKE: Can the hon. gentleman tell me how much arrears now, which is my number three.

MR. SWYNNERTON: £14,348 8s. 88 cts., Sir.

QUESTION NO. 148

MAJOR DAY asked the Minister for Finance and Development, is the Minister prepared to consider the desirability of allowing income tax exemption in respect of covenanted donations to established religious institutions?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I regret that I cannot undertake at present to reconsider this particular suggestion and would refer the hon. Member to paragraph 55 of Sessional Paper No. 5 of 1957/58.

MAJOR DAY: Arising out of the Minister's reply, Sir, is he aware—he must be aware that in England such concessions are made, and does he not think, particularly as far as religious bodies are concerned, who, perhaps, in many cases are struggling, it would be a good thing to at least hold out some hope that there is a possibility of his adopting this measure?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I am aware that there have been difficulties too in the United Kingdom with regard to this, but I must hold to the opinion which was expressed as the result of consideration of the Coates Commission Report—recommendation 39, Charitable Subscriptions, paragraph 55 of Sessional Paper No. 5 of 1957/58—"No income tax relief would be granted in respect of subscriptions to charities other than any which are already allowable under the present law as expenditure incurred in the production of trade, etc. income," and on the final point raised by the hon. Member, I am not a believer in extending hope unless I believe the hope has some chance of fulfilment.

QUESTION NO. 154

MR. MUIRO (on behalf of the Member for Nyero and Embu (Mr. Nyagah) asked the Minister for Finance and Development—whether all claims for Emergency compensation have been dealt with, if not, why not?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Yes, Sir.

CONSIDERATION OF REPORT AND THIRD READING

The Criminal Procedure (Amendment) Bill

MR. WEBB: Mr. Speaker, a Committee of the whole Council has considered the Criminal Procedure (Amendment) Bill and reported the same with amendments. The question, therefore, Mr. Speaker, is that this Council do agree with the Committee in the said report.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): A Committee of the whole Council has considered the Criminal Procedure (Amendment) Bill and reported the same with amendments. The question was put and carried.

MR. WEBB: Mr. Speaker, I beg to move that the Criminal Procedure (Amendment) Bill, 1959, be now read a Third Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

The question was put and carried. The Bill was accordingly read the Third Time and passed.

BILLS

FIRST READINGS

The Registration of Titles (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Land Titles (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Appropriation Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time today.

The Registration of Documents (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Tribal Police (Amendment) Bill
Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Accountants (Designation) (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Land (Perpetual Succession) (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Excise Tariff (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

The Customs Tariff (Amendment) Bill

Order for First Reading read—Read the First Time—Ordered to be read the Second Time tomorrow.

BILL

SECOND READING

The Appropriation Bill

Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to move that the Appropriation Bill be now read a Second Time.

Sir, this Bill, which is, I think, largely treated as a formal measure, is to deal with the appropriation of the sums already voted by the Legislative Council in the Estimates for the service of the Governor and the Colony for the year ending 30th June, 1960.

At the Committee stage, Sir, which under the provision of Standing Order 93 can be taken through all stages today, I propose to move a slight amendment, which will be that clause 5 be amended by deleting the words "in the whole" which appear in subsection (1) and by

[The Minister for Finance and Development] inserting in place thereof the words "in the aggregate amount outstanding at any one time". This, Sir, will mean that in so far as that clause is concerned the Bill will conform with the shape and form adopted last year.

Sir, I beg to move.

Mr. WEBB 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.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentick, K.B.E., C.M.G., M.C. in the Chair]

The Appropriation Bill (Bill No. 32) Clauses 2, 3 and 4 agreed to.

Clause 5

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that clause 5 be amended by deleting the words "in the whole" which appear in subsection (1) and by inserting in place thereof the words "in the aggregate amount outstanding at any one time". This, Sir, was the form of wording which was followed in the Bill of 1958 and it was the correct intention of the Bill that the sum of sums not exceeding "in the aggregate" £10,000,000, rather than "in the whole".

Sir, I beg to move.

Question proposed.

Question that the words to be left out, be left out, put and carried.

Question that the words proposed to be inserted, be inserted, put and carried.

Clause 5, as amended, agreed to.

Schedule agreed to.

Title agreed to.

Clause 1 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 the Appropriation Bill with amendment.

The question was put and carried.

The House resumed.

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

REPORT AND THIRD READING

The Appropriation Bill, 1959

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to report that a Committee of the whole Council has considered the Appropriation Bill (Bill No. 32) and has approved the same with amendment.

The question was put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Appropriation Bill be now read the Third Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I consider that in the case of the yearly Appropriation Bill, when a small formal alteration of this kind is made, the Bill can be read a Third Time on the same day.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

BILL

SECOND READING

The Native Lands Trust (Amendment) Bill

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Native Lands Trust (Amendment) Bill, 1959, be now read a Second Time.

As the Native Lands Trust Ordinance now stands no land may be leased unless it has been first set apart after consultation with the local Africans, the local African district councils, the local land board concerned, and the land then may only be set apart on payment of out-right compensation, the effect of which is to extinguish all private rights in the land.

[The Minister for African Affairs]

The amendments proposed in this Bill, Sir, will enable land other than land required for local and general public purposes, that is to say railways, roads, etc., to be leased for a period not exceeding ten years without having to have the land set apart and it provides for the payment of annual compensation for temporary loss of user to the private right-holder or to the African district council concerned. Hon. Members will note that annual compensation will be assessed as a percentage of the capital value representing interest on such capital value, and this has been fixed at 5 per cent.

The reason for this amending Bill is that certain areas of the African lands are required for experimental purposes such as the Mwca-Tebere and Perkra schemes, and it would be uneconomic to set aside such areas and pay outright compensation until the schemes have proved successful. If, of course, at the end of the period, the end of the term of the lease, the scheme is successful and the land is to be permanently used then naturally it will have to be set apart in the usual manner with the payment of outright compensation. The necessary provision for leasing without prior setting apart is contained, Sir, in clause 9 of the Bill and the consequential provisions are made in clauses 10 and 11. Clause 10 in particular protects the rights of the claimants for compensation on the lines of those sections of the Ordinance which are similarly involved in the setting apart. However, Sir, in order that there should be no suggestion that any short-term leases of this nature will be given to anybody regardless of the feelings of the local right holders concerned it is proposed in the Committee stage of the Bill to introduce an amendment to provide for prior consultation with the local Africans, the African district council concerned, and the local land board; and of course if the area is a large one to be leased then the trust Board itself will be consulted. This will be in conformity with the regulations requiring land to be set apart. In addition it is proposed that a policy direction will also be given if this Bill becomes law, that all proposals for leasing without prior setting apart shall be referred first of all to the Government.

There is also one further amendment, Sir, which I shall propose, again in the Committee stage, and about which I will make a mention now. As the law now stands it is at present necessary before the renewal of a lease granted prior to 1938, the enactment of the 1938 Ordinance, for the land to be set apart, although in the case of leases granted after the enactment of the 1938 Ordinance it is not necessary to set it apart again before the renewals of the leases. It therefore seemed desirable, Sir, to amend the law to provide that any existing lease can be renewed without further setting apart.

The remaining clauses of the Bill, Sir, are, I think, fully explained in the Memorandum of Objects and Reasons, and I beg to move, Sir.

Mr. WENN seconded.

Question proposed.

MR. TOWETT: Mr. Speaker, Sir, I rise to oppose certain points arising in this Native Lands Trust (Amendment) Bill. The Minister has just told us, Sir, that in future there should be no need of setting apart land if it is going to be leased for a period of, say, ten years. I feel, Sir, that if the administration is tired of setting apart all the lands in the African land units then they should say so and we do the setting apart of such lands. I think that it is not for the good of the country, and of us all, if we allow people just to come and say we want, "One acre here, and three acres there, for experimental purposes" or, "Ten acres here" without the land being set apart. I think that the administration should ignore the problem of what they call "administrative complications and difficulties and tiredness". They should take the trouble to go round in the usual conventional procedure which we are used to and set land apart when they want it, whether they want it for ten years or for any period under ten years, or for perpetual use, by the Government. So, Sir, I feel that if the Government does not intend to offend some of us then the Government should go back to the old procedure of setting apart land for leases. We do not want to give power or to allow some of our officers of all shades to go, and say, and influence the people and say, "We want this for experimental purposes for five years, and therefore this

[Mr. Towett]

land should be set aside" and later on after doing some permanent things they say, "Oh, well, it is high time we began setting apart this land." It is not possible, it is not fair to take the land for ten years, establish all the seeds and planting, construct all the roads, put up some permanent houses, and then you come after ten years and say, "We want to set it apart." Of course everybody will not after that time refuse because they have made it more permanent, so I think you should set the land apart at the beginning or leave it altogether. Now, that was my first point, Mr. Speaker.

My second point arises out of the definitions of the Highlands, the Highlands Board, and the Trust Board. I feel, Sir, that all the definitions from the Interpretation and General Provisions Ordinance, No. 38 of 1956, which are applicable to this Native Lands Amendment Bill should actually appear in the Bill and should not be removed from the Bill. The complication here is this, that when you leave some definitions in another Bill which is far away and separate from that Bill—when you go and look at the Bill you are caused or even made by circumstances therein to try to look for the definitions so that you may understand the Bill you are reading. I feel that the Government or the people who are responsible for drafting all these Bills, and the definitions involved in the Bills, should make sure that they have all the definitions prefixed to each Bill or to each law so that we do not try to say that we refer to Bill or law No. "X" for definitions in order that you will understand this Bill.

So, Sir, with these very minor points, I feel that the definitions given and which are seen here should actually appear in the Native Lands Trust (Amendment) Bill.

Sir, when we come to subsection 10 (2)—and I hope that you will allow me to quote about four lines to explain my point—it says, "As soon as possible, and in any case not later than seven days after the date of publication of the notice referred to in subsection (1) of this section, the district commissioner shall inform the Africans in the area concerned of the effect of the notice." I would add, Sir, that we should have the words "inform the Africans affected" or

"inform the Africans particularly concerned", or, "inform the Africans directly concerned"; and, Sir, the inference should be in writing. What has happened of late is that it may be that a district commissioner or a district officer sends somebody to go and inform a group of people about a certain thing. Now, the information given, say, verbal, to the man sent by the district commissioner, will not reach the persons concerned in the fashion given. So I feel what should be done, Sir, is that the Africans directly concerned should be informed in writing so that they have something to say: "Here is a copy of the letter which was addressed to me informing me about what the district commissioner proposed to do." Again, Sir, because the administration is in the habit of transferring its officers every two or three or four or five years it is always better if we were informed about what was going to happen to anything around my area in connexion with my piece of land in writing, Sir, so that when the present district commissioner of, say, Kapenguria, leaves for Kwale I shall not say that I was informed by the district commissioner who is not here, but I will have something in writing. That is my emphasis. I want something in writing so that the Africans who are directly concerned and who have been informed by the district commissioner in writing, Sir, so that they can produce their evidence in writing.

Coming to clause 11, Sir, I should like the Minister, when he replies later on to the points which were put to him, to explain or define for me what I meant by the words "local board", which is meant the "local land board", which is mainly a Government body. I should ask him to think about the constitution of that "local board", Sir.

With these very few and very brief, I am sorry to say, remarks, Sir, I beg to support (provided the points I have mentioned are dealt with and put right) the Bill.

MR. MUIRO: Mr. Speaker, Sir, I get up to oppose this Bill very strongly. I think that the Bill is that of the one ground mainly, and that is the week Government last week, or the week before told this Council that soon the Government would be issuing a White Paper on land in Kenya. Now, since the country is waiting for that Sessional

[Mr. Muliro] Paper was to not see, that is the African Elected Members, do not see the reason why any new discriminatory matters should come before this House. What we aim at, Mr. Speaker, in this country, is to equalize all lands and to put them on the same basis and because of all that, Mr. Speaker, I move the amendment that this Bill be read upon this day six months.

With that, Mr. Speaker, I beg to move the amendment.

MR. NGALA seconded.

Question proposed.

DR. KIANO: Mr. Speaker, Sir, in rising to support my colleagues for the postponement of this debate, I would like to make the observation that it has been truly said that power corrupts and that absolute power corrupts absolutely. Here we have an attempt to give our Government additional power in dealing with the question of land while, as the Mover of the amendment says, we have already been promised a general policy statement by the Kenya Government on the question of land. We do not want to find ourselves in this House having passed a number of measures which might tend to be contradictory to what the policy statement will be or what might come out of that debate. It is mainly for this reason that we are here trying to anticipate what might happen in the promised policy statement before it is laid. I do not think that in moving this Motion the Minister for African Affairs made a very, very good case as to why this must be done now.

Now, Sir, one point is very, very clear. I am sure that this House will appreciate the value of any experiment—proved to be useful to this House and I am sure we would not hesitate, Mr. Speaker, to make the necessary provision for any such experiment or anything else that the Government makes a good case for. What we are against is giving the general power to the Government to do things without even consulting us. What this House is doing is to abdicate its power, and the power and right of debate, and let the Minister do what he wants by our giving him the power with reference to land. Without making any lengthy discussion about this, Sir, the Minister

has not made a good case why this must be moved now, particularly in view of the policy statement which is coming; secondly, we see no reason why this House should abdicate its power for these experiments, and, thirdly, we think that this again is out of place because it is another attempt to increase Government's power without first consulting the House for everything they do, which is the purpose for which this House has been set up in this country.

I beg to support the amendment.

MR. SPEAKER (Sir Ferdinand Cavenish-Bentick): I would remind hon. Members that under Standing Order 86 the Motion that the word "now" be left out and that the words "on this day six months" be added is, as hon. Members have been made aware in the past, equivalent to killing the Bill. There is an alternative, of course, of moving under Standing Order 13 that the Bill be adjourned. I merely mention that because I believe some hon. Members did not quite understand the difference between the two processes in a previous debate. As far as I am aware the Motion now before the House is under Standing Order 86 that the word "now" be left out and the words "from this day six months" be added to the question.

MR. SLADE: Mr. Speaker, Sir, I do not feel able to support this amendment for the very reason that you have given because it amounts to killing the Bill. And I think it would be premature to try to kill this Bill, just as I agree with my hon. friends on the left that it is premature to debate this Bill in the light of the promise of a White Paper that we have on the whole subject of land policy. So, Mr. Speaker, I do support their arguments that this Bill should not be read a Second Time until we have had the benefit of seeing a declaration of general policy on land tenure. And I do ask Government to consider that very seriously, and to agree to adjournment of this debate until after that White Paper has been published.

At the same time, Sir, if it is not out of order on this amendment, which is really a negative of the Bill, I would like to make one point with regard to the difficulties that arise under the Bill as it now stands. Perhaps there are two points, closely related.

[Mr. Slade]

Setting apart, as I understand it, under the substantive Ordinance, amounts for all practical purposes to compulsory acquisition of land. It is now proposed that the Governor should have the power to grant leases for less than ten years without setting apart land, but yet really by way of compulsory acquisition for the limited period of that lease—not exceeding ten years. Now, Mr. Speaker, if that is the intention, I would suggest that the power of compulsory acquisition, whether by setting apart for an indefinite period or by granting a lease of only ten years or less, should be limited to public purposes.

One might enlarge the definition of public purposes for this particular statutory power, but still it should be limited to public purposes as opposed to private convenience. Now, I see no such limit in the law as it now stands. In the Objects and Reasons we are given an example of where a lease of ten years or less might be required: "tentative irrigation projects." Well, of course, Mr. Speaker, that would be a kind of public purpose, and I am sure my hon. friend on the left would agree that it would be desirable for the Governor to have power to grant leases of ten years or less for some experiment that is going to benefit the public in that way. But his power should be limited to that kind of purpose.

Now, Mr. Speaker, my other point arises out of a technical difficulty. Now, under the law as it stands now, as I say, you have setting apart which amounts to compulsory acquisition and extinction of existing individual titles. By setting apart, Government has acquired the land, wiped out existing titles, and starts again granting new titles. But now we are saying by this amendment Bill that the Governor is to have power to grant a lease of ten years or less without any setting apart; and so it seems to me—so it must be—without the extinction of any existing titles. So, you are going to have the difficulty of two concurrent titles. The existing owner is still there, his rights have not been extinguished; but yet Government, over—and above—him, is going to grant a lease of ten years to somebody else. That may not create any great practical difficulties in the African

land units as we have known them in the past, although even then it creates, I suggest, a legal irregularity. But when you come to land consolidation and registration of titles, the registered owner is declared by law to be the sole and indisputable owner, subject of course to compulsory acquisition which would wipe out his title, or setting apart, which would wipe out his title altogether. But how are you going to have the Governor granting a lease of a title registered in the name of somebody else, without at least providing that the lease is to be granted by the Governor in the name of the registered owner, or making some other provision which will reconcile the two conflicting titles for the purpose of registration, and put the registrar of titles at ease on the matter.

It is only a technical point, Sir, but it does seem to me that there are considerable difficulties of registration alone that are going to arise unless some further provision is made in this Bill. It arises again out of this question of compulsory acquisition. If you are going to allow compulsory acquisition for periods of ten years or less you have still got to treat it as a form of compulsory acquisition, and either have extinction of the existing title for that period or so arrange it that the leasehold title is nominally granted by the registered owner.

Then there is the larger question of what circumstances can justify such compulsory leases, and for what purposes.

Mr. Speaker, I beg to oppose the amendment, and ask Government to consider adjournment of this debate.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): Mr. Slade as you are aware that you are in fact under Standing Order 13 able to move a further amendment "That the debate be now adjourned" if you so desire?

MR. SLADE: Mr. Speaker, I beg to move that further amendment—that the debate be now adjourned.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): Well, as an amendment to the Motion that was moved by the hon. Member previously under 86 (I) that under Standing Order 13 the debate on this particular Bill be now adjourned, I

[The Speaker]

think that is quite permissible in the circumstances and I will put that question to the House. People can speak on that Motion but not on anything else—the advantages of adjourning or not adjourning this debate.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I have listened to what has been said with a good deal of interest and a certain amount of sorrow. Sir, and, with all due respect to the hon. and learned Specially Elected Member, I feel that he has been somewhat confused in his reading of this particular Bill.

Sir, it is not a particularly easy Bill to understand and perhaps when I was introducing it I did not make it clear. In my view, this particular Bill has nothing to do with land control, nor has it anything to do with those persons who obtain titles under the Native Lands Registration Ordinance because as the hon. and learned Specially Elected Member pointed out there would then be conflict of titles. That is not so. This particular Bill would apply to those areas which are still vested in the Trust Board, which are still in the Trust Board's hands, and that therefore the proceedings which are proposed under this Bill will in fact, if the amendment that is proposed goes through, be exactly the same as any other form of setting apart in those areas where the Native Lands Registration Ordinance does not apply. And therefore, Sir, for the reasons that I have given I feel that this debate should not be adjourned and I regret that Government cannot accept that Motion.

MR. NGALA: Mr. Speaker, Sir, I rise to oppose the adjournment of this debate. I feel that this Bill as introduced by the Minister for African Affairs is completely unnecessary. It is also undesirable because in my experience, Sir, any temporary experiments intended to be done on the native land units have been accepted by the Africans on the grounds that they are only temporary experiments. There has not been any sort of serious quarrel between the Government and the people or the owner of the native units particularly when the people understand that the experiment is for their own good; I have seen many experiments where the Agricultural

Department, for example, is trying to experiment on useful food crops on some bits of native land units. That has been accepted on the basis that it is temporary and because the Africans do accept this when they understand these temporary experiments I think there is in having any legislation on this situation. And as such I think that the Bill is unnecessary and undesirable in the present situation.

Now, another thing, Sir, I feel that in the light of the new policy on land which we hope will come from the Government side that it would be wrong to adjourn this Bill now because we do not know exactly what will be embodied in the policy. The policy may have some aspects which will make it entirely unnecessary for us to discuss this Bill. Therefore I would tend to support the amendment that has been moved by my hon. friend, Mr. Muliro. We do not intend to discourage any experiments on the native land units, but we feel and the experience that we have had is leading us to a complete conclusion that this Bill is unnecessary and undesirable.

The other aspect, Sir, which I would like to touch on: the Minister seems to emphasize on the local land board and the African district councils. I would like the Minister to understand that in the eyes of the Africans the African district councils or the local land boards have no land. The land belongs to the individual people or to the clans and there is very little said in the Bill that indicates the right of the owner of the land to reject this concept. I think this policy of assuming that the land belongs to the African district councils or to the local land boards should be revised by the Minister. I hope that thing will be embodied in the forthcoming land policy. And it is exactly in that frame of mind, Sir, that we do feel that this is quite undesirable now. The Minister has not convinced me particularly because he has not shown any instances where he has come against any real opposition on temporary experiments where the people understand the use of it; because my own experience is that people have been very reasonable and have allowed useful experiments to go on on a temporary basis, even without any lease. All that the Minister requires is to get the con-

[Mr. Ngala]

sent of the local people on the piece of land concerned; I think any temporary experiment can go on without any lease.

And with these few words, Sir, I would like to support the first amendment.

MR. WEBB: Mr. Speaker, Sir, I do think that there is a very considerable measure of misunderstanding about this Bill and its application, Hon. Members. Mr. Speaker, have sought to link it to Government's proposed policy with regard to land. Mr. Speaker, that is wholly irrelevant in the context of this Bill. This Bill, Mr. Speaker, seeks to amend the Native Lands Trust Ordinance which relates only to the native lands. When the Native Lands Registration Bill becomes law and applies to particular areas of land in which titles will be granted to individual Africans, this Ordinance will cease to apply to that land and in the Schedule to the Native Lands Registration Bill there was an amendment to this Ordinance—the Native Lands Trust Ordinance—to that effect. It is therefore, Mr. Speaker, I think quite unrealistic to try and connect this Bill with any possible development of land policy in this Colony. Any question of transfers of land between people of different races, or of different kinds of land, can only take place if both parties have a title or can have a title to that land. In respect of the native lands, no person will have an individual title to his land which he can transfer to another person. And therefore any question of new policy will not affect those areas of the native lands which continue to be subject to the Native Lands Trust Ordinance and which will remain vested, as a whole, in the Native Land Trust Board in trust for the Africans who live in those areas.

This Ordinance, if it is amended and indeed as it stands today will continue to apply to all those areas. The areas which come within the scope of the Native Lands Registration Bill and in which title will be registered, may well be affected by development in Government's policy with regard to land. But the two matters are wholly separate and distinct and I honestly do not think, Sir, that this Bill has any impact on any possible future statement with regard to Government's land policy.

What I have said, Sir, may also in passing have dealt with one point raised by my hon. and learned friend, the Specially Elected Member, Mr. Slade, when he talked about the possible conflict of title. As he will now, I hope, see, Sir, there will be no conflict of title, because when land has been registered, then this Ordinance will cease to apply to it and the amendment which we are now making to it will have no effect upon it.

Sir, I beg to oppose both amendments.

MR. SPEAKER (Sir Ferdinand Cavenish-Bentley): Mr. Odinga, are you speaking to the adjournment?

MR. ODINGA: Both amendments, Sir.

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): I want to dispose of the last of the amendments, first. If you wish to speak generally you can speak again. I think I would get this amendment out of the way first as it does not appear that it is likely to have much support. Therefore I will put the last amendment. The Motion now before the House is that the Native Lands Trust (Amendment) Bill be now read a Second Time. The most recent amendment was that the debate on this particular Motion should be now adjourned.

Question proposed.

The question was put and negatived.

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): The second amendment is lost and the amendment now before the House is the one under Standing Order 86, that the Bill be read on this day six months.

MR. ODINGA: Mr. Speaker, Sir, I stand to support the amendment which normally means killing the Bill. And my reason for supporting this amendment, Mr. Speaker, is that the Government has already announced that they are going to introduce a White Paper on the land policy in this country and I do think although my friends opposite would like me to believe that that will have nothing to do with this, that they do not understand that the question of land ownership in this country has not been decided. And we are waiting—I made it perfectly clear here when I stood to debate the Agricultural Vote, that the

[Mr. Odunga]

Africans do not recognize the Government or State ownership of land in this country. They know that the land belongs to them and that the land was theirs by transmission from their father to forefathers and we want this to be made clear. With the present Bill I am accusing the Minister of trying indirectly probably to force the Africans to consolidate land by introducing this particular Bill, because I find that this Bill has got so many incredible clauses—clauses which should not really apply at all. The Africans who are at the present moment holding the land are considered to be without any rights on those lands. For example, where it is said here in No. 38 that the Provincial Commissioner will publish in the *Gazette* a notice of intention to grant a lease specifying the boundaries of the land to be leased and the time of the proposed lease and calling upon persons who wish to claim the compensation in respect thereof to apply in the manner and within the time specified in subsection 3 of this section; which means that the Provincial Commissioner is the owner of the land in the African area and he can do whatever he likes with that land. And it goes on further to say that it would be in section 33 (i) that subject to the provisions of 19 of this Ordinance the standard premium and rent payable in respect of the lease of any land which has been set apart under this Ordinance shall be assessed by the Provincial Commissioner in consultation with the local land board and shall be subject to the approval of the Governor, due regard being had in each assessment to the economic value of the land and to such conditions regarding improvement as may be contained in the lease; which again here, Mr. Speaker, means that the Provincial Commissioner who is the owner of the property is doing the assessment with the help of the local board who is also probably the second owner of the land. And immediately he has done that his assessment will only be approved by the Governor.

And now, when I get on further to clause 33 (ii): "The standard premium payable in respect of the lease of land in the native land which has not been set apart shall be the sum of the amounts claimed in respect of the lease under subsection (iii) of section 30A and

awarded under section 16 of this Ordinance."

Mr. Speaker, I think today if there is anything which affects the Africans it is this Bill—the African land rights. And if there is anything which we could kill until we have debated the policy, I do not think that there is any other one which is more suitable for killing than this one here today.

It goes on, Mr. Speaker, to specify again that immediately after the Provincial Commissioner has made the assessment and finished, then without consultation with the man who is the owner of the land and who regards himself as the absolute owner of the land that with disregard to that particular man, that the assessment will be paid into the African district councils' purses, and the African district council will have to decide who is the man to get that compensation.

In the first place, the man who is the owner of the land is not consulted in any way. His opinion does not matter. He is not allowed by the provision of this Bill to say anything or to have a say at all and at the end everything goes to the district council and the district council will have to decide because the district council probably is considered to be the part-owner of the land.

Mr. Speaker, let that man who was occupying the land have the right of final decision on his property, let him be compensated in the way he accepts. But the land question and the land problem, Mr. Speaker, is great, and as such I do feel that before this Bill is taken into its further stage it must be killed and reconsidered only later when we have debated the land policy in this country. And I should again, before I sit down, Mr. Speaker, only say again strongly that this Bill, if it was not meant to dispossess the Africans of their rights on land, it is going indirectly to force the Africans to consolidate their areas and then register their land in order to avoid this dangerous Bill here. And I do not think that it should be the intention of the Government to try to force the Africans indirectly to go into land consolidation.

With these few remarks, Mr. Speaker, I beg to support the amendment and support it very strongly.

MR. OLE TIPIS: Mr. Speaker, Sir, I rise to support the amendment to this Bill.

Firstly, Mr. Speaker, this Government of ours does not seem to be learning from the mistakes that it has made in the past as far as the land question is concerned. Why I say so is that it has been the tendency of this Government of late to try and rush through all sorts of Bills concerning the African lands. No other Bills have been passed of late or brought before this House concerning the so-called Highlands. All the time we hear of a new Bill, amendment to the Native Lands Trust Bill—I do not know what else they have in mind.

Now, Mr. Speaker, I think it is no good our Government trying to waiver about and play about with this thorny question of land. They told us here in this House recently that they are going to place a White Paper, to put all the land in the Colony on the same footing. Well, instead we have not even had the chance of seeing that White Paper. They come here with this dangerous amendment and I do not see the logic of it at all, Sir, and I personally would have thought that it is time we asked the Government to at least agree with African Elected Members to drop this Bill for the time being until we have got a chance of perusing the White Paper on land. And let us then sit together once and for all and decide on the future of the land in this country. Any sort of legislation which is brought before this House and passed by the Government without the consent of African people will never help at all to solve the intricate problems which are now facing this country. For instance, when I read here on clause 5 which reads: "Subsection 2 of section 17 of the principal Ordinance is amended by deleting the second sentence thereof which relates to the extinction of rights, title and interest." Surely, this must not be deleted. You deprive a man of his right and interest on land set apart and you do not give him compensation for that matter at once.

Now, Mr. Speaker, the Minister told us that the main body to be consulted will be the African district council. But what standing have members of our African district councils at present. Are

they really elected by the people or are they simply nominated by the Government as such? The Minister for Local Government would come forward at any day when these people refuse a certain portion of their land to be set aside and he will say: "All right, the Kiambu African District Council is finished."

Now, where shall we go from there? And at the same time this Government says: "Well, the Bill is in the interest of the Africans." If I look on the other side of the House; if this Bill is going to be of any benefit to the Africans, as it is intended to be, then there is no reason why the Government should not seek the confidence of the Africans concerned whose land is to be set aside for experimental purposes and the like. I do not see why they should not be consulted at all, but I know that since the Government is determined to carry this Bill through it should try to see whether it is really adopting the good way and whether this Bill is the right thing to introduce, because every time we speak in this House, Mr. Speaker, Sir, the Government—some of the Government Ministers—accuse us that we do not know what we are talking about, that some of our utterances are irrelevant. Of course, they might be irrelevant in their own way of thinking. For instance, the Kenya Government as at present constituted—what voice has the African people in this Government of this country today.

AN HON. MEMBER: You refused to join it.

MR. OLE TIPIS: On whose terms, yours?

THE SPEAKER (Sir Ferdinand Cavendish-Bentink): You must refer to "another Member as the hon. Member".

MR. OLE TIPIS: I am sorry, Mr. Speaker, but some interruptions are very annoying. I think, Mr. Speaker, before I get into more trouble, I had better in short support the amendment and sit down.

MR. NGALA ROSE.

THE SPEAKER (Sir Ferdinand Cavendish-Bentink): Mr. Ngala, you seconded the original amendment, did you not, and therefore you cannot speak.

Mr. MUMI: Mr. Speaker, Sir, I wish to support the amendment more especially in view of what the Minister has said because I feel very strongly that this Bill gives some amount of suspicion.

The Minister I recall saying that the Bill would not apply to areas where the African Land Registration Bill now applies. He did not go far enough to tell us whether or not it is intended to bring all the African areas within the African Land Registration Ordinance.

Mr. Speaker, I think I am speaking with experience, having served on the local land boards for my own district for quite a long time, and the question I have of what the Government thinks of the African land is that no African owns any land at all, and that the land, if I am correct, belongs to the Government or the Crown for that matter and no African has the right over the land that he calls his own. Until such time as the Government defines precisely the position that the African holds in land, I shall still oppose this Bill, and as my hon. friends have suggested, it would have been most appropriate for the Government to have waited until we had known the intention of Government, over the whole question of the African land.

Mr. Speaker, I said earlier on that I am speaking with experience having served on the local land boards in my own district. I would like to give the Minister two examples where I feel I am right and justified in making the statement that I make. Take for example the seed farm, which was set aside some years ago when I was a little boy, at Ithookwe in Kitui District, merely as a seed farm project. Years went by and in addition to the seed farm area the Government acquired another piece for an aerodrome. Of recent days the seed farm area is being converted into a stadium. Well, when we see that Government can deliberately keep a temporary lease on African land, with intent to converting that piece of land to some other use, taking the longest period and the longest use our suspicion is more confirmed.

Now when we come to the question of compensation for this piece of land I have in mind—what compensation was paid to the owners of that piece of land? I believe not a penny was paid until

recent days when they intended, or thought it necessary to continue to use the aerodrome, then a small amount of compensation was paid to the owner of the land. Sir, I have also in mind the Government African school in Kitui area, where I served on the local land board committee which assessed the value of the land. On this area I am right in saying that no compensation for the land was paid—not a penny. The only compensation that was paid to the owners of this land was for any cultivation that was on the land, any trees that were planted and any houses or huts on the land, but the question of the land itself was never considered, and I am sure the Minister concerned will correct me if I am wrong.

Again, Sir, I have also in mind another area just near to the two I have mentioned where dam construction is going on near the Kitui Township, the Kitui dam site. Now I would like to know from the Minister if what he says is correct, what compensation has been paid to the owners of land on this particular one which is under construction now. You will find, Mr. Speaker, that there is no compensation at all for the land. Probably some compensation will be paid on any trees or any cultivation on the land, but the question of land does not arise.

Now, Sir, taking these facts into consideration I feel very strongly, and I am sure my colleagues feel very much the same as I do, that until such time as Government has made it very plain to us our position in regard to our land we shall still oppose such Bills which are harsh on the Africans without a clue as to what may come next. We do not know what is going to happen after the White Paper on the African land is produced. I would only like to plead with the Government that they take this matter very seriously and reconsider their attitude and defer any decision on this Bill until we have had the opportunity to discuss the White Paper on African lands.

Mr. Speaker, I beg to support.

DIVISION

The question that the word-proposed to be deleted be deleted was put and Council divided.

THE SPEAKER (Sir Ferdinand Cavenish-Bentinck): I have very little doubt as to the outcome of this division, but at the same time if five Members stand to support the Mover I have no option.

The question was negatived 45 votes to 16.

AYES: Messrs. Hassan, Jamidar, Khamsi, Kiamba, Dr. Kiano, Messrs. Abuya, Mumi, Muliro, Ngala, Nyagah, Odinga, Pandya, Tipis, Towett, Travadi and Zafrud Deen.

NOES: Dr. Adalja, Messrs. Alexander, Antalemba, Blunt, Bompas, Group Capt. Briggs, Mr. Crosskill, Sheikh El-Mandry, Mr. Farah, Mrs. Geaga, Commander Goord, Capt. Hairy, Messrs. Harris, Harrison, Havelock, Air Commodore Howard-Williams, Mr. Hunter, Dr. Ismail, Col. Jackman, Messrs. Johnston, Jones, Kébaso, King, Luseno, Madan, Sir Charles Markham, Messrs. Mackenzie, Mathison, Mohinora, Nathoo, Ngome, Nurmohamed, Nnimama, Nzioka, Sir E. Pithon, Mr. Pembridge, Major Roberts, Mrs. Sago, Mrs. Shaw, Messrs. Smith, Tyson, Usher, Vasey, Waweru and Webb.

MR. SLADE: Mr. Speaker, Sir, there is just one point which I would like to discuss in this Bill. The hon. Mover, and I think the hon. Solicitor-General, have both alleged that this Bill has nothing to do with the subject matter of the White Paper dealing with Government policy concerning land in general. I simply cannot understand that. If it is not intended that the White Paper, which purports to put all dealings and policy with regard to land on the same footing, is going to cover African lands that have not been registered as a result of land consolidation, I suggest Government ought to think again. Mr. Speaker, it was suggested that there was no confusion, in granting a ten-year lease without setting apart, in lands that are not registered under the Native Lands Registration of Titles Ordinance, I suggest, Sir, that that is entirely wrong. Even today in lands that have never been consolidated or registered there are rights recognized according to African custom, and that African custom amounts in many areas to the recognition of each individual title; and if you are not going to extinguish an

individual title by a process of compulsory acquisition for such periods as you grant the lease, you are going to have to acknowledge two titles—one, the lease granted by the Government, the other the title of the man whose rights are recognized by custom.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I have been very confused at the various attacks that have been made on this Bill which, in my submission, Sir, have very little to do with the Bill before the House. I and the Government have been accused of bringing this Bill before the House in order that we can force land consolidation upon an unwilling people. I think this was said by the hon. Member for Nyanza Central, but, naturally, Sir, there is no intention, and there is nothing in this Bill which has any dealings with land consolidation. It is purely a Bill to regularize what has been happening, in fact, in the African land units, which are vested in the African Trust Board. The attacks that have been made on this Bill, Sir, are, I suppose, three.

First of all, it gives more power, additional power, to the Government, and, secondly, it is premature in that we should have debated a policy paper on land which the Government is preparing, and thirdly that the Bill was unnecessary and discriminatory.

Sir, I quite agree that the Bill does, in fact, give more power, additional powers, to Government, but they are retained to regularize the position which has arisen in the native lands where lands are being leased illegally. It also gives power—this particular Bill—to pay disturbance compensation for such leases, if approved, and it gives power to revoke a lease at the end of a particular time.

Secondly, Sir, as I have said, and as my hon. friend the Solicitor-General has said, this particular Bill does not concern the control of land, nor does it concern those areas where the Native Land Registration Ordinance, when it becomes law, will apply, because there you will have individual titles. It concerns those portions of land which are vested in the Native Lands Trust Board.

And finally, Sir, the third attack, was that it was unnecessary and discriminatory. There is nothing discriminatory in it at all, Sir, and as I have endeavoured

[The Minister for African Affairs] to show, it is, in fact, necessary because certain acts were being done illegally with the full support in cases—and one case, I think, was quoted by my hon. friend the Member for Kitui, where seed farms have, in fact, been used without the land being set apart and without any compensation being paid. This Bill sets out precisely to regularize those acts and to allow the landowner to obtain compensation and the African district council to receive rent and pay it out to those people who should get it.

Now, Sir, I was interested that the hon. Member for the Coast Rural said in this debate that he did not think that the African district council or the local land board should hold land, in the last stages of the Land Control Bill, another hon. Member—I think it was the Member for the Southern Area—said that he thought the African district councils should hold land and should be empowered to deal in land. Now, Sir, the land that is not registered individual title does, as I say, vest in the Trust Board, and the African district council and the local land board are the bodies which deal in the setting apart of land. They do not own land. They are merely the bodies which deal with the dealings in land in those areas where the Native Lands Trust Boards has land vested in it.

The hon. Member for Nyanga Central, quoting clause 30, seemed to imply into the terms of that clause that the Provincial Commissioner was the owner of the land. He read out the clause, and I presume he understood it. I have read it myself several times, but I can find no mention in that clause to make the Provincial Commissioner the owner of any land in the native land units. He also criticized clause 11, the new section 33 (1), that merely deals with the methods of setting land aside and the payment of stand premium and rent. Again, it is not a question of assessment by the African district council. There the assessment is done by the local land board, who have four members of the African district council and also have two appointed members.

The hon. Member for Central Rift said there was an inclination on the part of Government to rush through these Bills. This Bill, of course, has been published for over 40 days, and I have

received no representations from any hon. African Elected Member that he wished postponement of the Bill, or that he wished to discuss any particular portions of the Bill, and I am always ready, as are my officers, at all times, to hold such discussions when they are required.

The same hon. Member also criticized clause 17, which is an amendment of section 17. Perhaps, if he had read what it was proposed to exclude, he would be a good deal happier. What is proposed to be excluded there is this. The payment of compensation under the provisions of this section shall operate to extinguish every right, title or interest vested in the private right holder or in any person claiming under, by or through him. In fact, this allows a revocation of a lease and for the land to return to its previous ownership.

Finally, Sir, may I point out that in the Committee stage of this Bill, we will propose to amend certain sections, as I said in moving the adoption of this Bill, so as to provide at every stage for the fullest consultations with the local Africans concerned, the African district council, the local land board and, if necessary, if the area is a large one, the Trust Board, and in conclusion, Sir, in moving this Bill, may I thank the hon. Member for the Southern Area for his qualified support.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentick, K.B.E., C.M.G., M.C., in the Chair]

MOTION

1958/59 SUPPLEMENTARY ESTIMATES
(No. 2)

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that a sum not exceeding £821,621 be granted to the Governor on account for, or towards defraying the charges of Supplementary Estimates No. 2 of 1958/59.

I would like to say, Sir, that the Governor's consent has been received to all the Motions on the Order Paper.

Question proposed.

Votes 1, 3 and 4 agreed to.

Vote 5—Civil Service Commission

MR. ALEXANDER: Mr. Chairman, Sir, the Civil Service Commission. Could I ask here to what extent, if any, the Civil Service Commission has as a result of their experiences in attempting to recruit for Government, and as I imagine the consequence of them being able to discover what the market price is for labour and skill, may I ask whether, in fact, the Civil Service Commission ever advise the Government regarding their, the Government's salary scales? I ask this particularly, Mr. Chairman, because in the debate on the police we from this side, as an example, quoted the salary of Inspectors Grade I, and do not think any of us were very happy about the reply we received. We are quite clear in our minds on this side that there is, in that particular respect, a point at which there may be cause for dissatisfaction, and, of course, this applies, I am sure, to many other departments, but the police are particularly noticeable and particularly vulnerable.

I am wondering whether the Civil Service Commission, having given this particular example, ever offer any advice to Government on their salary scales, and if they do what do Government do about it when they have got the advice?

MR. MACKENZIE: Mr. Chairman, Sir, I am not altogether sure what my hon. friend's point quite had to do with house allowances, but to answer the question that he has put about the Civil Service Commission, they have not, so far as I am aware, in recent months, or indeed during the last year or two, given the Government a great deal of advice on this matter. I think the reason has been that they have been able to fill all the various vacancies that have come before them without having to increase the offer. They have found that the amounts offered have been sufficient to get a large enough field, and what they have considered to be a suitable field, of recruitment for most of the vacancies that have arisen, and it has not been necessary for them to give the advice. I might say that in the early years of the Commission, when they were working in and when the Libbury scales were new, the Commission did give a great deal of advice. But certainly all the information I have is that as a normal

rule when a post is advertised there is a reasonably good field of candidates and for that reason it has not been necessary to give advice of the type raised by the hon. Member for Nairobi West.

MR. ALEXANDER: Mr. Chairman, may I ask this question? If candidates are forthcoming do the Commission give advice as to whether they are in fact the right quality at that price? I go back to Inspector Grade 1 because this is the one that the public notices the most. Frankly, we wonder whether the Government are getting enough of the right people, because at that price we doubt whether the right people are applying.

MR. MACKENZIE: The Government certainly, Sir, has had no advice from the Commission to the effect that candidates have not been the right type of people, nor, so far as I am aware, has the experience of the Government been that the type of person being appointed is not suitable for the type of work to which he is being appointed in the various grades and classes of the service.

Vote 5 agreed to.

Vote 7—Information

MR. ALEXANDER: Mr. Chairman, Sir, this is seeking more recent information under this Vote in connexion with the assurance given to us recently by the Chief Secretary that he would look into the arrangements in regard to the London office. I am wondering—that is several weeks old now, that assurance, and we are just about moving into our new financial year—whether we can be told whether that review has been made and what has been the result of it.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): In the absence of my hon. friend the Chief Secretary, I would say that he is considering the matter and he will no doubt in due course be expressing an opinion.

SIR CHARLES MARKHAM: Mr. Chairman, could I ask, under item 7, Films, where it mentions the fact that £500 is required to meet the cost of the production of a film of the Royal visit, what happened to that particular film? I think if it has been made, Sir, people in Kenya would like to see it.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the show copy with an English soundtrack will be placed in the library and be available to subscribers whilst that with the Swahili soundtrack will be shown by the Department's cinema vans. It is hoped to have these films available within the next two or three weeks for exhibition.

SIR CHARLES MARKHAM: Could I ask, do I understand from that that this film is only 16 mm. and not 35 mm. so that it cannot be shown in the cinemas of Nairobi?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I regret to say, Sir, that the information at my disposal does not say whether it is 16 mm. or 35 mm., but judging by the fact that it is to be shown by the Department's cinema vans I should say that it is undoubtedly 16 mm.

SIR CHARLES MARKHAM: Sir, would the Government agree to give some publicity to this film being available, because I think all Members of this House would agree that the recent visit by Her Majesty the Queen Mother was an outstanding success. I believe the majority of people—I say the majority adversely in this case—would like to see that film.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I will draw the hon. Member's suggestion to the attention of my hon. friend the Chief Secretary who I have no doubt will take it up with alacrity.

Vote 7 agreed to.

Vote 8—Immigration

MR. ALEXANDER: Mr. Chairman, Sir, concerning Miscellaneous Other Charges, as long ago as November of last year the Government accepted a Motion from this side of the House and undertook to study the Immigration Ordinance with a view to putting it on a non-racial basis. This applied particularly, you will remember, Mr. Chairman, to Kenyans who have to get a re-entry permit endorsed in their passports simply because they do not happen to have black skins. That is as long ago as November. I am rather hoping that these Supplementary Estimates for another £650 would at least have covered the work

necessary to do this study and bring before this House the necessary legislation which to some of us is urgent in the sense that we are put to quite an unnecessary irritation unless, of course, we are prepared to pay Sh. 60 which a lot of us are not prepared to pay to get a permanent resident's certificate.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, this particular amount, of course, deals with postal services and incidental expenses underestimated, the purchase of passports; part of the 1957/58 order for passports with the Crown Agents came forward for payment in 1958/59 and caused the additional expenditure of £150; and to meet statutory commitments with regard to deportation and repatriation. It does not, of course, deal with the policy of immigration. But I will draw the attention of my hon. friend the Chief Secretary to the point made by the hon. Member for Nairobi West and ask him to inform the Member for Nairobi West as to what progress has been made.

MR. ALEXANDER: Mr. Chairman, on the contrary, does the Minister realize that under this item D5, Deportation and Repatriation Expenses, that there are some of us with strong enough feelings on this subject that perhaps in future we will not get re-entry permits; and then the Government will be faced with the situation whereby it may have some folk on its hands that it will have to deport.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I do not think that that situation is likely to arise in so far as the hon. Member for Nairobi West is concerned, but I will draw the concern of the hon. Member to the attention of my hon. friend the Chief Secretary.

Vote 8 agreed to.

Vote 10—Legal Affairs

SIR CHARLES MARKHAM: Sir, Vote 10, Legal Affairs. Could we be told by the Acting Solicitor-General, under the Appropriations-in-Aid which appear on page 10, of this £12,000 for registration of insurance companies. It says underneath "Legislation has not yet been enacted". What exactly is this, Sir, because it seems quite a large sum of money. We would like to have further information on this point.

MR. WEBB: Mr. Chairman, a Bill has been under discussion for some time for the registration of insurance and assurance companies. It is a fairly technical measure and has, of course, to be agreed with them. This Bill involves payment of fees which, in a full year, will amount to some £12,000. We hoped to get that Bill enacted in the course of this financial year, but unfortunately it has not been able to proceed as rapidly as we had hoped and we have not therefore been able to present it to this Council for enactment. Consequently, our guess at our estimated revenue has fallen somewhat short.

MR. USHER: Mr. Chairman, Sir, there is one point regarding Legal Affairs. A little time ago the Minister for Finance was good enough to relieve us of estate duty and I imagine that we are therefore relieved of the officer who was charged with that function in this Department. May I assume that savings in personal emoluments will be related to a part of his salary, or will he be re-absorbed, or what?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The hon. Member may not assume anything of the kind. The fact is that as is common with departments of this kind, which are overworked and stretched to the limit, all that will happen as a result of not dealing with estate duties will be that the officers concerned will have a little more time to devote to other channels of occupation or business.

SIR CHARLES MARKHAM: Sir, could I ask the Minister for Defence, if I could arouse him from what might be a post-prandial slumber, whether the £1,000 in this Appropriation-in-Aid on the Holsa enquiry was involved on the Shuter enquiry, or is it on something new? I did not think that Holsa was involved during this year—I thought that would be dealt with in the current financial year, or the expenses of it.

MR. WEBB: I think, despite the invitation extended by my hon. friend to the Minister, that I had better answer since this item is within my Vote. The answer is No, Sir. The Shuter enquiry had nothing whatsoever to do with the Holsa enquiry.

SIR CHARLES MARKHAM: Could I ask where this expensive document—which was in our pigeon-holes this afternoon, and which I understand cost the Government quite a lot of money and expense, appears in the Supplementary Estimates?

MR. WEBB: D, Sir.

SIR CHARLES MARKHAM: I cannot accept that, Sir, because it says that the money was spent on law books and reports. I want to know, so far as I am concerned, to what cost of the allegations made by this rather irresponsible officer is to the country's revenue.

MR. WEBB: In Miscellaneous Other Charges, legal expenses included the purchase of law books, and it includes also various expenses which, in fact, this report involved; a great many travelling expenses were also involved, and they are not reflected here because we brought them within our ceiling. I think that it would be quite impossible to evaluate the actual cost of production of that report. It consumed an inordinate amount of time and it has contributed substantially to our overexpenditure.

Vote 10 agreed to.

Vote 12—Miscellaneous

MR. ALEXANDER: As I understand the wording of this, it seems that revenue that had been spent in one case and since recovered is, in fact, being transferred to capital. Is this not a rather subtle way of getting revenue item into capital? Next, turning further value to Supplies and Transport, where there is a Supplementary Estimate, is there any reason why this should not have been used to meet the Supplementary Estimate required for extra stores for the Supplies and Transport Department. Lastly, Mr. Chairman, could we be told where, in fact, the recovery of this £210,249 from Ministry of Works stores and from the Thika Water Supply appears?

MR. MACKENZIE: Mr. Chairman, Sir, I am not quite sure what the hon. gentleman's last point was. So far as I know, the only place where this particular transaction appears is here, on page 11 of the Supplementary Estimates. The next point he raised, Sir, was about the Supplies and Transport Supplementary Estimate and he asked why could this money not be used for that purpose. The

[Mr. Mackenzie] answer to that is that this money comes from the Ministry of Works Stores and Services Fund. It is brought into revenue and it has been brought into revenue through the Ministry of Works Vote as excess Appropriation-in-Aid. It has been paid direct into revenue and it is now being voted out into the development side in that way. It could not have been appropriated for use in the Supplies and Transport Vote because that is another Vote of the Estimates and it would have been necessary to have taken a special vote in order to do that. I am not quite sure what advantage would have been gained by doing so.

As regards the general principle of this transaction, Sir, the fact is that the £201,509 is a capital sum. It was on the introduction of the Exchequer system that the Ministry of Works Stores and Services Fund was provided with a capital of £180,000, of which £177,000 was appropriated from the Colony's general revenue balance by means of the Exchequer and Audit Ordinance, 1955. The other £3,000 was provided from the Public Works recurrent estimates for the year 1954/55. At that time, Sir, there were stores in the fund amounting to £811,509 and that brought the total value of this particular fund to £991,509. It has now been found practicable by the Ministry of Works to get on with a sum of £790,000, and therefore this £201,509 has been surrendered. As it went in as a capital item of the Colony's reserves, it was considered that it was by far the best thing, and my hon. friend the Minister mentioned this in his Budget Speech, for it to be treated as a capital item and put on to the Development account rather than it should be left to finance additional recurrent services. I might say, Sir, that the reasons why the Ministry of Works have been able to run down this fund has been first of all the purchase of cement from local factories instead of importing it, and, secondly, it has been possible to buy piping and galvanized iron by local purchase instead of through the Crown Agents, and, thirdly, there has been a general decrease in the volume of direct issues of stores to other departments and Ministries due to a reduction in Emergency works, and, fourthly, there has been a reduction in the amount required to finance works

and services on repayment of cash deposits and allowances are now obtained for military works from the Imperial authority.

As regards the Thika Water Supply, Sir, that was £8,740 and it is the balance of the sum which was left in the Renewals Fund at the time that the Thika supply was handed over to the Thika Urban District Council. The original capital cost of this Government-operated supply was £39,441. £30,701 was regarded as the sale price to the local authority there and this balance of £8,740, which was no longer needed in the Renewals Fund in which it was placed, has again been treated as a windfall, and as a windfall it was thought far better to transfer it to Government's Capital Account.

The purpose of these Supplementary Estimates is, of course, to let the House know that these transactions are taking place.

Vote 12 agreed to.

Vote 14 agreed to.

VOLE 15—CONTRIBUTIONS TO THE COST OF HIGH COMMISSION SERVICES.

MR. USHER: Mr. Chairman, Sir, at the opening of the Budget debate my hon. friend, the Member for Nairobi West, did raise the question of the cost of the High Commission services. I think particularly he was referring to the cost of the administration of those services.

Well, we are all rather older now and I have unfortunately lost, the paper which I wrote out at the time showing the increasing cost over the last ten years of the administration headquarters which is a matter of concern to all of us. It is not only the growth of the personnel themselves which worries us, but also, I think, another fact that officers in a high position there, but who have nothing like the responsibility of their corresponding officers of the Government of the territories, and particularly of this territory, are in receipt of emoluments in excess of what we feel to accord with those responsibilities. I would like to ask the Minister for Finance to look into this matter, and not only that, but there is a general feeling that officers of the High Commission services are better treated in some

[Mr. Usher] more than officers of the territorial Governments and notably in housing. I cannot remember now what is the cost of the Administrator's office—his headquarters—but I think my hon. friends on the other side will be able to remember. I know that I did have the feeling when I saw how they had grown through these years. I wondered "upon what meat does this our Caesar feed that he is grown so great?" And we are worried about that.

The other point which I wish to raise is one which is not raised now in this House for the first time. It does seem to many of us essential that the High Commission should have revenue of its own. I do not know upon what basis it should be provided, unless it is upon the basis of an annual contribution *pro rata* the revenue of the territories concerned; but I do believe that this a question which should be examined now and I would ask my hon. friend, the Minister for Finance, to pursue the matter. Whether anything has been discussed since it was last raised in this House I do not know, but if so nothing at all has happened.

I would like assurances upon these two points and in the meantime I beg to move that the sum of £1, which I see is provided, be deleted.

MR. ALEXANDER: Mr. Chairman, Sir, this particular item does concern a Vote in respect of desert locusts. Desert locusts eat away the wealth of the country; desert locusts eat away the substance of the country; and we are anxious to know just to what extent the High Commission is a desert locust in relation to this Colony of Kenya. We were told in the main Budget debate that—I recollect—a figure of some £100,000, we were told, had been saved by the desert locusts in the next year's Estimates. But I am wondering, Sir, whether our Government are satisfied and whether they can satisfy us and that is what we want to know today that all the economy measures undertaken by our Government have also been reflected and taken up by the High Commission. For example, office space. Is our Government perfectly satisfied that the High Commission have rationalized the office space available to their officials in the same sensible way as we are told our own Government has

done? Is our Government satisfied that the High Commission have followed the policy of our Government in relation to passages where I understand our Government have in fact made some adjustments that have altered the entitlement of officials of the Kenya Government to first class air passages? Have our Government made certain that the number of stenographers per senior executive staff is on the same scale as their own?

We have been told of measures by our Government that have shown less expense to the Colony by transferring people to temporary terms or rather re-engaging them—I think that is the correct explanation—offering re-engagement on better salaries on temporary terms. Have, in fact, the High Commission done this? These, Mr. Chairman, are just a few examples in order that Government may be perfectly clear as to what we wish to know on this side of the House. We wish to be perfectly certain that the High Commission have undertaken the same economy survey and, let me repeat once again, when we say economy, we do not mean refraining from useful expenditure but that the High Commission has wisely looked at its own expenditure to make certain that it is going about it in the same way as our own Government. And, finally, to what extent is our Government able to check that these economies have been undertaken by the High Commission? Do we, for example, have officers who are able to look rather on an organization and methods basis into the activities of the High Commission to be perfectly certain and to be able to satisfy us that what they are told in the terms of economy by the High Commission are, in fact, effected.

MR. COOKE: Mr. Speaker, is this not developing into a policy debate? I thought the object of the Supplementary Estimates was to query particular expenditure, but we seem to have launched into policy.

THE CHAIRMAN (Sir Ferdinand Cavenish-Bentinck): We are to some extent within limits that is unavoidable in view of the "set up" of the paper we are discussing. Incidentally, I am afraid I forgot to put the Motion which should have been formally proposed. The actual amount asked for in this Vote is £1 and

[The Minister for Finance and Development]

That is a rapid way to irresponsibility, and people who have to carry the responsibility have to be prepared to compromise and meet. Nor would there be any chance of survival of this organization if it should be established in the present circumstances that the vote of two out of the three territories should bind and compel the other territory to act in a certain manner.

—This was the attitude we took up with the question of trade legislation, such as bankruptcy, being placed in the hands of the Central Legislative Assembly. We were strongly in favour of it and we put our Resolution forward in this Legislative Council, but the other two territories were not prepared to accept it. However right we thought that was, in the interests of interterritorial co-operation and in the large economic field which is so important, and particularly in the research fields where we receive such assistance from Her Majesty's Government because of the interterritorial unity that goes on in those research fields, if we were to attempt to force a measure of that kind through on a two to one basis, even, we would merely bring about the disintegration of this service.

I can give the hon. Member the assurance that I personally believe that there should be some move towards the High Commission having revenue of its own. It is purely a personal belief, however, and does not commit the Government as a Government. I would say that this is a matter which must be treated very delicately and which can only be brought about with the willing co-operation and assent of all the parties concerned.

MR. PEABURGH: On what the hon. Minister has said, I want to make it clear that I am not talking about matters of evasion. I am talking of cases where there does not appear to be any particular reason to believe there was evasion. Also, with regard to the African, it must be remembered that the African, especially in outlying areas, has not got the advantage that the European and the Indian has, and that is the advantage of the services of competent accountants, speaking his own language, who can go into matters thoroughly with him and see that he does make the right returns. I do

feel that this country, Kenya, has an interest in the collection of income tax and the right amount should be collected from all the citizens, and I think we should make some effort to help the African so that he does make correct returns.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): Mr. Chairman, Sir, I think there is a great deal of merit in what both the hon. Member for Mombasa and the hon. Member for Nairobi West have said on the High Commission, but I do feel, Sir, that the Supplementary Estimates is the wrong time to debate the policy of the High Commission and the Central Legislative Assembly. It is easy, Sir, to shoot at the High Commission. It has been described as living in a rarified atmosphere, but of course, Sir, we have our own representatives, and I am wondering whether the hon. Members have already discussed the matters they have raised with the hon. Corporate Member, Sir Alfred Vincent, or with Lt.-Col. Gherrie, both of whom represent this House in the Legislative Assembly.

I do feel, Sir, that one of the things we have got to try and do is to make the Central Legislative Assembly a more lively organization than it is at the moment, and it is with that background that I think there should be an investigation into the suggestion made that it should have what in the local government debate was called "free revenue"—revenue which they do not spend merely as agents of the territorial Governments, but spend of their own initiative and are able to debate. I think in that way the Central Legislative Assembly would be made a very much more live institution.

But, Sir, in criticizing the High Commission and the Central Legislative Assembly, I do not think we should lose sight of the fact that it is a very useful and necessary organization for the East African territories. If we each had our own income tax department, our own customs department or our own research services, in aggregate the cost of the services of the three territories would be considerably greater than a unified service of the three territories.

However, Sir, what I would like to suggest to the hon. Members is that perhaps the hon. Member for Mombasa might consider withdrawing his

[The European Minister without Portfolio]

Motion for the deletion of this £1 Vote, as he has aired this matter, and then perhaps the hon. Members might consider discussing with the hon. Corporate Member, Sir Alfred Vincent, what constructive suggestions they might make for enlivening the Central Legislative Assembly and bringing it nearer to the people, and letting the people of the country know exactly what the services of the High Commission do in the three territories, and possibly tabling a Motion where we could debate the matter fully in this House.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I feel, Sir, I must reply to the hon. Member for Usain Gishu. Sir, I cannot accept the implication that the Income Tax Department goes back to 1936 merely from curiosity. There must be some good reason if it is searching back as far as that in the accounts of the taxpayer.

Nor can I accept the implication that we must spend money on educating the African in the income tax range up to his duty in paying income tax. I think, Sir, that by making this special effort the Income Tax Department has done what it could in this matter, but I am afraid, Sir, nothing can relieve the income tax payer from his individual duties as a taxpayer.

MR. USHER: Mr. Chairman, Sir, I can assure the hon. Minister without Portfolio that I have in the past discussed these matters with both of the gentlemen whose names he mentioned, and that the object of my remarks was by no means to make an Aunt Sally of the High Commission, but rather to introduce some system which would give vitality to the deliberations of the Central Assembly and to give one and all a sense of stability and continuity.

With your permission, Mr. Chairman, I beg to withdraw.

THE CHAIRMAN (Sir Ferdinand Cavenish-Bentinck): The hon. Member has asked leave to withdraw his Motion. I take it it is granted.

Motion, by leave, withdrawn.

Vote 15 agreed to.

Votes 16 and 17 agreed to.

VOTE 18—COAST AGENCY AND PASSAGES

SIR CHARLES MARSHAM: Mr. Chairman, every year when we have these Supplementary Estimates, this Vote always attracts a substantial amount of criticism from this side of the Council, and this year is no exception again. During the Public Accounts Committee this year, there was considerable examination of the methods used in order to give a more accurate forecast of the financial requirements needed for this Vote, and we were given certain assurances. If I remember rightly, Mr. Chairman, we were given similar assurances last year when we discussed Supplementary Estimates for the Coast Agency and Passages.

Now, Sir, I do not want to discuss policy on this, because it has been discussed *ad nauseam* in this House before. What I do want to discuss is the suggestion to the Government that in future years each department of Government should have an allocation, responsible to each Ministry, for passages of the members of that staff. I notice this year there is a summary in the appendices, but I would like to see this Vote split up—actively split up—between the various departments and then the Minister responsible for that department, or departments in the plural, would have to account to this House if a Supplementary Estimate was required. At the moment, Sir, too much perhaps is placed on the accounting officer down at Mombasa, when I believe a lot of the blame rests with the departments who do not send in accurate returns to that officer concerned.

I would suggest, Sir, that the Government next year should divide up this very large Vote—and I suppose next year it will be £1,000,000—into separate departments. That is my first point, Sir. I have another point which I would like to raise later on.

MR. ALEXANDER: Mr. Chairman, Sir, the hon. Member for Ukamba has mentioned the Public Accounts Committee. I would like to supplement what he has said because, as I reminded the House the other day, we have no debate on the Public Accounts Committee Report and we have to take the opportunity of items appearing in debate on the floor to draw attention to what the Public Accounts Committee has said.

[Mr. Pembridge]

Further, Sir, I believe it is a fact that where timber is cut for fencing posts in the African district council forests and a claim is made for refund of royalties for the fencing posts, that refund is paid from the Forest Vote generally and is not charged against the royalties of the forest. The African district council forest, in which the posts are cut. Sir, if those facts are true, then the African district council's forests are receiving very favoured treatment *vis-à-vis* the Crown forests of the Colony, and there is, in fact, a concealed subvention to African district councils.

Sir, I beg to move the deletion of the Vote.

Question proposed.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Chairman, Sir, in regard to the African district councils' forests, the hon. Member is generally correct. The whole idea is to try to encourage the African district councils to undertake afforestation within their own areas for the good of those areas and the country generally, and it is only right that Government should contribute something towards it. The fact is that these forests are classified as either under development or productive forests and during the under development period the funds for development are supplied by Government. He was not quite correct in the matter of fencing posts because the rebate on fencing posts, although administered by the Forest Department is provided by the Agriculture Department.

MR. PEMBRIDGE: The Minister has said that is to encourage the setting aside of land for forest by the African district councils. Certain Crown forests are in the process of being excised and handed over to African district councils and those forests will become a direct charge on the Forest Vote in the future. That is of importance to the Colony. Sir, that is perfectly correct. They will become a charge on the Forest Department Vote so long as they are under development but subsequently there will be no further charge against Government.

MR. SLADE: Mr. Chairman—(Inaudible)—Perhaps I should raise it after the Motion has been dealt with?

THE CHAIRMAN (Sir Ferdinand Cavenish-Bentick): Well, I think I should ask you to raise it now because I am going to put the question and then we shall go straight on, so if you care to raise your point on this Vote first, you may just as well raise it now.

MR. SLADE: Mr. Chairman, I see that this Supplementary Estimate is related to refund of royalties upon exports of timber. Now, I am entirely in favour of the principle of refunds of royalties on exports of timber but I am very ignorant of this matter, Sir, and I would be very interested to learn what the precise policy is here, and under what authority such royalties are refunded, and to what extent they are refunded.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): Mr. Chairman, Sir, the position is this, that about the middle of last year there was a very considerable recession in the timber trade and it was found that exports at the existing prices could only take place at a loss. And the timber trade had discussions with ourselves and asked for some assistance. As a result of our taking stock of the position, it was decided it would be reasonable for Government to forego half of the royalties because if they did not do something about it there would be no royalties at all on timber for export. I did report that to this House last year. The arrangement was made in the first place for six months from July to the end of the year. At the end of the year the position had not improved sufficiently although it had improved slightly and it was considered reasonable to extend the concession for a further six months and we have promised to review the matter again with the industry by the end of this month—consideration of whether there should be a further extension of this system. The total figure that we anticipated to be returned in the way of refunds of royalties was of the order of £10,000; but as Members will appreciate, it must depend entirely on the amount exported, which is impossible to foresee, particularly under the difficult conditions of trade. And I believe the total is likely to be something in the region of £6,000 or £7,000 rather than £10,000.

SIR CHARLES MARKHAM: Mr. Chairman, Sir, could I have one point from the Minister? He expects, Sir, to receive about a saving of over £9,999 on personal emoluments. Could I ask him, Sir, whether it is the question of a saving on foresters which shows that there are a lot of vacancies for foresters or if the personal emoluments involve more junior-grade staff? It seems a very large amount of money to be saving on a very vital asset.

THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt): It is largely a saving on forester staff, Mr. Chairman, and that was due partly to the fact that there was an embargo on recruitment during the last months of last year when we were not able to recruit and partly to the fact that we were not able to find people and are still not able to find the people we want to fill these posts. We are having very considerable difficulty in recruiting foresters.

MR. PEMBRIDGE: Mr. Chairman, I do not wish to press my point and, with your permission, I shall now withdraw the Motion.*

THE CHAIRMAN (Sir Ferdinand Cavenish-Bentick): Mr. Pembridge has now withdrawn his Motion. There is nothing more on Vote 36.

Vote 36 agreed to.

VOLE 37—COMMERCE AND INDUSTRY

MR. ALEXANDER: Vote 37—Commerce and Industry, item H: *ex-gratia* payments. In the footnote details of the foregoing, H2, Payment of Compensation (Nairobi Airport), there is no indication here as to what the compensation is for but I am wondering whether it is in connexion with the final settlement perhaps with the contractors.

If that assumption is correct, I would like to ask the Government whether they are aware—all members of the Government—whether they are aware that there is a most serious defect in the building of the main airport building. There is—and I have no doubt it is no fault of the contractor whatsoever—but there is a crack right up the centre of that main building and up the course of its worst features is one of the central transit lounge where passengers by of the world look at us, the water during the rains and in fact it persists even

when there are no rains—it streams through on to the floor of the main transit lounge. So much so, that the staff have to run round with buckets and any other containers that they can lay their hands on in order to prevent the water from spreading all over the lounge. This, Mr. Chairman, is particularly serious in this fine new building that all of us have taken so much pride in. I understand that in fact it is a defect as the result of what so often happens on black cotton soil of a movement in the foundations. And when I say this, I, when I am making this complaint, I am, of course, on the face of it, not pointing a finger—I want to make this perfectly clear—I am not pointing a finger at the contractor or at anybody else involved in the construction of this fine building. It may be just one of those misfortunes that does come about but nevertheless it is there; it is a serious reflection upon us particularly, because that is our show window and it is from that, that important passengers in transit through Nairobi take their first impression of what we are. Perhaps they think—like our Airport building—that we all leak.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, in so far as the last point raised by the hon. Member for Nairobi West is concerned, if he has not already drawn it to the attention of the Ministry concerned, I certainly will see that the attention of the Ministry concerned is drawn to it.

In so far as the question of compensation is concerned, Sir, the fact is that the Airport was opened six months ahead of schedule and part of the premises and the equipment were not immediately available. Nevertheless the catering company stepped in and did the catering side, incurring as a result of that, certain additional expenditure and loss of profit. There has been discussion between the company and the Government on a fair settlement of the claims of the company as a result of its stepping in and in a very public spirit carrying out this service before the building and equipment were ready, and that it would be right that they should be paid this particular sum in full compensation for all their claims, their difficulties and the loss they incurred. It has nothing to do with the other matter under discussion.

MR. OLE TIPIS: Mr. Chairman, Sir, first of all I want to ask a few questions on—H—I would like to know from the Minister concerned as to how many municipal boards, councils—

THE CHAIRMAN (Sir Ferdinand Cavendish-Bentick): I had hoped that we might get through this Supplementary Estimate, but if you have several questions, I think perhaps we had better report progress and ask leave to sit again. Mr. Vasey, what do you think?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I suggest that you are right, Sir, and that under the circumstances I would like to move that the Committee do report progress and ask leave to sit again.

Question proposed.

The question was put and carried.

THE CHAIRMAN (Sir Ferdinand Cavendish-Bentick): Mr. Ole Tipis, you will, of course, be able to pursue your points when we deal with the Supplementary Estimate again, presumably tomorrow.

Council resumed.

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

REPORT

COMMITTEE OF SUPPLY

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that the Committee of Supply wishes to report progress and asks leave to sit again.

Question proposed.

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): That brings us to the time for the termination of business and I therefore adjourn Council until 9.30 a.m., tomorrow, Wednesday, 10th June.

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

Wednesday, 10th June, 1959

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

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

PRAYERS

COMMITTEE OF SUPPLY

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

IN THE COMMITTEE

[Sir Ferdinand Cavendish-Bentick, K.B.E., C.M.G., M.C., in the Chair]

MOTIONS

1958/59 SUPPLEMENTARY ESTIMATE (No. 2)

Resumption of consideration interrupted on 9th June, 1959.

THE CHAIRMAN (Sir Ferdinand Cavendish-Bentick): The Motion before the Committee of Supply is that a sum not exceeding £821,621 be granted to the Governor for or towards defraying the charges of Supplementary Estimate No. 2 of 1958/59. We were discussing Vote 37 at the time of interruption of business yesterday.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, in answer to a point made by the hon. Member for Nairobi West about this item—Payment of Compensation—Nairobi Airport, yesterday, Sir, I explained that there had been discussion between the company and the Government for the fair settlement on the claims of the company as a result of its stepping in and, in a very public-spirited way, having started this service before the building and equipment was really ready and that the particular sum was in full compensation for all their claims, their difficulties and the loss they incurred. It was pointed out to me, Sir, that it rather looked as if the company had not, in fact, been paid its full due, because the company did not actually receive in cash the sum of £3,642. The company made full payment of rent and their percentage of the gross proceeds due under the contract from the day on which the airport was open to traffic. This sum was deducted from the amount

[The Minister for Finance and Development] that they paid because of the circumstances of the additional expenditure and the loss of profit which they incurred by, as I said yesterday, in a public spirit taking over the catering and running it before the premises and equipment were ready.

MR. OLE TIPIS: Mr. Chairman, Sir, when the Council adjourned yesterday evening I said I wanted clarification from the Minister concerned on a few points. My first point, Mr. Chairman, is that I would like to know which municipal boards and councils, also county councils, have taken advantage of these generous grants by the I.C.A. to aid the African traders in areas under their jurisdiction. Also, Mr. Chairman, I would like to hear the Government's view on the question of these I.C.A. grants, because it appears under 11 that the sum of £15,000 approximately will be given as grants to local authorities to assist African traders during 1958/59. This sum will be reimbursed by the I.C.A. What I would like to know here, Mr. Chairman, Sir, is what local authorities will benefit by these grants-in-aid.

Secondly, I would like to know if the Kenya Government is granting any aid apart from what we are getting from the I.C.A. to help the African trader in this country, taking into consideration that the African community, as such, plays a very, very small part in the commerce and industry of this country. I think it is time Government did something, if we are to move together and live in common understanding with the Africans who are at present economically very, very weak, Sir.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, the hon. gentleman who has just spoken is indeed asking for a full explanation of the International Co-operation Administration Scheme so far as assistance to African traders is concerned. It should be remembered that the I.C.A. has made available £100,000 which will be matched by the Kenya expenditure, either local government or, to some extent, the Central Government, for the assistance of African traders. This, however, is meant to be a loan to African traders for such things as stock development—

that is, I am talking about business and commerce, not livestock—and it is not, in fact, available under the terms of the grant from the International Co-operation Administration for loans to people to put up buildings. It is essentially the human side of the business to which this has to be directed, I think the hon. Member perhaps is unaware that, in the beginning, we found as a Government that if we were going to lend money of this kind to traders we must be perfectly certain that there was some training, some business training, because we could not afford to see the money handed out to people who, through lack of knowledge and experience, would waste it. That has been going on. Now, one of the lines on which this was to be developed was that the £100,000 from International Co-operation would be granted on a pound for pound basis to local authorities—my hon. friend the Minister for Local Government will deal with the particulars of this one—so that they should be concerned both in seeing that the money was not wasted and that they should be there to guide and help in the direction of these funds to the proper people and the proper channels. At the present moment some £72,000 still remains unissued because the African District Councils and the Urban Local Authorities have not taken up this figure. My hon. friend tells me that since the last bulletin that I received the figure is now £65,825 which remains unissued. But, of course, there is this difficulty that in some of the areas, for instance, the poorer African District Councils have been unable to match this pound with pound, and we are now investigating this situation. The Ministry of Commerce and Industry, the Ministry of African Affairs and the provincial administration, to see how the scheme can be widened in its scope so that the money is put to work. This may mean that we shall have to, in some areas, the poorer areas, drop the full pound for pound counterpart requirement in order to help the poorer district councils. But there will be no additional expenditure of government funds in that case as the payment there will be matched by the appropriation-in-aid from the I.C.A.

I think, Sir, that covers the scope of the scheme, and perhaps I might just repeat quickly the money comes from

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Consolidated Fund Bill be now read a Third Time.

MR. MACKENZIE seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

BILLS

SECOND READINGS

The Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill
Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill be now read a Second Time.

Sir, this is a Bill which carries into effect the removal of the income tax surcharge of 75 cents in the £ on chargeable income excess of £800 with effect from the year of income 1958. Sir, this has already been debated in the Committee of Ways and Means and in the main Budget Speech, and I do not propose to continue with any further discussion. I must, however, Sir, point out that clause 2 is a correction in order to remove any possible doubt which was consequential upon the enactment in 1958 of an Ordinance amending the Income Tax Rates and Allowances Ordinance, 1952, and this will regularize more completely the collection of the surcharge on incomes relating to the year 1957.

Sir, I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) 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 Excise Tariff (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Excise Tariff

(Amendment) Bill be now read a Second Time.

This, Sir, is the Bill which brings into operation the excise tariff alterations which have been debated at some considerable length both in the main Budget debate and in a small measure in the Committee of Ways and Means. Sir, the Bill is self-explanatory. It appears to have met with the general approval of the House, and I do not propose to continue discussion of it.

I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) 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 Customs Tariff (Amendment) Bill
Order for Second Reading read.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the Customs Tariff (Amendment) Bill be now read a Second Time.

Sir, this brings into being the alterations, impositions and reliefs which have been laid before the Council in the Financial Statement which were discussed in the main Budget debate and have already been discussed in the Committee of Ways and Means. I have, Sir, on those occasions, warned the Council that at the Committee stage we should be bringing before the Committee, and therefore the House, certain amendments to do with the enamel hollow-ware section, knitted tubular section and the film section and the paper-bag section.

Sir, I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

MR. BOMPAS: Mr. Speaker, I merely wish to enquire from the Minister, Sir, whether he has made any progress in discussions with the film importers with regard to the rather specialized 70 mm. film. I understood from a private conversation that he would be discussing the matter, and I wonder whether there is any finality in that matter.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): In reply to the hon. Member for Kiambu, we have had discussions on this matter. As the hon. Member is no doubt aware, Sir, there is not at the present time a projector in the country showing 70 mm. films. But when the new cinema is completed there will be one projector unit in the country capable of showing this particular type of film. Because of the difference in the film width and the advance in projection which the 70 mm. film will present, it does mean that a greater length of film per minute has to be used than in the case of the 35-mm. film. This means that the rate of duty per programme which would apply to a 35 mm. film would in fact be increased for the same length of programme, by about 50 per cent. As there will only be one cinema showing this type of film, and as they will not be able to recover any duty charged by general exhibition throughout Kenya, it is obvious that this matter will have to be given special consideration, and it will be as a matter of special consideration that applications by the film companies with regard to 70 mm. films, at any rate in the early stages of exhibition in this territory, will be dealt. I can assure the hon. Member that we shall have full sympathy with the circumstances that govern this particular matter.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council tomorrow.

The Registration of Titles (Amendment) Bill

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Matheson): Mr. Speaker, Sir, I beg to move that the Registration of Titles (Amendment) Bill, 1959, be now read a Second Time.

Mr. Speaker, this Bill is the first of a series of small Bills all directed towards the same objective. They are all concerned with the procedure for the registration of documents relating either to rights or to transactions in land, or analogous documents also registered by the Principal Registrar in the Lands Department. These Bills do not raise any issues of policy. They are in fact of major interest only to those who

are concerned professionally in dealing with the registration of such transactions.

I should like to refer to the major purposes of this Bill which will, I think, also enable the House to understand the major purposes of most of the other Bills which I will shortly be presenting.

The first purpose of the Registration of Titles (Amendment) Bill arises from the fact that the Indian Transfer of Property Act was recently amended by Ordinance No. 9 of 1959. Before that amendment was made a person who had lent money on a charge registered under the Registration of Titles Ordinance could not proceed to the sale of that property in the event of the owner defaulting in respect of his advance except by going to a court and receiving an order. By the amendment which was made to the Indian Transfer of Property Act such a charge is now invested with a statutory power of sale of the property in the event of the charger's default in payment, either of the principal money or interest secured by the charge. In these circumstances the duty of determining whether any such default has occurred and thus proving that the statutory power of sale is properly exercisable will now fall on the parties' advocates and for these reasons it is considered that a Registrar of Titles should not, as in the provisions of the present law, be concerned to see that this statutory power of sale is properly exercised, nor should he have any responsibility in relation to the public funds of the Colony in the event of any damages arising occasioned by the improper exercise of this statutory power.

Clauses 7 and 22 of this Bill, Sir, provide this by adding an additional proviso to section 24 of the Ordinance, and inserting a new section 76 (a) in the Ordinance.

The second main purpose of this Bill, Sir, is to introduce provisions relating to the use of photostatic copies of documents. In the past when documents had to be delivered to a Registrar for registration they would have to be presented at least in duplicate in order that the Registrar could keep one copy and that an identical copy should be kept by the person seeking registration. Thanks to developments in the field of photography it is now possible for the documents to be prepared in the original only, for the

[The Minister for Education, Labour and Lands] document to be photostated and the photostatic copy retained in the register, the person depositing the document retaining the original. This procedure is provided for by the Registration of Documents (Photostatic Copies) Ordinance, but it seems appropriate as we are amending these Bills that this provision should be incorporated in the Bills themselves relating to the registration of documents in connexion with land. Provision is accordingly made in this Bill.

The third main object of this Bill, which is a fairly abstruse objective, is to make certain amendments relating to the imposition of caveats on titles and in relation to the procedure for searching in the register by persons who are interested in establishing the exact state of title of any piece of land.

Clauses 12 (a) and 12 (c) introduce a new subsection to section 33 to provide that transfers of land in certain local authority areas would not be capable of registration unless a certificate were produced to demonstrate that all obligations, financial obligations, in respect of that land towards those local authorities have been discharged. Further similar provision is retained in an amendment made to the Crown Lands Ordinance requiring that a transfer of property of a deceased land holder should not be registered except upon the production to the Registrar of a certificate from the Estate Duty Commissioners certifying that all estate duty has been paid. It may seem quite unnecessary to have this amendment in the Ordinance in view of the fact that we have abolished estate duty but against the very remote possibility that at a later date such a measure might be reimposed it seems appropriate that we might have a provision in this Ordinance. However, if the House feels that it is now wholly anachronistic I am prepared at the Committee stage to suggest an appropriate amendment to withdraw it.

On rather technical matters relating to caveats I think it will be more convenient for the House, if any Members wish to question this, that we should deal with it at the Committee stage on the clause in question.

There is also provision in the Bill for the Registrar to maintain a live register by taking out from the files concerning certain properties any documents which have ceased to be operative, and that will help in economy and ease of search since many titles are being cluttered up by documents which have long since ceased to have any significance and which under the present Ordinance the Registrar has now no power to remove.

These Sir, are the main objects of this Bill which, as I say, is largely a technical measure and I beg to move that it be now read a Second Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, Sir, I do not want to talk on this Bill, which is too complicated, except to urge the Minister to withdraw that new clause about estate duty because I think it might create the impression abroad that the Government are planning at some future date to reimpose such duty and, therefore, for the sake of any possible misunderstanding I hope the Minister will agree to withdraw it in the Committee stage.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, with reference to the suggestion made by the hon. Member for Ukamba I will certainly accept that suggestion and will see that it is implemented at the Committee stage of this Bill.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

*The Land Titles (Amendment) Bill
Order for Second Reading read.*

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that the Land Titles (Amendment) Bill, 1959, be now read a Second Time.

I am sure, Mr. Speaker, that the House will not wish me to repeat the explanations which I gave on the Registration of Titles Bill since the provisions of this Bill are, in the main, designed to

[The Minister for Education, Labour and Lands] import into the Land Titles Ordinance amendments analogous to those we wish to see in the Registration of Titles Ordinance. This original Ordinance—the Land Titles Ordinance—applies, of course, to lands at the Coast and it is necessary, I think, that we should aim to bring the provisions of our Land Registration enactments completely into line in so far as procedures are concerned since it is obviously a convenience to lawyers who are dealing in transactions of land that the procedure should be the same whether it relates to land registered under the Registration of Titles Ordinance or under the Land Titles Ordinance. If there are any points of detail which the House is interested in, Sir, again I suggest we could deal with them most appropriately at the committee stage and would beg to move that this Bill be now read a Second Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

SIR CHARLES MARKHAM: Mr. Speaker, once again, on section 11, there is a mention of estate duty and I would hope, Sir, that the Minister will move the appropriate amendment during the Committee stage of this Bill.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I will take the same steps in relation to this Bill as I undertook to do in relation to the earlier one.

The question was put and carried.

The Bill was read the Second Time and committed to a Committee of the whole Council tomorrow.

*The Registration of Documents
(Amendment) Bill*

Order for Second Reading read.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that the Registration of Documents (Amendment) Bill, 1959, be now read a Second Time.

The Registration of Documents Ordinance, Sir, relates to documents which are not concerned with the establishment of title to land. These documents, Sir, are many and various and it is a facility provided in order to enable persons who

have a document which they regard as important to have it registered and identifiable. In relation to documents concerning land we have approved in principle the introduction of amendment to that legislation relating both to the use of photostatic copies and to an easier method of searching the register. These are the two provisions in the land Bills which are reproduced in this Bill, Sir, which has no reference whatsoever to estate duty.

I therefore beg to move that it now be read a Second Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) 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 Land (Perpetual Succession)
(Amendment) Bill*

Order for Second Reading read.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that the Land (Perpetual Succession) (Amendment) Bill, 1959, be now read a Second Time.

This is the last in the present series of Bills relating to the administration of land matters and this Bill also seeks to simplify the procedures in the registry. Since this Bill was published, my hon. friend the Specially Elected Member, Mr. Slade, and the Law Society, suggested that the opportunity should be taken of introducing yet a further provision in this Ordinance which I am very happy to say the Government is ready to do. At the moment, the Ordinance provides for the registration of deeds in relation to trustees who hold land under the Land (Perpetual Succession) Ordinance but there is no provision in the Bill which would enable the Minister—or the Registrar—to accept modifications to a document so lodged. If the trustees wish to change any of the provisions they, at present, would have to submit an entirely fresh document, and the amendment proposed is to enable the Minister—the principal Registrar of Documents—to accept modifications and register them.

The amendment proposed has been circulated with today's Order Paper and

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I will move it at the Committee stage. I therefore beg to move that this Bill be now read a Second Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) 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 Tribal Police (Amendment) Bill—Order for Second Reading read.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Tribal Police (Amendment) Bill, 1959, be now read a Second Time.

The main object of the Bill, Sir, is to provide for the establishment of a Tribal Police Reserve which Government considers would be a useful force which could be called out quickly in case of trouble. Their role, Sir, would be similar to that of the Kenya Police Reserve.

The second object of the Bill, Sir, is to amend section 10 of the present Ordinance so that searches without warrants are conducted by a responsible officer and not by a recruit. In this connection, Sir, and as a result of points made in the debate in February, 1958, on the Tribal Police Bill by the hon. African Elected Members, administrative instructions have been issued which clearly lay down that all Tribal Police on duty must carry certificates of appointment as prescribed under section 4 of the Ordinance and that applications for search warrants will normally be made either to a magistrate or to an African court, and this will only be dispensed with if delay attendant on obtaining such search warrants would seriously hinder the investigation of a crime. I do not think there is anything else to explain in this Bill, Sir, and I beg to move.

MR. WEN seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council tomorrow.

The Accountants (Designation) (Amendment) Bill

Order for the Second Reading read.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I beg to move that the Accountants (Designation) (Amendment) Bill 1959 be now read a Second Time.

This is a short Bill, Sir, to amend the Accountants (Designation) Ordinance, 1950, which provides for statutory recognition of certain societies of accountants. The principal Ordinance also safeguards the use of appropriate designations and initials only by members of the professional bodies who are mentioned in the Schedule to the principal Ordinance.

On a previous occasion also, Sir, that is in 1955, the Ordinance was amended to take account of changes in the structure of some of these societies. A further major change has recently taken place in the United Kingdom as a result of which briefly, the Society of Incorporated Accountants has merged with the three—Institutes of Chartered Accountants of Scotland, in England and Wales, and in Ireland. To meet these changes, the Bill seeks to introduce a new Schedule. We felt, Sir, it would be tidier to replace the existing Schedule rather than to amend it. Opportunity, Sir, has also been taken to include in the Schedule the name of the Rhodesia Society of Accountants who have asked for formal recognition to be accorded to them and this request has been accepted.

Clause 2 of the Bill, Sir, seeks to make a consequential amendment. I am advised that these amendments were fully discussed and cleared with the Association of Accountants of East Africa.

MR. SPEAKER, Sir, I beg to move.

MR. MATHIESON seconded.

Question proposed.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council tomorrow.

MOTIONS

SESSIONAL PAPER NO. 4 OF 1958/59
Report on Asian and European Education

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that this

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Council approves, as a statement of policy Sessional Paper No. 4 of 1958/59, entitled "Consideration of the Recommendations of the Report on Asian and European Education in Kenya, 1958".

Sir, the views of the Government on the recommendations made by the two eminent educationalists whom we invited to visit Kenya to advise us on these problems last year have been set out in very considerable detail in the Sessional Paper now before the House.

It is my purpose to invite the House to endorse the views and proposals in this Sessional Paper as a statement of policy within which we will proceed to make the improvements which are indicated in the Paper. The various recommendations made by Messrs. Harper and Woodhead are all set out in detail in Chapter 9 of their report, and it has been the aim of this Sessional Paper to follow these recommendations through in order and make as clear as we can what the Government intends to do about the recommendations.

The House will see that in the main we have accepted those recommendations, although we will have to bauldler from time to time the pace of application in the light of the finances which are and which become available.

The Paper covers two main classes of matter. The first is the suggestions made by the authors of the report on the relationship between the Ministry and the Department of Education and all the administrative organization of the Government in relation to the promotion of education. We have dealt with these recommendations in paragraphs 4 to 9 of the Sessional Paper, and I must make it clear that the Government does not share the view of the authors of the report that there is any possibility, in expounding Government policy, to make a distinction between what professional educators might consider desirable and what the Government, in the light of its view of the apportionment of the country's resources, feels is a practical programme for any given period. Our views on that are set out quite clearly in the Paper.

The remaining recommendations of our advisers related to professional

maters, educational organization, the use of examinations, the nature of such examinations, methods of promoting pupils from one sector of education to another, and on these matters—when we have heard the views of hon. Members—my hon. friend, the Director of Education, will speak when he takes part in the debate. We have, however, set out in detail the attitude of the Government to these professional problems.

It does not seem to me, Mr. Speaker, that there is need for me to speak at any length at this stage. It would be more profitable, I imagine, for the House if I were to deal at the close of the debate with the matters which hon. Members feel are of importance and particular interest.

I therefore beg to move.

THE MINISTER FOR HOUSING (Mr. Amalamba) seconded.

Question proposed.

MR. ZAFUD-DEEN: Mr. Speaker, Sir, I first of all would pay tribute to Messrs. Woodhead and Harper, who came to this country and went thoroughly into the question of Asian education and European education. Here I will restrict my remarks to the recommendations made in regard to Asian education and I also wish to congratulate the Minister for thinking fit to embody some of the recommendations which have been made by this Commission.

Sir, I must express my disagreement with some of the recommendations of this Commission and I hope that in future, whenever the Minister finds it necessary to modify the educational policy of this country, he will take that into consideration.

Sir, I must say here that this report does not take into full account the future of the Asian children in regard to the part that they will be asked to play in the development and in the changes that are taking place in this country. This question has vital implications, although it will be hotly contested by the Government that it is not so. Sir, the fate of the Asians in this country is being—I am convinced of that—deliberately overlooked, hoping that by default the position of the Asians in the economy sphere and Civil Service will weaken to such an extent that the whole fabric of the Asian

[Mr. Zafrud Deen] community will crumble. This is substantiated to a large extent by the fact that there is no effort on the part of Government to produce a constructive plan for the welfare of the Asian community in this country. The community is left entirely to its own devices and we all confidently hope that the Asians in this country will survive, in spite, of this flagrant indifference.

Sir, the report has laid emphasis on creating some form of public relations between the Asian community and the Education Department and I fully endorse this recommendation and I think it was because of lack of public relations that in the past so many differences arose between the Department of Education and the Asian community. I find that the Minister has taken, this into account and in future he considers that the advice which will be tendered by the Asian Advisory Council will be taken into account, which has not been done in the past.

Sir, I do not agree with the recommendation of the Commission that an Asian Assistant to the Assistant Director of Education should be appointed in the future. To my mind any discrimination of that nature is most abhorrent and I consider that the recommendation should have made it quite clear that if an Asian is considered fit to take over the responsibilities of Director of Education, he should be given that opportunity. Furthermore, it has been recommended in the report that an opportunity should be given to the Asian teachers to take over the responsibility of assistant inspectors. Here again I cannot understand why they should not take over the functions of inspectors, where they are directly responsible to the Department, instead of reporting to the inspectors who may or who may not take into account the recommendations made by them.

Sir, I think that the Asians are being relegated to this inferior position, and to have made any mention of this in the report was very wrong and I cannot help making the remark that they erred in their judgement. This condition has existed in this country for very long. The time has come when not only the Asians but all the people who consider this country as a home should take a full

share in the responsibilities and no such remarks should be entertained.

Sir, in connexion with the K.A.P.E. examinations, which have been a bone of contention for many years now, I must once again maintain that the K.A.P. examinations—Kenya Asian preliminary examinations—where some people have said that they were doctored or fiddled about, although I do not endorse their views—but I must say that any artificial barriers such as are being created even now should be removed. Sir, it has been said in the report that the results in the school-leaving certificate examinations are evidence of the fact that the Asian children do not come up to the standard—intellectual standard—which is enjoyed by the members of the other communities in this country. Sir, I refuse to believe for a moment that that is so. I do agree that the conditions in the Asian schools today are such, due to the size of the classes, the types of school, lack of sports fields, overcrowding, comparatively inferior teaching staff and overworked staff, I do admit that the conditions in the Asian schools today are not such that they can produce better results than they are doing. But that does not mean that in future the Asian children will not be able to do better than what they have done in the past.

Any suggestion that in future the K.A.P.E. results should not go beyond 25 per cent is, in my view, a very wrong suggestion on both the part of the Commission and also the Education Department, and that is what has been said time and again, and I think the Asian community—all the members of the Asian community—will contest that view in future and for all time, that the grading for grammar courses should not be more than 25 per cent. I know that the Minister will try to refute this allegation, but in practice it has been found so, and the policy statement clearly said that in future no more than 25 per cent Asian children will be found fit to follow the grammar school courses.

Sir, another very important point which has been brought to the notice of the Education Department is in regard to the regular annual promotions. It is considered that these annual promotions will take away the incentive from the young boys who will, for such is nature, think that since they are getting regular

[Mr. Zafrud Deen] promotions it is not necessary for them to put that amount of effort into their studies which they should ordinarily do, and I therefore suggest to the Minister that every school should have a committee who should go into the results thoroughly, and if they find that it is necessary for any student to repeat an examination he should be given the opportunity to do so.

Sir, there is a very important aspect affecting the Asian community which has not been thoroughly investigated and about which the Commission has said that it is beyond their terms of reference. This is that the children between the ages of 15 and 18 who leave the schools are not provided with proper training, either apprenticeships, or technical education after they have left their school at the age of 15. The result of this negligence, if I may be allowed to say, rests on the Government for not having a proper plan and proper scheme. A very large number of them, boys and girls, particularly boys, who leave school—and this is the age when these people are susceptible to effects of delinquency, and this is what is happening now. So far the Asian parents have tried to absorb them into their own businesses. They have also found room in the Civil Service, but now they are finding that all the avenues which were open to them some time ago are closed. Sir, I think it is the responsibility of the country, the responsibility of everybody concerned, and also the responsibility of the Government to find occupations for these people as it is well known that Asians either have come here for a living or Civil Service and as I said the doors of the Civil Service are gradually being closed to them, or work such as artisans, which is also gradually passing out of their hands.

Sir, I endorse the remarks of the Minister that in future the Department should remain under the direction of the Minister. Sir, it will give an opportunity to the members of this House to put forward their views, and express their views, and give their advice on the Floor of this Council, and I therefore consider that it is a very wise step that the Minister is taking the responsibility of policy-making in all matters of education.

Sir, there are one or two remarks which have been made outside this Council, and I find it most necessary that I should express them here for the knowledge of the Minister that at one occasion when the question was put to a very responsible member of the Education Department as to "what is going to happen to the hundreds, perhaps thousands of Asian boys who are coming out of the schools and who are finding it difficult to be absorbed in occupations?" the remark that was made by that responsible representative of the Education Department was that "They will have to go back to Pakistan and India". Sir, I maintain that we are part and parcel of this country whether it is liked or not, we are going to remain here. Sir, I thought it was necessary for me to bring to the notice of the Minister the attitude of some of the people who I think are very irresponsible in expressing such views in public and interviews with the Members of the Asian Groups.

Sir, there are several other points in recommendations which apply both to the Europeans and Asians, and I strongly advocate that in future, although the Minister has stressed the financial difficulties in this regard, that some method should be found for common examinations for all races, because in future also the communities will have to work side by side and it is necessary that they should be equipped with the same standards of education, otherwise some communities will be completely left behind, and they will never be able to catch up.

I have already said that if in future it is found that there is an Asian who is fit to take up the highest position in the Education Department he should be considered for it, and it is very unfortunate in this respect that the report only mentions that Asians should go as far as junior assistants in the Education Department.

There are many other finer points which I think the Asian Advisory Council will bring to the notice of the Minister, and I hope things which have not been said here, the Minister will consider them, as and when they are brought to his notice.

MR. TRAVADI: Mr. Speaker, Sir, before I speak anything on the Woodhead/Harper recommendations and the

[Mr. Travadi]

Government's consideration thereof as contained in the Sessional Paper, I must take this opportunity of congratulating the visiting Commission in the persons of Mr. E. W. Woodhead and Mr. G. C. Harper, who actually came at the request of Sir Christopher Cox in the month of March last year and studied the problem of Asian education on the spot and gave their frank and free views and made forthright recommendations even though the Asian community will not agree to some of the recommendations made by the Commission, such as annual-automatic promotion, medium of instruction, moderation of marks and such kind of things. Mr. Speaker, I fully associate myself with the remarks made by my hon. friend, Mr. Zafrud Deen, practically in every respect I am with him, but before I speak on this report and the Sessional Paper I would like to make it clear that the Asian community has had no say whatsoever in fixing the terms of reference of this Commission which embraced particularly the method of selection for the secondary schools; the Kenya Asian preliminary examination results and the marking thereof which has actually become the bone of contention not only for the Asian community but even now it has started to come in for the Europeans and it will even come for the Africans too.

Mr. Speaker, before I start commenting seriously on the Sessional Paper I must, I think, in fairness to myself and certain other hon. Members, produce my credentials as to whether I am a little bit of an authority on this subject or not. For the information of the hon. House I should say that I started my career in Kenya in the year 1918—September, 1920, as a teacher in the Government service when the late Mr. Orr was the Director of Education and the old man Mr. Dunichand was the headmaster of this school. After that, when I switched myself off was transferred to the Legal Department. I continued my interest in education in one way or the other as an office bearer of the Kenya Asian Civil Service Association; but after that—after 1942 and onwards—I have remained a General Secretary of the Kenya Indian Educational Council, now Asian Council, and since then I have continuously taken keen interest in

education, and though not a practical teacher teaching in the school my interest has been continuously kept active throughout.

Mr. Speaker, the report bears no date or signature (at least I could not trace it) or the date of actual submission thereof to the Government or to the Colonial Office, but according to the available information and what I know of, a copy of it was in the hands of the new Director and the new Minister for Education before they came to this country last year. Therefore, one can say and take it for granted that this report had received full and complete consideration at the hands of both the Minister and the Director of Education; but unfortunately, Mr. Speaker, the Asian community is not satisfied with many of the Government's conclusions contained in the Sessional Paper.

Now, coming to paragraph 3, the House has not been informed, even up to now, what recommendations have been implemented in the 1959/60 Estimates when the hon. Minister and the Director of Education spoke on that Vote. Unfortunately, Mr. Speaker, to start with the very first thing this Sessional Paper does in its paragraphs 4 and 5 is to reject the recommendation made by the Commission that it should be the obligation and the responsibility of the Minister for Education to see that the schools provided are adequate in number, character and equipment. Now, Mr. Speaker, this is the crux of the whole Asian educational problem. The Commission's recommendations, I should say, recommend, only touches the areas where provisions of compulsory education are made applicable and they only embrace three towns, Mombasa, Kisumu and Nairobi. The argument that has been advanced by Government is that: (i) the effective enforcement of this recommendation is beyond the resources of the existing staff in Kenya; (ii) the proposed formula (as contained in paragraph 118 of the Commission's report) would provoke even more active controversy over the word "adequacy" of the facilities at present provided, unless education were made an exclusive charge on the Colony's Vote.

Now, let us, Mr. Speaker, analyse these two objections. The Commission's

[Mr. Travadi] report only touches on Asian and European education instead of definitely dealing with the subject of education. So far as the education of the Europeans is concerned, I would only quote page 95 of Sessional Paper No. 51 of 1954/57. It says: "The definition of educational policy is by no means simple: having regard not only to the racial composition of the Kenya community but also to the varying requirements of the three main races at this stage in their development. Thus generally, whereas the European education problem resolves itself into one of maintaining accepted standards, the Asian problem is mainly one of improving standards, whilst the problem in the African field is to build up the system itself." I think that these words are absolutely clear but I would further clarify them by quoting from the 1957/60 Development Programme. Paragraph 250 on page 65 says this: "The pressure of the demand for higher standards is more difficult to determine. Very roughly, the European educational problem is one of maintaining standards, the Asian problem is one of raising standards, and the African problem is one of creating standards." So far as European education goes, Sir, there is no problem at all but merely of maintaining the present standards.

Now, Sir, the Asian community has its problem of improving or raising the standards and the Africans have the problem of creating standards and even building up. Every word, adequacy, character and equipment has its meaning. These words were used very wisely when this recommendation was made to solve the Asian problem sincerely. If this recommendation is adopted and adequate primary and secondary schools for Asian children are built, then the problem of double sessions would entirely disappear. There would be no overcrowding, no superannuation—that obnoxious thing that the community hates from the bottom of its heart from the time it was initiated—and also the children will have sufficient places to be accommodated. Moreover, Sir, when the school equipment is statutorily guaranteed, there will be no shortage of books and other school materials. Mr. Speaker, my ideas and reasons for supporting the United Kingdom legislation

which has been recommended by the Commission are that there the standards in all secondary schools—that is, in grammar, technical and modern schools—are the same by law and that the content of what is done varies according to the need of the individual pupils, but it is in no way inferior to the others. But unfortunately here in East Africa everything is done according to the colour of the scheme. The allocation of education also varies but not according to the need of the pupil. It varies in the period of duration of study in all these types of racial schools.

In the United Kingdom, Mr. Speaker, there are cases where under certain circumstances the education authorities have been given damages by the courts for breach of statutory duties but in Kenya there are no statutory safeguards or obligations imposed on the Education Department or on the Director of Education or the Minister and hence no such legal process can issue. Everything in the educational field, including the impinging of education and every other thing connected with education, is being done merely by the issue of departmental circulars which hardly see the light of day so far as the public is concerned. I would therefore urge upon the Government to accept this recommendation *in toto*, fully, and so afford for all the pupils opportunities for education, offering such a variety of instruction and training as would be desirable in view of the different ages, abilities, aptitudes, and the different periods, whatever they may be, for which they are expected to remain in school. I would go beyond the present recommendations and urge that a child's heritage, traditions, culture and civilization should not be tampered with or disregarded.

Now, coming to paragraph 6, Mr. Speaker, the rejection of the recommendations contained in the Commission's recommendations Nos. G (1) and D (5) in paragraph 6 which specially refer to the definition of the functions of the Minister and the Director of Education and the publication of the Education Department's advice, the views of the Minister and the Government's decision is very much to be regretted. I think that reference to paragraph 130 in the recommendation D (5) of the Com-

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reporter should read 131. This particular recommendation refers to a measure of importance specially affecting the Development Programme. What happens, Mr. Speaker, could there be if the Government was to inform the public that:—

(1) £920,190 of the 1946/53 programme, £241,160 of the 1954/57 programme (and here I refer to the reply which the Minister gave to my question 79 of last year) and so many pounds of the current 1957/60 Asian Development money were from the policy point of view; and

(2) (I would like to quote from paragraph 134 of the report): "In the 1954/57 Development Programme it was decided that School Certificate results indicated a great wastage; that there would be a temporary halt in the provisions of the extra places in grammar courses so as to allow an increased number of places in the primary schools" (which were then almost universally running dual sessions, etc.); and that the Government has decided to restrict the number of places in secondary classes and hence as an excuse the system of "moderation" has been adopted and that "modern classes" have been brought out to feed the dumb cattle, the Asian sheep, the children. I mean the Asian children—who are not different to Europeans at all—who were to be sent to these schools. If this policy had been made public in the 1954/57 Plan much of the human wastage would have been saved by now and the Asian community would have made some provision itself by now on the basis of self-help, and this butchery by the education authorities would have been saved. In giving evidence to the Commission itself, Sir, this word was used by the deputation which saw the Commissioners.

However, Mr. Speaker, I am not convinced that it was necessary for the Asian pupils to be cut down in the Development Programme. The reason advanced then was that: "It was the rapid increase

in the size of the Asian school population that Education authorities changed their policy and began to develop parallel systems of grants-in-aid". Now, Mr. Speaker, the blame is put on the school certificate examination results, but then it was the rapid increase of Asian school population, so that excuses every time diffused. Therefore as recommended by the Commission, if these changes in the Asian education policy were to be made public, one would have been in a better position to locate the guilty party. However, by this policy of secrecy the Government have saved over £1,250,000. It is a paying thing to the Government, no doubt, who sees this thing done under secrecy and sticks to it and it does not want to accept the recommendations contained in paragraphs 6 and 7 of the Sessional Paper under consideration as moved by the Minister.

I urge upon the Government that they should amend the present Education Ordinance and incorporate similar provisions, not only the number of schools should be adequate but the standard in all secondary schools, that is, grammar, technical and modern, should be the same and that the content of what is done in each type of school should vary only according to the needs of individual pupils as is the case in England.

Now, I come to the relationship between the Minister and the Director of Education which should be something in the nature of the Chief Justice of Kenya and the Judiciary and the Minister for Legal Affairs. The Director, if I may be allowed to say this with due respect to him, should have no place in this Legislative Council where the Government policies are discussed and decided upon.

MR. MILLER: Thank you.

MR. TRAVADI: There should be a divorce between the Education Department and the Legislative Council. We should have the presence of the Minister and if necessary the Permanent Secretary in the Legislative Council and the Director should look after his professional side and see how education is imparted to the children entrusted to his care. Over and above this, he should be watchful of the administrative side, whether his instructions issued by him to his subordinates are being faithfully and implicitly carried out. The inspectorate of the

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school should be carefully watched to see that the educational instructions issued and prescribed are very well and fully carried out by the teaching staff. The 1952 Educational Ordinance, Mr. Speaker, is an old relic of bygone times and should be substituted in the spirit of the Secretary of State, Mr. Lennox-Boyd, which he showed in his famous Despatch of 24th November, 1958, where he enunciated four principles, the fourth one of which is relevant here "the institution of a body of local people who from their background of wisdom and impartiality can prevent unfair discrimination detrimental to any community".

I think now onwards no more tampering with the education of the Asian children should be tolerated as is the new spirit now. Or else—as everybody knows nowadays—the Council of State is there for all discrimination in Government legislation.

Now, coming to the responsibility of inspectors in the Ministry and under the Director, Mr. Speaker, the rejection of the recommendations contained in paragraph 169 of the Commission's report is regrettable, in that that the Director's position is something like a local educational authority of the United Kingdom and has been described by the commissioners in paragraph 167 of the report. One of the functions of the inspectors of schools is to provide an impartial assessment of the standards of educational institutions under the control of the Departments including the grant-in-aid schools.

The reports and minutes of these inspectors should be in the hands of the Minister for Education. It is the duty of the Director of Education to see that executive action is taken on the comments and criticisms made by these inspectors. By such methods the Minister would be kept informed of the day-to-day state of affairs of the education at any time while remaining free to take any action even over the Director of Education himself as political or financial considerations might dictate, and *not* underline the word "not"—after the Director in his absolute discretion has brought this to the attention of the Minister with his comments, the assessment of the educational standards made

by the inspectorate, which the Director considers are important enough to justify bringing a report to the Minister.

Mr. Speaker, Sir, the recommendation of this Commission is reasonable one in my humble submission in that like an Auditor or Controller-General his assignment of promotion of the education of all the children would be kept under constant check and there would be no lapses which would go unnoticed. I would even go further and request Government to submit a full detailed report as is being done in the case of Public Accounts which we had last year an opportunity to debate. This is the only way to see that no education of any children of any race suffers as is in the case of the Asian children.

Now, I am coming to some of the orthodox views that have been attributed to the Asian community. This is paragraph 9 of the Sessional Paper regarding recommendation G (6). The commissioners in paragraph 178, line 4 and 5 from the bottom, should not go from my point of view unchanged. Now, it says—I quote—"On the other hand, the educational ideas of some representatives of school authorities whom we met were behind the times." I do not admit this charge, Mr. Speaker. The commissioners after recommending the Government which acts through its agent the Minister, and who in turn executes the policies through the Education Department for the latter's lack of foresight and tact in not explaining: (i) the method of admission of the Asian children to secondary schools, (ii) the hostility shown to the modern course and (iii) the dislike of automatic promotion from primary schools, has taken to task some of the representatives of the Asian school authorities for their orthodox view.

In reply or in retort to this charge let me take this opportunity in quoting one of the articles of the Universal Declaration of Human Rights. Article 26 thereof in relation to education says: "Everyone has the right to education. Education shall be free—at least at the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be generally available; and higher education shall be equally made accessible to all on the basis of merit."

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The second says (subparagraph 2): "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It should promote understanding, tolerance and friendship among all the nations; racial and religious groups, and shall further the activities of the United Nations for the maintenance of peace."

In subparagraph 3 it says: "Parents have a prior right to choose the kind of education that shall be given to the children."

Now, these are the 20th century ideas of education to be followed by the civilized governments. I would like the hon. Members of this house to think and find out for themselves if the present education as imparted nowadays to Asians has any relation to any of the fundamentals embodied in the articles which I have just quoted. Somebody may try to reply that this is an infant Colony just coming out. Then would it not be retorted that the people therein presiding are also raw and orthodox and behave very badly even in the decent assemblies.

Now, coming to the Changes in Primary Education, paragraph 10, Mr. Speaker, recommendation A in Chapter 9 of the report, page 34 thereof, I have one particular recommendation in view on which I would like to speak and that is the medium of instruction, recommendation A. (4). The relevant paragraphs are 47, 49 and 50 of the Commission's Report. This is no doubt a controversial matter and I would try to deal with it with a little detail and carefulness.

It has been said, Mr. Speaker, and is nowadays the common talk that because of the lack of proper English language the education of the Asian children has gone to the dogs. From Standard I and II to Standard VII and thereafter up to the School Certificate examination, and even beyond that in the Higher School Certificate classes or even for admission to the Royal Technical College—even up to that stage—the English language has become the first qualification which is sold at the highest price probably on a black market basis.

I think in a Colony like this that is a British Colony you need and need badly the English language for administrative, commercial and other purposes definitely and I concede that. But how to teach that language to non-English people methodically and scientifically is the problem for the Education Department to look at. It is, everybody would agree, a foreign language so far as Asians and Africans go. My personal experience of this particular language is that if during the infancy of a child, say at a nursery school, or say at Standard, even 1 or 2, just to begin with, children are allowed to mix together, they pick up the others' languages very well and quickly. As for example, if I may give one example, Mr. Speaker, during the year 1949 when I was in England, an Indian family with a three or four-year-old baby came to England and they wanted to fix that baby in a nursery school. The baby first tried to resent it but anyhow the family were successful in getting her admitted to a nursery school. And I can tell you with my own experience that after about five or six months at that nursery school that small child began to speak colloquial English I should say very fluently and freely which was a surprise to many of our Asian members there.

—There is another example in my own home at the present moment. I have my own motor driver and he has a small boy of about seven to eight years old. Now, he has been mixing with my grandchildren and children of my neighbour's practically 24 hours a day, and within a year or a year and a half he has picked up Gujarati language so fluently that he even attends our evening prayers.

Unfortunately here there is an opposition that the children at the bottom and very bottom in the nursery school in life should not be allowed to mix. All the races should be kept apart in a watertight compartment and still they would the other non-English people to learn English very well.

My main motive in giving these two examples is that if you throw open the doors of the schools to the children of all races in their young age, the potentiality of learning English is very great indeed and much of the boisterousness of Kenya would disappear in no time. But

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unfortunately this does not appeal to the European community and therefore no multiracial schools to start with. Let Mr. Blundell try his best; there are other Members to oppose it and it is doomed.

Their fear of losing their grip on English traditions and standards is so great that any persuasive arguments have no effect on this particular national characteristic.

I have seen English people talking in England before cats and dogs in English so much is their love for their national language—but here they will not use it and they are the ruling race in this part of the Black Continent. Then why do they forget to impose this language here?

Mr. Speaker, I am not worried about this language provided it is taught properly at the proper time and not to the detriment of non-English children's heritage; its traditions, its culture and its civilization have got to be taken care of. Expert education opinion is this and I would like to quote it: "That it is through the child's mother tongue that every human being first learns to formulate and express his ideas about himself and about the world around him." Therefore I say that the Department if it is serious in its belief it should cultivate and create such environments in the very beginning of the child's career that it picks up and understands the English language. But I feel and I feel and I have been feeling for the last so many years that this argument is nothing but flogging a dead horse. It is no use arguing against, as it is commonly known, against a stone wall.

Now, Mr. Speaker, the recommendation A3 states that whenever feasible children should be placed in graded classes according to general ability and regrouped for the vernacular lessons. The commissioners' paragraph 48 states—it is noted, I quote: "That the children are put into classes according to their vernaculars and not according to their general attainment." But here, Mr. Speaker, comes the snag. The Sessional Paper says "that the children be grouped in graded classes in accordance with their ability in general subjects"—I underline the words "in general subjects"—and it further adds that "where a

common medium of instruction permits this." And to find out a common medium of instruction, the Paper says to quote: "To hasten this development the adoption of English as a general medium of instruction is being fostered by intense efforts to improve the standard of English among teachers and their training in the use of the English language as the common language of instruction." Now, this means that the English language is the only subject which covers "general subjects" and "general attainments". I must say, Mr. Speaker, that the draftsman of the Sessional Paper does not seem to have gone beyond his nose in drafting the Sessional Paper. And the significance of this is that it begins or it makes a beginning of the elimination of vernacular languages in primary classes. It is a fact and cannot be denied even by the Education Department that it is an unsound method to make English the medium of instruction at a stage when the child has hardly sufficient mastery over his own mother tongue. And what is the reason? The high percentage of failures in English is sufficient evidence of the system of imparting the education as usual. In this contention of mine I am supported, Mr. Chairman, by educationists of all walks and even by Mr. Kazimi who came here to enquire into the state of affairs of Asian education in the year 1946. And he said and the opinion of the world educationists is this, that under properly guided teachers spoken English may be started as early as possible but it should not become—I underline the words "should not become"—the medium of instruction and examination as well till the child has completed seven years of his school life. However, in Kenya, the Asians are prepared to go after four or five standards and thereafter we submit that the medium of instruction would very safely be the English language.

In this connexion, Mr. Speaker, I would like to read to this hon. House a copy of a letter I have recently received dated 14th May from a Parents' Association and I have no harm in disclosing this from Mombasa and a copy was sent to the provincial education officer there. I would like to quote this paragraph which has a direct bearing on the elimination of vernacular languages in the Indian schools. The first

[Mr. Travadi] paragraph of this letter reads—and I quote: "We, the members of the Parents' Association wish to express our deep concern about the very poor standard of Gujarati, Hindi and Punjabi"—I have put in all the languages deliberately—"attained by our children in Asian schools." We are very sorry to find that our children cannot speak or read or write correctly Gujarati, Hindi or Punjabi as the case may be though it is their mother tongue.

Now, the fifth paragraph of this letter which I am quoting here is very informative and instructive too. And it reads: "Another factor for the poor standard of mother tongue according to our opinion is that the knowledge of teachers particularly of locally educated ones in this subject is not up to the required standard." We learn that this subject was taught in the training colleges of Kenya in Nairobi and Mombasa but now the teachers have not been taught this subject. Thus the teachers are left to believe that the subject of vernaculars is of little value or importance to the Asian community and when teachers themselves are not interested in a subject it is but natural that they can create neither the interest nor the love for the subject among their pupils.

Mr. Speaker, I propose to deal with this subject to a greater length as the matter is of primary importance as far as the Asian community is concerned. Mr. Speaker, today I propose to quote certain relevant portions of the various reports issued by the Board of Education in England. The one is called the Narwood Report, as every teacher is aware of this.

The report is a long one on the subject of curriculum and examinations in secondary schools issued in the year, if it is not too old, 1941, but it is all up to now in operation. Now, page 133 deals with Wales and the teaching of English. The language there, The hon. Members, I think, must be knowing what the geographical position of Wales in England is, and on page 135 the report says—I quote: "A curriculum which does not sufficiently regard the society of which a child is a member and to which he will return as a citizen fails in its purpose." The report

further lays down—I quote: "The Grammar schools in Wales have two special functions." The first one is "they must adhere to the language, literature, history and culture of Wales. More especially the Welsh-speaking pupil must be given ample opportunity to study his own language and his literature", and I am talking of Wales in the centre of England where the mother tongue is not to be forgotten or to be disregarded. If in the United Kingdom there is a country which is seen to maintain its language, literature, history and culture, in Kenya Asians should be given every facility to study their vernaculars and the timetable should be so regulated as not to neglect but facilitate measures and maintain the study of the mother tongue in the secondary classes. After all we, or the Asian children have got their history, language, culture and everything else from India, and if I may be allowed to add religion, as well, which is the mother of culture, traditions, literature, language and history that should be maintained.

Another thing worth noting is that in Wales English is considered a foreign language, and that is a thing to be noted. In England, just in the centre, Welsh is considered to be a foreign language, and we are told that the English language is not a foreign language to me and you. Mr. Speaker, in the first year of secondary schools there, at page 136 under the Reading of Language Study, the report says: "It is not surprising to find that when a pupil enters a secondary school his knowledge of English has not reached the stage at which the language can be used as a medium of instruction in all subjects, especially in those subjects which are new, and experience has shown that it is very frequently desirable during the first year to use Welsh as the medium of instruction in these subjects, so as to make certain that the pupil has grasped the fundamental principles." Now this is the position in Wales in the United Kingdom.

Now, Mr. Speaker, if it is true there it is one hundred and one times more true in Kenya where Asians have made Kenya their home, they hail from Asia and their national language should be maintained. After all it is going to take years and years before you and I reach a stage when integration is in full swing

[Mr. Travadi] and Kenya has really reached its nationhood, but nobody would know what language would then be in use.

Mr. Speaker, according to this report "the governing principle should always be that for a vernacular-speaking pupil an acquaintance with one or more languages cannot compensate for an inadequate mastery of his own language and its literature, and of English. In my humble submission, the Education Department is on the wrong path in introducing English as the medium of instruction and examination at the very bottom of the primary level, and it does a tremendous amount of harm to the Asian community by neglecting their literature, history, culture, etc., through lack of the study of their vernaculars in secondary schools.

Now, Mr. Speaker, before I leave this subject of the vernaculars, I would like to quote for the information of this House, just for the people to know it, but still it will be of use, if I quote just a few definitions which are relevant at the present moment, and these I am quoting from the U.N.E.S.C.O. publication: "What is an indigenous language? The language of the people considered to be the original inhabitants of an area"—that is—an indigenous language. "What is a language which is used habitually by people whose mother tongues are different in order to facilitate communication—the mother or native tongues; the language which a person acquires in early years and which normally becomes the natural instrument of communication. National language is of a political, social and cultural unity. Official language: A language used in the business of Government, legislative, executive and judicial. Regional language: A language which is used as a means of communication between people living in a certain area who have different mother tongues. A second language is a language which is acquired by a person in addition to his mother tongue. Vernacular language: A language which is the mother tongue of the group which is socially or politically dominated by another group speaking a different language, and the World Language is a language used over wide areas of the world."

Now, Mr. Speaker, I am coming to the shortage of books, leaving aside

recommendation A5 and coming to A6 which is paragraph 53 of the Commission's Report, and which I would like to quote here—paragraph 53: "Many of our witnesses are disturbed by the shortage of textbooks in some of the schools; except for English and mathematics, only teachers' notes were available, which prevented pupils from studying effectively at home and parents from helping them. The usefulness of a textbook depends on the pupil's mastery of the language in which it is written; and it may well be that nothing is available in English simple enough for a child say in Standard III of a school where English does not become the medium of instruction until Standard V. Certain textbooks are usually recommended in the syllabus of a subject; where none are available then the inspectorate might supply teaching notes, which are really suggestions for the teachers. Some of the schools we visited contained the nucleus of a useful staff library. In others much dead wood was apparent."

This shortage of books, Sir, The Sessional Committee agrees to the desirability of supplementing the syllabus with teaching notes, but it says that "it is beyond the capacity of the present inspectorate on any scale for the time being." But why not increase the number of inspectors if you cannot provide the textbooks. I think departments should not have it both ways, at least you require inspectors to look after things. I think the department should be reasonable as far as this recommendation is concerned.

Now coming to automatic annual promotion. Paragraph 11—recommendation A7 reference. Paragraphs 55 to 61 of the visiting Commission's report deals with the annual promotion of children from Standard I to Standard VII. The Commission rebuked the Asian community and asked the Asian leaders to combine together to correct the out-of-date picture of education in India which is prevalent in Kenya. In paragraph 43 of the report the Commission says that "a number of Asian representatives seem to be wedded to the past and not to the present of India in their resistance to annual promotions." Mr. Speaker, I have something to say regarding the so-called *thoko* given to the Asian community. I think the hon.

[Mr. Travadi] House should know that this practice of automatic promotion was only introduced by the Education Department by a Circular Letter No. Asian 4/1957 of 1955/57. Up to then they were following this out-of-date practice of examining the pupils every year in their primary standards. The issue of the circular by the Education Department in my view was just an attempt on its part to appear to be up to date for the Commission, and expose the Asian community to the ridicule of the world. It took about 50 years for this Department to realize that annual promotions as carried out in the Asian schools in Kenya were no good; and that they in the midst of the year 1957 realized that it should be put a stop to. A couple of years before the Commission was coming the Department issued a circular, and that is it. But because of its haphazard application with no regard to the pupil's attainment the promotions began to take an adverse turn. In some cases a boy or a girl in Standard III was promoted either to Standard IV or even to Standard V, and naturally the result of the K.A.P.E. examination at Standard VII was a bad one. They could not pass. How could they pass when they have jumped a year or two, and then, either he goes to the modern school for a year or is thrown out, or he is average because he is beyond the age of 15 plus. The cry of the public and the clamour of the parents was therefore a natural outburst against this Hitlerism. But, Mr. Deputy Speaker, there is no consistency in the Department's move. If it wants to abolish annual examination in the primary classes why not apply the same principle to the K.A.P.E. If they want automatic promotion for all forms for seven years in primary classes why not apply the same principle to this examination? But now it does not help the Department's purpose. It wants to restrict the number of entrants to the secondary classes and hence the moderation of marks: call it doctoring or tailoring. Mr. Speaker, I shall speak on this subject a bit later when its turn comes, but for the information of this House I would quote from my Kenya Asian Educational Council's memorandum to the Government, page 11, paragraph 3: "In the interests of the individual child and of the increased freedom and responsibility of the teach-

ing profession, changes in the K.A.P.E. examination should be in the direction of making the examinations entirely internal; that is to say, conducted by the teachers at the school on syllabuses and papers framed by themselves." Are we, the Asians, in the 20th century or is the Department in the Victorian age? I would therefore submit that in the interests of the child's future and welfare, not only should he be allowed to, but be asked or forced to complete his or her seven years' primary course if he is weak. It should be made obligatory on the part of the department to see that he or she fully completes the course before the pupils are taken up into the secondary classes, Mr. Speaker, if I may remind Members here, that this is being done, not only in the United States of America, but also in the Soviet Union, I do not understand why such educational principle is not understood by the Education Department here, and why if it is prevalent in the United States of America it cannot be applied here. Is it just because we are Asians and just because the Department wants to restrict the number of schools, why the majority of children in primary classes are so weak in their study. That problem, that particular point has not been understood by me. The explanation is still clear. Nobody worries about this community, and if I may be allowed to say, nobody in the Education Department understands the Asian psychology.

It has taken 16 years for this Department to find one Asian who is still asked to do his apprenticeship to take over the side of the education in this Department. So far as I feel it, Sir, the Asian education is nothing but a passing show. The remedy, in my view, Mr. Speaker, is to raise the school-leaving age of the children to 17, if the Department cannot improve the standard of the education and the size of the classes.

I now come to modern classes, and the Sessional Paper again has something to say about this: I would again refer this to the House to paragraph 12 of the Sessional Paper, paragraph 43 of the Commission's report, which talks about the Asian community being out of date, in that it is alleged that the community "refuses to regard any non-academic secondary schools as having any value".

[Mr. Travadi] I categorically refute this charge of the Commission. The Commission has been misinformed or else they have failed to understand human nature. There must be some reason why the Asian community regards the Asian modern classes as valueless. What is the reason? The man does not want to send his child to the modern classes. But why? Here are the reasons: When, in the year 1957, a modern secondary school was opened there was no syllabus ready and no qualified teachers available. The period of duration was hardly more than a year, while in the case of Europeans the period of modern course study was of three years, including, no doubt, a diagnostic. Nothing of the sort was available for the Asian children. They were simply to be kept there in these so-called "modern" schools and driven out of the school after the age of 15 plus or nearly 16, because that is the age of compulsory school leaving. But, why had these pupils to leave after only one year? The age of admission during these years for Asians was seven or even eight, and if those ages of entry are taken into account, with seven years for primary education, naturally, at the end of that period, he will take his K.A.P.E. and there will not be one-year-left-for-him-to-go-and-study in a modern school.

To be on the safe side, when I say that the age of entry was just seven or eight I must substantiate that particular allegation, and I would like to quote a paragraph from the 1955/57 Education Department's Triennial Survey. At page 12, on Asian education, the report begins with a sentence: "Compulsory education applies only to Asian children between the ages of seven and 15, living in Nairobi, Kisumu and Mombasa." There is a note there that "authority was given towards the end of 1957, subject to the availability of places, for Government-aided schools to recruit new pupils who had attained the age of 5½ years by 1st January". Now, in this quotation there are three to four important things to remember. The first is that no admission was available or allowed to a pupil under seven; secondly, that during 1958 it is said that authority was given to admit, but that was subject to the availability of places. I would like to underline the words "availability of places". And this

applies not only in the Government schools but also in the aided schools. Let me inform the House that even in the year 1959 there is no full freedom for the Asian pupil of 5½ years to have unrestricted admission to any type of school. This, Mr. Speaker, is the plight of the Asian children and the Commission and the Department wanted the Asian parents to agree to their children going to these modern schools in the year 1958. Who would go? Who would send? Even at the moment the duration of the modern schools is not more than two years. So there the reason for the dislike of such schools is obvious.

I think that I must quote another relevant paragraph from the Commission's report to complete this picture concerning the out-of-date views of the Asian community. Paragraph 66 says: "The extension of modern courses was planned in great haste for 1958 and the bare essentials of success were not provided. Only at the end of 1957 did the Department collect from the primary schools information needed about the ages of pupils in Standard VII. There was no time to devise syllabuses for the pupils nor to recruit, from overseas teachers with special experience of similar work, nor to provide specialist rooms and teaching equipment. Although a housecraft room and a trained teacher are to be found in nearly all Asian girls secondary schools, only three Asian boys schools have a workshop, and light crafts are rarely included in the arts course. Science laboratories, even of the most rudimentary kind, are also very rare. Many new text books were needed in excess of the usual supply, and despite some special efforts, that need was not adequately met either. At the Duchess of Gloucester Girls School, girls, whose careful testing had shown them to be incapable of taking the academic course, and who had begun a modern course, were transferred back into the academic stream. In the general rush, three forms of modern pupils were admitted to Kisumu High School with the result that there will be no room for a similar entry next year." This was the condition of a modern school which the Asian community hated.

Mr. Speaker, I am quoting something again in relation to the modern schools. I would like to compare what

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the position in England is at the moment. I would quote the Labour Party Manifesto, here, which is called *Learning to Live*; and at page 25, at the bottom, it says, "Grammar schools claim to cater for the more advanced academic studies. From them it is hoped will come the members of the learned professions and the holders of responsible posts in industry and in public administration. The great majority of those who enter the universities have gone first, to the grammar schools. Technical schools are intended to produce craftsmen, or the more skilled technicians and the occasional advanced technologist. The modern schools are intended for the rest." It has been said that "segregation is the enemy of true selection". The Department, Mr. Speaker, is out to put the 11 years plus, as the point where the selection for Asian schools is going to be. In the case of Asians, at the moment, it is 13 plus. This Manifesto goes on further and says, "In the modern schools children whose gifts appear after the age of 11 have not the chance of even becoming aware of the branches of knowledge that exist" In England there is a four years' training course and, over and above that, a pupil is allowed to stay on and repeat his standard even up to the age of 17 and 18. The modern school in England is still at this date, as in 1953, in an experimental stage, and there is a great deal of dissatisfaction there, too. But then the question arises, as to why we should imitate such an imperfect system in Kenya without counting the cost in human wastage. If it is imitated, then it should be done fully and not partially. The children should not be considered as guinea pigs. I would only mention for the information of this House that in the United Kingdom pupils of 16 in modern classes are allowed to appear in the G.C.E. at a lower (in ordinary) or higher (in advanced) levels. In suitable cases, arrangements are made after a four-year course in the modern schools to continue their education at the College of Technology—it may be art, or commerce and so on—in order to enable them to appear for G.C.E. Mr. Speaker, is there anything like this in the Kenya modern schools meant for Asian children. I will quote facts for Asian and European

pupils, but nearly 75 per cent to 80 per cent of the European children in Kenya are selected for grammar schools. If selection for grammar schools in the United Kingdom yields 20 per cent, 25 per cent or 30 per cent today then why is it that here in Kenya the percentage in respect of European children is higher? Are they specially selected from England to come here and settle? Just to raise this percentage, Sir, are they specially imported?

Mr. Speaker, this secondary school selection procedure applies only to the Asian children in spite of the recommendations of the Commission to apply the particular system to all the three races. I should again be very harsh if I said that nothing but another system is right, or that this system tries to go on to keep the Asians down intellectually. It is not accidental, I am convinced from the bottom of my heart that it is, in fact, designed. I am going to quote how it is, and in support of this charge I will quote an extract from the Hartwell Report of 1949. Three of the Hartwell Committee members are at the moment the sitting Members of this very house. One is the Minister for Works, the hon. Mr Nathoo, the other is the very gracious lady and Member for Trans Nzoia, and the Member for the Coast, Mr. Ooko. Now, I quote paragraph 30 of that report, when it is said on page 16: "Mr. Kazimi seems to have assumed that some form of secondary education should be provided for all children. He proposed that 48 per cent of the children leaving the primary schools should be allowed to proceed to an academic secondary school of the 'grammar school' type, and that provision should be made for the rest in the form of junior technical or commercial schools. In no country in the world is secondary education available for all, and in the opinion of this Committee the time is far distant when even half the children in primary schools in Kenya can expect to receive Government-financed secondary education. We consider, however, that (a) the Colony should aim at raising the percentage of children at secondary level to 15 per cent over the period in view. . . ." And I have already said that the percentage of secondary education was being whittled down to 15 per cent; "(b) by the end of the period half of these

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children should be in academic courses and half in schools of the more technical type. In the early stages, until junior technical schools can be provided, the number in academic schools could reasonably be allowed to rise to 10 per cent." Mr. Speaker, how is it that there is only one advantage in this Asian case? Why are these things not made applicable to the European children? Kenya is the one place in the world where secondary education is made available practically for all the European children. I think the exception proves the rule.

Now, I come to the five-year secondary courses. Mr. Speaker, I have almost covered this in so far as clauses 12, 13, 14 and 15 are concerned. But coming to paragraph 16 of the Sessional Paper, which refers to the recommendation B8, it says: "A five-year course is recommended for the weak students", but the Ministry of Education thinks it dangerous for the adoption of this recommendation from the financial point of view. Here, Mr. Speaker, I am unable to comment. Whoever you had money it was not spent, but when something is recommended then there is no money. Under these circumstances the only alternative is to leave the children to their fate. However, something has been done in this respect. A committee has been appointed and its recommendations have been approved by the Ministry of Education; and by this new weeding out at the end of Form 2 it is said that about 25 per cent will have places in five-year secondary courses. Now, Mr. Speaker, let us see how this works.

So far as boarding facilities are concerned, Mr. Speaker, I do not understand why these can only be confined to the secondary schools. If the Education Department definitely wants Asian education to expand in townships and villages such as Runyenjes, which is 18 miles from Embu, and it wants the young children of primary age to travel 18 miles, then it is not right and proper that boarding facilities for these children should not be provided? This village, which is 18 miles from Embu, wanted to build its own school with no grant-in-aid and with no capital grant; the Department said "You cannot build. Your children must travel 18 miles a day to that school", and this cost

Sh. 250 to Sh. 300 per child, and with 20 children, after 12 months, the cost will be Sh. 50,000. The Department is adamant. If the school is opened there then you must travel. Therefore, Mr. Speaker, I suggest and submit that wherever possible where pupils attend the schools from neighbouring towns and villages there should be a boarding hostel. I submit, Sir, that the time has come when the mere establishment of day schools is not sufficient.

THE SPEAKER (Sir Ferdinand Cavendish-Bentley): Business will be interrupted from now until 2.30 p.m. this afternoon.

The House adjourned at 12.30 p.m. and resumed at 2.30 p.m.

MR. TRAVADI: Mr. Speaker, Sir, when we adjourned at 12.30 I wanted to speak on the selection for secondary education and I wanted to dwell upon thereafter on the accommodation and finance. Mr. Speaker, before I go into little details, generally as they appear to the European eye, it appears that all is quiet on the western front, but I can assure this House that so far as the Asian side is concerned nothing is quiet on that front. The reasons are these—and probably I will take another 20 to 25 minutes in order to ventilate the views of my community—and I think they will be sufficient to convince you that there is a case to answer, and a real case to answer.

Mr. Speaker, when I spoke previously on the education Estimates I said that about 15 per cent of the total school population were in grammar classes as opposed to 75 per cent to 80 per cent of the European school population. Now, I want to give you a few figures for future reference; the number of the Asian and European pupils in Government and in aided schools, both in the primary and in secondary, and the total, of the lot. I have to put these figures on the record but before I do so I will say this. In 1951 there was a meeting, and talking on the "too much breeding by Asians". I quoted Dr. Huxley's figures wherein he said that in the last 500 years the European population had gone up by 700 per cent while that of the Asians only by 300 per cent. I give those percentages for the information of hon. Members.

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Now, coming to these figures, I will start with the year 1943. In the first column, and the second column will be the number of secondary school children, and the third column will be primary and the fourth column will be the total. I will start with the Asians:—

Year	Primary and Elementary		Total
	Secondary	Elementary	
1943	399	6,457	6,856
1944	500	7,367	7,867
1945	759	14,485	15,244
1946	809	15,861	16,670
1947	1,059	18,990	19,039
1948	1,306	22,202	23,506
1949	3,023	21,881	24,904
1950 (Aug.)	3,484	22,176	25,731
1951	4,584	23,002	27,386
1952	4,301	25,409	29,710
1953 (July)	4,411	26,564	31,092
1954	4,882	30,285	35,308
1955 (June)	5,448	35,871	36,219
1956 (June)	5,570	34,572	40,142
1957 (June)	5,188	37,655	42,843
1958 (June)	7,066	39,365	46,431

Now, I will give the figures for the Europeans as well:—

Year	Primary and Elementary		Total
	Secondary	Elementary	
1943	369	1,507	1,821
1944	463	1,510	1,973
1945	732	2,516	3,248
1946	772	2,449	3,211
1947	1,262	2,663	3,925
1948	1,306	3,052	4,358
1949	1,502	3,598	5,098
1950	1,945	3,841	5,922
1951	1,744	4,598	6,342
1952	1,991	5,075	7,066
1953	2,009	5,508	7,517
1954	2,061	6,041	8,102
1955	2,283	6,762	9,045
1956	2,559	7,200	9,759
1957	2,783	7,707	10,490
1958	2,949	8,497	11,446

Now, I will not be very boring to hon. Members, but still there are a few more items which I have to refer to them. For the last seven years, so far as the Asian children, including the girls, are concerned, 1,250 were passes, and I am talking about grammar schools, and 2,871 in the year 1952. There were 1,276 passes out of 2,998 in the year 1953. There were 1,309 passes out of 5,314 in the year 1954. There were 1,076 passes out of 3,524 during the year 1955. There

were 1,271 passes out of 4,105 in the year 1956. There were 1,261 passes out of 4,418 in the year 1957. There were 1,304 passes out of 4,531 during the year, to the end of 1958. Mr. Speaker, the average for the last seven years, I mean the passes in the grammar classes, comes to about 1,250 per year. Now, in the year 1952 the number of passes were 1,250 for the grammar schools; today the number of passes is 1,250, the same number, whereas the number of candidates has increased to over 4,500; but the average of 1,250 has remained the same, as I said. But there is nothing surprising about that, Mr. Speaker. When the 1957/60 Development Programme was framed, according to the Sessional Paper No. 77 of 1956/57, only 120 places for the secondary schools were provided. In this connexion, Mr. Speaker, a reference to paragraph 134 of the visiting Commission's report is significant and it throws a great deal of light on the number of passes in Government grammar classes, because the number of classes has remained stagnant. Now, I quote from paragraph 134: "Until the 1955 examinations the percentages of passes in the K.A.P.E. ranged between 40 per cent and 50 per cent. In the 1954/57 Development Plan it was decided that because School Certificate results indicated a great wastage, there should be a temporary halt in the provision of extra places in grammar courses, so as to allow an increased number of places in primary schools which were then almost running daily sessions—that is, housing different bodies of pupils in the morning and in the afternoon. This policy has been implemented gradually with the result that the percentage of passes has fallen from 31 per cent in 1956 and 57 per cent in 1957. An allowance was considered but not adopted. As a whole, the Asian population sees the policy as one of manipulating examination results so as to fit the number of secondary places available, or even to restrict the economic opportunities for Asians."

Mr. Speaker, these are the words of the visiting Commission, not mine. The question then arises, who ordered the halt in the provision of the extra places in grammar school classes and who carried out the order, which has resulted in the reduction of passes to now nearly over 28 per cent?

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Mr. Speaker, in the light of this, what value should one place on the assurance given in paragraph 25 of the Sessional Paper under discussion, "that moderation will never be used as a method of reducing the number of admissions to Asian secondary academic schools"? But again, Mr. Speaker, and it is a big "but", to quote: "A further assurance can be given," says this paragraph, "that it will only be brought into operation or use when the performance revealed by the examination scripts makes it clear that some such moderation is necessary to ensure consistency of standards. Equally, where moderation proves necessary in other—'I quote the word "other"—"preliminary examinations, the system followed will be identical to that used in the Asian examination." Now, this is another issue. The Sessional Paper says that where moderation proves necessary it will be used in other races, that is, for the European and African children. Now, Mr. Speaker, the recommendation contained in E (1), that the same statistical treatment of marks should be used in all preliminary examinations, that is for Asians, Africans and Europeans is not at all applied to European children. And why not? The answer is—moderation is not found necessary in European schools as there pass percentages are over 75 per cent to 80 per cent. And let me go to the Director of Education and tell him: try your 30 per cent in European schools and the next day he would be no more sitting in this House, nor indeed in Gill House where his office is! The Europeans would throw him bodily out of there.

Mr. Speaker, I have covered paragraph 25 of the Sessional Paper as well by quoting this thing.

Now I come to the Senior Cambridge results. I am ashamed of the disquietingly low results of the Asian children in the Senior Cambridge Examination; I admit that. And I am ashamed, and it is a shame, I agree. But I put the blame—the whole blame—not on the Asian community but on the Department and on nobody else.

Mr. MILLER: Thank you!

Mr. TRAVADI: As I said again and I repeat it, I am ashamed; but this I call it and I quoted it during the last debate

the other day, it is nothing but strangulation and I do not wish to dwell much upon it today.

Now, coming to the publication of grading, paragraph 27, again there is a snag. Even if a student has passed it, it does not in itself entitle him to a secondary place. It is merely an indication so far as that man is concerned, that he is entitled for secondary education about a place in the available places. And again comes the availability of places for Asian children. Mr. Speaker, the last sentence of this Sessional Paper is very significant. It says: "In the United Kingdom it is generally estimated that only one-fifth—that is 20 per cent of the children—are so capable, i.e. fit for grammar schools." The very mention of this one-fifth percentage in the Sessional Paper has its significance so far as I am concerned and I understand it. The late Director of Education, Mr. Wadley, in his speech at the Duke of Gloucester School said: "That in the United Kingdom between 20 per cent to 25 per cent of the children have the requisite ability to profit from a secondary school course leading to the Cambridge School Certificate examination or its equivalent." He further said that Kenya should plan on that basis and warned the Asian community—it should be noted—"that there will be a tendency for the percentage of Asian pupils who are admitted to secondary grammar or secondary technical courses to 'drop'—I quote the word "drop"—until it reaches proportions similar to these—that is, 20 per cent to 25 per cent—which are obtained in the United Kingdom." Now, the Sessional Paper also mentions one-fifth—5 per cent less, i.e. 20 per cent and hence the Asian quota of secondary places would further be reduced to something in the neighbourhood of 20 per cent, that has been mentioned in this Sessional Paper under discussion. However, my latest information corresponding with Oxford and other London universities is that it is in England 24 per cent to 28 per cent and over 38 per cent passes in the grammar schools in Wales.

Mr. Speaker, before I close this subject I would refer to paragraph 25 of the Sessional Paper where it is said: "Too much importance cannot be attached to the attainment of the normal United Kingdom standard examination curve

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owing to variable factors which exist in Kenya." This has reference to paragraph 139 of the Commission's report. Now, to be frank, I do not understand the standard curve. And not only I do not understand the standard curve but even its application; but in the Standing Committee of the Asian Advisory Council on Education, at its meeting when the last results were being produced to us, it was said that the standard curve of 58 per cent of the pass marks produced something like over 27 per cent passes. And when I pressed that the particular standard curve should be something like 50 per cent instead of 58 per cent, the retort came that over 49 per cent of these candidates who appeared in Kenya Preliminary Examinations would pass and go to grammar schools. That was a surprise to me. So I do not understand the standard curve of 58 per cent, which is made applicable to Asians. But if you put it at 50 per cent, then it appears nearly half of the children who appeared in the Kenya Preliminary Examination would go to the grammar class. Instead of all these troubles to the community and to the department, Mr. Speaker, I have a suggestion and that is for the consideration—although I have not put it to them officially—but it is for the consideration of the Ministry of Education. And it appears to be a very simple one and there is no complication such as moderation, spread of standard curve, or anything of the sort which has been applied in selecting the candidates for secondary education course. I suggest—and this is not my own idea personally, but I have been reading a lot of other books and that is one of the suggestions put in the Indian Secondary Education Report which I am merely copying—I suggest, and that is for the consideration of the Ministry that a system of symbolic rather than numerical marking should be adopted for evaluating and grading the work of the pupil in external and internal examinations and in maintaining the school records. It would work something like this: a simpler and better system is the use of the five-point scale in which A stands for excellent; B for good; C for average; and D for poor and E for very poor and so on and so forth. The system is adjustable to any kind of examination.

written or oral. I would humbly suggest one to read the Martoch Report, an examination on examinations.

Now, Mr. Speaker, coming to accommodation and finance. I think I have now nearly finished. I am not speaking on paragraphs 28 and 29; I will deal with paragraph 22 which refers to the accommodation and finance and which has a tremendous bearing on the Asian education as a whole.

Now, here I want an assurance. Before I deal with finance and accommodation for the future development of Asian children, I would like to have an assurance that the total sum of £614,810 which carried the backlog of £241,160 of the 1954/57 Development Plan unspent provided for the 1957/60 Development Plan, would be fully spent. That is the amount provided for 1957/60 Development Plan and should be fully spent, by the end of 1962. I am worried and why, I am worried is because there was an unspent amount of £135,427 out of £250,652 voted for the year 1957/58. However, under the 1958/59 Development Supplementary Estimate (No. 2) it was just this morning approved by this House a sum of £40,013 has been asked and voted to complete the projects approved but not completed in the year of 1957/58. There is therefore still left a balance of £95,414 for the year 1957/58 and that is also remaining unspent.

Now, I come to the second one. In the same way I want another assurance. The £213,096 provided to be spent for the year 1958/59; I would like to be assured that this sum too, would be spent during this year. But if anything is left, the 1957/58 balance, and the balance left unspent for this current year, would be spent out entirely during 1959/60 anyhow. And this is quite apart from the sum of Sh. 286,571 provided to be spent during 1959/60. I think reference is made in this paragraph of the Sessional Paper which refers to this amount which is provided for the development for the years 1959/60 and approved last week.

As has been said in this paragraph of the Sessional Paper that where practicable the Department is planning for a longer period than three years. I take it at least for three years, the Minister would come forward with a complete scheme of development and whatever

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money would be provided for that period, at the end of the period it would be spent. During the last ten years, Mr. Speaker, the average increase of the Asian children in schools can safely be put to a figure of 2,500 a year for the next three years of development in Kenya; that is, for 1960/63 for which it is proposed that a new development programme will come before this House. That is in 1960/63, the three years will therefore have 7,500 school-going children added to the present number of 50,000 which one expects at the end of the 1960 period—June, but the Ministry of Education will have to cater for, in all 50,000 plus 7,500, i.e. 57,500 children in all. At the rate of 15 per cent there would be something like 8,625 pupils in the secondary grammar classes for which provision will have to be made, which leaves 48,875 children in the primary classes. According to information supplied to the Commission, the 1959/60 Development money provided for 4,615 places in all—that is 2,698 for primary, 120 for secondary and 1,800 for Asian grant-aided schools. I am quoting these figures actually taken from paragraph 1150 of the Report. The amount of money provided for this in the 1957/60 Development period was originally £467,400, but later on it was revised and was fixed at £614,862, though in the answer given to my question No. 79 last year there was a difference of only £52, which meant very little. Working on this basis, the Government would require, £1,250,000 for those numbers of children. This is just a bare provision to accommodate 7,500 extra children for three years in the Development programme, but it only provides, as it has provided, for only 120 places in the secondary schools. If it is proposed to remove double sessions from the schools, and they must disappear at least during the 1960/63 programme, and we are informed it is practically the only Development Plan that would disappear—it has not yet disappeared—provision will have to be made for 40 per cent more of the estimated children's population of 57,500—that is 23,000 places, which would again cost something in the nature of £3,750,000, that is three times more in all, the required amount would come to something like £5,000,000. There are just certain facts and figures which are

touched upon in the various reports and the Commission's report. Now, when in the 1946/55 Development programme £1,793,900 were provided the Asian children's population was only 16,670, at the end of June, 1963, it would be something like 57,500. The visiting Commission, quite apart from the proposals made in paragraph 118 for an adequate number of schools with their attendant equipment, in paragraph 120, proposed 420 classes for primary children and 200 classes for secondary courses together with practical rooms for secondary children. They suggest 40 more classes for the abolition of double sessions and 50 classes furthermore, if the admission is to go lower than five years. This is a proposal, as it is put in the report for a ten-year period, I hope Government will see that justice is done to the Asian community, would like to remind the Minister that during the 1946/53 programme nearly 1,000,000 was not spent and in 1954/57 about £250,000 was left unspent or simply carried forward. I do not want that drama to be repeated again.

I have a small story, Mr. Speaker—a very relevant one here. There was a Cania who had a monkey, a tame monkey, and he always used to give that monkey each afternoon two *chapatis*, and in the evening he used to give the monkey three *chapatis*. The monkey, in the morning, used to say I feel very hungry, and he said to his master I am not satisfied with what you give—it is not sufficient, and he protested and protested and pleaded and eventually, when the master and his wife still did not listen to him, he went on strike. Then what happened: there was a round table conference, and all the children were called and the neighbours were called and they all gathered together and there was really a round table conference and it was eventually decided that this grievance of the monkey was really a righteous one—he really feels hungry and he should be given one more *chapati*. The monkey the second day at lunchtime was given instead of two, three *chapatis* and the fellow began to dance; but when evening came he was only given two *chapatis* and he did not see it was less by one, he simply was the whole day in jovial mood and he did not mind whether it was two in the

[Mr. Travadi] evening or three and he began to dance. Mr. Speaker, the lesson I want to draw out is: whatever you agree today, anything, it pleases us, because it appears in the Press, but then when the right time comes the money is not spent. I do not want the monkey justice to be done. Please, if you give with one hand, do not take it away with the other. That is my humble request. We have suffered a lot and we do not want any more trouble.

Now, coming to the common examinations, paragraph 30. The condition attached to uniformity in a common syllabus and common examination for all races, is a very hard one. It would, no doubt, take a decade or even more before this common examination and common syllabus came into force. The Sessional Paper says, and the words are very significant: "As soon as English does become the common medium of instruction throughout", and the word is underlined, "throughout all Asian primary schools, including Government-aided and even unaided maybe, every effort will be made to minimize differences between the Asian schools and the European schools both on the syllabus and the examination side." What a guarded version it is. I do not propose to comment on paragraphs 31, 32, 33 and 34, but would wholeheartedly support the recommendations contained in paragraph 35 of the Sessional Paper with regard to the uniformity in terms and conditions of service of the staff working in the aided schools. It has been rightly said that both types of school should be regarded as integral and equally important parts of the Asian educational system, and I would keenly await the recommendations of the Committee which have been appointed for the purpose.

Mr. Speaker, commenting on the last paragraph, paragraph 36, I would urge the Minister to keep an eye on what is going on in the various schools and if money and human wastage is to be saved, there should be a thorough expansion of the present inspectorate.

Mr. Speaker, before I sit down I would like to answer one question that has been ringing in my mind, and that is, why all this worry about open and frank talk

and plain speaking? What is the aim of education? Our Indian scriptures proclaim these words, "Ya Vidyā so Vimuktaye"; it means that learning education gives freedom from rebirth, freedom from bondage, freedom from ignorance, freedom from fear and freedom from everything. That is according to the Indian scriptures, the aim of education; but as I quoted at the beginning, of the universal declaration of human rights defines the aim of education. I would like to read a little bit—thus, I quote: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It shall"; and I like the word shall, "promote understanding, tolerance and friendship among all the nations and religious groups." I ask the question to the Minister for Education and the new Director, though the Minister is new so I do not think he could be expected to answer, but I put the question. Is the Asian education directed this way, and does it promote friendship among all races? After the two definitions I give my own definition. My definition for the aim in Kenya should be to develop our boys and girls into responsible and dependable members of the new social order which is now in the making. Mr. Speaker, before I sit down I congratulate first the members of the Commission for the impartial exposure of the true situation of Asian education in this small pamphlet of theirs—report, and of which the Asian community were absolutely in the dark even though we may not agree with some of the recommendations of theirs. I also congratulate the Minister, but hesitatingly in a way, because I spoke three times in the Budget session on education, but the duck was passed by the Minister to the Director, and up to now, whatever points I raised, I have had no reply. Some sort of reply should be given to me. I put solid facts, not from my own imagination, but taken from various reports and, naturally, I expect a reply. The Specially Elected Member, the hon. Mr. Slade, also pressed for an answer. I represent the Asian community which requires an answer to this.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Before I call the next

[The Speaker] speaker I would call the attention of the hon. Member who has just sat down and of his Members generally to Standing Order 50 which says that no Member should read his speech. He may read short extracts from written papers. I am afraid I really will have to be a little stricter in this matter from now on.

MR. ALEXANDER: Mr. Speaker, under Standing Order 13 I beg to move that the debate be now adjourned. I do this, Mr. Speaker, because it has been discovered that several communities have not yet managed to study this Sessional Paper and brief us sufficiently on this side of the House. I have discussed this with the Arab Member for Mombasa, who finds himself in that position—I have discussed it with the Secretary to the African Elected Members, and I know it is their wish that this debate should be adjourned, and I understand that some of the Asian Members, although ready to speak, would prefer that this be adjourned. In the case of the European community it is true, Mr. Speaker, that the matter has been considered by the Parents' Association, and by the Advisory Council, but those deliberations are incomplete and the Advisory Council does not consider that the White Paper truly reflects the opinions that they have expressed. There is a meeting of the Advisory Council, which, of course, is called by the Director of Education on the 26th of this month when undoubtedly the matter will be further considered. There is a meeting of the European Parents' Association on Friday of this week when this subject is up for consideration, and I would urge upon Government, in the circumstances, to accept our wish from this side of the House, that this debate be adjourned. In case the Minister should, in reply, say that, or submit that this is very little to do with the European community, let me assure him that there are matters that concern us arising from this report, and I would mention merely four. The report does not envisage increased boarding accommodation for European children; the equipment of existing secondary schools to provide adequate training for the modern stream in those schools; thirdly it does not envisage an improvement aimed at accelerating the

process of primary education, and lastly it does not envisage adequate provision for vocational guidance. I do urge upon the Government to take account of our wishes on this very important matter of education, and to agree to this debate being adjourned.

Mr. Speaker, I beg to move.

SIR CHARLES MARKHAM: Mr. Speaker, I beg to second the amendment moved by my hon. friend. There is no intention now of any speech regarding this particular motion lasting two and a half hours—the subject is emotional, and I would urge on Government to accept the amendment moved by my hon. friend. I will give them one warning, Sir. If Government would like to use their vast majority to get this through, then, Sir, they can expect a very long and massive debate because there are many speakers on this side of the Council who will use the opportunity to cover the whole field of education, and I would urge the Government because of representations being made to them by the Advisory Councils mentioned by my hon. friend, to allow this debate to be cut short now, falling which we will be here for many days whilst we have the whole field covered yet again.

Finally, Sir, before I sit down, in case the Minister gives the argument, or uses the argument that this White Paper has been published, I would say to him, Sir, that this subject is one on which there is a great deal of argument and counter argument, and as it is a major policy statement from Government, if there are representations from responsible people on this side of the Council through the various Advisory Councils and associations, I would urge upon him, Sir, to accept those representations and allow a brief adjournment. If the Council has got to come back in July, so that the representation can be made to his own Director, who has, according to the White Paper issued by the Government—a very peculiar relationship if I may say so—and therefore they both can have time to consult together to produce what might be a very short and sweet debate in this Council, rather than what could be a very bitter debate.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): Under Standing Order

[The Speaker]

13-it has been proposed and seconded that the debate be now adjourned. I do not consider that the Motion is an abuse of the proceedings of Council in any way, and therefore I am allowing it. It is not an amendment, but a Motion under Standing Order 13, and anybody who speaks in this suggestion can only discuss the question of whether or not it is advisable that the debate be now adjourned. If it is not adjourned we go back to the substantive motion, and those who have spoken on this particular question can speak again.

SHARIF SHATRY: Mr. Speaker, Sir, I would like to support the amendment moved by my hon. friend, the Member for Nairobi West, and I would like to go further and say that this report should not at all be approved. The reason, Sir, for saying so is that it is a discriminatory report. There is no mention at all—

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): May I say you cannot make a speech on the report. You will have an opportunity of doing so later. All we are discussing now is not an amendment, but a proposal under Standing Order 13 (1) that the debate be now adjourned and for the moment discussion must be confined to the matter of the Motion, which is whether or not it should be adjourned.

SHARIF SHATRY: I would just like to mention one thing, and that is that the Parents' Association did ask me that they had no time yet to go through the report and also to consider the White Paper on this report, and that they are going to meet next Sunday to discuss this matter fully, and therefore it is the wish of my community that the report be adjourned for further consideration by the Arab community. With these few words I beg to support.

MR. HASSAN: I rise to support the amendment by the Member for Nairobi West. In paragraph 3 of this White Paper which has been brought to the Council today for discussion and debate, and I think when all the groups here in the Opposition side feel more time is needed to carry on this debate. I would request the Minister to agree to the adjournment to give time for everyone to prepare themselves to debate this Paper.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I cannot really see that there is any justification for adjourning this debate. I might point out, Sir, that this report, on which the Government has tabled a Sessional Paper—the report on Asian and European Education in Kenya, 1958—has been before this House since October, 1958. There has been ample time for all those concerned with the report to consider it, and indeed that has been done. The Government has taken particular pains to ensure that both the Advisory Council on Asian Education and the Advisory Council on European Education have had complete opportunity to discuss the report, and indeed it is only in the light of these discussions, and in the light of the recommendations made by these Advisory Councils, that the Government has produced its Sessional Paper. That has been made perfectly clear at the outset of the Sessional Paper, and I am very much surprised indeed to hear that the European Advisory Council thinks that its advice is not reflected in the document which we are now debating, since I took particular pains to go through the entire proceedings with the European Advisory Council on this matter when this Paper was being drafted, and I am satisfied that nothing they said at that time, which was the time they would have formulated their views, has been omitted in the preparation of this Paper.

Furthermore, Sir, I would like to point out that the subject matter for discussion is. We are debating a Motion that this House approves Sessional Paper No. 4 of 1958/59 as a policy statement. This Sessional Paper comments on the report of the two experts, whose terms of reference were virtually exclusively concerned with Asian education. The only point on which their terms of reference had any impact on European education was at the very end, "to advise generally on secondary modern courses in Asian and European schools", the only place where the word "European" occurs. This is the only aspect of European education dealt with in that report, and it is that aspect of European education which is fully treated in the Sessional Paper. That is, a comparatively narrow and largely professional matter, and if the hon. gentlemen opposite believe that we ought

[The Minister for Education, Labour and Lands]

to have a wide ranging discussion on the whole business of European education, or anybody else's education, they should have taken the opportunity which was presented to them a few weeks ago when we were debating the estimates for the Education Department. Then all these matters which were referred to by the hon. Member for Nairobi West did come up, were presented before this House and could have been amply debated at the time. In these circumstances, Mr. Speaker, since we have launched on this debate—since the Sessional Committee went into this matter and recommended that this Motion should be discussed today, and if necessary, tomorrow, and since my hon. friend, the Minister for Finance and Development, put those proposals before this House last Friday and there was no opposition to them whatsoever at that time, and since the Sessional Paper with the Motion which accompanied it was presented to this House on 23rd April, I cannot really see that any Member of this House can claim that they have not had ample time to get a full briefing from any of those whom they wished to consult before taking part in the debate. After all we are debating a general policy projection. Where positive proposals involving individual acts of Government and Government expenditure come forward within the ambit of this policy they will be debated and considered in the proper way in natural circumstances when we have the Estimates presented for that purpose. In so far as the European Parents' Association is concerned, they have informed me that the points they are concerned about are the remarks in the course of this Sessional Paper that it is the general policy of Government to develop the educational system on a day school basis, and that is only an *obiter dictum* in relation to a precise proposal relating to Asian education in this paper. It was a matter to which I referred when we were debating the Estimates for the Ministry in the coming year, and that was the point at which these general questions of principle could have been debated. I suggest, Mr. Speaker, that we should continue to discuss this Sessional Paper which relates exclusively to Asian education and on

which we have had a long discussion with the Asian Advisory Council, and on which all Members must have had ample time to consult their constituents, and I am sure that would be the best use of the time of this House.

Question proposed

DIVISION

The question was put and Council divided.

The question was negatived by 40 votes to 13.

AYES: Messrs. Alexander, Bompas, Group-Capt. Briggs, Major Day, Mr. Hassan, Sir Charles Markham, Messrs. Ngome, Pembridge, Major Roberts, Mr. Shatry, Mrs. Shaw, Mr. Usher, Sir Alfred Vincent, Tellers for the ayes: Messrs. Bechgard and Shatry.

NOES: Dr. Adaja, Messrs. Amalemba, Bechgard, Blunt, Cooke, Cowe, Crosskill, Sheikh El-Mandry, Mrs. Geaga, Commander Goord, Capt. Hamley, Messrs. Harrison, Havelock, Hunter, Dr. Ismail, Col. Jackman, Messrs. Jamidar, Johnston, Kebaso, Luseno, Mudan, Mathieson, Miller, Mohindra, Nathoo, Nazareth, Nurmoehamed, Ntimania, Nzioka, Pandya, Sir Eboho Pirihai, Messrs. Sagoo, Slade, Smith, Travadi, Tyson, Vasey, Waveru, Webb, Zafrud Dema. Tellers for the noes: Messrs. Bompas and Nurmoehamed.

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): The question that the debate be adjourned is lost. Debate will therefore be resumed on the original Motion, on Order No. 17.

SIR CHARLES MARKHAM: Mr. Speaker, I rise on a point of order ask for your guidance. During the speech made by the Minister for Education, during the Motion that the House should adjourn, the Minister alleged that, because the Sessional Committee had agreed that this matter should be discussed, the House was bound to accept the fact that the time to take this Motion, was now, and he also mentioned the fact that the Minister for Finance had raised the matter on Friday of last week and that it had not been disputed, Sir, I would ask for your benevolence as to whether the Sessional Committee has the power to instruct this House as to what it will vote upon, because as I know it the Sessional Committee are a select committee appointed

[Sir Charles Markham]

by this House and have no plenary powers to decide anything other than being advisory to this House, I would ask for your ruling because that allegation which was made, I think, in all innocence, if I may use the word, by the Minister for Education, had a very direct bearing upon the Motion we had a moment ago.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, in the first place I think on behalf of my hon. friend the Minister for Education, I do not think he said that the House was bound, but he did say that the Sessional Committee had agreed that this should be the business taken and stated the dates. I think no one will argue, lest it be implied at all that this side of the House would argue, that the Sessional Committee can bind the House. But, Sir, the Sessional Committee has got certain functions in connexion with the business of the Council. There was a meeting of the Sessional Committee last Thursday night, Sir. At that particular meeting the business for the following week was agreed by all members of the Sessional Committee, and as a result, Sir, I placed before the House on the morning of Friday, 5th June, the suggested business for the coming week, and, Sir, in that we said that for the further business for the next week it was proposed, subject, of course, to hon. Members allowing us through the length of speeches, to keep to the programme of the following business. I went, Sir, through a large number of the first and second readings and said: "This will be followed running into Wednesday, 10th June, with Motions on Supplementary Estimates and Development Supplementary Estimates and the Statement of Excess and the Committee stage of the Native Lands Trust Amendment Bill. Then we shall follow on with the Second Readings of the Bills which will have been read the first time and the Motions on Sessional Paper No. 4, Report on Asian and European Education, and Sessional Paper No. 6, the Transfer of Stores." Sir, the submission made by my hon. colleagues the Minister for Education was that there was no attempt by the Sessional Committee to suggest that this Motion should not be taken, and indeed the Sessional Committee agreed

that this Motion should be suggested to the House as being taken on Wednesday, June 10th, and Thursday, June 11th, Sir. I think that that is on record, and it was circulated and posted in the lobbies and corridors of this House after the statement was made.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The explanation as to why this appears on the Order Paper is that in accordance with the usual procedure of this House the Sessional Committee's recommendations in regard to business taken are usually followed. I did use the word "recommendations" as it must be remembered that the Sessional Committee is, in answer to the point which has been made, a committee of the House, a standing committee which is provided for in our Standing Orders. It still remains however a committee of the House and naturally it can only advise the House and the House can always deal with its own affairs as it likes. I think that that is clearly understood. There is no reason, naturally, why because the Sessional Committee has put something down, and I am sure no Member on the Government Front Bench would suggest such a thing, that any such debate must take place, or that the provisions of Standing Order 13 should not be made use of.

DR. ADALJA: Mr. Speaker, Sir, I rise to support the Motion, and in doing this I am guided by two considerations—one, that the only highly developed country in the matter of provision of social services including education, is a gap between the ideal and the possible. Whether the gap is narrow or wide depends upon economic position of the country. Secondly, that Kenya is comparatively a poor country. Its material resources are limited; it has no coal, no oil, no minerals, and its main economy is agriculture; and while great strides have been made in the development of this economy it cannot be said that Kenya has come to a stage where it can afford all social services including education.

I believe that these two important points must be borne in mind while considering matters like the present one:

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

[Mr. Deputy Speaker (Mr. Bechgaoui) took the Chair]

[Dr. Adalja]

Sir, when the report was placed before the Asian Advisory Council it was, on the whole, very well received. It is a noteworthy fact that most of the recommendations contained in the report are accepted in the Sessional Paper now under debate. Out of 46 recommendations, 40 were entirely accepted, three have been accepted with certain modifications, and only three rejected.

Sir, one welcome feature of the Paper is that no attempt is made to explain away the backlog that exists in the Asian section of education. The fact is accepted and promises are made that this will be taken into consideration while considering the future programme. The report and the Sessional Paper must by now be completely accepted by the majority of the Asian community in the matter of its education with particular reference to the Kenya Asian Preliminary Examination, modern courses, the demand for a common syllabus and common examination, and the attitude of the authorities in general towards Asian education. It cannot be denied, Sir, that anxiety did exist, this is not to say that there was full justification for it, but the fact does remain that anxiety was there. The role of the Kenya Asian Preliminary Examination, as a selective and not as a pass or fail examination, should now be accepted. So, also, the place for moderation of marks in it, particularly after the assurance given by the Director of Education previously and as now repeated in the Sessional Paper, that it should not be used to reduce the number of Asians sent to secondary academic schools, but only to ensure the consistency of standards and it should be allowed also in other examinations also.

The community must also change its attitude towards modern courses and accept them as a proper type of secondary education. Human beings, Mr. Deputy Speaker, are not made in the same mould, and they differ in ability and aptitude, and a well organized system of education must devise courses to suit different abilities and aptitudes; and this is what modern courses do. The community, on the other hand, in my opinion, Mr. Deputy Speaker, is fully justified in demanding that a four-year course be introduced at the earliest possible moment. I am inclined to the view

that a two- and even a three-year course is not really adequate. With regard, however, to the courses themselves, I agree that the United Kingdom standards will not do. They will have to be modified in the light of Kenya conditions and I am happy that the authorities are fully aware of this and that they are taking steps to do so.

So far as examinations and the issue of certificates for modern courses are concerned, I would humbly suggest that an arrangement be made whereby these examinations and certificates are issued on an East African basis. If possible, a joint board might be appointed for this purpose. This function of the board might later on be taken over by the East African University when it comes to be established. I might here refer to the decision to use the results obtained in the school certificate examination as one guide to the provision of different types of secondary education. While, on the whole, I do agree with this decision I believe, Mr. Deputy Speaker, for some time more, liberal provision for grammar education will have to be made as the improvement in the quality of teaching and the abolishment of dual sessions takes place. I do believe, that to some extent, if not entirely, the poor results of the school certificate examinations are in part due to poor teaching and to dual sessions. I cannot accept, Mr. Deputy Speaker, that given the same quality of education and other facilities, an Asian child will acquire himself less creditably than any other. In this connexion I would like to have an assurance from the Minister that the statement made in page 167 in the report that the system of dual sessions is likely to become commoner because of the decision made in November, 1957, to accept dual sessions up to Standard IV, is not Government policy. I must admit that I am surprised at this statement myself. As one of the very old members on the Advisory Council on Asian Education I do not remember that the question was ever discussed there. I for one, Mr. Speaker, would not accept dual sessions in any classes, for lowering the age to 5½ years or even to five years. I do hope that the Government will accept lowering the age of admission to five years as an ideal to be achieved not at some distant date but as soon as possible. But

[Dr. Adajla]

I would not like this to be achieved at the expense of continuing dual sessions.

I would like to express my appreciation of the decision to change over to a common syllabus and a common examination. I would like the change to be completed as soon as possible, and here I would say that it was I who moved the Resolution asking for this at Advisory Council on Asian education.

I would also remind the House that several years ago there was the Cambridge Preliminary Examination which was taken by all races, and the Asian pupil did not particularly do badly at this examination. It is a pity, Sir, that this examination was replaced by the local one, the common examination was not organized.

I would now like to say a few words about accommodation and finance. The Government is aware that even with the completion of the 1959 programme there will still remain a growing requirement for primary and secondary school accommodation and this requirement should be considered in the next development programme. Some idea of the requirement is given in the report itself on page 122, paragraph 120, I would not quote the figures, I have got them here, but they have already been quoted—I will now go on to the next item in my submissions, namely the supply of teachers.

I certainly welcome the proposals for teacher training, and the objective should not be simply to keep pace with the growing number of classes but it should aim at the reduction in the size of the classes and replacing the unqualified teachers by trained teachers. Perhaps I might be permitted to say that there is no reason why the Asian schools should be mainly staffed by Asian teachers. What the community wants is really good teachers, not necessarily teachers from the Asian community.

I would also like to say a word on the provision of hostels. The decision to build in future only day schools is the right one, but in the case of Asian education there is a certain amount of justification for some elasticity in this matter. It should not be applied rigidly in the case of this community until the minimum requirement is met. I believe

that at least four hostels are necessary—one in Nairobi, one in Kisumu or Nakuru or at Eldoret, another at Mombasa, and a fourth at Thika. Two hostels are provided for but I would plead for two more because otherwise there will be no hostels to cater for children coming from Kisumu side or from the Coast, and the number from there is a very large one. I would also like to say one thing, as an old member of the Asian Advisory Council, that year after year there has been a request before the Department for hostels for the Asian community, but somehow or other it has not been possible to satisfy this request, so I hope my plea for the establishment of four hostels for the Asian community will not go in vain.

Now, here I might also point out one thing, Mr. Deputy Speaker, that in the original programme for 1957/61, there was a provision for a hostel at Kisumu. It was later on taken out. I hope that it will be replaced.

Now, Sir, a word concerning English as a medium of instruction. I must say at once, Sir, that I am all for it. I am glad of the work being done at the special centre in the way of training teachers to teach in English. I should like to make a suggestion here, Mr. Speaker, for whatever it is worth—I wonder if the syllabus of Standard I were so changed as to devote the first six months to the teaching of conversation in English. I wonder whether that would not hasten the time by which the English language could be used as a medium of instruction. I do say, Sir, that I am not an educationist; I do not claim that the suggestion I am making is a right one, but I do hope that it will be given consideration for whatever it is worth.

In passing I might express support in general for the proposal for annual promotions. I believe, Sir, in primary education it should be an exception for a student to fail and not a rule and for such exceptions provision is amply made.

Before I conclude, Mr. Speaker, I would like with your permission to refer to a suggestion that was made during the Budget Speech to pass over the administration responsibility for education to local governments. In my view, Sir, to do this would be a very grave mistake particularly at this stage of the

[Dr. Adajla]

development of local governments and there are two reasons in my opinion for this. Number one: local governments are not financially in a position to undertake this responsibility. Some of the local governments that have accepted this responsibility are finding it not quite so easy to meet them: The second is that the constitution of some of our—all—the local governments is such that one race can dominate all the rest and so long as that occurs—so long as these two factors continue—Mr. Speaker, I do hope that no consideration whatsoever will be given to this suggestion at all.

And finally, Mr. Speaker, I cannot resist the temptation to express my satisfaction for the appreciation expressed in the report about the Asian effort in the field of education. The size of this effort can be judged by figures give in the 1958 report of the Education Department. I know, Mr. Speaker, that the figures can be boring and I therefore would skip over them but I would certainly request all the Members present here and those outside to study these figures they will see that the Asian community is undertaking practically 50 per cent of the burden of its education.

But I would also say, Sir, that I am happy that this is being done as I believe that the investment in education is an investment that will yield the highest possible dividend. As a matter of fact I will go to the extent of saying, that all the sections of the community should be prepared to make the sacrifice that the Asian community is doing in this field. I am certain that it will do a great deal of good to the Colony and the people as a whole.

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

MR. PANDYA: Mr. Speaker, Sir, I do not intend to emulate the great performance of my friend, the Member for Central Area, he has Sir, probably left very little for most of us to say. However, I would like to make a few general and indeed some detailed observations on the submissions of the Government on the Woodhead/Harper Report.

First of all, Sir, I would like to join with the Government in the expression of thanks to the authors of this report. Those of us who have had discussions

with the Commissioners were very much impressed by the manner and the method in which they dealt with and tackled the main problems of education with the terms of reference which were wide enough to cover, the main aspects of Asian education on which the community and the Government have had considerable differences for a long time.

I welcome, Sir, the Government trend of acceptance of the many recommendations of the report but there are, Sir, certain variations from the important recommendations to which I would refer later.

I am quite aware of the limitations placed by financial implications but some way will have to be found, Sir, to implement the recommendations and not let them remain on paper. This fear has been expressed by some Members. For not only the value of this report will be lost but the Asian community will lose faith in the sincerity of the Government and its determination to meet the many shortcomings of the Asian needs in this country. And, Sir, I start now with paragraph 9 of the report. I welcome the attitude of the Government in accepting this proposal with regard to the public relations as between the Department and the Asian community. In the past, however, Sir, it has been the experience of the community since the recommendations of the Advisory Council—as the name suggests, are of a purely advisory nature—little weight is given to the views of its members who have been sent there by the representatives of the community. And the many recommendations of these members have been turned down as unsuitable from the Government point of view. Let us hope, Sir, that there will develop better relations and a new era will prevail with acceptance of the changes as proposed in these Advisory Councils.

Now, I will refer, Sir, to the changes in primary education. It was heartening to note that the Government had accepted the recommendations of the report in this regard and paragraph 10 accepts the recommendation with regard to training of teachers so that the standard of English is improved. I refer to the standard of English of the teachers—to enable them to teach English as a medium of instruction. It would be interesting to know, Sir, from the Director

[Mr. Pandya]

how the Government proposes to meet the situation and what schemes, if it has considered any, does it propose to institute to bring this efficiency about.

I will now deal, Sir, with paragraph 11 of the report on which there have been several comments with regard to annual promotions. It is, the considered view of the Asian community that the automatic promotion is harmful to the progress of the pupil. Many difficulties have arisen in the past with regard to the assertion of the Government that automatic promotion is vital and necessary for every pupil. It may be a clearing to pave the way to secondary education but it is very essential, Sir, that those pupils who are unable to benefit by promotion should be retained in the same class for another year so that their ground work is assured and that the promotion when it comes is more sound than it could have been the first time. For it is also recognized—even by the Government—that a student's progress is hindered by the lack of efficient teaching staff so that annual promotions bring about the position of innumerable failures in the preliminary examination. It is absolutely essential that a student should be allowed at least two repeat tests within the entire span of his secondary education and to enable him to do this the age of entry in the primary school should be reduced to five and not six as is the case at present although five and half is accepted wherever it is possible. But in practice, the Government has not been able to achieve this age of entry at many of the schools. Now, the main objections of the Asian community to this have been recorded in the report of the Commissioners in paragraph 55. And the two main objections are—I quote:—“that it is essential, that each pupil should master the work of one standard before proceeding to the next” and (ii) that “regular annual promotion must remove all incentive to success from teacher, pupil and parent and must lead to a serious fall in the standard of effort”. Now, these, Sir, are the objections of which the Government is aware and we still maintain these objections in spite of what has been said about it. But I am glad, Sir, that the Government has recognized the importance of these implications—and in paragraph 11 has

recognized the importance of this provision of the Advisory Council. I do not want to quote, Sir, at length because it is very clear in the Government's White Paper.

And now, Sir, I would refer to paragraph 12 of the report which deals with the content and organization of secondary education. The community, Sir, is opposed very strongly to a two-year modern course; for not only is it insufficient for the development of the pupil but the way it has been implemented with no proper provision of teaching standards or text books is too great a hindrance to be of any practical value. Anything short of four years of this course is utterly useless and of no practical value. The position at the moment is that the two-year course is forced on the community with its many shortcomings, as I have enumerated just now. While we welcome the intention of the Government to institute a three-year and a four-year course in gradual stages, I cannot, Sir, quite understand how soon this can come about, unless the age of admission is lowered fairly soon in the primary schools. I do not see any opportunity of this happening and so it is my considered opinion that a four-year course should be instituted right now for all those pupils who are in the second year of the modern course this year. It is only then that they will derive some benefit from the provision of this modern course.

Another factor of great importance, Sir, is that the equipment that is provided in these schools is of a very poor quality and totally inadequate to meet the needs of the students. Even in Great Britain, Sir, there is considerable controversy over the usefulness of this course although in that country there are no such shortcomings and handicaps as I have suggested before.

Now, Sir, during my recent visit to Northern Ireland I visited a girls' secondary modern school where the equipment was absolutely first-class with complete facilities of assembly hall, gymnasium and a modern flat where girls learn housekeeping in all its aspects from attending to the kitchen to bedrooms and sitting-room and all the many problems that go with the looking after of such a flat. It is only then the children

[Mr. Pandya]

can get benefit from the provision of such equipment; but here, Sir, in this country, without even the elementary facilities, such a course would be of no benefit to these pupils at all.

And now, Sir, may I refer to paragraphs 16 and 18 of the Sessional Paper and first may I say that the aim of the Asian community is that every child should get a second opportunity to qualify for entry into secondary standard. And from this point of view, Sir, I welcome the recommendation B.10 of the Woodhead/Harper report, but do very strongly object, Sir, to the Government recommendation in paragraph 18 which only in effect suggests a diagnostic year for border-line cases. A set standard of percentage pass marks for the Kenya Asian Special Preliminary Examination is set at a fairly high level these days, for example, if it is set at 57 per cent then according to the Government recommendation only those at 56 per cent could be allowed to take a diagnostic year; but all below 55 per cent would be forced to take a modern course. My submission, Sir, is to set a percentage of 40 per cent below which student should be put into a modern stream; but those between 40 per cent and 55 per cent should be allowed to take a diagnostic year. I hope, Sir, that Government will consider this suggestion favourably.

I agree, Sir, with the general conclusions in paragraph 20 as particularly mentioned at the end with regard to granting certificates to the modern school children and will say nothing further on that particular matter.

And now, Sir, I wish to refer to paragraph 22 of the Sessional Paper which I believe is the most important part of the whole Paper. For the Asian community has always emphasized the lack of adequate accommodation for pupils and this is more than borne out by this report; firstly, the Woodhead/Harper report and in addition by the Government's admission in this White Paper. I think, Sir, in this particular regard, the hon. Member for Central Area, has done a great service to the community when he asked a question in the Legislative Council to which he was sent a written reply on 21st April. This has really exposed the Government's negligence in this particular respect. No

sound reason, Sir, has been given as to why money allocated for Asian education development programmes was not spent to the full. Indeed savings were made in expenditure, particularly between 1946/53 where a lesser amount was spent on the development programme than was saved by the Government. And it is surprising to know that this amount was not carried forward to the next Development Programme of 1954/57.

Now, this amount was lost by the community—and the same story, Sir, I see is carried on throughout the 1954/57 Development Programme when again money allocated, for this was not spent in its entirety, although the redeeming feature of it was that the unspent money was carried forward to the next Development Programme of 1957/60.

Now, the expenditure, Sir, of £250,000 in 1959/60 will not equal by any means the money that should have been spent earlier and I think, in creating this sort of situation the Government must bear the responsibility completely on its shoulders. Mofobasa's immediate requirements, Sir, will not be met by the building of two primary schools, for at least three primary schools are required now to implement the Government's intention of the entry age of five and half. And since there is no provision for building a hostel in Mombasa, I suggest, Sir, that we should be provided with a third primary school in the present Development Estimates; for otherwise I cannot see how the backlog that has been created by the negligence of the Government could be overcome and we will be going as years go by into more difficult times and into greater difficulties with regard to accommodation. And another contention, Sir, of the community which I have mentioned strongly from time to time is proved that the reason for secondary standards is inevitably linked with accommodation. For lately, results in the Kenya Asian Preliminary Examination have shown too plainly that they are tailored to available places than to any consideration of educational standards. Recently it is the tendency of the Department, Sir, to keep vacant places in secondary schools to disprove these allegations; but I insist, Sir, that full use must be made of all the accommodation that is available at the secondary schools and to promote better pupils from those who

[Mr. Pandya] have been unfortunately relegated to modern streams. I do not think the teachers should adopt the attitude that they are only worried about the results of their classes. They should also take into consideration the future of the pupils to whom they owe a considerable duty.

Now, Sir, I would like to say a word on the moderation of marks. The Asian community has always insisted that the moderation of marks in the Kenya Asian Preliminary Examination should be abolished as it has always been linked with accommodation and that there is no educational assessment that requires any consideration at all. Now, Sir, the Commission—the Woodhead/Harper Commission—agrees that moderation of marks may be useful but it should not be linked with accommodation and I would say, Sir, that the community is very glad of the assurances that have been given in paragraph 25 of the Sessional Paper which does not mince matters but categorically says that the Government has no intention of linking the moderation of marks to the problem of accommodation. I hope, Sir, that the Government will stick to the spirit of the principle that has been enunciated and that has been underlined and accepted and not resort to this horrible practice that they have resorted to in the past.

Now, Sir, I refer to paragraph 28 of the report and I would be glad to know if the Government could explain particularly the last paragraph which says that it is hoped that in time as these provincial committees develop it may also be possible to use them as a method of selecting provincial nominees for membership of the central advisory council. Well, Sir, the provincial selection committees would of necessity understand, have a majority of the professional staff of the secondary schools and that there would be very few representatives of the Asian community and I cannot see how these committees could serve as a basis of selection for the membership of the Central Advisory Council.

Now, Sir, I refer to paragraphs 30 and 31 of the White Paper which suggested movement to common examinations. The movement in my opinion, Sir, is very gradual but I am glad a start has been made and hope that in the shortest time

possible it will be possible to reach the objectives and the targets that have been set by the Asian community which have been broadly accepted by the Government.

Now, Sir, it has been an admitted fact that the English language has been considered the major reason for failures in Asian schools and that it is strongly recommended by the Commission that improvement in staff and teaching is required. I am very glad, Sir, that the Government accepts this view but merely having qualified teachers is not enough. For they must be well and evenly distributed in secondary schools. I can, Sir, give examples—this matter has been brought to my notice—where although efficient teachers in English are attached to the secondary schools it is because of their taking up of temporary appointments either in the same school or in another school that the teaching of English has suffered so much that quite often the classes have remained unattended and that indeed no teaching in English has taken place in these classes.

Now, Sir, I can prove this—of what has happened in practice from a centre that I know—and I hope the Government will not challenge me on this because I would be able to produce written evidence of this matter. I hope, Sir, that this situation will be remedied at the earliest opportunity for it is a very serious matter. It is things like this that upset and retard the general progress of education in this country.

Now, Sir, I have tried and, I think, within a fairly reasonable time to place before the Government and this House some of the considered opinions of the community and I do hope, Sir, that with the co-operation of the Government in the achievement of our common objectives we may attain the best standards of education in this Colony and we will be able to progress in our joint endeavours.

Before I sit down, Sir, I would like to refer to one matter raised by my hon. friend the Member for the West Electoral Area with regard to the appointment of an assistant to the Assistant Director. I am surprised, Sir, that the Government did not think it fit to reject the recommendation of the

[Mr. Pandya] Commissioners and, indeed, make the appointment of an Asian as an Assistant Director. For I feel, Sir, that there are Asians in the service of education in this country who, instead of requiring training, could give a lot of training to the others who aspire to serve the Education Department. I do hope, Sir, the Government will take the earliest possible opportunity to appoint a suitable Asian; and it is no use saying that they cannot find one. Surely, the Department has got some able people to take on this important job, I do not mean by this Sir, any disrespect or any criticisms of the present holder of this post who is discharging his duties very ably; but it is time, Sir, that the demand of the Asian community must be met and that I hope we will soon hear of the appointment of an Asian not as an assistant to the Assistant Director, but as an Assistant Director of Education.

With those words, Mr. Deputy Speaker, Sir, I would like to support those recommendations which are deserving of support on which I have spoken and have reservations on those which I have criticized on behalf of my community.

DR. ISMAIL: Mr. Deputy Speaker, Sir, I also join some of my colleagues in paying a tribute—a very sincere tribute—to the manner in which Messrs. Woodhead and Harper conducted their enquiry on this educational problem and presented their report. I am particularly happy about this because it gave the Asian community a very good opportunity to bring into relief some of the troublesome problems that were confronting the Asian community for a very long time.

It is quite well known, Sir, that there is no subject about which the Asian community is more perturbed than the education of their children and also there is no subject about which the Asian community has more grounds for complaint. Time and again the Asian community has made complaints about the manner in which the education of their children was conducted but always the reply to the Asian community from Government was that they could not do any better because of the limitations of finance

Now, Sir, this is a very valid answer theoretically, but when the Asian community looks round and sees their schools are so overcrowded, ill-staffed and ill-equipped in comparison to the palatial buildings with extensive playgrounds and fully equipped laboratories in the European schools and then he also sees the amount of money and energy he puts by way of the private schools and grant-aided schools, Sir, when he sees these things can you blame him for harbouring against a permanent grievance against Government and thinking that he is receiving step-motherly treatment from Government as far as education is concerned. Sir, there is no wonder that, under the circumstances, the Asians are in a permanent mood of despondency and frustration. Sir, when Government tries to explain these problems away on other grounds besides finance, the Asians are simply not convinced, and it is a sorry spectacle in Kenya to see that arguments go round and round developing into constant bickering between the Asian community on one side and the Government on the other. Sir, it is true, and this we must recognize, that the time has come when the Asian community is in need of reorientation of some of its old ideas on education, such as regular annual promotions, superannuation, modern courses in secondary education, moderation or standardization of marks and so on. But, Sir, as I said, the Government's arguments about these things are so unconvincing that the Asian community considers these as merely devices to keep the standard of Asian education permanently down, and the Government's efforts are simply fruitless.

Last year hon. Members must have seen a couple of admirable articles by the then Minister for Education, Mr. Coutts, in the *East African Standard*, when the Asian community was absolutely in a frustrated mood as the result of the K.A.P.E. results. But was the community convinced on the strength of those articles? Not a bit. Sir, I know the community is wrong in having some outdated ideas on education, but it is the Government's duty to win them over to these new ideas. After all, most of the parents had their education at a time when such things as superannuation, moderation, and so on did not exist, and even now hon. Members on both

[Dr. Insnill]

sides raised these same matters. How can you blame the ordinary man in the street if he does not understand these new-fangled ideas on education?

Sir, my point is about the lack of public relationship between the Government and the Asian population. In this connexion Messrs. Harper and Woodhead said this, and I quote: "Over the wider range of Government action, too, there are signs that opportunities may have been missed both to consult and explain. It is hard to think that the accusations concerning the admissions of Asians to secondary schools, the hostilities shown to the modern courses and the dislike of what we call the automatic promotions in primary schools would have reached their present intensity if public relations had been managed with greater forethought and tact."

[Mr. Deputy Speaker (Mr. Bechgaard) left the Chair]

[Mr. Speaker (Sir Ferdinand Cavendish-Bentley) resumed the Chair]

Mr. Speaker, Sir, the commissioners are quite emphatic on this matter, and I am glad that the Sessional Paper has not ignored this aspect when it says in article nine, in which it is acknowledging the necessity of the public relationship, and says that greater attention will be paid to it in future. Sir, it is a feeling amongst the Asian community that the Government's attitude as far as that community is concerned on education is "take it or leave it". Mr. Speaker, Sir, this must change now, and it is the establishment of these commissions and these reports which bring out all the difficulties and should be quite helpful. The only other report that I can think of, of a similar type was Mr. Kazimil's report in 1946, and his remarks in this connexion are still relevant when he said: "Not sufficient thought has been given to this aspect, and there seems to be a lack of contact between Government and the public." The only contact between the Government and the public is through the advisory councils.

Now, Sir, there is an impression that the advisory councils and Government are always at variance with each other on important aspects of education,

Asian education, and one wonders whether these advisory councils serve any useful purpose at all. There is also a lack of contact between the advisory council and the public, and there seems to be some doubt on the manner in which members of these advisory councils are appointed. Sir, we would like to see more parents, more educationists, more young educated people on these advisory councils rather than politicians, who could advise not only the Government, but who could advise the Asian population also on important aspects of education. Sir, in this connexion I am glad to see that the Government is thinking of instituting provincial advisory councils, and I hope that through the medium of these councils there will be a better liaison between Government and the public. In this connexion also, I would like to emphasize the great need of encouraging the formation of parents' associations, and to create contact between the parents associations and the advisory councils. Sir, as I said, the establishment of a better public relationship is of vital necessity, otherwise this constant bickering will go on and the Asians will go on making complaints, and the Government will go on making arguments, and there will be no end to these interminable complaints and arguments.

Sir, with these few words, I beg to support.

MR. NGALA: Mr. Speaker, Sir, I join my hon. friends that have congratulated the party who worked on the Asian and European education. I think, judging from the Sessional Paper, I think they had a real insight into the situation and that they made recommendations that seem to be acceptable to the communists concerned. I hope that Government will implement these recommendations as are put in the Sessional Paper.

Sir, I am in sympathy with the other hon. Members that have demanded an adjournment on this Sessional Paper. Although I welcome this Sessional Paper I find it impossible to accept it as it is unless the Minister for Education can give me an undertaking that he will bring up the educational standards of the Africans to the same level as is shown in this Sessional Paper. I feel, Sir, that this Sessional Paper creates a gap which is too big between

[Mr. Ngala]

the European education and the Asian education, as against the African education. Here, I am not suggesting that the Asian child should not enjoy as much education as the resources in the country can fairly provide. I am not at all hindering any child of the European community or Asian community, but my contention is, Sir, and this is very serious, "we have been complaining all the time that educational expenditure per capita is very unfair, as between the non-Africans and the Africans. Now, if this undertaking is not given by the Minister I would regard this Paper as very discriminatory and unfair paper, because it tends to pursue the racial nature of our educational system in this country to a further extent."

The position, Sir, as far as our education system is concerned, with Europeans we have to maintain the standard—the standard is sufficiently high and our problem is to maintain the standard. With the Asians the problem is to raise the standard. I acknowledge that this Paper is setting out to raise the standard, which is a good thing, but on the other hand, the problem with the African education is that of creating a standard. We have not even created any standard for the African system of education. I feel very strongly, Sir, that it is most unfair that the standards should be made so high and create such a big gap between the non-Africans and the Africans.

If this is pursued, and this Paper is implemented before the African education is brought up to the same level, I think we shall be right, Sir, in declaring a vote of no confidence in the Minister and the Director. Sir, the new position, as presented by the Sessional Paper, is very fitting as far as the European and Asian standards are concerned. The idea of increasing the secondary boarding schools, for example, as per the report on page five is quite a good idea, and I must say that it is the right education and also the idea of more and better accommodation as provided in page six for Asian teachers is as already mentioned by my hon. friend, Mr. Pandya, is an accepted idea, but although these two ideas intend to improve the standard of the Asians and Europeans my biggest quarrel here is

why should the Minister for Education and the Department of Education try to obtain these high standards in the present weak financial atmosphere. According to what they have been telling us all the time, they could not give us, as Africans, education of good quality because of the serious shortage of funds. Now at this stage if this is implemented, Sir, before the African education can see our grounds, and very justifiable grounds, for complaint to the Minister.

There is also provided on page nine, Sir, the question of administration and inspection of schools. Now I strongly feel, Sir, that most of the European and Asian schools are in urban areas, and here I think this paper would have been more comprehensive if the Minister delayed it a little bit, particularly in view of the big request from the public for common schools. Probably they would be in a position to consider combining the system into one common system. I would point out, Sir, that this Sessional Paper is already outdated. It is already out of date, particularly in view of the political situation that has developed from September last year up to date. The tendency of the public now is to ask for common schools, inter-racial schools. Now on this page, Sir, there is an idea of common syllabuses, which is a very excellent idea for all our schools, but the paper emphasizes common syllabuses for Asians and Europeans here. Now I think that it is a very bad omission that the Minister should consider that very vital and important subject as far as common education is concerned and leave out the Arab and African education in the paper. There is also the idea of common preliminary courses. Now the public is waiting for common secondary schools. We have heard that some of the technical schools should be open to all races. There is it not appropriate that the common preliminary examination should be considered in the light of all the races instead of only taking two races. I feel, Sir, that the Government has not chosen the right time for this Paper in view of the situation that has arisen between the different races since September last, and besides that, I think it is most unfair that one community should consider reducing either the size

[Mr. Ngala] of classes probably down to 25 children per class when another community is having up to 40 and even above 40. Educationally this is quite undesirable, and it is more undesirable when you compare the African education and the Arab education system as against the other races.

Now the secondary school selection committee have been proposed. I think in view of our tendency to having common universities or common university colleges this is another aspect where the Minister should have considered putting together a committee that would select the students that would be going either to the Royal Technical College or Makerere College or overseas on a similar basis regardless of whether they were coming from a European community, an African community or an Asian community.

These four points, Sir, go to show very clearly that this Paper should have been put off for a time so as to enable the Department to assess the public opinion and put forward a general policy.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): The question of adjourning this debate was resolved by a division in the House this afternoon and therefore that subject is now closed. Also, I must point out that we are discussing the recommendations in the Sessional Paper—the recommendations of the report on Asian and European Education, the report is before you as are the terms of reference. I have given considerable latitude in voicing alleged grievances and questions outside the scope of this discussion, but I must point out that we had debates on matters which lasted several days in the course of the last two or three weeks, and would ask you—I have given you as much latitude as I can—to try and deal with the matter which is now before the House, which is a White Paper on Asian and European education.

MR. NGALA: Thank you, Mr. Speaker, for the latitude which you have given me so far, and I intend now to keep myself to the subject.

One speaker, Sir, has mentioned that Kenya is very poor and does not have the wealth to draw on, and here I would

like to draw the attention of the Minister as to whether there is wisdom in implementing the Sessional Paper when other social services regarding education are seriously not up to date, although I do not quarrel with the idea as an educational move, but, Sir, I think, there is a strong case for considering this extra expenditure very seriously.

One thing that I would like to point out to the Minister is in connexion with the primary education. Now, I am very happy to see that some improvement is going to be effected in the European and Asian at the primary level. I hope that the Minister will also consider very seriously as far as the plan can be extended.

Now, Sir, my final point is on the question of teachers and terms of service for teachers. Now, I think, it is common among Europeans and Asians that teachers are not really paid according to the service and to their qualification. Probably it is because the Ministry is not taking great pains in providing suitable and common services for all the teachers. I hope the Minister will consider seriously the necessity of providing common and equal terms of service as between the European and Asian teachers with the same qualifications and doing the same type of work. I do not see why there should be any difference in this matter. I have already pointed out the African position as far as this is concerned.

With these few words, Sir, I would like to support this paper on condition that the undertaking is given clearly before it is implemented.

MR. NURMOHAMED: Mr. Speaker, Sir, first of all I should join hands with my colleagues in paying tribute to the commission of enquiry of Messrs. Harper and Woodhead who clearly have gone to the heart of the Asian education in the report on it, which is more comprehensive than any report on the education of the Asian community. I also, Sir, pay a tribute to our new Minister for Education who, I believe, is a young man and energetic, and having come from the Colonial Office is unbiased, and I am sure, Sir, that he will prove himself that he has got no prejudice against any race and he will be as fair and reasonable as he has always been with the education of all communities.

[Mr. Nurmohamed]

Sir, I am not an educationalist. My education is only to Standard V, which I completed in 1914 when the Director of Education was then Mr. J. G. Orr, and he himself took my education and I came first, but after then I had no more education. Of course all my sons have passed the senior examination but I personally am happy to be a half educated member of the community.

From the Sessional Paper it appears that out of the report of the commission about 40 recommendations have been accepted and endorsed by the members of the Asian Advisory Council, and that proves that Government has accepted most of the recommendations as they are embodied in the Sessional Paper which is under debate this afternoon. I think that proves that Government is appreciative of the shortfalls and difficulties of the Asian education and all along, particularly through the last few years, are always not attended to by the Education Department. They should be attended to now, as far as education is concerned.

I think, Sir, I would not like to repeat what has been said by other Members, but I would like to touch on the point of grant-aided schools. I am sure we all appreciate that out of 45,000 children in Asian schools 20,000 children are learning in grant-aided schools, and that alone proves that the Asian contribution to the education of the children, is not, as one would say, insignificant. Sir, what I want to suggest, Sir, is that the Asian community have got, according to the 1950 educational report, 86 schools running under Government aid as against 43 Government schools run by the Government itself. I think, Sir, some consideration should be given to these grant-in-aid schools in so far as the teachers are concerned who are less privileged teachers than the Government school teachers who are under civil service conditions. I suggest, Sir, that the terms and conditions of the teachers in grant-in-aid schools should be brought into line with the teachers in the Government schools so that they can be satisfied, and it would be an incentive to them to pay more attention to the education of the children. At the same time, Sir, I would suggest that as Government gives only 80 per cent of the grant for the recurrent expenditure in the schools, 20 per cent

approximately is borne by the fees, but yet the upkeep, overheads and maintenance of the school buildings fall on the communities who manage these grant-in-aid schools. I think Government should be kind enough to help them as far as possible in that direction.

The other thing, Sir, which I want to bring to the notice of the Government, is that I support my hon. friend the Nominated Member, Dr. Adajia, that Government should provide, in the 1960/63 Development Plan, some provision for hostels in Mombasa for those children who are in outlying districts like Malindi, Lamu, Kilifi, Kwale, etc., and who cannot get secondary education in their district; they should come to Mombasa and have secondary education and they could stay in those hostels. I know there is no provision in the 1957/60 Development Plan, but Government should do something for it in the next Development Plan.

On the question of the relation between the Ministry and the Education Department, Sir, what I think is that once this Sessional Paper is implemented and put into practice it should also be advisable for the Government to have in the Ministry of Education, Labour and Lands a permanent secretary for education alone, who would look after the central Education Department in Nairobi, and in time to come, Sir, I would suggest that the Education Department in Nairobi should be decentralized on a provincial basis so that there would be eastern, western and central educational authorities who would look after their own educational needs under the guidance of the Ministry of Education in the centre.

Sir, with these few words, I beg to support.

SHARIF SHATRY: Mr. Speaker, Sir, I, as my hon. friend, the Member for Coast Rural said, I really do not know whether to support the consideration of the report or to oppose it. By saying so, it is quite clear, Sir, that the report never touched on the problem of Arab education and it was in the terms of reference of the Commission that they should study and investigate Arab education. They did, Sir, visit the Arab schools. They did receive memoranda from the Arab Parents' Association, and

[Shariff Shary] members of the Arab Parents' Association did also give evidence to that effect. But unfortunately, when going through the report, I do not see any one of the paragraphs mentioning about Arab education. Therefore, Sir, I would like also to have an assurance from the Minister on whether he will implement the Arab and also the African education, and before being given this assurance I will not be able, Sir, to say whether I support this report or not.

It is really, Sir, a very serious problem which is facing my community. The Arab community is scattered throughout the coast towns—in Malindi, in Lamu and in all the Bajuni District. We have only very few primary schools. We have a primary school in Malindi and in Lamu, but we have no primary schools in either Bajuni townships. There are several districts also on the southern side of Wasini, Shinoini and Vanga and there is not one primary school there.

At the Arab primary school, Sir, we have several unqualified teachers teaching our children, and we find that these teachers have not even got school certificate. We did, Sir, ask the Government a few years back that compulsory education should be introduced also for the Arab community, but I think this point has fallen on deaf ears. I therefore strongly urge the Government to give very serious consideration to the implementation of the Arab and African into this report before I give my blessing to it.

With these few words, Sir, I reserve my recommendation.

MR. MUMBI: Mr. Speaker, Sir, I have just one point I would like to speak on on this Sessional Paper. I would like to support the views expressed by the Asian community who are affected by this Sessional Paper in so far as it suits their conditions, but, Sir, I would like to speak with certain reservations in so far as certain aspects of the Sessional Paper are concerned.

Mr. Speaker, until the introduction of the Lidbury recommendations, there existed in this country in the departments of the Government a classification of services applicable to certain communities. There was the European

and the Asian terms of service and the Arab and the African terms of service.

Now, Sir, when we come to an important subject that concerns the whole people in this country—education—we find that this same Government introduces a system whereby you have two communities having one different kind of education in the name of European and Asian education; and that you have probably—we do not know what is coming next—an Arab and an African education. I think in our educational problem in this country, it is our hope that our Government will try to avoid any tendency to introduce systems which would discriminate against any community in this country. Therefore, Sir, I feel, before I can say whether or not I support the recommendations, that the Minister and the Kenya Government should give us the assurance that at least in the course of implementing the recommendations as accepted by the communities concerned, a similar commission would be appointed to go into the whole question of the African—and for that matter the Arab—education. While saying this, I do not want to allege that African and Arab education has entirely been neglected. I would like to say, Sir, that looking at the great masses of African children—and for that matter, Arab children—in need of education, you will find that the education of the two communities has lagged behind the education of the other two we are now discussing.

Sir, I remember only a few days ago, the Minister for Local Government said in this House that the duty of civilized man is to help the unfortunate, and I believe, Sir, the Africans and the Arabs have been very unfortunate in that their education has lagged behind the education of the other communities, and therefore I think the first consideration in this regard should have been given to the Africans and to the Arabs.

Sir, I would like to conclude by saying this, that whereas I agree with the recommendations contained in the Sessional Paper, page 3, in regard to the changes in the primary education, the Commission found it necessary in order to accelerate the development of primary education for the Asians especially, to raise the question that introducing the teaching of English at

[Mr. Mumbi] the very lowest standard should be effected at this particular time. On the other hand, we have been told that the question of introducing English as a medium in the African schools would not be effected until a much higher standard in the primary education. Mr. Speaker, I would only like to urge the Minister concerned that we have as much need for the teaching of English in our primary schools as any other community, and as has been remarked by a Member on this side of me, it is, I think, the desire of my ruling government to try and encourage the people to learn the language of the ruler. Therefore, if we are to teach our children the ways and modes of life and the laws of the English, I think the best we can do and the best way we can do this is to give our children a good foundation of the English language right from the bottom, and I am sure that in framing the next African education programme for the next educational period, the Minister will take into consideration this very fact.

Mr. Speaker, like my hon. friends, I do not know whether to support the whole recommendations, but I would like to support those which are supported by the communities concerned, and to reserve my opinion on those which I do not consider suit my community.

MR. MOHINDRA: Mr. Speaker, Sir, to be absolutely honest with the House, I have been caught napping. I really thought, Sir, that I would start speaking tomorrow morning, but it appears that the debate on this particular Motion is fizzling out and I have therefore to stand on my feet and to take my chance today. I am at the moment, Sir, suffering from two disabilities; one, I have just woken up, and two, I have got a splitting headache after listening to today's marathon of a speech.

However, Sir, I am not claiming expert knowledge of education, as my learned friend does. Like him I became a teacher in this country 30 years ago, but I became a teacher, Sir, by accident and not by design. In those days teachers were few and far between and any bum who could not get a job anywhere else was considered good enough for the teaching profession. As a result of that

particular accident, Sir, I became a teacher in 1929.

The views that I am going to expound to the House this evening, Sir, are not perhaps the views of an expert, and I shall only be speaking as a layman, on what I consider is the right type of education to give to our pupils. In the report, Sir, it has been said that the Asian community perhaps has a lot of orthodox ideas on education. It has been denied very vehemently by my learned friend, but from what little I know of education, I think that the charge is very well founded. In education, the home has got a very large part to play. The influence of the home goes a very long way indeed in educating a child. After all, a child only spends a fraction of his time in school and the balance of the time is spent in his home. The parents, in most cases, are those who have been taught by the orthodox method of teaching, which in my young days—I remember when I was being taught geography—I had to cram up the names of the ports that I would come across if I were sailing from Calcutta to Bombay; whether those ports were big enough to take a ship or not was of no consequence whatsoever. Then times changed and we came to the visual methods of teaching, whereby if you wanted to teach a child about coffee you showed him films and pictures of what coffee was and where it was produced. In my days I had only to cram up the names of countries where coffee was grown, without knowing what coffee really was.

Now in most cases in the homes of today, the parents are exercising a negative influence so far as education is concerned. The other day I saw my child doing his sum in arithmetic, which he was doing by a method which I had never known before. I do not know what it is called technically. In the olden days this sum of arithmetic could be done in the conventional orthodox method of multiplication, but now a revolutionary method has been introduced, and when I saw my child doing that I said, "Well, what are you doing?" He said: "I am multiplying this." "How can you do it this way?" He said: "This is how I have been taught." I said: "Let me look at your answer", and I was habbergested to see, Sir, that the answer

[Mr. Mohindra] was correct. Sir, if I had stuck to my orthodox and outmoded method by which I had been taught in the old days, I would have said to my child: "No, you must discard that method and you must go back to the method which was taught to your grandfather, to your father and to all your elders before you."

Well, so much for the outmoded and the orthodox attitude taken by the community. My friend, Sir, if I understood him correctly, was all against the importance which, as a matter of policy, the Government of Kenya is going to give, to English. If I understood him correctly, Sir, he was absolutely dead against the teaching of English from the very beginning or the adoption of English as a medium of instruction.

MR. TRAVADI: Question.

MR. MOHINDRA: Well, I said, Sir, "If I understood him correctly," I will read the HANSARD tomorrow and I have, of course, said whatever I said with this reservation—if I understand him correctly. If I have not understood him properly, I apologize.

Well, Sir, in this country, if you look at our results of the School Certificate examination, you will find that without exception the stumbling block is always English. I would agree that when we give that much importance to English, we should not relegate the mother tongue of the child to an insignificant position. The child should know his mother tongue. The hon. Member quoted a letter which he had received from some people in Mombasa; the letter said: "Our children in this country do not know vernacular; they do not speak it correctly and they do not write it correctly." Well, Sir, that happens in any country, in every country of the world, that happens. English, which is the mother tongue of English men and women, is not spoken or written correctly, even in England, after 80 years' of compulsory education. I have got a few extracts from letters written to the National Health Service or some national service in England, by women who wanted to take advantage of milk at reduced prices. I have not got all those extracts with me, but I remember one particular one—a woman writing to the food office asking for milk at reduced

prices, and this is what she says: "I would like to have milk at reduced prices, because I am 'stagnant'."

Well, Sir, if this is happening all over the world, is it any surprise that our boys and girls cannot speak or write our mother tongue correctly? In this country, the more emphasis we can give to the teaching of English or to the use of English as a medium of instruction, not only in Asian but in Asian, Arab and African schools, the sooner it will be possible for the different races making up the community in this country to come together and then will be the time when we can move towards integration.

Well, Sir, we have heard a lot about the past—the mistakes of the Government—whether made deliberately or accidentally, so far as education is concerned. I would submit to all reasonable persons in this House, Sir: let us forget the past and look to the future with hope. We have now a new Minister for Education and a new Director of Education, and I am sure they are aware of the problems facing the communities in this country and I am sure that we shall get justice from them. Let us, therefore, bury the hatchet and put up constructive suggestions to these two individuals whereby the education of our children in this country can be bettered.

To a lot of people, Sir, education really means the three R's—reading, writing and arithmetic. Now, is that real education, Sir, I ask? I would submit that that is not real education. We are prone to consider the three R's to be an end in themselves, but, Sir, I submit that the three R's are a means to an end—the greater end of turning out responsible citizens of Kenya; and not only are responsible citizens of Kenya but responsible citizens of the world, who know how to respect the rights of others, who know how to behave properly and so on and so forth. Once we have got that as the ideal before us, I think a lot of troubles of this country will be solved.

The task of education, Sir, in this country, I think should be to fit the various races—Asians, Europeans and Africans—into the changing pattern of life in Kenya. Life in Kenya so far as the races are concerned is not what it was 10, 15 or 30 years ago. The life pattern is changing, and if the Depart-

[Mr. Mohindra] ment of Education can do its best to bring up boys and girls who can fit into this changing pattern, I think they would have done a very admirable job. How they achieve it is of no concern to me—whether by bringing English in as a medium of instruction or by bringing in Swahili as a medium of instruction—I do not care.

Now, in the report, Sir, we have certain recommendations about moderation, and we have in the Sessional Paper an assurance that moderation will not be exercised in an arbitrary manner. I submit, Sir, that standard curves and standard percentages are perhaps right, but I would not like them to be absolutely fixed things from which there can be no departure. It was only last night reading about a negro educator in the United States of America who was given charge of a school, and the boys and girls in this particular school were drawn from the east side—that is the slum area of New York. When he took over charge he found those boys and girls very backward indeed; he went ahead—forged ahead—he got his staff together; he was determined to bring these boys and girls up to a good standard; within three or four years he was able to raise their standard about 100 per cent. Whereas before he took over, the standard of passes—not only the written examination but passes according to various other modern tests—was 7 per cent, he got it up to 14 per cent. He has not given up even now; he probably will do much better.

Well, he is perhaps an exceptional teacher. We in Kenya may also come up against such exceptional teachers, and if they can really bring the pupils up to a much higher standard, there is no justification whatsoever for having standard curves or fixed percentages, and I submit that every case in such things should be considered on its own merits.

Now, about annual promotions, I do not think we can get away from this: where we have highly subsidized education, but it is possible that rules like this can be put into practice in the letter rather than in the spirit of the law. You can get pupils who for some reason have been away from school for six months, nine months or 12 months, because a

child has been sick. To put that child up into another standard at the end of the year, I think is not going to do him any good and it is only going to bring about bad blood. Here again each particular case must be considered on its own merits.

I think the greatest weakness of these regular promotions at the end of every year is, the fact, that on the report that the teacher sends to the parent is written "Promoted to standard so and so." I think that should be discontinued. Instead of that, the report should tell the parent exactly what the boy's attainment has been. The teacher or the principal should take the trouble of putting down remarks "Your boy has been doing very badly, in particular in all these subjects. If he goes on doing like this there will be no hope of his ever passing the K.P.E." Once you put down "Promoted to Standard III", the ignorant person—a person like me—is very pleased that his son has passed, whereas in actual fact he is perhaps at the bottom of the class or the bottom of all the pupils in the country. That is a practice which we must get away from, and the forms which were probably being used 30 years ago should now be brought up to date, and the parent informed at the end of the year of the attainment of his particular child in that particular year.

There is one point, Sir, which I think is very important so far as teaching in Asian schools is concerned. We have seen in the annual report and we have also heard on various occasions an acknowledgment of the amount of work done by the Asian community in running the grant-aided institutions. It is a matter of regret that the staff in such grant-aided institutions are considered to be of an inferior nature. I say they "are considered to be of an inferior nature" because they are not on the same scales so far as their emoluments and their privileges are concerned. Not only that, but if a member of the staff of a grant-aided school manages to get a position in a Government school, his service as a teacher in the grant-aided school is not counted for the purposes of assessing his emoluments, etc. I submit, Sir, in all humility, that it is high time that we brought all the staff—whether in Government schools or in grant-aided schools—on the same terms of service so that

[Mr. Mohindra]

there is no possibility of these people considering themselves in an inferior position, or only the inferior people finding places in grant-aided schools. The grant-aided schools are doing an admirable job of work, and therefore, if we could staff them with better quality staff, it would be better for the community in the long run.

I have heard it said, Sir, that a unified service for the teaching profession is being considered at the present moment, and that a committee has been appointed. I have also heard that certain recommendations which were turned down by the Asian community ten years ago have again been handed over to this particular committee. I have heard that by the creation of this unified service of the teaching profession in Kenya, the people who are already in Government service and enjoy better privileges than their counterparts in grant-aided schools, will be brought into a position of inferiority; that is to say, they will lose some of their emoluments. This particular recommendation or suggestion was outright rejected by the Asian community. We have to see that the people who have been serving the Government for a number of years, loyally and so on, do not suffer as a result of the creation of this unified service, but it should be the other way round. It should be the lot of these grant-in-aid people which should be bettered, and not that the lot of these permanent people is worsened.

At the present time, Sir, we are spending about 16 per cent or perhaps more of the country's revenue on education, and it is perhaps a paradox that in this very important job we have a Minister who not only has to look after education, but has also to look after land and labour. I submit, Sir, that the Ministry of Education should be isolated from the Ministry of Labour and Lands, and Education should be the Minister's responsibility in its entirety, and he should not have to bother with any other things like labour and lands. If we can afford to have a Minister only to look after housing, it is right and proper that we have a Minister to look after education alone, and nothing else.

Sir, I heard my hon. friend say that the doors of the Civil Service for the artisans, professions and so on are being

closed to the Asian community. I think, Sir, the sooner the Asian community realizes that we are today in a very competitive Kenya, the better it will be for everybody. There was a time when we had racial compartments in the services, when we had certain posts reserved for European, certain posts reserved for Asians and certain posts reserved for Africans. That, I think, resulted in a lot of pampering of the youth of the country. Now we are coming into competitive conditions. The African has to take his rightful place in the services of the country. The African has to take his rightful place in trading and if we—the leaders of the Asian community—now try to impress upon our young men that they are in a competitive Kenya, and it is only by means of competition that they will be able to survive here, the better it will be for everyone.

With these few words, I beg to support.

MAJOR DAY: Mr. Speaker, I listened with interest to the speech by the hon. Member for East Central Area. I think, although it was very long, it was interesting and extremely sincere. I was particularly struck by various points in the speech which I interpret, anyway, as being reasonable and fair, and I would like to emphasize that. To the best of my belief, he stressed the point that he considered it was natural and right that each community should be permitted and have the moral right to bring up its children in its own conditions and in their own language. He even went as far as to quote the fact that in Wales, as the House knows, the Welsh are very interested in the revival of the Gaelic Welsh. This, of course, is so in many countries in Europe.

Now I was a little surprised, Sir, to hear that certain Asian families had not been satisfied with the standard that their children had been taught in their own language; that is to say, their mother tongue, either Urdu, Gujarati or whatever it happened to be. I suggest, Sir, that religion, manners, language, behaviour and, in fact, the fundamental character-forming habits of children which will last their lifetime start, Sir, in the home. I believe that it would be a matter, or should primarily be a matter, for the parents, Sir, if their

[Major Day]

children do not know or do not know adequately their own language.

He also made a remark, Sir, which struck me as rather telling, namely he said he did not want any question of a guinea-pig experiment to be made. Well, that, Sir, I think is what we all feel. That may be the fundamental reason why most Europeans, when they hear this parrot cry for opening the European schools to all races, themselves, Sir, may be certainly do not wish to be made an experiment of a guinea-pig in an unproved experiment.

I think, Sir, that if there are grievances in so far as Asian education is concerned, the Government should, and I think must, consider them.

However, I would finally end by saying that it would be quite unwise to remedy grievances—which is one of the themes we are always getting in this House—that is to say, the constant reiteration for schools to be open to all races—I consider it would be unwise and immoral to subscribe to this demand, Sir, at the expense of creating still further grievances among the European community.

I beg to support.

MR. SAGOO: Mr. Speaker, Sir, "Where there is a will there is a way." There can be no doubt as to the will and the wisdom shown by the authors of the report, for which they have not only earned the gratitude of the Asians but also the European community. There should be no suspicion either about the intentions of the Government in the manner in which it has set about to implement those recommendations. If there are any recommendations which at this juncture cannot be implemented, it is not because the Government has not the understanding or the sympathy but it is because it has some financial limitations set upon it. Be that as it may, I must bring to the notice of the House one very important recommendation which is made in the report and which is the crux of the matter in the system of Asian education.

With your permission, Mr. Speaker, I would like to quote recommendation D4—Asian education has suffered a greater retardation than European, and

future relative expenditure might well take account of this. Unless increased total expenditure can be sanctioned, as a matter of urgency, embarrassing problems will face the Government."

Sir, there you have a note of grave warning and on a matter of grave urgency, and I am glad to say that the Government does recognize the need and has made it explicit in paragraph 22 of the Sessional Paper. I therefore would like to address my remarks not so much to the Minister for Education as to the Minister for Finance, if he would not see a way of increasing the Education Vote in the next four-year plan for all races, with an increased proportion for Asian education.

Sir, I can expect that as a policy matter of importance, I now come to other aspects of Asian education. I am indeed happy to note, and in fact I welcome, the diagnostic year that has been introduced in the first year of the secondary course, and in implementing that it is noted also that the Government in its recommendation in paragraph 28 of the Sessional Paper has set about to constitute secondary selection committees on a provincial basis. Sir, I would like to know from the Minister on what basis those selection committees are constituted. For, Sir, you have to have a perfect balance between the members of the Government, the members of the Education Department and the members of the public. I would like to have an assurance that it will be a perfectly balanced committee so that the criticism that has to be levelled in the selection of the candidates for the grammar and the modern streams will not be levelled either at the Department or the other members but will be jointly borne by both.

Now, Sir, this leads me to the question of secondary modern education in this country, but let me say that this concept of modern secondary education was the result of the Hadow Report in the 1930's in the United Kingdom. I can only remark that in respect of the modern system, Kenya is only 30 years behind. The Asian community has fears regarding modern education, and although it has been accepted and implemented, the Advisory Council has nevertheless recommended it, on a four

[Mr. Sagoo]

year basis, but the Department intends to initiate a course of only two years. The fears of the Asian community are based on the fact that at the age of 14 or 15 an Asian boy will come out of school at a very tender age and he might be subject to influences which could very easily have a bad effect on him. In the United Kingdom we have a slightly different problem. For instance, Sir, when a student comes at the age of 14 or 15, and I am only referring to those who go in for the modern courses and I am not referring to the grammar school, they have such opportunities as polytechnics, the evening continuation classes, apprenticeship and training schemes which are not yet made available in this country at the moment. In this connexion, Sir, I can quote the conclusion which is contained in paragraph 71 of the report. With your permission, Sir, I will quote: "The European community hesitates between the advocacy of the secondary modern course within the present secondary schools and the establishment of separate modern schools. As with the Asian community there is anxiety that the course should have a clear objective and be properly staffed and equipped. It is clear that for some of the pupils admitted to European secondary schools the present curriculum is inappropriate and that for quite a number it is possible to establish little more as the objective of the course than basic literacy and elementary arithmetic." That is the fear which is inherent in both the Asian and European communities. I would suggest, Sir, that since the recommendations of the Advisory Council on Asian education if a four-year course cannot be accepted, a three-year interim measure might be accepted. I would like to lay emphasis that not only the duration of the period but also the curriculum of that course should be so designed that it links up with the Technical Institute which is now coming up. It is very important, Sir, that your system of modern education should connect up with some other institutions so that the fears of the Indian community can be allayed, because we cannot visualize children at the age of 15 roaming about the streets, neither good for one thing nor the other.

In previous debates reference has been made to the common entrance examination, and although this may not be quite feasible at this stage there is a recommendation E6 in the report which I think could be satisfactorily implemented and I would like to quote it. "A common syllabus and examination are more likely to be feasible in arithmetic than in any other subject of the European and Asian Preliminary examinations." I would like to ask the Minister to see whether we could not have a common preliminary examination in arithmetic in 1960. I also feel that as English is becoming the medium of instruction from Standard I it would not be possible to have a common examination in English, say, in another five years. I would like to have the views of the Minister on this subject, because the Sessional Paper is silent.

Speaking of English as a common medium there is a tendency in our Asian schools that we literally translate the vernacular into English or the English into our vernacular, and we might well think of the story of the Asian who boasted he had the perfect mastery of English. His mother died and he wired to his brother, "I regret to announce that the hand that rocked the cradle has kicked the bucket." Sir, I therefore welcome this attempt of introducing English as the medium of instruction in Standard I and I wholeheartedly support it. Although we may not be able to judge the results yet, but I think in about five years' time, the period which I have suggested, it would be on that level which we would expect of the European in a European school.

My hon. colleague, Mr. Mohindra, has referred to a unified service for teachers. But I would like here to strengthen his hand and quote recommendation F.6 of the Report. "The conditions of service in aided schools should be gradually made similar to those which obtain in Government." The word used is "gradually"—that they do not recommend it straightaway, but if the step could be taken in that direction then I think it would go a long way to improving the stock of our aided schools, because experience has shown us that by virtue of the fact that Government schools offer better terms of pay than naturally the better type of teachers are

[Mr. Sagoo]

attracted to those schools. The aided schools are a poor lot, but nevertheless the Government does make a contribution of 80 per cent towards the current expenditure of those aided schools and I cannot see any reason why they have to accept inferior material at the cost of 80 per cent of the Government.

Mr. Speaker, Sir, the responsibility of the Minister of Education and the administration has been outlined in the entire paragraph D. I would like to support my hon. friend Mr. Mohindra when he suggested that for a closer knitting of the Ministry and the Education Department the Ministry should be isolated from the portfolio of Labour and Lands. When he said that the hon. Members, particularly the hon. African Members, cheered from the other side, May I suggest to them humbly that one of them should cross the Floor and probably he would be welcome to those two portfolios. On the other hand, Sir, if it is not possible for that to happen then I suggest that the portfolios of Labour and Lands be distributed respectively to the European and Asian Ministers without portfolios. Those energetic Ministers have complained that they have not enough to do, but I do know that the Asian Minister without Portfolio is already holding the portfolio of Commerce and Industry and as from tomorrow he will also be having the portfolio of Works; and this is the sort of calibre of Minister we have got already—he could take more. Nevertheless, it is strongly felt and it is recommended in the report that the Ministry should have a very close connexion, in fact that it should be welded with the Department, and I would like to see some sort of effort made towards that direction.

The grave wording of recommendation D.13 shows the extent of the responsibility that the Minister has to carry. With your permission, Sir, I would like to quote: "The Education Ordinance should include provision making it the duty of the Minister of Education to ensure that schools are adequate in number, character, and equipment in areas in which education is compulsory." Now, Sir, this can only be achieved, in the way which I suggested in the

beginning of my speech; I can assure the House, Sir, that within a short time since the Minister and Director of Education have been here the Advisory Council, as well as other committees, and in fact this House have been impressed with the sincerity of purpose and the will they have shown for the betterment of education for the Colony. If the Minister for Finance will provide the means I am sure that this report, which is pointing out the way, will lead us to the goal we all desire.

Mr. Speaker, Sir, I beg to support.

Mr. ODINGA: Mr. Speaker, Sir, I should like to take this opportunity to thank the Asian parents and the Asian community who last year took a unified action and urged the Education Department to take immediate steps to improve upon the Asian education. They have given us, the African, an example, and an ideal example, of how we can also deal with the Education Department if we want at all our primary education to be improved.

Mr. Speaker, Sir, (the title to this White Paper is misleading because it says, "Consideration of the Recommendations of the Report on Asian and European Education in Kenya"). While reading through the Report, Sir, I have found that every paragraph is only trying to bring up the Asian education to that of the European. I do not see where in any paragraph, the European education is exclusively dealt with, and as such I thought it should have just been said that it is the Asian recommendations, or the Report on Asian Education alone, and the report is trying to bring it up to that of European syllabus.

I can see, Mr. Speaker, when I went into the report itself, that there is a paragraph on page 8 which actually makes that very clear: "The Asian Advisory Council attached considerable importance to the early introduction of a common syllabus and examination system for both Asian and European schools. This proposal, whilst completely acceptable to the Government in principle, presents very acute immediate difficulties. In the case of English, for instance, this language, for European children is their own vernacular; in the case of most Asian pupils it is at present an unfamiliar language, and although

[Mr. Odunga] experiments are being made, and will be accelerated, in the introduction of English as the medium of instruction in Asian primary schools, it will nevertheless remain an acquired language." Well, Mr. Speaker, the reasons for the arguments advanced here are very funny indeed because even the Europeans who are in Kenya are not all English people and they are not having English as their mother language.

That, Mr. Speaker, brings me to put forward the suggestion of saying that why not then adopt the Swahili language which is the lingua franca of East Africa and the language which belongs to no one particular man, not even me. It does not belong to me, I am not advocating that you should adopt my own language which is also spoken by over 6,000,000 people in the Sudan and in East Africa. I am not advocating that because I will be at a disadvantage and the Asians and the Europeans also will be at a disadvantage, and that language could be used adequately in all schools if we all want to adopt the same approach and method.

Mr. Speaker, all the time, the more I listen to the speakers here the more I become convinced that the only solution which will stop all these heklings which we (do here will be through the common schools, if we can introduce them immediately. For example, today we are discussing a policy, the Government policy, on education, and we are discussing it with regard to a particular community, which should not actually happen. It should be the policy of the Government on education in general.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Order! I have already ruled that we are discussing the White Paper, hon. Members have had ample opportunity of raising these questions over the last two or three weeks at very great length, I might say. However, we are now confining discussion to this particular White Paper. I am afraid that I am going to be quite strict on that.

MR. ODUNGA: I would like, reluctantly, to accept your ruling, Mr. Speaker.

Now, I—

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Order! Mr. Odunga, you do

not accept my ruling reluctantly. You either accept or you leave this Chamber.

MR. ODUNGA: I accept it reluctantly.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Mr. Odunga I suspend you for the rest of this sitting. You will kindly leave the Chamber.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think I shall name that hon. Member for his behaviour at the door. I name Mr. Odunga.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, in accordance with Standing Order 73 (a), Sir, I beg to move that the hon. Member for Nyanza Central be suspended from the service of the Council.

*MR. JOHNSTON seconded.

Question proposed.

The question was put and carried.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): Hon. Members, I must please draw attention to this. I give a great deal of latitude to African Members because I know that very often they feel very genuinely that they have grievances to express. I therefore give the hon. Members perhaps more latitude than I should. But it is also my business to maintain the dignity of this House and if hon. Members generally speaking, do not behave as adults in Council they had better remain outside, because that is not the way to create a proper atmosphere either in this country or in this House.

MR. MILLER: Mr. Speaker, Sir, I am afraid I have not had the opportunity really to compose the remarks I would like to make in reply to the many valuable comments that have been made upon this report today, Sir, by Members on both sides of the House. I hope, therefore, they will excuse me if my few present remarks are rather disjointed.

The hon. Member for the Western Electoral Area spoke about the difficulty of regular annual promotions. Now, Sir, I appreciate that in the days when most of us were at school regular annual promotion, of course, did not exist. We had to work hard in most schools—we

[Mr. Miller]

had to work very hard—and if at the end of the term we were lucky enough to secure 75 per cent of the marks in the terminal examination we probably got promoted. If we did not—especially if we did very badly—we probably got beaten by the schoolmaster or in addition by our father when we got home. However, we have rather outgrown that system now and I do not think that many of the doubts which hon. Members have about this system are in fact justified. I would like to point out that the schools are in many cases very much bigger now than they used to be. That means that in any particular class, you have divisions in which the pupils are graded according to their ability and in a big school you will certainly have three streams in each class—you may have four, five, or even six streams. That means that the children can be graded and put into these various streams according to their ability so that all children are really learning in company with other pupils who are more or less of the same standard as themselves. There is not a great variety in any particular division between the children at the top of the class and the children at the bottom of the class. In that way, Sir, it becomes much easier for children to move from one standard into the next standard year by year without any detrimental effect upon their progress. In fact I state quite categorically that I have no doubt whatever and the Commission had no doubt whatever that without introducing some system like that this great difficulty with which we have been faced in this country of the high age of children reaching the end of the primary course could not be settled—could not be solved. I agree, Sir, that like all problems we have to be elastic in our treatment of this but I am sure that good teachers recognize the importance of this and are in fact elastic in their treatment of this particular problem.

Another point, Sir, made by this hon. Member was the advisability of common examinations for all communities and this point was taken up by several other speakers. I think the White Paper made it quite clear that the introduction of common syllabuses and common examinations is a high aim of Government's

educational policy. But, of course, we cannot have common examination and at the same time be fair to all the students taking it unless we can also follow a common syllabus. And at this stage I think it must be quite obvious to everybody that unfortunately we cannot at once introduce a common syllabus for everybody in all subjects. There are, however, certain things we can do. We have been engaged in the general revision of the primary schools' syllabus for all communities and in that exercise the officers engaged in the revision have paid particular attention to the necessity of making a common syllabus in arithmetic for all schools. We have not yet reached the stage where we can claim that it will be possible for us to introduce an absolutely common examination in that one subject both in the Kenya Asian Preliminary Examination, the Kenya African Preliminary Examination and the Kenya European Preliminary Examination. But I think we can say, Sir, that by the time of the Examination in 1960 we shall at any rate have reached the stage where the examination in arithmetic is very similar for all races. That, I think, is an important step to take.

We can follow that up possibly by similar examinations in history and geography, particularly the latter, and of course, as we proceed with the teaching of English—the advanced teaching of English—then the whole subject will become very much easier.

Many Members, Sir, have spoken about our experiments in the teaching of English in this country. We have as an adjunct of the Inspectorate a department which we call the Special Centre. The Special Centre has been experimenting, and I think its experiments—I am told by people who know—that its experiments are probably unique in the Commonwealth, has been experimenting in the use of English as the medium of instruction right from the bottom classes for children to whom it is not their natural tongue. Experiments are proceeding very favourably and we have already reached the stage in Nairobi where in Government Asian schools the medium of instruction in the first three years is already English and we shall hope to improve it year by year until we go right up to the top standard.

[Mr. Miller]

I would also like to point out, Sir, that these experiments will not be restricted to Asian schools. We are hoping to use the results that we obtain in Asian schools as useful material for experimenting in African schools also.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): That brings us to the time for the termination of business and I therefore adjourn Council until 2.30 p.m., tomorrow, Thursday, 11th June.

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

Thursday, 11th June, 1959

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

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

PRAYERS

RULING ON FORTHCOMING MOTION

SIR CHARLES MARKHAM: Mr. Speaker, although not on the Order Paper, I rise, Sir, to ask if you will give the House some guidance concerning a matter which was on the B.C.C. news last night at 7 o'clock, which I heard myself, and which I understand from second-hand information was repeated on the early news this morning at 7.30 a.m., during which it mentioned the Motion to be moved by my hon. friend the Member for Central Province South, concerning which you have already ruled from the Chair. The news last night stated that this Motion would be debated in this Council next Wednesday, Sir, we are not, on this side of the Council, responsible for the inaccuracy of the B.C.C., but we would like you, Sir, to repeat to the House today what you have stated previously regarding this Motion, because, Sir, I think it is as well if you, as Speaker, Sir, corrected what could be a very false impression which listeners last night gained in listening to the B.C.C.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): Sir Charles Markham, I did not myself hear this B.C.C. news item, which in any case emanates not from within this country but from outside the country, and obviously we cannot recognize any possibility of outside responsibility or interference in the direction of our Sessional Committee or the order in which we take business. The fact remains that I have given a ruling, as Dr. Kiama knows. I will repeat what I said in this particular regard in the course of a very long ruling referring to the question you, Sir Charles, Tabled on Holsa, "I would take this opportunity of also referring to the notice of Motion given by the hon. Dr. Kiama on the same subject, and I would say that I propose to allow this Motion in due course, but not at present, because, in my opinion, to do so would

[The Speaker]

prejudice cases which this very week are about to be considered by a special tribunal" and then I quoted various authorities which guided me in taking that decision. That decision undoubtedly holds. Until the tribunal has reported and those responsible for taking a consequential judicial decision, have had the opportunity of making their decision, I do not propose to allow this particular Motion to be debated in this House.

BILLS

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., in the Chair]

The Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill, 1959

Clauses 2 and 3 agreed to.

Title agreed to.

Clause 1 agreed to.

The Excise Tariff (Amendment) Bill, 1959

Clauses 2 and 3 agreed to.

Title agreed to.

Clause 1 agreed to.

The Customs Tariff (Amendment) Bill, 1959

Clause 2 agreed to.

Clause 3

SIR CHARLES MARKHAM: Mr. Chairman, I have two very brief questions to ask the Minister for Finance regarding clause 3 of this Bill. I refer, Sir, to the Schedule which appears on page 335 regarding item No. 40—Bookbinding—where it announces a duty of *ad valorem* 11 per cent. Could I suggest to the Minister, Sir, that this creates an anomaly whereas books printed in Kenya which require bookbinding will be subject to the duty of 11 per cent whereas books coming from England or from Europe are allowed in duty free. I would have thought that this is an unnecessary penalty for a local industry for those

people who want to print books in Kenya.

And the second point I have, Sir, concerns item No. 61 regarding motor vehicles. I would just ask, Sir, the Minister to confirm that under item 61 (c) that invalid carriages and similar vehicles will not be liable for this 15 per cent *ad valorem* duty.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, in so far as the bookbinding one is concerned, I must refer the hon. Member to what I said in the Budget Speech on 29th April: "Next it is proposed to assist the local bookbinding industry by providing under tariff item No. 40 relating to piece-goods for a specially low *ad valorem* rate of 11 per cent for fabrics introduced for bookbinding purposes." The rate before this has been much higher—I think the 30 per cent rate—and this now brings them in at 11 per cent.

On the question of invalid carriages, Sir, I would like to thank the hon. Member for Ukamba for bringing this point up. Again in the Budget Speech I said: "Certain other vehicles, in particular, aircraft, crash tenders, ambulances, hearses, mobile clinics, refuse disposal, street cleansing vehicles, self-propelled invalid chairs, tower waggons and travelling libraries at their appropriate initial equipment could continue to be admitted free of duty." Now I recognize, Sir, looking at this that this does not meet the point raised by the hon. Member which I take it, refers to invalid carriages with motor propulsion. But I certainly will look into the matter. It is not the intention of the Government that people who are invalids who have to use motor-propelled invalid carriages should be charged duty and I will see that the matter is given full and urgent consideration.

SIR CHARLES MARKHAM: Mr. Chairman, I would like to thank the Minister for that assurance which I feel certain is a very generous one from the Government.

If I may go back to the question of bookbinding, Sir, under item No. 40, I appreciate, Sir, that the Minister has reduced the rate of duty but I would ask him, Sir, to tell this Committee whether he does not agree that there is anomaly in this particular item because books

[Sir Charles Markham] from Europe and elsewhere can be imported duty-free and therefore why should people locally be penalized if they wish to print their books through some of the local firms in Kenya?

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, Sir, I would agree with the hon. Member that there is a certain amount of anomaly in this but I think the hon. Member will agree that we in our turn have gone some considerable way to remedy the anomaly that previously existed and this has, I think, been discussed with the people concerned. However, I will have another look at the matter to see whether it is possible or wise to adjust it further.

Sir, in accordance with the amendments that have been circulated I would like to move the following amendments to clause 3. (I take it Mr. Chairman that I should deal with them one by one?)

THE CHAIRMAN (Sir Ferdinand Cavenish-Bentinck): I think so, yes please.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): The first one, Sir, is that clause 3 be amended (a) by deleting paragraph (c) in item No. 40 in paragraph (c) thereof and by inserting a new paragraph as follows—

(c) Knitted tubular n.e.s. per £=Sh. 3 or 30 per cent *ad valorem* whichever is the greater."

On the question of the rate, Sir—I have already referred to this both in Committee of Ways and Means and in the main Budget Speech. The increase is largely due to representation from the trade that this protection was not—the original protection proposed—was not enough. In so far as the n.e.s. is concerned, Sir, this will make it possible for the Kenya Meat Commission—I await the applause from the Back Benches—to obtain mutton stockinet, a knitted tubular fabric which they import for packing meat and which was formally exempt from the duty under tariff item No. 165 but would be chargeable under the new tariff 40 (c) unless the magic letters n.e.s. were added. That, Sir, is the reason for the amendment.

The question that the words, to be left out be left out put and carried.

The question that the words to be inserted in place thereof be inserted put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that clause 3 be amended by inserting in item 51A in paragraph (g) thereof immediately after the words "enamel hollow-ware" the expression "n.e.s." Sir, these magical letters, which again allow discretion, must be added to this particular item in order to protect the importation of a considerable number of surgical, medical and dental appliances and equipment including hospital, nursing home and surgical furniture which at the present moment is admitted free under item 171 of the existing tariff. If these letters were not added these items that I have mentioned would have to pay duty under item 71A and that was not the intention of the Government.

I therefore beg to move, Sir.

Question that the letters proposed to be inserted be inserted put and carried.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move the deletion of paragraph (1) thereof and by inserting a new paragraph as follows—by substituting for item 152 a new item as follows—

Item No.	ARTICLE	Import Duty	Subsidiary Duty
152	Films, cinematograph, printed or exposed for exhibition— (a) Of a scientific, technical or educational nature for exhibition solely to or by scientific or technical societies or in educational institutions, or for exhibition free of charge solely for the purpose of training. (b) Newsreels (c) Other— of a width not exceeding 8 mm. of a width exceeding 8 mm. but not exceeding 16 mm. of a width exceeding 16 mm.	Free Free Per linear foot, 21 cents. Per linear foot, 5 cents. Per linear foot, 25 cents.	

Sir, the reasons for this have been explained in the discussions in Committee of Ways and Means on the Customs

[The Minister for Finance and Development] Tariff Resolution and I do not propose to detain the Committee further.

Question proposed.

Question that the words proposed to be deleted be deleted put and carried.

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 3 as amended agreed to.

New clause

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, in accordance with the statement which was made in the Budget Speech of April 29th I beg to move that a new clause be added to the Bill as follows—

Further amendment of the principal Ordinance and commencement thereof

(1) The First Schedule to the principal Ordinance is hereby amended by substituting for paragraph (c) in item 165 the following:—

Item No.	ARTICLE	Import Duty	Subsidiary Duty
	(c) Paper bags, including multiple, and waterproof bags— (i) of a type specified by the Minister by notice in the Gazette. (ii) other		<i>Ad valorem</i> , 11% Free.

(2) This section shall come into operation on 1st July, 1959.

Sir, the reason for this, as I stated in the Budget Speech, was that we wished to alter the present existing position which provided for a duty of 11 per cent *ad valorem* on paper bags, including multiple and waterproof bags. We now wish, as this clause shows, Sir, to make such bags continue to bear an import duty of 11 per cent when they are of the type specified by notice in the Gazette and to make all other paper bags free. The effect of this will be that we shall be able to specify and thus to grant limited protection to the type of paper bags which can be made locally while admitting the rest free of

duty. I did say at the time that it was unlikely that it would cost the revenue very much—but it will assist this particular branch of local industry. There were difficulties in specifying the types which would have been admissible under the Provisional Collection Order and so, Sir, as I stated at the time, the change in the tariff would not come into effect at midnight on 29th April, as would all other changes, but it would be incorporated in the amendment to be introduced into the Customs Tariff Amendment Bill at the Committee stage. I did, Sir, also, in the Committee of Ways and Means, refer to this particular point.

I beg to move that the new clause be now read a Second Time.

Question proposed.

The Question that the new clause be read a Second Time was put and carried.

Question that the new clause be added to the Bill was put and carried.

Clause 1 agreed to.

Title agreed to.

The Registration of Titles (Amendment) Bill, 1959

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 agreed to.

Clauses 15–16, 17—

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Chairman, by notice given in today's Order Paper I wish to move an amendment that clause 17 be left out of the Bill, but clauses 15 and 16 unfortunately have meaning only if clause 17 stands part of the Bill. This was not taken care of when the notice of amendment was given, but I trust that I shall be able to move the deletion of clauses 15, 16 and 17 in order to meet the undertaking which I gave on Second Reading that I would remove from this Bill the specific references to estate duty.

Question proposed.

Question that the clauses proposed to be deleted be deleted put and carried.

Clauses 18, 19, 20, 21, 22, 23, 24 agreed to.

Title agreed to.

Clause 1 agreed to.

The Land Titles (Amendment) Bill
 Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10 agreed to.

Clause 11

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Chairman, I beg to move the amendment of clause 11 of which notice has been given as circulated in today's Order Paper. The Motion is that the clause be amended in the marginal note by substituting for "the expression "sections 62A and 62B" the expression "section 62A"; by substituting for the words "two new sections" the words "a new section"; by deleting the new section 62A contained therein; and by re-numbering the new section 62A and 62A. The purpose of this amendment, Sir, is the same as the amendment of the preceding Bill, namely to delete every reference to the payment of estate duty.

Question proposed.

Question that the words proposed to be deleted be deleted put and carried.

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 11 as amended agreed to.

Clauses 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 agreed to.

Title agreed to.

Clause I agreed to.

Bill to be reported with amendments.

The Registration of Documents (Amendment) Bill

Clauses 2, 3, 4, 5, 6 agreed to.

Title agreed to.

Clause I agreed to.

Bill to be reported without amendments.

The Land (Perpetual Succession) (Amendment) Bill

Clause 2

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Chairman, as I explained on the Second Reading of this Bill I wish to move an amendment to clause 2 of which notice was given and the text of which was circulated with yesterday's Order Paper. The amendment is that

clause 2 as it stands be left out of the Bill and that the following clause be inserted in place thereof:—

"That clause 2 be left out of the Bill, and that the following clause be inserted in place thereof:—

Replacement of section 7 of Cap. 163,

There shall be substituted for section 7 of the Land (Perpetual Succession) Ordinance, hereinafter referred to as the principal Ordinance, a new section as follows:—

Revocling of documents, and provision of copies. Cap. 161

7. (1) The Principal Registrar of Documents appointed under the Registration of Documents Ordinance, shall keep and record in a register kept for that purpose the applications, orders and other documents lodged or given under the provisions of this Ordinance, together with a duplicate of every certificate of incorporation issued under this Ordinance.

(2) Any person, on completion of the prescribed form and on payment of the prescribed fee, may require to be given a copy of any such document, certified under the hand of the registrar appointed under the Registration of Documents Ordinance.

Sir, the object of this amendment which has been suggested by the Law Society and which the Government is happy to accept is in part consequential from a new clause which I wish to move to be added to the Bill later on and in part designed to replace rather cumbersome and indirect phrasing under which the Minister had certain powers in order to establish the Principal Registrar of Documents as a person legally recognized in this Ordinance and to give him the necessary powers to record and to register the certificates of incorporation.

Question proposed.

Question that the words proposed to be deleted be deleted put and carried.

Question that the words proposed to be inserted in place thereof be inserted put and carried.

Clause 2, as amended, agreed to.

Clauses 3 and 4 agreed to.

New Clause

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson):

Mr. Chairman, I beg to move that a new clause of which notice has been given, the text which was circulated on the Order Paper for 10th June, to be added to the Bill as clause 5 and be now read a Second Time. The terms of the amendment are as follows:—

That the following clause be inserted in the Bill—

The principal Ordinance is amended by inserting therein, immediately after section 6 thereof, a new section as follows:—

Variation of Conditions in Certificate

6A. (1) The Trustees for the time being of any body or association of persons in respect of which a certificate of incorporation has been granted under this Ordinance may apply to the Minister to vary any of the conditions or directions contained in the certificate, and the Minister, after calling for such evidence and information as he may require, may, if he is satisfied that it is proper so to do, by order, vary such conditions or directions in such extent as he shall think fit, or may refuse to vary them.

(2) Where any conditions or directions are varied by order made under subsection (1) of this section, the variation shall take effect as from the date of the order.

As I explained after the Second Reading of the Bill, Mr. Chairman, this again is a suggestion made by the Law Society which we are glad to accept to make it possible for certificates of incorporation to be varied. It may so happen that with the lapse of time the original conditions or undertakings put in the certificate are no longer applicable and under the law as it stands at present it is impossible to vary these, except by withdrawing the original certificate and replacing it by a new one.

I now beg to move that the new clause be read a second time.

Question proposed.

The question that the new clause be read a second time was put and carried. Question that the new clause be added to the Bill was put and carried.

Title agreed to.

Clause I agreed to.

The Tribal Police (Amendment) Bill

Clause 2 agreed to.

Clause 3

MR. NYAGAH: Mr. Chairman, clause 3 confers further powers on the Tribal Police officers who have limited rights to enter premises without warrants, and this power is restricted to responsible officers. Would the Minister care to say who are these Tribal Police officers? Are they administrative officers or just non-recruits within the force? Also I think I must express the fear here where it says that if they are not allowed into the premises they have got powers to break open any outer or inner door or window to search the premises. This seems as if it might be a power that is likely to lead to misuse or to being abused. I suggest in the interest of the public that something else should be introduced instead of giving such powers; why not have these police guarding round the place until a warrant for search is made?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, the proposal here is that a Tribal Police officer other than a recruit should be empowered to search premises without a warrant being necessary. As regards the second point made by my hon. friend, the Member for Nyeri and Embu, I do not know, Sir, whether he was present at the Second Reading of the Bill, when I did say that as a result of points made during the debate on the Tribal Police Bill in February last year administrative instructions have been issued to district commissioners and to the Tribal Police. First that all Tribal Police shall carry their certificates of appointment, and secondly that applications for search warrant will normally be made either to a magistrate or an African court, and that this will only be dispensed with, Mr. Chairman, if delays attendant upon obtaining them would seriously hinder the investigation of a crime. I trust, Sir, that this has made it clear to the hon. Member.

MR. NYAGAH: Mr. Chairman, Sir, I am sorry not to have been here when it

[Mr. Nyagah] was explained. But I still am not quite clear who are the Tribal Police officers. Do you mean the sergeants—who are the officers other than recruits?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Chairman, in the Tribal Police Force there are various grades, sergeant, corporal, first, second and third grade, and all those grades except the recruit grade would be empowered where conditions so warranted, to make a search without the necessity of obtaining a warrant.

Clause 3 agreed to.

Clauses 4 and 5 agreed to.

Title agreed to.

Clause 1 agreed to.

The Accountants (Designation) Amendment Bill

Clauses 2 and 3 agreed to.

Title agreed to.

Clause 1 agreed to.

The Native Lands Trust (Amendment) Bill

Clauses 2 and 3 agreed to.

Clause 3

MR. WEBB: Mr. Chairman, I beg to move that clause 1 be amended by inserting the new subsection (3), which is the proposed section 15, a new paragraph as follows:—

(b) The operation of such notice shall extinguish any right of occupation vested in or enjoyed by any person in respect of the land set apart, or any person claiming under, by or through him;

and, consequentially, Mr. Chairman, that the existing paragraph (b) be renumbered as (c).

Mr. Chairman, this amendment springs from the suggestion made by my hon. and learned friend, the Specially Elected Member, Mr. Slade, on the Second Reading when he pointed out that there might be a conflict of title, particularly when a lease is granted for a short period, and that the Bill did not appear to make provision for the termination, at any rate for that period, of any other person's title to the land. When I came

to consider his suggestion I realized that, although this subsection deals with private right-holders, it does not necessarily deal with lesser rights, and section 16 of the Ordinance specifically makes a differentiation between private right-holders and those who enjoy lesser rights.

Mr. Chairman, I accordingly, beg to move.

Question that the words to be inserted be inserted put and carried.

Clause 5 as amended agreed to.

Clauses 5, 6, 7 and 8 agreed to.

Clause 9

MR. WEBB: Mr. Chairman, I beg to move that clause be deleted and the following new clause inserted in place thereof:—

9. Section 30 of the principal Ordinance is amended—

(a) by inserting immediately after the words "any lease", which appear, in the proviso therein, the words "for a term exceeding ten years"; and

(b) by adding thereto a further proviso as follows—

Provided further that it shall not be necessary to set apart land to which any subsisting title, or in which any subsisting grant of mining or other rights, is saved by section 65 of this Ordinance for the purpose of granting any renewal of such title or grant.

Mr. Chairman, what is new in this clause is (b), the new proviso which I have just read out. The purpose of this amendment, Mr. Chairman, is to ensure that where a lease had been granted before the commencement of the Native Lands Trust Ordinance in 1939, it shall not be necessary to set apart the land over which that lease runs in order to grant a renewal of that lease. Before 1939, when the 1930 Ordinance was in force, there was provision for granting leases of land in what were then called the "native reserves" without the formality of a setting-apart process, and a number of leases of that sort were granted. There was a process akin to setting-apart, and everybody interested or affected by such a lease had to be

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but it is not thought where such a lease, having been granted more than 20 years ago, now is to be renewed, that it should be necessary to go through the whole process of setting apart. I beg to move.

Question that the words to be left out be left out put and carried.

Question that the words to be inserted in place thereof be inserted put and carried.

Clause 9 as amended agreed to.

Clause 10

MR. WEBB: Mr. Chairman, I have two amendments to propose to clause 10, and I take it to be your wish that I take them separately. The first one, Mr. Chairman, is to delete subsection (1) of the new section 30A and the marginal note thereto, and to insert in place thereof the following subsection and marginal note—

Procedure for leasing land not set apart and compensation thereof.

30A. (1) Before any lease of land in the native lands which has not been set apart under this Ordinance is granted—

(a) the procedure set forth in sections 10, 11, 12, 13 and 14 of this Ordinance shall be carried out, and for the said sections to setting apart shall be read as references to the granting of leases; and

(b) the Provincial Commissioner shall publish in the *Gazette* a notice of intention to grant the lease, specifying the boundaries of the land to be leased and the term of the proposed lease, and calling upon persons who wish to claim compensation in respect thereof to apply in the manner and within the time specified in subsection (3) of this section.

Mr. Chairman, what is new in this amendment is (a)—that, when a lease of this sort is to be granted, that the whole procedure which the Ordinance enjoins for setting apart land should be gone

through. That procedure involves consultation with the local land board, perhaps with the Native Lands Trust Board and certainly with the Africans who are concerned, and the purpose of this amendment is to ensure that that full procedure is gone through even when it is a question of only granting a short-term lease. That is the first amendment, Mr. Chairman, and I beg to move.

MR. SLADE: Mr. Chairman, I support the amendment on the grounds that the Acting Solicitor-General has given. There is a further point which I should also like to mention. For the reasons that I gave on the Second Reading I had contemplated moving a further amendment of this clause 10 which would provide that the power of granting these leases for less than 10 years be limited to certain defined public purposes, and that the Provincial Commissioner should have to publish notice, not only of his intention to grant the lease and the boundary of the land and the term of the lease, but also the particular public purpose for which he was going to grant the lease. But, Mr. Chairman, it has been explained to me by the Minister—and he did explain it partly in his reply on the Second Reading—that the main purpose of this provision for granting leases for ten years is to legalize certain things that have already happened with the full consent of all the local people concerned, and it is not really the intention of the Government to use this power very widely for the future at any rate as a short cut away from the setting apart which requires full consultation. This amendment, which has been put before us shows that there is no intention to short circuit consultations, but I would like the Minister to confirm that even so, it is mainly to cover what has already been done with the agreement of everyone.

The other point, on which I think the Minister is prepared to give me an assurance, is that if, when we come to discuss land policy generally as a result of the Government White Paper, we find that there is something which bears on this Native Lands Trust Ordinance and the amendments we are considering here, Government is quite prepared to amend the Ordinance further in the light of that debate.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, Chairman, I am happy to give the hon. and Specially Elected Member the assurance that he has asked for. I have discussed it with him previously. Naturally, Sir, this legislation which we are considering today, together with other legislation that deals with the African lands may have to be reviewed in the light of Government's policy in land in general. Primarily this Bill is designed to meet a special need which may not recur again. I hope that has covered the points raised.

Question that the words to be left out be left out put and carried.

Question that the words to be inserted in place thereof be inserted put and carried.

Mr. Wren: Mr. Chairman, the second amendment I propose to clause 10 is that a new subsection 5 be added to the new section 30A, as follows:—

(5) Every right, title and interest vested in any private rightholder in respect of any land in the native lands which has not been set apart under this Ordinance but of which a lease has been granted, and any right of occupation vested in or enjoyed by any person in respect of such land, or any person claiming under, by or through such private rightholder or occupier, shall be and remain in abeyance for the term of such lease.

This amendment, Mr. Chairman, is designed specifically to deal with the point which my hon. friend, the Specially Elected Member, Mr. Slade, raised about the possible conflict of title over a piece of land in respect of which a lease has been granted. It follows the lines of the provision which extinguishes such rights when land has been set apart, but it has more limited application because it only places such rights in abeyance for the term of the lease.

I beg to move.

Question that the words to be inserted be inserted put and carried.

Clause 10 as amended agreed to.

Clause 11

Mr. Wren: Mr. Chairman, while there are several amendments proposed to this clause they are all really fine drafting amendments designed to make

the meaning of the clause rather more clear in the light of representations which have been made to us. The first, Mr. Chairman, is that the words "the sum of", which appear in the third line of subsection (2) of clause 33, be deleted.

These words, Mr. Speaker, may give rise to ambiguity, because they might have been construed as meaning that the stand premium payable should be the total of the compensation claimed, whether justifiable or not, plus the amount of compensation which is actually awarded. It was intended, of course, only to make the stand premium equivalent to the amount of compensation which was actually awarded.

Question that the words to be left out be left out put and carried.

Mr. Wren: The second amendment, Mr. Chairman, is to add, after the words "of this Ordinance", which appear in subsection (5) of section 33, in the last line, the words "and in the amounts severally so awarded to them".

This amendment, Mr. Chairman, is to make it quite clear that the amounts are proportioned in accordance with the awards made, and leave no doubt which might otherwise exist, that everybody got everything. Mr. Chairman, I beg to move.

Question that the words to be inserted be inserted put and carried.

Mr. Wren: The third amendment, Mr. Chairman, is to add after the words "of this Ordinance", which appear in the fifth line of subsection (6) of section 33, the words "and in the proportion to which he has been so found entitled". The purpose of this amendment, Mr. Chairman, is also to ensure that the total sum is duly apportioned.

I beg to move.

Question that the words to be inserted be inserted put and carried.

Clause 11 as amended agreed to.

New Clause

Mr. Wren: Mr. Chairman, I beg to move that the following new clause be read a Second Time:—

Amendment of First Schedule to the principal Ordinance and commencement thereof.

(1) The First Schedule to the principal Ordinance is amended by

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substituting for the first two paragraphs of Part I of Item (6), namely—

Commencing at the westernmost corner of L.R. No. 6439;

thence by the south-western boundary of that portion to the intersection with the Kamakoiwa River;

three new paragraphs as follows—

Commencement at the westernmost corner of L.R. No. 6439/2;

thence south-easterly by the south-western boundary of that portion to its intersection with the Keptesang River;

thence down-stream by that river to its junction with the Kamakoiwa River;

(2) This section shall come into operation upon such day as the Governor may, by notice in the Gazette, appoint.

This, perhaps rather complicated amendment is designed to meet a peculiar difficulty. Where the Kavirondo Native Land Unit joins the Highlands at Swain's Farm, which is L.R. 6439/2, the surveyed, demarcated and actual boundary runs along the south-western boundary of that farm to its intersection with the Keptesang River, and thence down-stream to the confluence of that river with the Kamakoiwa River. But, Mr. Chairman, when the survey was made the surveyor unfortunately thought that the Keptesang River was the Kamakoiwa, and accordingly in the description of both the Highlands boundary and that of the Native Land Unit boundary describe the actual boundary inaccurately. The purpose of this amendment is simply to regularize in words what is the fact on the ground. An exactly similar amendment to the boundaries of the Highlands in precisely the same words is contained in a Bill to amend the Crown Lands Ordinance which will be published next Tuesday, and the purpose of delaying the provision in relation to this amendment is to enable both amendments to be brought into force at the same time—otherwise a rather confusing situation might arise with one piece of land being both Highlands and Native Lands.

Mr. Chairman, I beg to move.

Question proposed.

The question that the new clause be read a Second Time was put and carried.

Question that the new clause be added to the Bill was put and carried.

Title agreed to.

Clause I agreed to.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that the Committee to report to Council its consideration and approval of the following Bills without amendment: the Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill, the Excise Tariff (Amendment) Bill, the Registration of Documents (Amendment) Bill, the Tribal Police (Amendment) Bill, and the Accountants (Designation) (Amendment) Bill. They report to Council its consideration and approval of the following Bills with amendment: the Customs Tariff (Amendment) Bill, the Registration of Titles (Amendment) Bill, the Land Titles (Amendment) Bill, the Land (Perpetual Succession) (Amendment) Bill and the Native Lands Trust (Amendment) Bill.

Bills to be reported with amendment. The question was put and carried.

Council resumed.

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

REPORTS

THIRD READINGS

Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill and approved the same without amendment.

Mr. Speaker, I beg to move that Income Tax (Rates and Allowances) (Surcharge) (Validation and Repeal) Bill be now read a Third Time.

MR. WREN seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

Excise Tariff (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Excise Tariff (Amendment) Bill and has approved the same without amendment.

Mr. Speaker, I beg to move that the Excise Tariff (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORTS*The Customs Tariff (Amendment) Bill*

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that the Committee of the whole Council has considered the Customs Tariff (Amendment) Bill and approved the same with amendment.

Report ordered to be considered tomorrow.

The Registration of Titles (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Registration of Titles (Amendment) Bill and has approved the same with amendment.

Report ordered to be considered tomorrow.

The Land Titles (Amendment) Bill

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, I beg to report that a Committee of the whole Council has considered the Land Titles (Amendment) Bill and has approved the same with amendment.

Report ordered to be considered tomorrow.

REPORTS**THIRD READINGS***Registration of Documents (Amendment) Bill*

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the

Registration of Documents (Amendment) Bill and approved the same without amendment.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Speaker, Sir, I beg to move that the Registration of Documents (Amendment) Bill be now read a Third Time.

Mr. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT*The Land (Perpetual Succession) (Amendment) Bill*

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Land (Perpetual Succession) (Amendment) Bill and has approved the same with amendment.

Report ordered to be considered tomorrow.

REPORTS AND THIRD READINGS*The Tribal Police (Amendment) Bill*

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Tribal Police (Amendment) Bill and has approved the same without amendment.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I beg to move that the Tribal Police (Amendment) Bill be now read a Third Time.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Accountants (Designation) (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I beg to report that a Committee of the whole Council has considered the Accountants (Designation) (Amendment) Bill and approved the same without amendment.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Speaker, Sir, I beg to move that the Accountants (Designation) (Amendment) Bill be now read a Third Time.

Mr. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORT*The Native Lands Trust (Amendment) Bill*

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to report that the Committee of the whole Council has considered the Native Lands Trust (Amendment) Bill and has approved the same with amendment.

Report ordered to be considered tomorrow.

MOTION*SESSIONAL PAPER No. 4 of 1958/59: REPORT ON ASIAN AND EUROPEAN EDUCATION*

Resumption of debate adjourned on 10th June, 1959.

MR. MILLER: Mr. Speaker, Sir, I turn now to the remarks of the hon. Member for the Central Area which he made yesterday.

I expected his remarks, Sir, to be lengthy and I was not disappointed! At the beginning of his speech the hon. Member expressed the opinion that the Director of Education should not be a Member of this Council, I imagine therefore, Sir, that he will not expect very detailed comment from the Director on what he said yesterday. He also pointed out later on, Sir, that he regarded the Education Department as a Hitlerian regime. Now, I believe I am correct in saying that dictators do not argue with their opponents; they deal with them in more appropriate ways. It will therefore be further unnecessary for me to comment very much on what he said. I would like however, Sir, to pay him the perhaps rather doubtful compliment of comparison as he compared my Department and myself with historical figures I would like to compare him with a mythological

figure, namely Rip van Winkle. As all Members will remember, Sir, Rip van Winkle was a gentleman who went to sleep for a very long period of time. In my opinion, the hon. Member opposite has also been asleep for a very long period of time and in fact lives in the past.

But to speak in a more serious vein, Sir, I would like to ask him very strongly to realize that this Government fully understood and appreciated the shortcomings of the Asian educational system. It was for that reason, Sir, that Messrs. Harper and Woodhead, these two very prominent educationalists, were invited to this country to make recommendations.

The great majority of their recommendations have been accepted and are in fact being implemented as is shown in the White Paper which is now for debate. And I would like to suggest to the hon. Member and to the other hon. Members that it is now in the best interests of Asian education not to delve into the past, not to say how many people failed to get into secondary schools in 1952 and things like that but to work together for improvement in the future.

Sir, the hon. Member was very worried about the effect of vernacular teaching of the use of English as the medium of instruction in Asian schools. I would like to assure him that the vernacular is taught in all streams in Government schools and will continue to be so despite the introduction of English as the medium of instruction. This, of course, does cause difficulties in that one has to have one's streams graded not only to the ability of the children but also to the course of vernacular instruction to be of the type of vernacular which they are being taught.

I would also like to remind the hon. Member of the important part that the parents themselves can play in the teaching of the vernacular and the keeping up of the whole natural traditions of the children concerned.

I would now like to come to the secondary system. I was depressed, Sir, to hear some hon. Members still claiming that the Kenya Asian Preliminary Examination results are still rigged according to the number of places available and that moderation in the examination is used for the same purpose.

[Mr. Miller]

I can only repeat my assurance to hon. Members that neither of these ill-practices has ever occurred; they are not occurring at the moment and they will not occur in the future. The plain fact, Sir, is that no completely satisfactory system of selection for entry into secondary schools has ever yet been devised in any county. If one reads the educational journals in the United Kingdom one must be impressed by the constant attention that is being paid to this question of secondary selection. I suppose that the question of the 11-plus examination—and that is the examination for secondary entrance in England—I suppose that is possibly one of the most common topics of conversation in the home in England. I personally find it very depressing when I go home and hear that sort of thing going on. I think far too much attention is paid to it and I think we should get out of that rut in this country. At the same time realizing that our system is not perfect. It must be experimental; we must try to improve it as much as we possibly can. But I do repeat the assurance that the examination which we follow is used simply and solely to try and determine which children are better fitted for the grammar schools and which children are better fitted for the secondary modern.

I have already arranged, distrustful as I am of examination results, with the headmasters of the pupils' primary schools to give us detailed reports on these children and great attention will be paid to them in assessing their ability. I would also like to refer, Sir, to paragraph 14 of the White Paper which has not apparently been noticed by hon. Members which does refer to the introduction of standardized tests to help secondary selection. This refers, Sir, to intelligence and aptitude tests to supplement written tests. It so happens that we have in this country two experts available on this very important matter and that financial provision for their services is included in the Ministry's Estimates recently approved. I hope, therefore, Sir, that we may make great progress in the use of these tests as an adjunct to the other selection methods we now follow.

There have also been accusations made against the use of the system of modera-

tion. Now, Sir, examiners have weaknesses like everybody else. These weaknesses are often revealed in some papers being too severe and other papers being too easy. I think in the past such failings were corrected by the simple method of adding on marks if the questions were too hard or subtracting them if they were too easy. But unfortunately perhaps, I think, in these more scientific days a more scientific method has been introduced and that is all that has been done. As I say again, the sole object of the examination is to reveal the choice of a suitable candidate. There has been no rigging of the results for places. One Member remarked yesterday, why are secondary places vacant? I think, Sir, he must have been thinking of the situation early this year when as a result of the examination we found that 85 more places were required in the secondary grammar schools than were available. These places were found not by having kept them hidden up our sleeves in case we wanted them but by a reorganization of existing accommodation. And that can always be done.

Now, Sir, I would like to refer to criticisms of the present secondary modern courses. These courses are as experimental here as they are in the United Kingdom, but I am glad to say that we have already reached the stage where commerce and Government have agreed to recognize the two additional years of education which pupils taking these courses have obtained in assessing their starting salaries in employment. I think that is a big step forward. I agree entirely that the length of the courses must be increased as soon as possible and this depends largely on a decrease in the age of the pupils which is rapidly occurring. I hope, Sir, that it may be possible to start a three-year secondary modern course in 1960 for those pupils who enter the course at the age of 12-plus. I hope later that this course will be increased to four years as ages decrease. We have a committee which is examining the whole question of secondary modern courses and we have agreed that at the end of the courses now we shall issue a certificate to say the pupil has satisfactorily attended the course. It will also be possible for pupils to sit for recognized and suitable overseas examinations where found necessary; but I would add that in the United

[Mr. Miller]

Kingdom it is the practice now for an internal certificate to be granted by the headmaster in respect of satisfactory attendance at secondary modern schools.

I agree, Sir, that there must be every possibility of transfer from secondary modern to secondary grammar schools and vice versa and I agree too that whenever four-year courses can be arranged the better pupils may be able to have the chance of sitting for the General School Certificate examination, but that is a long-term policy which we can only introduce as the quality of pupils improves and the age decreases.

Various Members, Sir, have stressed the need for hostels at Asian schools both at the secondary and the primary level. I agree that hostels for all races are of great value for children living in the more remote areas, but I fear that our limited financial resources make it most necessary first to concentrate our expenditure on the provision of school places.

In this connexion, Sir, I would like to point out to the Member for Mombasa that secondary and primary day schools for Mombasa have been included in the next draft development programme. I consider, Sir, that on the whole hostels can best be provided by the grant-aided authorities themselves and we will be prepared to consider any applications for capital grants although this can only be done at the expense of other projects also requiring capital development.

I would like to congratulate the hon. Nominated Member, Dr. Adajia, on his most excellent and understanding speech. The White Paper, as I have said, incorporates very largely the views expressed by the Advisory Council on the Harper/Woodhead Report and I was very glad to see that unlike some Members the views which Dr. Adajia has expressed in this House correspond very closely with the views which he expressed in the Advisory Council and I am most grateful to him for his support.

On the question of secondary provision, I agree with him that in the future more liberal provision on the grammar side will probably be necessary and I am sure that he will agree with me that this necessity can only arise together

with improvement in the standard of the pupils concerned. I was glad to hear his support for English as the medium of instruction and I thought his suggestion that if in Standard I the first six months can be devoted to instruction in oral English only, then the length of time required in that standard might be decreased, is worthy of consideration and I will certainly bring it to the notice of the authorities concerned.

The hon. Member for the East Electoral Area, Mr. Pandya, referred to the necessity of good public relations. That view, of course, I entirely support. He, too, supported the teaching of English and wondered what was being done to improve the methods of training teachers to teach it. I would like to assure him that the experimental methods from the Special Centre are, in fact, being introduced and followed at the training colleges as quickly as possible.

The hon. Member also referred—as did several others, I think—to the provincial committees which are being set up to assist in secondary selection. He wondered how these committees could be used also as suggested in the White Paper for the selection of local representatives who serve on the central advisory council. I must reply, Sir, that the only step so far taken has been consultation with the provincial officers asking them for local recommendations. I would assure Members that in considering these recommendations it is realized that, in addition to departmental and professional representatives, these committees must contain at least two members each representative of leading members of the public. I would also state that the use of these committees for nominating representatives to the advisory council can only take place as and when it is found that they have developed on suitable and useful lines.

Several Members, Sir, pleaded the cause of grant-aided schools and I would remind them that this has been fully recognized by the Government by the provision of £20,000 additional grant-in-aid provision during next year's Estimates.

Members also raised the question of disparity of conditions between Government and grant-aided teachers. The

[Mr. Miller] committee is at the moment working on this and I would only express the hope, Sir, that this committee and hon. Members in general will not merely aim at conditions of grant-aided teachers being made exactly uniform with those of teachers in Government schools. I feel very strongly, Sir, that the teaching service needs conditions of service both as regards pay and other conditions suited to the teaching profession and not necessarily geared to the Civil Service. To take a case in point, we have several times heard in this House from my hon. friend Mr. Mohindra, we have heard of the difficulties of teachers who may have been appointed as headmasters in primary schools and who, however hard they have worked and however greatly enrolment at these schools has increased, have remained stagnant as regards their salary.

Now, what I would aim at is a more elastic condition of service under which the needs of men and women like that could be met by responsibility allowances which would obviously increase with the size of the school. Unfortunately, in the Civil Service, I think, the rules and regulations are not elastic enough to permit that sort of development, and that is why I say we should not necessarily be tied to them in our examination.

I was also asked, Sir, why a teacher transferred from grant-aided service to Government service did not obtain incremental credit for his previous work? The answer there, Sir, is that such increment and credit is granted and if the hon. Member has any case to the contrary I should be grateful if he would let me know.

I was glad, too, Sir, to receive support from my hon. friends Mr. Mohindra and Mr. Kirpal Singh Sagoo, both of whom have taken an active part in all our deliberations and have shown wise and sensible appreciation of the problems as they exist and the measures recommended to overcome them. I join wholeheartedly, too, in the appreciation hon. Members have shown to the two authors of the report, Messrs. Harper and Woodhead, two distinguished United Kingdom educational experts, and to state how helpful I, personally, have found their recommendations.

Finally, Sir, I would like to refer to the hon. Mr. Mohindra's definition of the task of education which he regarded as the production of boys and girls to fit the changing pattern of life in this country. Sir, I entirely support this view and with these words I support the Motion.

Mrs. SHAW: Mr. Speaker, first of all I would like to make one small correction. In this debate one hon. Member referred to the fact that I was a member of the Hartwell Committee. I was not a member of that committee. It was Lady Joan Shaw, who was my predecessor, and who did a great deal of work for education during her time as Member.

I only want to intervene in this debate very shortly and to bring to the Minister and members of his department one small point, it is an important point though, and that is to ask them to try and clear up a very widespread misapprehension as regards secondary education, in other words the modern stream.

The report—the sessional paper—on this matter says, if I may quote: “The authors of the report paid considerable attention to the advantages and disadvantages of housing secondary modern courses in separate schools or of maintaining them in the same building as a secondary academic course.” On balance, they favour the latter, provided that the objective of each is clear and that the new schools are planned to fit in with the pattern decided upon.

In actual fact, Mr. Speaker the Department tried to start the Delamere High School as a purely modern school. But this move raised such a storm of protest throughout the country, for some extraordinary reason, that it had to be abandoned, and the Department have now turned it into a full-scale secondary school. In this paragraph the Department then voice an opinion which I rather favour, namely to quote: “The Government accepts the recommendation in the report (B 5), although it sees some force in the point of view advanced in the European Advisory Council where members appreciated the arguments in favour of such a combined school but wished to record their opinion that circumstances might arise in which a separate secondary

[Mrs. Shaw] modern school building might be found desirable.”

Now, Mr. Speaker, I think there is a great deal of truth and a great deal to support in that point of view and I should like to ask the Department through the services of the Minister, Director, the headmasters and mistresses and in fact all the teaching staff to try and educate the parents of this Colony. For some curious reason there is stigma attaching to modern education and if the children are directed to the modern stream all the parents immediately seem to think that their little darlings are not clever, are regular dunces and that the stigma will attach to them for life. That is perfectly ridiculous because this world would be a very lonesome and a dull world if we were all academically brilliant, and Mr. Speaker, I feel very strongly that it is up to the schools and indeed the Department recognizes this when they suggest a diagnostic year—and especially to the headmasters and headmistresses—it is their task to suggest to parents what bent their children have and what course it is suggested they should follow to the best advantage. Just last year when I was in England, I had the privilege of going over several of the modern secondary schools and I was most impressed and in talking to the pupils and one or two of the head girls who took me round and an elder boy, they all stressed their appreciation of what is being done for them in the United Kingdom in modern streams and how very much better it was if you had a bent that way, to go for the modern stream, as in that way you could be fitted for life in your niche. And I do think that is a point of view that should be put before the Kenya parent. Surely to goodness, if a child falls just below the pass-mark for an academic career, he or she would do much better to excel in a modern stream rather than to come at the very bottom, as a very poor last in an academic grammar school. I am convinced of that.

The other thing is I want to ask the Director and the Minister to ask their staff to press home or rather to clear up a misapprehension that there is this diagnostic year: that the children are watched from when they are first directed into one stream or the other throughout the next year; and if the child does prove

brilliant—and a mistake has been made (I mean academically brilliant)—then he can be redirected at the end of the year.

Mr. Speaker, Sir, I beg to support.

Mr. JAMUDAR: Mr. Speaker, Sir, when young I used to be a Boy Scout and I was taught to do a daily deed of good turn. I proceed with that task first, on behalf of the hon. Member for Central Area who spoke yesterday. I have been asked, Sir, by him to state that his speech was thoroughly misinterpreted and misconstrued by the hon. Member for Aberdare when he spoke yesterday and drew the inference therefrom that my hon. colleague was in fact suggesting that children of different races should permanently be brought up separately and that they should be educated for ever in separate compartments. Similarly, Sir, there was another misunderstanding as regards the medium of instruction. I am authorized to state again that it was never his intention to say that he was opposed to the introduction of English as the medium of instruction from the earliest stages in education.

Having said this, Sir, I would like also to say that this report—the Woodhead/ Harper Report—has been hailed by the Asian community as one of the best reports that the Asian community has ever had from any commission appointed by the Government.

I would like to take this opportunity of publicly expressing gratitude and praise on behalf of the Asian community. It is only to be hoped, Sir, that the proposals contained in this report shall be implemented in the same spirit in which the report has been produced and that every effort shall be made in future to spend the whole of the Vote for Asian education—rather than having backlogs which we have been having in the past and I hope that on this occasion an assurance will be given to the effect that in future if there is a surplus of unspent balances, these will be carried forward for future years rather than ignored.

Now, Sir, as regards common examinations for all races, I was very much disappointed in both the report and the sessional paper that very little really seems to have been done to approach that stage when all the races take a common examination. We have asked for common examinations immediately with the

[Mr. Jamidar] a view in the end to achieve common schools for all the races. I can understand, Sir, that it may take a year, or two or at the most three before these common examinations can be introduced in all schools. But what I cannot understand is that in the report as well as in the sessional paper there is not even this assurance that in the next few years common examinations will be introduced although suggestions and hints are given here and there but these no longer, Sir, are satisfying.

Sir, in this country we live in a three-nation State and every effort must be made to bring these three nations together; in fact to fuse them into one nation. And that object will never be achieved so long as these artificial distinctions are maintained. I very strongly suggest that common examinations be introduced at the earliest stage and I also would say this, that the only argument which is being advanced against the introduction of common examinations, namely lack of English, has really very little validity if the situation is analysed carefully—studied carefully.

A few years ago we had in this country, in fact these common examinations, I took one myself in the year 1936. That was the examination held by the University of Cambridge and there was no racial distinction then. I believe 1936 was probably the last year in which this common examination was held. Soon after, the Government of Kenya started taking these preliminary examinations and in the beginning even these were non-racial though I am not quite sure—I may stand corrected on that if anyone knows better—even in the beginning the Kenya Government examinations used to be non-racial and it was later that they were made racial.

Again, Sir, only four years after this Kenya Preliminary Examination, all children have to take a common examination and that is the School Certificate Examination. If lack of English must prevent them at the preliminary stage from taking the common examination then certainly in four years' time only I do not see what wonders the Education Department can work as a result of which all children after four years can be deemed fit to take a common School Certificate Examination. Yet in four

years' time, if they can be made ready to take this common examination, I see no reason why an attempt should not be made earlier in the Kenya Preliminary Examination to make them take the common examination.

Sir, I most wholeheartedly welcome the suggestion that from now on English will be progressively introduced as the medium of instruction in all classes. I think that would remove an initial handicap from which the Asian community has always suffered. Also the age of five and a half years for admission to schools will remove another handicap. I cannot understand the opposition that comes from some quarters to the introduction of English as the medium. I suspect subconsciously that it comes from a misguided and the worst form of nationalism which expresses itself into opposition of this language which is in fact the language of the century, the language of the people, of philosophy, of science, of technology, of every subject and a language through which an approach to universal knowledge can be made. Again, Sir, I would disagree with those who say that it is difficult for foreigners to acquire a mastery of the language so that they can compete favourably with European children. I think that this is a completely wrong and completely biased and prejudiced statement to make. As a matter of fact it has always been known that English is best spoken and written by foreigners. Englishmen themselves admit that. I was very agreeably surprised to learn today even from the Minister for Education that English to him was a foreign language and one can see for one's self what a wonderful command he has achieved of the English language today. Surely he is not going to prevent our Asian children from acquiring the same degree of mastery which he now has.

Sir, as regards paragraph 18 of the sessional paper, that is to say the recommendation in the Woodhead/ Harper Report which has been summarized in paragraph B (10) was that a special course of English should be run for those able children who have marked weakness in English. Now, Sir, in paragraph 18 no reference has in fact been made to this special course. I think that that is a very serious omission. I

[Mr. Jamidar] hope that it is only through a clerical error or inadvertence and that that omission will be corrected.

Then, Sir, there is another sentence which strikes me! "Pupils classified as definitely grammar or definitely modern as a result of the K.As.P.E. Examination will at once enter and remain in definite modern or academic streams. The diagnostic process will only be adopted to meet the cases mentioned in paragraph 16 of pupils classified in the K.As.P.E. as grammar/diagnostic, i.e. pupils who have to complete a diagnostic year at the end of which selection for them into a grammar or modern stream takes place."

Now, if we look at paragraph 92 of the Woodhead/ Harper Report the reference there is to all the children who do not qualify for the grammar course. "All the pupils should take substantially a common course" and "it includes all the pupils for the common course." Now, Sir, here there is a distinction and I think that it is very important that all these students classified for the modern stream should in fact have the advantage of this kind of thing here, because so many people develop abilities at a later age, and some develop them through the result of a shock which they experience when they have been chosen for the modern stream, and they should be given the advantage of taking the diagnostic year.

Now, the hon. Nominated Member, Dr. Adalja, yesterday referred to the modern courses and stated that the Indian community, the Asian community, must now learn to accept these modern courses, to which also reference was made only a few minutes ago by the hon. Director of Education. Now, Sir, I agree that there is a need for these modern courses in these modern conditions and that since abilities differ there will be very little point or purpose in forcing into the academic stream those who are quite obviously unqualified for it. But we must try and understand why it is that with the Asian community these courses are about the most abhorred and detested. It is because these modern courses, first of all, are of a very short duration. They last two years, during which Asian children are unlikely to learn anything which would give them

some preparation for life. Again, Sir, they are very ill-equipped; there is no proper equipment, no proper syllabuses, no proper qualified teachers. In fact, the Asian community does not even know what these modern courses are intended to impart, and no attempt is being made to make them know what is being taught in these modern courses. If these difficulties were met then it would be possible to sell these modern courses to the Asian community and I think it would be desirable if the importance of these courses was properly understood.

Now, the hon. Nominated Member, Dr. Adalja, referred to the question of moderation to which reference was made today by the hon. Director of Education, that Asians must also learn now to accept moderation as a normal feature of education. Now, this system of moderation is, indeed, extremely difficult to understand, and so many attempts have been made in the past and in the present to justify it. They are not likely to succeed for the reasons which I will give in a few minutes. I do appreciate, however, that, theoretically, there seems to be very little wrong with the system and that it can be a good system, perfectly consistent with modern methods in education. But in the peculiar situation of Kenya, and the manner in which it is applied to the Asian community, it is unlikely to be acceptable for a very long time to come indeed.

Sir, there is a remarkable coincidence, in the results that we have had in the Kenya Asian Preliminary Examination. The number remains continuously somewhere near the number of 1,200, no matter whether the emigrants are 2,000 or 4,000, and that coincidence is beyond all explanation by chance and, therefore, Sir, I submit that the Education Department would find it very difficult indeed to get the Asian public to swallow the fact that moderation is not intended to limit entry to secondary schools, or else, how could you have that figure of 1,250 remaining constant over more than five years? Moderation, again, Sir, is a mathematical formula, and it is only the Asians who are given the benefit of this system of moderation. If it were applied to all the races then there would be very little objection to it, but that is not being done, and I understand, on good

[Mr. Jamidar] authority from people who understand the mathematical intricacies of the system that this formula would always yield a result of somewhere near 27 per cent—no more and no less—and if that is to be applied to all the European children then that would be the result. That, perhaps, might explain why it is not being applied to the European children. However, if an assurance can be given that this will apply to all the races equally, then the objection would be groundless.

The School Certificate results have been described as disquietingly low in the Woodhead/Harper Report, and I fully appreciate and understand the argument that the environment at home, the home of the child itself, has quite a good deal to do with these final results. I would therefore suggest, Sir, that the Education Department of the Government should undertake now a social survey to study the whole situation of the home environment of the Asian children and that propaganda be undertaken to explain the shortcomings of the home and the causes of these low results to the parents of the children.

As regards superannuation, Sir, I fully understand why older Asian children should not be taught with very young boys and girls. There are psychological difficulties, there are difficulties with regard to the maintenance of discipline, but perhaps, Sir, separate schools or separate classes can be established in existing schools to educate these average children separately, so that they will not be denied just one more chance before they are turned out of the schools.

Another thing that the Education Department ought to do is to make an attempt to answer "why" for all these years in the past, the Education Vote for the Asian schools has not been fully spent. It is perfectly all right to say, "Let us look to the future and forget the past?" But this is not the sort of thing where you have 5 per cent or 10 per cent of the total unspent, Sir: this is a case where more than 50 per cent remains unspent. I think that the Minister should attempt to give some explanation of that.

Finally, Sir, my attention has just been drawn to the state of the textbooks that are being supplied to the children in

Asian schools. They are not only second-hand, but I understand that they are often fourth- or fifth-hand, with the result that they are in tatters, hardly readable, and one can hardly expect good results to come from the use of the textbooks that are supplied. I understand that they are also withdrawn during the school holidays, as are the notebooks of the children, so that during the holidays it is impossible for these children to study anything at all. This is only a small matter, Sir, and I think we should have an assurance that it will be looked at.

MR. HASSAN: Mr. Speaker, I expected to speak on several points, but the Director has already spoken and I am thoroughly satisfied. There is no doubt that the Asian community was very pleased and happy with the experts' report on education that we are debating, but they did not feel very happy on this White Paper when it was issued. The Minister has said that the members of the Advisory Council gave their blessing to it. I would like to point out to the Minister that the members of the Advisory Council are in Council, and I was one of the members of that Advisory Council for several years. The difficulties the Asians had, towards the education of their children were unanimous on all points. I would like to ask the Minister to tell us, when he replies, whether this White Paper is including in entirety, the advice he has received from the members on that council.

I feel, Sir, that some of the most important points concerning which our children are suffering have not been taken into full consideration, although I must say that this White Paper is a much greater advance to have and improve education of our children in this country.

I would like to speak on the general affairs of the Asian education in this country. As I have said before—and I would like to repeat this, Sir—the Minister and the Director are both new heads of the Education Department: they have both recently come to this country. They are facing the most bitter criticism from the Asian community for something which was done by their predecessors, and I can assure them that this criticism was certainly not something which had no foundation. This was

[Mr. Hassan] entirely due to the fact that the set-up of the education in this country was more or less (although it was considered one of the best when it was introduced) one of the greatest blunders the Government could possibly have made.

In this respect, Sir, I would like to point out to the Minister that the educational set-up on a communal basis in this country has caused serious headaches and heartburnings to different groups simply because this education has been entirely on different standards. There was one standard for one community and another standard for the second and no standard for the third.

Now, when some of the Members were talking about the very poor results in the Asian schools when pupils were taking the K.A.P.E. they said that the parents were to be blamed in a considerable way in this matter. Well, I must disagree in this matter, with a view to bringing to the notice of the Minister that although the Asian parents are not graduates of Oxford or Cambridge they know very well that education is one of the important things that their children must have; and to prove that I would like to point out to the Minister that the Asian people and their generous donors built the schools as long ago as something like 30 years ago in Mombasa, and subsequently all over the country, so that the sacrifice and the colossal cost in building the schools was met long before we had congestion in the schools of this country. This is a proof that the Asian parents, although not very highly educated, were certainly quite prepared to sacrifice colossal wealth for the schools for their children in this country. As the last speaker has said, Sir, when the Asian people of this country found out during the last few years that their children were failing to the tune of 70 per cent and 80 per cent, or even 75 per cent and about it. It was felt very perturbed about it. It was then almost three years ago when Mr. Hartwell was here that the parents bitterly complained to the Elected Members and the members of the Advisory Council that they wanted certain disabilities to be dealt with by the Education Department. A deputation of Elected Members and the members of the Advisory Council met, the Minister, and

the Director of Education, Mr. Wadley, was also present there.

The parents informed us that at the highest level the Education Department were not receiving the advice of the Asians. Most of the people at the head of the Education Department, are Europeans and they maintain that they know more about the education of the Asians than the Asians themselves. There were bitter complaints concerning the directors and deputy directors from almost all over the country. With a view to settling this problem we put it to the Minister and to the Director that we would like to have an assistant director for the Asians' education. If there was not one available in the country, then it was suggested that one be recruited from India or Pakistan. In that meeting it was definitely decided by the Director and the Minister that we had two Asians in this country, who were quite capable of being appointed as assistant directors and one of them was to have been appointed by the Director of Education. I have asked that question on several occasions but once I remember the Chief Secretary, Mr. Coutts, remarked that perhaps this post was offered to one of the Asians and he had refused to accept it. But we never had any official reply to this matter.

Another matter which the parents bitterly complained about was that in every class the number of students was 40 and 50—such a number that the teachers found it impossible to teach them properly. We pointed out that this situation must be remedied because it was this congestion in the classes that the teachers were unable to deal with all the students and this was resulting in the poor results in the K.A.P.E. examinations. I am afraid in this White Paper, and even in the report which was made by the experts, it has been laid down that automatic promotion will be maintained. Under the present position, I feel that if such a system is maintained I am afraid that examination results of the children will always be poor because it is impossible that the teachers could effectively teach 40/50 children in a class. There is no doubt that the Education Department was not at fault and was suddenly called up to face a very large number of children of the European and Asian communities which were

[Mr. Hassan] suddenly thrust upon them. But they never anticipated such a tremendous increase which my friend the Member for the Central Area has mentioned yesterday—that the Europeans have increased from 1,200 to 12,000 and the Asians have increased from 12,000 to 50,000. I do not think that the Education Department ever anticipated that they would be called upon, with their small amount of money, to deal effectively with such large increases in population.

The second point which I would like to deal with is the question of finance. We have limited finance in this country and touching almost to the limit of £5,000,000 to £6,000,000 which the country can hardly afford. The distribution of these finances is unfortunately done among different groups in such a way that it is causing heartaches to the different groups. When we come to the Asian community, Sir, we find that their Vote is giving them about £15 or £16 per child, while the European community gets about £100 per child although they do pay back about 60 per cent in hostel expenses. The African gets less than £5 per child.

Now the Government should think seriously that when they had a communal set-up in education, and they divided the Kenya schools into European, Asian, African and also Arab. Now I would like to point out to the Minister that when the non-European community is asking that we should have common schools, they are asking for common schools simply because they find that in the European schools the education is of the highest standard; they have everything; they are self-contained. In the Asian schools there is a lack of accommodation, lack of teaching staff, and Africans have no schools, so naturally for example when somebody asked a bent-up woman whether she would like to have her bend straightened up or whether she would like the world to bend-up like her, she said: "I would rather like to see the whole world bent-up just like myself."

So the non-European community, when they find that they are not having as good a standard as the European community, they would like their European brothers to join them and to suffer the same disability—and then they will

understand how they will feel when their children are not getting the proper education.

The system that the Government adopted was such a wrong one that the non-European community, in addition to finding serious difference in the "per capita child" expense of the schools—there is a question of what they term a "European" at schools, Non-Europeans feel they are under certain obligations to the British people and the people of the British Isles, and if some privileges were granted by the Government to these people of the British Isles, naturally it is a British Colony and they would deserve some consideration and privileges for their children. But to extend the same privileges to Europeans other than British, the non-Europeans feel they are under no other than British. So why on earth are they getting privileges over and above us in this country? The British are here and we are their subjects in this country, who reside in this country, and why on earth—at the cost of the British and the British subjects in this country—should privileges be held out to the Europeans other than British? If the British people feel very generous about it, and want to extend the hand of generosity to their friends from other European countries, we have not the least objection if they give them that which entirely belongs to them. It is unfair to put hand in pocket of the British subject and then extend the hand of friendship and generosity to the European to whom we are not under any obligation. Other European nations have their possessions in Africa; in those parts we are not allowed to go and set a foot in them. What right have they to get privileges over and above us in the education of their children in this country? This is one of the matters, Sir, which the non-Europeans cannot possibly tolerate. We do not mind if such privileges are enjoyed by the British and the people of the United Kingdom.

The Director mentioned about teachers in grant-in-aid schools—that their status cannot be raised equal to the teacher in the Government schools. I would like to point out to the Minister that grant-in-aid schools have been having considerable difficulty in engaging or appointing the best and most efficient educated

[Mr. Hassan] people from overseas, only due to the fact that they find that the Government servant or the teachers in Government schools have better terms. When the Asian parents spend such colossal sums for building and running their own schools at a cost of another 20 per cent to them, it is fair and reasonable that the Government should assist them to have the highest qualified and efficient teachers in their schools. It is no good helping them and asking them to build schools and run schools and then not giving them the most efficient teachers to assist them to obtain the best education for their children. Otherwise, I am afraid the products of those grant-in-aid schools will not be given the same status in this country when they face the future. It is a very important matter and has been brought to the notice of the Government on several occasions during the last two or three years. It is very important and I would like the Minister to give very serious consideration to this.

I agree with most of my friends that English must be the medium of education in this country from the earliest age of the child, and this is one of the most important things because English is considered to be the official language of this country, and we would like our children to start learning from the very first days.

I would like to point out to the Minister that if you visit some of these mission schools you will find the products of the mission schools are further ahead in the English language than even the Government schools today. Now, in the mission schools you find children of all races; you find Europeans, semi-Europeans, Goans and Asians in those schools. The pupils in those schools are getting the highest results in our examinations—in the Senior Cambridge as well as in K.A.P.E.—and that is an absolute proof that in mixed schools children learn each other's language very quickly, and the question of any community's children being backward in English does not arise in those schools. I have seen the children of Asians in the White Sisters' convent school in Mombasa standing first in the Senior Cambridge examination in English and taking credit.

I know we should allow parents to choose the school to which to send their children. It is quite right—I agree—for

parents of all communities, but when we put up Government schools, those Government schools must be open to all. There is no question of establishing Government schools of the highest standard for one community and a lower standard for other communities. This is entirely a wrong system. These headaches are such that they have been made a political problem in this country, and I would like to tell the Minister that it needs a very bold and courageous step to undo the error which was committed by the Government in the past. What we need in this country is unity and peace, and I think the best way to start that is from schools. The sooner this matter is dealt with in a mastery way by the Education Department, the sooner we will have some results.

Members have dealt very exhaustively with all these problems in detail and I need not touch them again, but there is one thing which I would like to bring to the notice of the Minister: please do not forget that the Asians have only had this one thing—the education of their children—which they got from the Government of Kenya. Other communities have had help and assistance by banks, by guaranteed minimums, by tax rebates, by land, by hospitals—and the Asian community has only one thing which they had from the Government, and even then they went and built more than 300 per cent more schools than the Government in this country to educate their children. The Asians need very kind consideration to see that their children's education is not being retarded.

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

MR. NAZARETH: Mr. Deputy Speaker, Sir, this is one of those rare occasions when I feel that both the commissioners and the Government can be congratulated, one for the report that they have presented, and the other for the large measure in which they have accepted the recommendations in that report.

I am not an expert on education. I have not had that contact with education that my friend, the Nominated Member, Dr. Adajia, has had for many years, or that of my hon. friend, the Member for the Central Area, Mr. Travadi, nor can I even claim to be that kind of a layman expert that the hon. Nominated Member,

[Mr. Nazareth] Mr. Alshindri is willing to be taken to me. But I do feel, with my limited knowledge, that the commissioners deserve our thanks and the Government our appreciation one, as I said, for the report, the other for their acceptance of the recommendations, I feel that the attitude of the commissioners and of the Government will help greatly to restore that confidence in the Education Department which has been lost for a considerable number of years. It's a very difficult thing to rebuild lost confidence, and I should like to enter into the reason for the loss of confidence, not with a view to heaping recriminations upon the Government, but with a view to considering the danger points which Government will have to watch with special care if the good work in the report and in the White Paper is not to be dissipated and lost.

Now one cause for that loss of confidence was the persistent underspending of the allocations made in the development programmes—an underspending much greater than in the case of the other races. The commissioners have pointed this out in very clear words in paragraph 18, of their report. They say this: "To the outside observer, it would seem that in the last 15 years Government's expenditure on Asian schools has not sufficed to prevent them from losing ground—to European and to African schools." Again, in paragraph 127, they say: "We consider the expenditure on the education of the European and Asian communities is a matter for Government policy rather than for any recommendations from us. The story of past development programmes, however, would seem to indicate that the actual, as distinct from the projected, expenditure shows a more serious retardation of Asian than of European education, and that much could be done to deal with the situation by a definite attempt to improve the standards of provision of Asian education."

Now, no explanation has been given in the course of this debate for this consistent underspending, nor has any explanation been given in the White Paper. It is, I feel, important that an explanation should be given of why this consistent underspending took place over such a long period of time, because, in the absence of an explanation there will tend

to lurk in the Asian community a fear that the same course might be pursued or the same thing might happen in the future. But the Government has frankly acknowledged in the White Paper that this underspending has taken place and it has sought to make amends. In the Development Estimates for 1959/60, we observe that a sum of £286,571 has been allocated for Asian education as against an allocation of £89,320 for European education. Such a proportion has never occurred, I think, in the past and it does show the Government's desire and anxiety to make amends for what has happened in the past. But even this large allocation during this year does not make up for that very great backlog that took place in previous years. The hon. Member for the Central Electoral Area, Mr. Travadi, has stated that the amount of underspending amounted to £1,250,000. I do not know whether the figure is accurate, but whether or not that figure is an accurate figure, it is clear that a very large underspending has taken place and I hope the Government, which has started with this large figure for 1959/60, will not relax its efforts to make up that backlog which has had very permanent harmful effects on Asian education. If Government were to relax efforts to make up that backlog, it might seem to the Asian community that it is only the observations of the commissioners in their report which helped to produce this big allocation and that it was only agitation in the Asian community that produced the appointment of the commissioners. It is therefore of fundamental importance in future that the Government should fully spend the allocation that is made for education.

Another cause for loss of confidence was the prolonged failure to appoint an Assistant Director of Asian Education. The last speaker had dwelt at length on that matter and so I will say nothing more than to welcome—a limited welcome—the acceptance of the recommendations made that an Asian should be appointed to an office subordinate to the assistant director—he has been appointed on a trial basis.

THE MINISTER FOR EDUCATION,
LABOUR AND LANDS (Mr. Mathison):
Not on a trial basis.

Mr. NAZARETH: The recommendation was, he should be appointed on a trial basis. Apparently—the gentleman—has been appointed. I sincerely hope that the Department will be able to proceed to the appointment of an Asian as a substantive assistant director.

This question of the prolonged failure to appoint an assistant director raises the question of appointment to the higher posts in the Education Department. Now recruitment for the higher posts in education must, I think, to some extent at least, come from abroad, and that, I think, in turn involves immigration policy and practice. The Asian community has long believed that the immigration practice is antipathetic to the Asians and that there is no encouragement for better candidates to come out to these territories. There is a feeling that they are too often appointed on temporary employment passes. Appointment on such passes would not tend to encourage the better candidates to seek appointments here. At the end of the period of the temporary employment pass, these appointees are frequently repatriated, and one feels that an insufficient distinction is drawn between teachers and other persons who are brought out on temporary employment passes. The policy of importing persons in such a way can be guaranteed to produce not the best candidates, but the worst candidates, and it is not surprising, therefore, that recruits have been found, in large measure, unsatisfactory. I accept briefly the recommendation made by the commissioners that we should seek to recruit teachers locally. They have said that in paragraph 162, where they say that "the real solution is for the Asian communities of Kenya to supply from their own ranks a large proportion of the teachers needed in Asian schools." While I accept that, it is also necessary to bear in mind that recruitment from India and Pakistan will, to some extent, be necessary and that the policy and practice here must be such as to encourage the best candidates. Normally the salaries offered in these territories, which I believe are substantially higher than those which are offered in India and Pakistan, would tend to bring out the best candidates, and it would be desirable, therefore, with a view to importing the best teachers from India and Pakistan, if control of immigration of

teachers were, as a matter of practice, vested in the Education Department, and kept out of the tentacles of the Immigration Department. The Asians might, with increasing confidence in the Education Department, have greater assurance that the entry of teachers would not be subject to the political pressure, which one has felt in the past, has applied to the Immigration Department.

There should be no question of preventing Asians from becoming permanent residents when they come out to these territories. If persons felt, when they came out, that there was a chance that when they broke up their homes they would be able, if they so chose, to remain permanently here, they would be more inclined to come out than they are inclined under the present system, where, after breaking up their homes, they establish nothing permanent here and have to go back again after the period of four years.

[Mr. Deputy Speaker (Mr. Beelgaard) left the Chair]

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

The third reason for the loss of confidence in the Education Department has been the terrific disparity in Asian and European examination results. Now that disparity does not take place in other fields. In cricket, hockey and so forth the Asian and European children, as well as the children do practically the same. The disparity is made by the commissioners in paragraphs 143 and 144 of their report. They point out that 65.6 per cent of European School Certificate candidates gained certificates, while the Asian proportion was only 16.2 per cent in the group that they chose, for which they had the figures, that is the 1954 group who took their certificates in 1957. In regard to the Asian figure, they say that "the Asian figure is disquietingly low and suggests shortcomings in the primary as well as the secondary system, and not least in the system of promotion that has obtained in the past."

The Asian figure is not only disquietingly low, it is tragically low. I cannot believe that talent is so unevenly distributed that it can account for a figure which is vastly different as between the

[Mr. Nazareth] two communities, and it cannot be doubted that, if not to the whole extent—and I do not suggest this to a considerable whole extent—but to a considerable extent, the responsibility has largely lain and does largely lie upon the Education Department. But the Government, by accepting the recommendations of the commissioners, helps to make amends. It holds out hopes for the future, though it does not wash out entirely the sins of the past. There is a hard up-hill road still to climb. Errors have to be corrected. The lack of sympathy in the past has got to be replaced by active sympathy before the Asian figure of 16.2 per cent approaches the European figure that was there given of 65.6 per cent. I hope, therefore, the Government will not relax its endeavours to close the gap, for the present figure of 16.2 per cent is not a figure that can possibly be tolerated.

Now the factors that will need careful attention if the position is to be improved are first of all the quality of the teachers employed in the schools. In the appendix to their report the commissioners point out that the figures for European education show 140 trained graduates to 51 untrained graduates. That is nearly three to one, or nearly 300 per cent of trained graduates to untrained graduates. In Asian education you have 290 trained graduates to 238 untrained; that is less than 100 per cent compared to the European 300 per cent. In the case of teachers who have completed secondary education, you have—the figures for 1955—220 trained as against 68 untrained; that is between 300 and 400 per cent. In Asian education you have 300 trained as against 347 untrained; that is less than 100 per cent against the European figure of 300 to 400 per cent. There is—obviously—vast scope for improvement in the qualifications of the teachers who are recruited for Asian schools.

Another important factor is the question of language. These Asians are at a disadvantage, and that accounts, no doubt, to some extent for the disparity in results, in that their mother tongue is not English. The comparison might perhaps be made of imagining what the results might have been if Europeans had to write their examinations in Urdu

or Gujarati. There is the necessity of improving standards in English even at the expense of the vernaculars. There I give my full support to the recommendations of the commissioners and I fully support the Government in accepting those recommendations. English, after all, is the official language of these territories. It is the medium for achieving understanding or engaging in competition with other sections of the population, and I feel confident that enlightened Asian opinion will fully support the policy designed to improve standards of English. I welcome, therefore, paragraph 33 in the sessional paper, where the policy is supported of "extending the use of the English language as a medium of instruction throughout the Asian primary schools, and that every encouragement will be given to this work".

I gladly heard the clarification that has been made of the speech of the hon. Member for the Central Electoral Area, when his colleague in that same area stated that he had been misunderstood. I felt, myself, there was a division in the mind of the hon. Mr. Travadi, and that he considered both languages important—the vernacular and English—each more important than the other. That accounted for the confusion in his mind. The question of choice between English and vernacular—must, or rather likely will, arise and when that arises, for reasons of necessity or practical wisdom I feel bound to say that English must be preferred. Indeed I feel that it would be highly desirable that English men and English women should be appointed to teach English, even if possible from the lower standards. On the other hand, I think it would be desirable that for all other subjects, Asians should be the teachers appointed. I hope that the Government will not accept one part of the other part, and not increase the number of English teachers without at the same time ensuring that for other subjects the teachers should be Asians. There should be no difficulty, I feel, in recruiting satisfactory teachers from abroad, for other subjects; from the Asian community, if the unsympathetic policy which we believe has been in practice in the past—the policy in immigration that has been practised in the past—is not continued any longer and is abandoned.

[Mr. Nazareth]

It is this difference in the mastery of the English language which I feel has lain at the bottom of the approach of the Government in regard to bringing the Asian and European systems together, and which accounts for the cautious approach that the Government has adopted in paragraphs 30 and 31 of the White Paper. I do not know whether I can go to the full length with my friend, the hon. Member for the Central Electoral Area, Mr. Jamirah, in pressing for greater speed in bringing about common examinations. Asian children might be placed at a considerable disadvantage if immediately they had to sit for common examinations without the lower standards being given a little time to be brought up. Therefore, beginning with arithmetic might be a good first step. But I do hope that the Department will make every effort to bring about common syllabuses and common examinations at the earliest possible date.

A good deal has been said on interracial schools. There I feel I should like to press the matter. There is, I feel, too much of a panicky, emotional and almost pathological attitude among Europeans in their approach to interracial schools. We are not suggesting that there should be an overnight conversion of all schools into interracial schools. Some years ago a step was taken in starting an interracial school at a low level—the Hospital Hill School—and I believe it is universally acknowledged that that experiment has been a successful one. What we are suggesting is that there should be a small percentage of children of other races in schools, of other races than the race for which the school is primarily designed, and at the same time Government should build at least one primary school and one secondary school of the highest standards. This is not a case, as the hon. Member for Aberdare suggested, of treating the European community as a guinea-pig. The experiment has been tried and it has not resulted in any great difficulty. It has been a success.

I feel myself that we might profit by the experience we have had in regard to hotels. At one time I think the European community imagined that if hotels were thrown open to non-Europeans

there would be a wholesale invasion of the hotels and they would become quite intolerable to Europeans. Hotels have been thrown open for some years and nothing has happened. I had recently the experience of entering an hotel which had been completely closed to non-Europeans in Eldoret a few months ago. The hotel had refused admission to an Asian Minister, and I said I would attempt to see whether any difficulties would occur and I sought admission. I asked for accommodation and I was given accommodation, and no difficulty occurred of any kind. But as a precaution, no doubt, lest difficulty might occur, I was carefully given by the waiter, when I came to dinner and breakfast, a chair with my back to the room. I realize, of course, the necessity of caution. They had to be gradual in their approach, and I made no sort of protest. I quite accepted a chair with my back to the other people in the room.

I hope it will not be necessary for Asian children, if they are admitted to European schools, to put their backs to the teacher. These experiments, where they are tried, are found not to be failures which are feared, and I feel the European community should now take its courage and be tried in these experiments. We are not suggesting that there should be a limited sort of way in which, shall I say, this particular hotel in Eldoret deal with me. They might take some precaution—not the kind taken with me—but other precautions might be necessary.

I feel it is of the utmost importance that European leaders should see that you cannot build a nation by a practice of separatism in the formative stages of the potential citizens and the potential leaders. And I hope that they will come to realize the necessity of interracial education to build up our new citizens, and that they will not reduce themselves to becoming blind in order to lead the blind. In the past a good deal has been made of the percentage in England of those who go to grammar schools, and it has been stated that about only 20 per cent of children in England go to grammar schools. It is suggested then, apparently, that something of the same sort happening here should not be objected to by the Asian community, but if 20 per cent is the proper percentage in England, it is difficult to

[Mr. Nazareth] explain why here the Kenya European percentage is so much higher than 20 per cent. It is, I believe, something between 60 per cent and 80 per cent. It is of the utmost importance to close this big gap between the Asian percentage and the European percentage in Kenya, and the difficulty, I feel, must largely lie with the Education Department since there cannot be such a vast disparity in the natural talent between the two communities.

There has been so much suspicion, so much deficiency in the past that the old cautious attitude and the old suspicions of the Asian community will not disappear overnight, and in spite of the encouraging reception that the report of the commission and the White Paper have had in the Asian community, it is very important that in future the Asian opinion be given due weight. I hope, therefore, that the Department will give no cause in the future to revive old suspicions or hostility or misunderstanding. Lack of money is the root of much evil, but in spite of the difficulty of money there are certain gaps which must be closed. One gap which exists between the Asian and European communities is the fact that the Asians have not one single boarding school. The White Paper promises a hostel at Thika and another at Nairobi and demands have been made for one at Mombasa and one at Kisumu. That system of education in a boarding school is not quite the same as in a day school. There is a difference, in effect, between boarding schools and day schools, and it would be highly desirable that this gap, this very serious gap in that the Asians have not one single boarding school should be closed.

I know that the Government is going to say that there is no money for such a thing as that, and that the money must be used for other purposes which are of a more urgent nature. I should like to throw out a suggestion to the Government that they might perhaps consider attempting a loan from the Asian community. I am entirely against, of course, a racial tax or anything of that nature. The expenses would be met from the general funds, but if the Government is short of money the Asian community might be able to raise the money for an

Asian secondary school seeing the great burden they carry in the aided schools, and the vast number of aided schools that the Asian community supports. They would be willing, I feel to come forward and lend money to the Government. They are not in a position any longer to give it to the Government in order to have a secondary school. I hope the Government will investigate this possibility and see if it is not possible by raising a loan to give the Asian community one boarding school at least.

I have referred, Mr. Speaker, to points of criticism and defects which I should like to see corrected, but I have not referred to the many points on which I agree with the decisions in the White Paper. There are a very large number of these decisions. In fact, there is very little in the White Paper that I disagree with. Where the sessional paper has not accepted the recommendations of the commissioners, I am bound to say that I believe it has been fair in its approach, and reasonable in its policy. To the commissioners, themselves, I feel the Asian community owes a great debt of gratitude for the great service they have done to the cause of Asian education. I feel they have adopted a very fair approach to long-standing grievances and difficulties, so while there is room for criticism and space for much greater progress the Government deserves our thanks for having so largely accepted, and in certain respects, set in train, the steps to implement the recommendations made by the commissioners. As I have said, great progress has been made and confidence has been built up, but it is of the utmost importance that our expectations should be fulfilled, that promises made should be faithfully kept, and that policies declared by the Government and accepted by us should be fully implemented.

The commissioners have completed their work and they deserve our thanks. The Minister and the Director and the Government deserve our thanks for largely accepting the recommendations of the commissioners. In the hope that the sums that have been allocated will be fully utilized, that words will become deeds, and that policies will find their true fulfilment in practice, Mr. Speaker, I beg to support.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Speaker, Sir, I see that the Motion before the House as described in our Order Paper today as the "Consolidation of the Recommendations of the Report on Asian and European Education". I am sure that the weight of words which have flowed on this subject in the course of the last two days will have achieved that objective. I would like to join the many hon. Members who have paid tribute to the authors of the report. As Government said at the outset of the sessional paper, we are most grateful to them for the thorough and helpful way in which they have advised on this problem, and I am very glad that that has been recognized by all the speakers on this subject. There has been, perhaps, a less complete measure of satisfaction expressed with the sessional paper itself.

I feel that the hon. Member for the Western Electoral Area is, perhaps, doing less than justice to the Government paper when he remarked that there was an attitude of flagrant indifference towards the needs of the Asian educational system and the aspirations of the Asian community. I think I can claim with some justification that this paper, representing the reactions of the Government to the recommendations of the report, does show that we have applied ourselves with great diligence and anxiety to help solve the problems which have been so ably presented to us.

I was very glad that my hon. and learned friend, the representative for the Western Electoral Area felt able to say that there was little to disagree with in the sessional paper. I feel that perhaps that suggests that there was little in his speech which was directly relevant to the Motion before the House, but I was very glad to have his support, as also that of some of the hon. Nominated Members who sit on the Benches as behind me, notably Dr. Adajia, in a speech which the Director has already commended, and on which I would like to support the Director. I also felt that the speech by the hon. Nominated Member, Mr. Mohindra, was an extremely valuable contribution to our debates. During the course of his remarks, the hon. Dr. Adajia asked specifically if he could have some reassurance regarding a remark in the report itself which has not been dealt

with explicitly in the sessional paper. He referred to the reference at the end of paragraph 46 of the report, where the authors of the report suggest that the system of dual sessions is likely to become commoner. With regard to the decision which they suggest had been made in November, 1957, to extend dual sessions in Asian primary schools up to the end of Standard IV as the price of lowering the entrance age to 5½, I can give him a complete assurance that it will remain the policy of the Government to take steps to abolish dual sessions as quickly as possible in Asian schools.

MR. TRAVADI: Would you define the word "quickly" please—the word quickly is very pregnant?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): I fail to follow the hon. Member in the adjective he applies to the word, but I can assure him when I say "quickly" I mean fast. I know that I cannot really claim to have a complete command of the English language as it is not my native tongue, but I trust that hon. Members will accept that it is the policy, the sincere policy, of Government to make it possible to do away with dual sessions. We have already done so in Mombasa and intend to extend it elsewhere, but we have had to accept as one of the results of lowering the Asian entry age where you get more children coming into the same size of school, until that school can be expanded there will be some retardation that would not otherwise occur in the abolition of dual sessions.

I felt that the hon. Member for the Central Electoral Area, that is the hon. Member for that area who spoke longer than his twin, did less than justice to the way in which Government has accepted in such large measure the recommendations of the report, and are taking steps to implement them. I much admire the hon. Member's industry and painstaking statistical accomplishment, but I do not think that the raking over of the dead embers of past controversies is really what we wish to do on an occasion such as this.

I said I was surprised at the lack of recognition in the speech of the hon. Member of the big effort we are obviously making to improve the capital equipment of the Asian educational

[The Minister for Education, Labour and Lands] system. There have been some comments, Sir, made in this House on this understanding which can arise through the mixture of English, and perhaps I should not say I was altogether surprised. I am reminded of the story attributed to the great dictionary-maker, Daniel Webster, who on one occasion was caught in a compromising position with the housemaid by Mrs. Webster, who remarked to him, "Daniel, I am surprised," to which the lexicographer replied, "Madam, we are surprised, you are amazed." Well, perhaps I should rather say I am amazed that the hon. Member for the Central Electoral Area was not ready to show a more generous approach to what we indeed intend resolutely to do.

One of the main issues which he raised was the relationship between the Ministry and the Director of Education, in which he went so far as to suggest that this House should be deprived of all the information and guidance the Director gave in his speech on the many professional issues which we are considering. There were also suggestions by hon. Members that a Ministry which was as possible free education, labour and lands was a wholly unwieldy instrument and I think the education part of it was to be isolated, one hon. Member suggested. I do not know whether that means banishment to a distant part of the country, but I certainly, Sir, as Minister welcome a decision, if it were possible to take it, that the Ministry of Education be established as a separate entity. At the present moment these diverse subjects which are the responsibility of one Ministry have very little in common except that they are contentious, sensitive and difficult to handle. I would willingly shed some responsibility for some of them on to one of my Ministerial colleagues, but as hon. Members know, the distribution of responsibilities between Ministers has not in the past been determined solely by administrative wisdom. It is probable, I fear, that we may have to wait until there is some general constitutional movement, in which juggling with portfolios is always a notorious element before we can achieve what I do regard as a very important objective which the Government should set itself.

I would not however wish to see the Director of Education in his professional capacity vanish from the scene or from the Ministry of Education. I feel that when we can have a separate Ministry of Education or even perhaps before then—and I am looking into this—we should try to have complete integration between the Minister and the officers of the Ministry and the Education Department with the Director of Education serving as it were as chief education officer who is the responsible professional adviser on education to whoever may happen to be the Minister at the time and perhaps also acting in the role of the permanent secretary to a normal Ministry. I believe, that it is a wholly possible arrangement and one which I should like to study further.

At this point, Sir, I would like to turn to some of the remarks which were made by hon. Members since my hon. friend, the Director of Education, spoke on the professional problems. I was very glad to hear what the hon. and gracious Member for Nyanza had to say upon the question of secondary modern courses. It is perfectly true that secondary modern courses are fully respectable and useful forms of secondary education and have been developed on those lines in the United Kingdom for many years. With a view to ensuring that any courses we have here or may introduce in future here are based on the best available experience we have arranged that a member of the inspectorate at present in the United Kingdom is studying the curricula and practices in modern schools in order that we may be able to draw directly on the latest experience there in formulating schemes of modern education well adapted to the conditions and needs of Kenya.

The hon. Member for Central Electoral Area—that is, the one who did not speak for quite so long—gratified me by saying that the report was well accepted by the Asian community and he asked if we proposed to implement it in the same spirit with which we had accepted its recommendations. I can certainly assure him that it is our intention. He complained that the references to a common examination were vague and indefinite. I would like to remind him and the House, Sir, of what the Director of Education said yesterday at the outset

[The Minister for Education, Labour and Lands] of his speech that common examinations were only possible if they had behind them a common syllabus. And the Director of Education indicated some of the problems which still remain in producing a wholly common syllabus. I was glad that the hon. and learned Member for the Western Electoral Area supported him in some measure in this in that we should not try to rush too fast to a too rigid rigid syllabus with a common examination. But I can assure the House that we do seriously intend in 1960 to get the closest approximation which is fair to the pupils in the arithmetic examination in that year and we will build on that and continue until we can produce common examinations on a common syllabus for all schools provided we are satisfied that it is done at a pace and in a manner which meets the educational needs of the children and it is not done simply on the basis of: "It's a nice principle to follow; let's follow it regardless." The activities of Procrustes no doubt produced a common result and were very intellectually satisfying in their uniformity but I do not think any of his victims drew a demonstrable benefit from it. And I think we must approach the problem with considerable caution.

The hon. Member for Central Electoral Area to whom I was referring also suggested that the recommendation B (10) had not been commented on in full in the report. Well, in that recommendation it was suggested that at the outset of secondary education special courses might be instituted for those pupils who showed a marked weakness in English. I can assure him that it is our intention to do this to the best of our ability.

In relation to his remarks on common courses, Sir, he suggested that they were firstly too short. We intend to extend them as we say in the sessional paper to three and four years as fast as we can. He also said that the equipment was inadequate. We have recently increased the equipment provision for modern courses and we hope to be able to improve on that within the limits of our finances.

Much of the work of the inspectorate has been concentrated on the syllabuses which he also suggested were inadequate

and we hope to produce new and appropriate syllabuses soon. In the field of teacher training, too, we are also trying to do what we can to produce specialized training for those teachers who are destined to enter a modern stream.

The hon. Member, Sir, for the East Electoral Area in an interesting historical exposition in which I do not think I will follow him very far asked a number of specific questions. He asked if the advice of the advisory council on Asian education was fully accepted in this report. My answer is that in almost complete measure it was accepted and in complete measure it is reflected in the arguments in the Sessional Paper. He also asked why an Assistant Director who was an Asian was not appointed. This point was also touched on I think by my hon. and learned friend. The fact is, of course, that the Assistant Director of Education is appointed not by the Government of Kenya but by the Secretary of State and he is appointed to a promotion post in the Colonial Education Service. That is a point which I think must be borne in mind since anyone whom the Secretary is likely to appoint to such a post should be someone who can undertake those duties or higher duties in any dependent territory for which the Secretary of State is responsible. But I do point to the fact that in the report we have accepted the initial recommendation of the commissioners in this regard and I would also like to say that the system of organization at the headquarters of the Education Department is not necessarily a permanent one—the one which exists now. As I said during an earlier debate on the general subject of education we are studying closely the possibility of devolution of control and administration from the centre with the appearance of senior officers in the Education Department in regions with a greater measure of complete responsibility and no doubt a reduction in the numbers at our headquarters and a readjustment of their duties which I hope will no longer necessarily be on the basis of racial sections.

Also on the point raised by the hon. Member for the East Electoral Area, I would like to acknowledge readily, and indeed we do in the Sessional Paper, the very great measure of self help which the Asian community has shown in the

[The Minister for Education, Labour and Lands] matter of developing the educational system and the vital importance of the aided schools in the general educational system of the country.

My hon. friend the Director of Education has already referred to some of the specific things which we are doing to show that recognition, and I also touched on that matter in an earlier debate.

I think the main outstanding matters from this discussion, Mr. Speaker, are requests for assurances which have come from certain hon. Members. The first I would like to approach is that sought by the hon. Member for the Central Electoral Area and subsequently supported by the hon. Member for the West Electoral Area that the capital expenditure on Asian schools was not just a figure in the Paper but would in fact become bricks and mortar on the ground. I should like, Sir, to refer to paragraph 22 of the White Paper where we say that although a great strain will be placed on the agencies concerned in carrying out this programme a firm programme has been established to expend all the funds available for Asian education within the revised allocation for the current development period and during the current financial year 1959/60 more than £250,000

—in fact, Sir, over £280,000—will be spent and that plans have been made to spend it. It is in this way that we intend to avoid a repetition of what has happened in the past where the expansion of the system has been retarded not so much by the failure to provide money in the Estimates or of this House to vote such money but through the accumulation of delays on the actual implementation of the programme. One factor in this, Sir, is that schools for the Asian community are mainly built in towns, and it is a fact of experience that to get a building going in a town with the land and planning problems which that involves is much more difficult than to build a school in a rural area, and there are many more vexatious delays which are apt to arise; but I hope that we have now got our system so organized that we can avoid these vexatious delays and it certainly will be my personal interest to ensure that this programme is completed.

The second assurance that was sought, Sir, was related to the question of other

racial sectors of our educational system, namely the request made by the hon. Member for Coast Rural and the hon. Arab Member that the Government should approach as zealously and with as great a sense of urgency the problem of the education of other communities. I can assure him that I approach the problems of the education of all communities in this country with an equally zealous intention of doing my utmost to promote their welfare.

The hon. Member for Kitui also, I think, sought an assurance that we would be prepared to examine the needs of African education with the same thoroughness and in the same way as we have examined those of Asian education. He may be interested to know, Sir, that we have in fact invited all the education boards in the African areas to produce from the bottom the outline of the plan for the next development period and when we have these plans and can consider them centrally with the advisory bodies and persons concerned we will definitely consider whether it would not be in the interests of the proper discussion of these matters to prepare a sessional paper and bring it to this House. I shall certainly give that proposition some thought in the future.

I think, Sir, that these are the main outstanding matters which have not already been covered by the remarks made by my hon. friend the Director, and I feel that this Motion before the House reflects a fresh approach to a problem which has in the past caused a good deal of difficulty between communities and I also feel that it reflects a resolute approach. But I do believe that it is a sound base on which to go forward in the conquest of these problems.

Sir, I beg to move.

The question was put and carried.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think that it would be hardly fair to ask the Minister to start on the discussion of another sessional paper at this late hour. I therefore propose to adjourn Council until 9.30 a.m. tomorrow morning, Friday, 12th June.

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

Friday, 12th June, 1959

The House 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 Price Control (Sugar) (Amendment) (No. 3) Order, 1959.

(By THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey))

The Water (Water Apportionment Board Membership) Rules, 1959.

(By THE MINISTER FOR FOREST DEVELOPMENT, GAME AND FISHERIES (Mr. Blunt))

MOTION

LIMITATIONS OF DEBATE

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I beg to move that the following limitations be placed on the debates on non-Government motions:—

- That the Mover be allowed thirty minutes to introduce his motion and for his reply.
- That one member of the Government side be allowed thirty minutes.
- That all other speakers be limited to fifteen minutes.

Sir, the Sessional Committee has given considerable thought to the question of how limitation could be placed upon the debates in this House to some extent. There are two methods which could be chosen. One is the limitation by time on an overall basis, that is to say, limit the debate to a number of hours or one parliamentary day, and the other is to attempt to limit the debate by the method now suggested, allowing the Mover 30 minutes in which to introduce his Motion and 30 minutes in which to reply, it allows one member from the Government side 30 minutes; and it allows all other speakers 15 minutes each without restricting the number of speakers in the debate. The majority of the members of the Sessional Commit-

tee feel that the proposed suggestion is the best way to achieve this desired objective.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris) seconded.

Question proposed.

MR. COOKE: Naturally, Sir, one agrees. However, Sir, I do suggest that the best way is to get rid of the tedious repetitions which take place in debates, not only by the same speakers but by other speakers repeating what one speaker has already said. Also, Sir, with all due respect, I rather think that there is a lot of speaking out of order at various times because speakers have been dealing with other subjects outside the subject of debate. I would with the greatest respect, Sir, ask you to control us a bit more.

MR. BOMPAS: Mr. Speaker, I would like to support this Motion. However, it seems to me that the word "introducing" is incorrect in subparagraph (a). It should read "(a) That the Mover be allowed 30 minutes to introduce his Motion and for his reply".

Additionally, Sir, I am naturally disturbed that this limitation is suggested only on debates on non-Government motions and I am wondering whether the Sessional Committee can devise some method of limiting debates also on Government motions such as Motions on the adoption of a sessional paper. We have spent many wearisome hours in this House in the debates on the Educational Sessional Paper.

I beg to support.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, in so far as the hon. Member for the Coast is concerned, I cannot comment, Sir. That is a matter for your discretion and I certainly would not challenge your discretion. In so far as the point made by the hon. Member for Kiambu is concerned, I think he is probably right and it should be "introduce" and not "introducing". The motion of introducing seems to be the one that is referred to. In so far as the question of Government Motions and White Papers are concerned, Sir, the Government does feel that if it places a White Paper in front of this House, and

[The Minister for Finance and Development]
the hon. Members opposite wish to spend perhaps—and in some opinions perhaps waste—a lot of time arguing about it, that is really a matter for the hon. Members on the other side of the House and Government would not wish to limit their expression of opinion upon an important paper on policy. But, Sir, I would like to say that the Sessional Committee has itself had due regard to this and I hope that some time in the near future, it is proposed to and that it will be possible, Sir, to bring limitation by days, leaving the choice of the speakers, Sir, to yourself and letting hon. Members of this House realize that because a Motion is introduced it does not mean that every Member has got to speak to every Motion. Opinions can be expressed by one or two people on behalf of a group of people who hold certain opinions.

Sir, I beg to support.

The question was put and carried.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): In view of the fact that during the course of this debate allusions were made to what is in fact my responsibility and my old and valued friend Mr. Cooke made certain suggestions which I would like to say I welcome very much, although he himself sometimes has been known not only to be one of the guilty parties but one of those who protest strongly when I do try to limit the debate. Nevertheless I would repeat what I said yesterday or the day before. I know I give undue latitude very often but I consider it is my duty to do so finally because I realize that some of the Members are not speaking in their native tongue and, secondly, they are a little bit inexperienced as far as Parliamentary procedure is concerned and, thirdly, they are trying to express on behalf of those who put them here what they feel are very genuine grievances. And for those three reasons I know I give more latitude than might be given, for instance, in the House of Commons; but I may gradually become a little stricter. And I think that is about as far as I can promise.

MR. COOKE: May I say, Sir, I was not referring to the African Members. I was referring to Members of all races.

THE SPEAKER (Sir Ferdinand Cavenish-Bentick): I know you were. I do not try and make comments about any particular community but my remarks, I think, do apply mostly perhaps to the African Members in particular.

MOTION

AFRICAN SCHOOL AGE

MR. NGALA: Mr. Speaker, Sir, I beg to move:—

THAT this Council urges Government to allow African children to go to school at the age of six instead of the present ruling of seven years of age.

Mr. Speaker, Sir, I hope that the Minister for Education and the Director of Education will not find it difficult to accept this Motion because my main purpose in introducing this Motion is to try and bring the African child almost in line with the children of other races as far as the age of entry into school at the beginning is concerned. The present position, according to the Education Ordinance appears to be that European children go to school at the age of five and a half and the Asians at the age of six; but the Africans, Sir, must complete the age of seven before they go to a school. And they start their schooling at the age of seven.

Now, these age limits, Sir, I think are completely arbitrary and are not based on any educational expediencies or on any basis of or any study of the development of the children.

Now, I believe, Sir, that when a child is stable enough, morally, physically and mentally, he should go to school straight away. In this respect the European child and the Asian child is not different from the African child, living in the same country and now enjoying almost the same environment. I think that the age for schools should be the same for all the children.

Now, before the age of four, the African child can speak and can understand his language. He can help himself and he seems to get the power of conversation before the age of four. At the age of seven he can count to 20 or over 20 which means that he can do simple arithmetic if he is going to school. He can walk very long distances. If it is

[Mr. Ngala]

a primary school which is within a reasonable walking distance like four or five miles he can walk to it.

Now, for these reasons, Sir, I believe that it is quite unfair to delay the African child until he completes the age of seven before he goes to school. After the age of six, the African child has no difficulty in joining a school because he can concentrate. He can understand what the teacher would like to teach him and he is mentally, physically and morally fitted for going to school.

The present ruling, Sir, does not allow him to go to school even when he has completed the age of six. I think that this delay is quite unnecessary and that it is time we did away with that unfair delay.

Now, for these reasons, Sir, I submit very strongly that the ruling that delays the African child until he completes the age of seven years should be removed.

Now, another difficulty that I would like to point out, Sir, is that the age at which African children begin school does not very well tie up with the age at which he leaves the nursery school. There are a few nursery schools, but in the nursery schools children are encouraged to leave school at the age of four or five and there is a gap of two to three years in which the children sit at home doing nothing. And I think this is a very serious position. When I mentioned this last time, the Minister was kind enough to say that I should see him if I had any special cases. Now, I think that although I would be quite willing to see the Minister, the cases are so many that the Minister would not have the time for them or to see any other Member in every case. Therefore, I think that the Minister does and I think he should do away with that ruling.

When he was speaking yesterday, the Director of Education said that we should endeavour to avoid the high age at which African children complete their primary education. I fully agree with him in that and it is for this reason exactly that I urge him that the age should be lowered so that we avoid the high age at which African children complete their primary education. This late entry at seven is a snag to the

African children, particularly in relation to the chance of going on to higher education. The more delays the less chance he gets of going to a secondary school. Most of the secondary schools accept children at the age of 14 or 15. Now if children start at seven they are well over 14 when they get to the top class in the intermediate schools and they are faced with a very real hardship or a real chance of being rejected by the secondary schools.

Another thing, Sir, when our children complete the primary school they complete it at the age of 11 or 12. Now this puts the African child in a very bad comparison with the children of other races because of the same thing—the European child is almost finishing his secondary course then. The European child is at a secondary class at the age of 12, and so is the Asian child, and I think it is quite unfair to have this big gap between the races. In making this comparison, Sir, I am not showing or reflecting any sort of dislike that the European children or the Asian children should be given this opportunity. I feel that it is right they should be given the opportunity, but I only want the African child to be brought into line with the other children.

Now the other thing, Sir, which I would like to point out is that the Director of Education may argue that this change will involve us in a very high expenditure in education. I would like to say that I appreciate the expenditure that may have to be incurred in this, but I think it will be a very small expenditure because he will find that many children already go to school at six. Now this has caused a real embarrassment to many parents because they know they are not supposed to send the children until seven. In spite of the ruling I do not think the Director will find it very difficult to change this, because he will find a very small fraction of schools which can adjust themselves to this, and so the expenditure will be very small indeed, and I think the Director should realize that if we are to make any change for the good in education, it is worthwhile to be made, and not value it in terms of money, because what we are after is to give the children good education at an appropriate age, and I feel that this is more important than

[Mr. Ngala] the little expenditure of money we would have to spend.

It is true some years ago the homes of most African children were backward and starting earlier would affect the progress in school, but now we have so many parents who are enlightened and the home environment in general is very different, and there is a demand and desire for education on the part of the parents and for the children to get good preparation before they go to school, and there is no reason for delaying them any longer. Therefore, I feel that they should go to school earlier.

Now some people may think that if you send the children to school at the age of six they may not be so bright at school. I think it is a misunderstanding on the part of people who have not had much to do with education. I believe, Sir, that a bright child is born bright. It does not matter at what age you send him to school provided that you send him at an age when he is physically and mentally suitable he will be able to understand the lessons. It is not a question of giving him brightness. He is never given brightness by any delay. He is born brilliant and he can understand the lessons because of the intelligence that he has been born with.

Now, Mr. Speaker, my Motion is almost self-explanatory, and I think that the Minister for Education realizes exactly the purpose of bringing up the African children to the same level as the other races, and if this happens then there will be a general appreciation from the African population, because it will help the African child to acquire education at an earlier age and enable him to go on to secondary school at an earlier age and perhaps to university stage at an earlier age. We feel very strongly that at this time we should have a universal sort of school age at the beginning, and it is time that the Minister brought this into effect.

I therefore beg to move this Motion, and plead very sincerely that the Minister concerned on the Government side will accept it without any difficulty. With these few words, I beg to move.

MR. NVAGAH: Mr. Speaker, Sir, I rise to second this Motion. I shall not need all the 15 minutes. I have a few points

which I would like to put forward in support of the Motion.

I see no difficulties at all on the part of Government in accepting this Motion. It is just asking the Government to try and introduce a kind of uniformity at the lower end of schools in preparation for the years when we shall have non-racial education. The other day, Sir, when the Minister and Director were talking on Asian education it was suggested that progress is being made to try and get a uniform examination at the Preliminary Examination. It will be a good day when we have that coming, to have all the children taking the examination at the same age. If we do not change the entry age to the African schools, an African child would have to take the same examination a year older than the children of other races. So I think for this reason alone it is necessary to bring the age level together.

Again, Sir, revolutions and reforms are taking place in this country. It was necessary, perhaps in the old days, or in the years gone, to have to put back the age so that a child could walk three or four miles to the primary school. Today that is no longer necessary. In some cases a child has only to walk a few yards to get to school and a few yards back home, and he could run to school without necessarily getting soaked through.

Again, the reforms that are taking place in this country, Parents are getting more and more occupied in their daily work especially in the areas where land consolidation has taken place. They do not want to have to stay at home and look after the children. They do not want the children to look after goats and cows, which has been the practice. It was the practice, I know, in some places for some boys to go out sometimes four or five miles to the field herding, but today, with the holdings so near, it is no longer necessary for these children to go far like that, so what is left for them to do but to go to school or to nursery schools, which we do not have, or perhaps be occupied by youth clubs. The only answer to keep our children out of mischief would be to lower the age so that as many of them as possible in the villages could go to school at the age of six, and thereby learn some useful work.

[Mr. Ngala]

Apart from the technical, professional necessity of having children go to school at any early age, I would say that some African parents, because of education and health developments in this country, find that their children who go to school at the age of seven today often are rejected because of their size, and whether we say that the children should go to school at six or not I know it will not necessarily mean that the children will be accepted, because today with the age at seven we do find a lot of children who come specially from homes where they have been looked after very well, even are unable to be admitted for primary education—so I see no difficulty at all from the Government side to say that if we lower the age to six we shall not have enough rooms, because even today we do not have enough room for the children. It is just a matter of putting right in preparation for the future so that all races can have the same age of entry into schools.

Mr. Speaker, Sir, I beg to support.

Question proposed.

MR. TRAVADI: Mr. Speaker, Sir, I beg to support the Motion moved by the hon. Member, Mr. Ngala. I would not like to repeat the arguments advanced by the two previous speakers, but I would say that the request is a very reasonable one and it is high time that all the disparities which exist between the various ages of admission to the schools of Asians, Europeans and Africans disappeared. There are places in the world where actually compulsory education begins at the age of six, and there are also countries where even the kindergarten and the nursery classes also are more or less compulsory. I would not like to quote the countries where the compulsory education is at six, but I would just mention France, Italy, Poland, Yugoslavia, Australia, where the age of compulsory education begins at class six, and there are countries where the nursery schools and kindergarten begin at the age of 3-4 years. These countries are the United States, Soviet Russia, Yugoslavia even France, Italy, Poland and all these places, where it is Government's obligation to impart education.

From the Royal Commission Report, the Dow Commission, as it is known, I find that from the primary classes hardly 10 per cent of the African children go to the intermediate, and therefore the primary period of African education should at least last four years. Well, if that is so, it is high time that instead of leaving the education as only voluntary, it should be made compulsory, in the way that the African children, to have four years education. But as it is alleged, and as it was given in the evidence before Binns Committee it was said that as the children are wanted on the farms, the settlers' farms, for picking up coffee, etc., it should not be made compulsory. I think that charge should be refuted by making the education compulsory.

Mr. Speaker, I beg to support.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Matheson): Mr. Speaker, Sir, I have very great sympathy with the objective of this Motion. It is possibly true, as the hon. Member said, that African children or any children are able to begin learning at any age. It would also greatly improve the value of our education system if we could bring the African children through the elementary stage more quickly so that they enter secondary education at a lower age. I agree with the hon. Member that this would have a wholly desirable effect in enabling African children to start higher education or specialized forms of training at an age much more appropriate to that form of education.

There is, of course, no doubt, that in fact quite a large number of African children do commence school under the age of seven. The hon. Member suggested that under the Education Ordinance the admission age for European children was five and a half, for Asian children six, and African children seven. That, Sir, is not strictly correct. In fact, under the law—by the Proclamation under the Ordinance—the legal age of admission of European children to school is seven. The legal age for the admission of Asian children to school is seven. There is no legal age established for African children, although they are admissible at the present time at the age of seven to Standard I. The reason why the European and Asian children in the main go

[The Minister for Education, Labour and Lands] to school at a lower age than the legal age is that we consistently follow a policy of admitting children, certainly to day schools, at a lower age than seven provided that there is accommodation and provided we have the facilities to do it. In fact, we can at present with our provision of European primary schools admit children between five and a half and six. We can, in fact, with the available accommodation and teachers and in some cases at the cost of double sessions, we can admit Asian children at the age of six. It would be better, too, if we had the accommodation and the teachers in African primary schools to enable us to admit children at a lower age than seven on a universal scale. In a number of African primary schools which I myself have visited in the course of the last six months, I have made specific enquiry into this and although it is still comparatively difficult to establish with any accuracy the precise age of an African child, I have found in virtually all the Standard 1's, anything up to a third of the children who said, whether they were right or not, that they were not yet seven. I do not know whether that is universal. I have only been to a number of schools.

We also in the past, as was referred to by the hon. Member for Nyeri and Embu who seconded the Motion, had to have some consideration to the distance which children had to travel to their schools. In practice a child who has just reached his sixth birthday would probably find it fairly exhausting to make a long journey, but as the hon. Member has pointed out, this situation is very much better than it was in the past, and probably that is not a good reason at all for adhering to the practice at the present time.

There is, however, another problem which arises quite apart from the problem of cost, to which I will come in a moment, and that is the fact that we have not at present got in our African primary schools teachers who are specially trained in infant methods of teaching. A child who is seven can respond more readily to a different method of teaching than a child who is six or below that age, where professional opinion is that special techniques are

much more productive in these cases, and we would like to see in the African Schools more women teachers who are specially trained in these methods, before we have a large-scale admission of much younger children into these schools.

The hon. Mover, Sir, suggested that the cost of making a change in this direction would be negligible. If we were suddenly to drop the administrative age from seven to six, and even on the assumption that at present there is quite a good proportion of children entering standard one who are, in fact, below the age of seven, we would have a demand in one year of an estimated 100,000 to 150,000 places. If all those additional children came in one year we would, in fact, have to have a double standard one entry, and to provide for the wholly additional standard one entry we would have to invent a standard below that standard one—standard naught. It is undesirable to have wide age differences in the lowest class because we do not want to place too great a strain on the students who are passing through the school. We would have to provide, let us assume 120,000 is the number, at 40 a class, we would need another 3,000 teachers in one year. That would be rather difficult. We would also have to construct, I reckon, something as high perhaps as 18,000, or let us give the benefit of the doubt, 12,000 classrooms, and the cost, whether borne locally or by the Government, would be somewhere approaching £100,000, and to do that in one year would be a very great strain beyond, I think, our resources at the present time. Therefore, although I have very great sympathy with this Motion, and although I accept all the arguments in favour of it and endorse those which have been advanced by hon. Members seeking to support it, I think it might be seriously misleading to the public at large if Government accepted the Motion as it stands, since then, I have no doubt, basing myself on past practice, it would be represented as a guarantee from the Government that they would provide a place for every child at the age of six next January. That undertaking, or implied undertaking, we could not possibly meet. It would create disappointment. It would create charges of bad faith, and I think we can meet the purpose of this Motion without running that risk in another way.

[The Minister for Education, Labour and Lands]

The hon. Member for Nyeri and Embu said that the basic purpose of this Motion was to ask Government to try to introduce the reform. Government is very ready to try its best to introduce reforms. But I think the purpose would be achieved, and I hope the hon. Member will agree with me if we were to make a slight amendment to this Motion. I would therefore like to propose an amendment. Sir, which I have given to the Clerk to the Council, that we delete all the words in the Motion after the word "school"—that is "at the age of six instead of the present ruling of seven years of age", and replace those words by the following words, "at an age earlier than seven years, as soon as the necessary facilities can be provided". The question would then read, Sir, "That this Council urges Government to allow African children to go to school at an age earlier than seven years, as soon as the necessary facilities can be provided". If the House adopts this Motion, Sir, I can give an assurance that the Government will do all in its power to provide those necessary facilities since it fully endorses the motive behind this Motion.

Sir, I beg to move.

MR. MILLER seconded.

Question proposed.

MR. HASSAN: Mr. Speaker, I rise to support the amendment. I am very glad that an encouraging reply has been given by the Minister on the Motion of the Mover, the hon. Mr. Ngala. There is no doubt, Sir, that the age for school-going children is more or less based on the amount of pupils, and also to the co-operation of the Africans themselves. Now that they have come forward and press the necessity of following the other races who were ahead of them in educating their children in this country we must encourage and help and assist them in their demand.

My own experience is that these children, of six or seven years, who are uneducated or semi-educated, living in the reserves, are causing a lot of complications. The children who are following their mothers to the trade centres are liable to learn things which are not good for their future. Therefore, Sir,

I hope that every assistance will be given to the Africans in their demand that these children should go to school before the age of seven.

I hope that the Mover of this Motion will accept the amendment.

MR. COOKE: When the Minister was speaking, I turned to my neighbour and I said: "I will bet you what you like that the Minister will turn this Motion down." I thought that he would find every excuse for doing so, as has been past experience. However, I am very glad that the Minister has proposed the amendment which means almost the same thing as the original Motion itself, because, of course, it is understood that it would be quite impossible to bring in a measure such as this, and what the hon. Minister has now suggested sounds to me to be very reasonable. However, I hope that the Minister will bear this, which was said by a minister to a French king, in mind: "If it is difficult, Sir, it is already done. If it is impossible it will be done."

Sir, I support the Motion.

SHEIKH MACKAWI: Mr. Speaker, I support the amendment which was moved by the Minister. However, Sir, the Motion as it stands—

THE SPEAKER (Sir Ferdinand Cavenish-Bentley): You are discussing the amendment now—not the Motion. At the moment the amendment is before the House.

SHEIKH MACKAWI: Well, Sir, I would like to mention to the House, now that Education Department has accepted the age of entry of children to school as being six, and not seven, and that I hope that the Department will consider extending this to Asian and Arab schools, so that those children will also get their education from the age of six years. Thus, they, too, will have more children in school at an earlier age.

Sir, always in this Council we are talking about multiracial schools and hospitals, but there is one point here. I think that the Education Department should accept one age for the children to be accepted into schools.

The Minister has said today that the European children are admitted into schools at the age of five and a half

[Sheikh Mackawi] from next year, say, the intake would be increased from about 120,000 to 150,000 in one single year.

[Mr. Speaker (Sir Ferdinand Cavadish-Bentnick) left the Chair]

[Mr. Deputy Speaker (Mr. Webb) took the Chair]

With those few points, Sir, I beg to support.

THE SPEAKER (Sir Ferdinand Cavadish-Bentnick): Is the Mover of this Motion prepared to accept the amendment? Perhaps you would like to speak to the amendment.

MR. NGALA: Mr. Speaker, I rise to speak to the amendment, because I feel that under the present conditions I should support the amendment. However, I would like to emphasize two points which were touched on by the Minister.

My first point concerns the phrase "as soon as the necessary facilities are available". Now, I would like the Minister to understand that African education, particularly in the lower stages, has very poor provision in the form of teachers and equipment, and even in the quality of the education which is generally provided. Now, I hope that the Minister, so far as the training of teachers is concerned, will speed up schemes that will enable us to attract the children off well with good teachers.

THE SPEAKER (Sir Ferdinand Cavadish-Bentnick): You will have a right of reply, but you can only speak to the amendment now. You will have the right of reply, and you can add all these points at the end of the debate.

MR. NGALA: Mr. Speaker, I accept the amendment and I would like to support.

MR. MUIRO: Mr. Speaker, Sir, I beg to support this amendment with definite reservations. I accept the amendment all right, but I have got something to say.

The Minister for Education argues that if he had accepted the original Motion he would have found it difficult to find the teachers, and also he argues that children in the schools at an earlier age would be a problem because of the accommodation of the staff in the schools. I think that this question, at the African primary schools, does not arise, since the Africans in the rural areas try to build houses for the teachers. The Minister also argues that if the entry age for African children were to be declared as being six years, as

from next year, say, the intake would be increased from about 120,000 to 150,000 in one single year.

[Mr. Speaker (Sir Ferdinand Cavadish-Bentnick) left the Chair]

[Mr. Deputy Speaker (Mr. Webb) took the Chair]

But I would also like to draw the attention of the Minister to this: that although the African children are supposed to go to school at the age of seven, some schools are empty. I know of some schools in my constituency which are full and I know of some schools where the children go to school at an earlier age than seven; and in other schools in the same district one finds that although the children go to school when they are seven the classes are not full. One might find a class, which is supposed to take about 40 children, containing about 25 to 30 children. I am now pleased with this amendment because African children at the age of five and half years can now go to school without being turned away, Sir, by the education officers. I have found this was the case concerning my own child who was becoming a problem when he was sent to school and now he is getting on well, although he first went before the age of seven. So, Sir, I think that in a year or two the Education Department should come out categorically and say that all African children should start their schooling at a given age and remove this restriction out of African education.

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

MR. KIRIAMISI: Mr. Deputy Speaker, I rise to support the amendment to this Motion because it really does affect the towns more than the rural areas. I feel that in the towns much more urgent and earlier facilities should be provided so that the children should go to school at a much earlier age than in the rural areas, for the main reason that in the towns, usually, the small children can easily find mischievous ways of spending their time rather than in the rural areas where perhaps they can mind the cattle or do some other work which is not available in the towns. In Mombasa particularly, Sir, where the town is overcrowded, the children often find it difficult to find good

[Mr. Khamisi] ways of spending their time. It is very important that facilities should be found for children at a very early age in the towns rather than the children spending their time, before they go to school, roaming about the streets and byways.

It is for this reason, Sir, that I would like to request the Minister for Education to try to see that school facilities and accommodation are provided in the very first instance in the towns where the problem is much more serious than elsewhere. If that is done, Sir, I think that some of the problems which we want to solve in this country may be solved.

Another thing which I would like to point out, Sir, is that perhaps the Minister would try his level best to encourage the local authorities to put as many nursery schools as possible (for the use of the townspeople in the towns).

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

MR. MUMBI: Mr. Deputy Speaker, Sir, in supporting the amendment I would like to touch on one point in connexion with education.

The Minister has said that if African children are admitted to the schools at an earlier age it will be an expensive scheme for the Government to run. I think the African child should go to school at an age which will benefit him when he comes to the end of his education. However, I do think, as one who has had considerable experience in the field of education, that there is a danger in admitting a child at too early an age, because sometimes a child at the age, say, of four or five years does not understand his or her own language properly, and, therefore, that makes it difficult for the child to understand anything at the school. I have seen children admitted to primary schools at a very early age when they did not even know the names of their grandfathers. As one who has dealt with the admission of children, Sir, I used to ask a child, before admitting him or her, "What is your father's name?" I sometimes asked, also, "What is your grandfather's name?" In those cases where you find that the child cannot tell you the name of his father or grandfather, I think that he cannot understand something beyond his age.

Also, Sir, there is a danger of admitting a child at too late an age, as it is today, and when this new educational programme is implemented I hope it will be possible for an African child to have seven, if not eight, years of education like any other child. However, Sir, if a child is admitted at the age of seven years, then by the time he finished his course of seven or eight years' education he is already 14 or 15, with the result that it will be difficult for him or her to go to a secondary school. Therefore, Mr. Deputy Speaker, in order to make the education of the African child more useful, I feel very strongly that earlier admission is very necessary.

As it is today, Sir, it is very difficult for any schoolmaster to say whether this or that child is the right one to admit, and we would like something provided in law as it is in the education of other races to make it possible for an African child to be admitted at a certain age.

Sir, the Minister has said that this will be done as soon as facilities can be made available. Well, the fact is, Mr. Deputy Speaker, that whatever the case may be, until the introduction of compulsory education for African children is enforced, there is no need to put a limit on the implementation of this system of admitting an African child at an earlier age than seven years, because the main thing is the number of vacancies available at the primary schools, and not the number of children going.

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

MR. NGALA: Mr. Deputy Speaker, as I say, I am grateful that the Minister has put in a suitable amendment to my original Motion. I accept the amendment and I would like to point to a few things that have been raised during the discussion.

Firstly, Sir, I would like to point out that in African education, the Minister said we needed the teachers. Now, the African schools need the services of capable women teachers. I hope that the Minister will take this seriously and provide some training, and extensive training for women teachers, to cater for these schools. I know that the Minister is aware of the necessity for young children to be taught by women teachers

[Mr. Ngala] who have a special knowledge of teaching children.

My second point is the fact that the teaching of English is going to be started earlier in African schools. Many African children are left in the hands of T4 teachers who themselves may not know sufficient English and often do not know the method of teaching it well. I think that this is a very serious aspect, so far as the African education is concerned. I personally feel, Sir, that the time has come that the Education Department should do away with T4 teachers, and I think the minimum standard of teachers in Kenya should be that of T3 so that the children can have the full advantage of starting English at an early age.

The other point, on which I have already touched, Sir, is the question of equipment. It has been said that the African Primary schools are having very little provision so far as equipment is concerned. I am not satisfied with the amount of money allowed for every child per year which is spent on equipment. I have already shown, Sir, that Sh. 5 per year is far from being sufficient for equipment. It is not even possible to buy two textbooks with Sh. 5 for one child, and I think that this is a very serious position which should be looked into.

Another point which I should like to touch on is the question of having a different attitude to teaching children in the rural areas as against the urban areas. I think that education, as such, does not recognize the boundaries between the rural and the urban areas. It is true, however, that the urban areas have special difficulties but they are not educational difficulties. There may be social difficulties or some other difficulties, but I would not like the Minister to overemphasize the needs of the urban areas at the expense of the rural areas. I believe that the provision of education should be almost the same for rural children as well as urban children. After all, what we need is an educational service which gives good education to all the children so that they can reach the secondary schools and universities, at the same time, with equal education, the background, regardless of whether they come from the townships or the rural

areas. I can see that there might be need for some special emphasis but I do not think that that should be over-emphasized.

I hope that the Minister will go a little further when he says, "as soon as facilities can be provided". I hope he will really take some steps, active steps, to make these facilities more and more available for the children so that they can start at an earlier age and increase the numbers at school. I do not, however, appreciate the argument advanced by the Minister that if he adopted the age of six now and started straight away at the age of six he would fail to provide education for all the children, and the public would be able to support him. I would like to tell him that the public is already disappointed now, because the Minister for Education has been unable to provide or even guarantee a Standard I admission for every child who is seven years old at the present moment. Therefore, Sir, this will now be just a further inconvenience and disappointment.

Sir, I have already touched on the question of the early age. I can see the reasons for not sending the children to school until they have reached the appropriate age for education. That is why I would hesitate to recommend the age of five years to start with, because I feel that probably at that age or at the age of four years the children are very young and probably they should be kept in nursery schools. However, I think they should go to school at the age of six years.

I would like to support the suggestion given by my hon. friend, the Member for Mombasa Area, in connexion with nursery schools. They are important in urban areas as well as in rural areas and I think that in rural areas nursery schools should be provided.

Now, the Minister may say that nursery schools are not within the jurisdiction of the Ministry. I think the local authorities in co-operation with the Ministry should see to the standing of nursery schools in all these places where they require it. I would like, Sir, to end by thanking all my hon. friends that have supported this Motion and I hope that the Minister will be realistic and look at African primary education.

The question was put and carried.

MOTION

AFRICAN BOARDING SCHOOLS

MR. NGALA: Mr. Deputy Speaker, Sir, I beg to move:—

THAT in view of the transfers and movements of African civil servants and other African employees, this Council urges Government to make boarding primary and intermediate schools available in selected townships, municipalities and the city for children of such employees so as to ensure stability and continuity in the education of their children.

Sir, I would like to start with the education policy as it is—as I understand it today. With the primary schools, the policy is that all the primary schools should be within walking distance of the children. I very much appreciate this policy generally. And the same policy applies with intermediate schools, particularly boys' intermediate schools. There are some places that have been provided for boarding in the intermediate schools for girls, particularly where the population is scattered and such schools are desirable. This also I endorse, because that is the right thing at the moment.

With the "secondary" schools, the Government has been providing boarding secondary schools and of recent times Government has been talking about a policy of day schools. This, as far as the urban areas are concerned, I agree with this policy, Sir, because any person who sees how much the country is spending on education must agree with such a policy in general.

But I must also emphasize that there are special cases which require special consideration by the Minister for Education.

Now, I think therefore that special social services as far as education is concerned should be provided only for the special cases. Now, there are some children who are suffering from great instability and great discontinuity as a result of the transfer of their parents or families to another township or from one municipality to another municipality. I believe that to get a child really settled in his education, he has to have a continuous period in one place where he

can get to know the teachers there; he can adapt himself to the syllabus and also the environment and get more concentration in his studies. Therefore, I completely disagree with the situation in which many parents are put which is the situation of moving from one place to another. This is faced by civil servants as well as other people working, for example, for different missions or ministers of the church or others. I will give one example of a case in my own place. This is somebody who is working in the Labour Department of Kenya, Now, between 1936 and 1959; this person was in Mombasa in 1955/56; in 1957 he was moved to Nairobi; and again in 1958 was moved back to Mombasa; in 1959 he was moved up here to Nairobi and he has been moved back to Mombasa, and yet again he has just received a letter from the principal labour officer saying that any time they want to have him here in Nairobi, they will ask for him to come up to Nairobi.

Now in three years, Sir, this person has moved so often. Now, I am sure that the servants themselves do not complain. I know that nobody is quarrelling with the idea of being moved to a place of work by his employer, but that is not my concern here. I would only say that the department is not wrong to move such a person so often because the department has got to do it as a matter of necessity. But what I am concerned with, Sir, is the education of such children. The case in mind concerns five children. Three of the children started in Rabai; they went on to Buxton; they came to Bahati School and now they are back at Port Tudor School. Now, in three years, Sir, to move children like that is really serious as far as the stability of their education is concerned. I hope the Minister sees this and I think for this very reason that in some places, in some other countries, there are a few primary schools or a few intermediate schools that are boarding schools just to meet such a situation. Now two of their children have had to stay with friends and nobody wants their children staying with friends in other places where the environment and other things may be entirely different. This is brought forward, Sir, to show exactly the instability that some of the children can suffer from in the transferring of their parents.

[Mr. Ngala]

Now, another case in mind is the case of a minister of the church who went to Wusi and within the same year was transferred to Shigiro to Mbale and Buxton. Another teacher was first at Shigiro, then Mbale, then Buxton, then Limuru and back to Buxton and then back in Limuru and now at Shimo-la-Tewa.

Now, all this time their children are with them and I think that their children, however intelligent, they are, must seriously suffer from this uneven movement that they have to put up with. This, as I have shown, I think breaks the continuity in the education of the child. By the various examples I have given already, I hope I have shown the evil. When I was working in Mombasa teaching, I was faced with other situations where a parent would come to me and say: "We are being transferred to Nyeri and we must go with our children to Nyeri in the middle of a term." They have nobody to leave the children with so they go with their children.

Now, the education of such children is broken and lacks continuity and, worse still, when they go to Nyeri they may find that all the classes in Nyeri are filled and the children may not get a place to get or continue their education. It may be a case of waiting for a few months or waiting till the following year before the children are admitted into a school. This, I think, is a very serious situation and it comes about because of the lack of boarding institutions at the primary level and also at the intermediate level in these townships and municipalities or cities.

Now, it is completely undesirable and completely inconvenient to hope that these parents that have been transferred can leave their children with other families because the conditions and also the expense and the cost of living and the attitude of different people would discourage some of these things.

Now, there are also a few parents, Sir, that have to go overseas and I have got a few friends who are put in special inconvenience as far as this matter is concerned in that they have to go overseas where they have found themselves that there is no place to put their children and whereas if boarding accommodation was provided at the primary level for exceptional schools to serve these particular

cases this inconvenience would not come about. Also in Nairobi and in Mombasa and in all townships we are now getting some African women—married women—into doing monthly work. There are not many—but they work in offices and their husbands also work in offices. I think such women would appreciate very much if they could have a boarding place where they can put their children so that they may get a better chance of doing some work. Some people may say, why do they work? Well, I am not going to go into the details of explaining why they work, but some of them are necessarily required as teachers, for example, and we need these women who are married to continue as teachers and we should create a situation that will help them.

The Director of Education may say this will increase the expenditure again. I appreciate that the expenditure here may be an item of importance but with the principle of running down boarding expenses in the intermediate schools as it is today, most of the expense of the boarding of intermediate schools will go out and I think here we have a chance of redirecting our resources to something new and something very special and desirable. And also, there is a chance of these schools being multiracial, I hesitate to use the word "multiracial" but I mean non-racial schools. So if these schools could become non-racial schools I think the question of expenditure would be given consideration also. I also feel that it is very important and should be considered by the Director of Education, the question of having to decide between providing good education for a child and spending a little more for that good education. I believe, Sir, that good education can never be considered in terms of money rather because here we have the duty of providing good education. I have already mentioned that the scope of these schools—they should be non-racial schools to save the expense and also to bring and bring together children of different races with that ideal aim of getting to know one another and probably growing up together as citizens of this country.

Now, this is not just a problem for the Africans. I know it is a problem for all races because all races are transferred—people working in different departments—regardless of their race. Now, that is why I will emphasize that

[Mr. Ngala]

the schools should be non-racial, so that Europeans and Asians and Arabs who are experiencing this difficulty can also be helped. The schools should cater for the whole country. They should cater for the whole country so that we do not have unnecessary expenditures in different districts or different areas. I am sure that if the Hospital Hill School had this provision or these facilities it would be a very helpful school, particularly as far as we are concerned. There are many Members of this House who would like to have their children in the Hospital Hill School, but because it is not a boarding school that is a complete snag as far as they are concerned.

The fees: perhaps the Minister for Education may say that the fees in these schools will have to be very high as it is in urban areas mostly. Now I do not believe that they have to be necessarily high because the expenses of maintaining these schools should not be very different from the expenses that the schools are being granted today. Shimo-la-Tewa School, which is charging fees at Sh. 250, is almost a township school; really it is about nine miles from the town. Still the fees are not very high and I think we should consider the fees carefully, particularly in the light of the running down of the boarding in intermediate schools. I agree that in the schools we shall have to help these primary schools that will become boarding schools as they are very, very few. I think the Minister for Education will see the necessity of treating them as special cases. I would suggest that we start with a school in Mombasa and in Nairobi, and also in Kisumu—just one school up to intermediate level and if necessary to secondary level to cover the different situations, the special situation, that I have already mentioned.

Now I am sure that the Minister for Education will get co-operation from the bodies that are running agencies. Those bodies have already seen the necessity of having a scheme of this kind because they see in the case of the children of their own ministers of the church are suffering. They also see how they suffer when they are moved from one place to another place and therefore

I think Government will find ready co-operation from the bodies or agencies that are controlling the aided schools. What we want is initially to come from Government is (Inaudible).

Well, I hope, Sir, that I have made my case because this is a very straight-forward Motion and it is clear that it is desirable that the country should have these social facilities in the light of the hardship that people are suffering. I have given the examples in quoting people from different departments not because I blame them, but because I just want to show the experience of hardship to which those particular children are put. And also I did not intend to reflect anything on any of the officers in these departments.

So with these few words, Sir, I would like to move the Motion.

MR. NYAGAH: Mr. Deputy Speaker, Sir, I rise to second this Motion again. In the words of the Motion it is quite clear and self-explanatory what is being asked. One can only do justice to a Motion like this by giving a few examples and then reasons why it is necessary to make exceptions to the rule that the Department is trying to follow.

I have three examples, Sir, which I would like to mention to this House in support of this Motion. I have in mind a member of the Nyanza tribe, an inspector of police, who during the last three or four months has had three moves. This particular officer happens to be a Luo—a non-Bantu-speaking person. Well, in Mombasa, his child had to be taught in Swahili in the primary school. He suddenly finds himself transferred to Embu where the child has got to be taught in Kikuyu. And now, Sir, I understand that the same officer is due to be transferred to Meru where the child will again have to learn the Kimeru language. I do not know whether this child is going to spend its life learning different Bantu languages or what!

That is one example. Another example is of an assistant agricultural officer—a friend of mine—who during the last six months has had to make several moves. First of all his children had to move from an Embu primary school to a primary school in Kikuyu Division and then within a month or two were

[Mr. Nyagah] to be accommodated in a primary school in Kiambu. After about two months the same children found themselves moving again to Fort Hall—some 15 miles away from the *boma*—and a month later the same children had to move to another Fort Hall primary school, and now, Sir, they are at Embu again.

Now I claim, Sir, that those are six months wasted in the education of these children.

My final example is of an African doctor who had children going to school in Nairobi learning in Swahili. He was a Kikuyu. Then he found that he had to go to the coast with his children and then after a short time he found that those children had to move with him to Kisii and then back to the Central Province. Now, cases like that, Sir, are very general. We know it is very difficult for the Department and the Minister for Education to say that we should go back to the idea of establishing boarding primary and intermediate schools, but where a case of genuineness like this one is made there should be exceptions to the rule.

We want to have a very good Civil Service, and civil servants ought to be contented by knowing that their families are well provided for, particularly on this side of education. I know it is a problem not only for the Africans but for the other races as well, but I would say that the Europeans in Central Province, in the northern part of Central Province, have got at least a primary school in Nyeri where, even if they are moved suddenly in the middle of the school term, their children can be left undisturbed. We have an examination, Sir, known as the common entrance examination. This examination is not done at the same time and in the same way in all the districts. Laxity has been given for each district to move at its own speed and also to try and arrange its standards. I dare say that they are using the same syllabus but the schemes are made in such a way that each school or each management can begin on any particular portion in the syllabus for the term. I argue, Sir, that it is possible for a child to go to such a school at the beginning of the term and while there a particular point in the syllabus may be being taught there. The same child

may move to another school and find that the same point in that particular school is still being tackled. By the time he makes two or three moves, he may find himself being faced with a common entrance examination and that particular child may not have covered the syllabus and when the examination comes the only thing left for this child is to fail the examination, and then, as we all know, repeating is very difficult.

There the civil servant or the employee feels very unsettled. He begins to wonder whether his public spirit of service is worth while. I claim, Sir, that because of these inequalities in the standards of the examinations and the times of taking the examination, the freedom of schemes of work of the syllabus, something should be done, particularly for the very hard-up cases of people who keep on moving or who are likely to be transferred. Apart from the language problems, I would say that there are some subjects which are particularly difficult. Take, for instance, geography: We know that it is desirable for a child in the primary school to be taught the geography of his locality. Can you imagine, Sir, a child being taught the geography of Mombasa and before he completes it to find out that he has got to learn the geography of Embu, and before he has even got to know what is required of him he has got to go to Kisii. I think these, Sir, are very real reasons why the Department and the Ministry and this country as a whole, for the good of the civil servants and the people, that because of their duties have got to be transferred from time to time, should accept this Motion.

I beg to second.

Question proposed.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, I am sure that those for whom I speak would have a natural sympathy with this Motion. It concerns children and it concerns education, and those are subjects that are very near to the hearts of the parents of all communities and, therefore, I can assure my African friend that this Motion does arouse those natural instincts in ourselves. There is, Mr. Deputy Speaker, some information that I wish to give to Members and to place on record in this House concerning the attitude of some—I deliberately

[Mr. Alexander]

say the word "some"—African Elected Members to this very problem and to the possible solutions to it. I am thinking, Mr. Deputy Speaker, of the offer that has been made by a very generous lady farmer in the Gilgil area to have or to set aside a part of her land adjacent to the Gilgil township to sponsor, in fact she has sponsored, an appeal to the public to establish just such a school as was envisaged in this Motion.

I refer, of course, to the Lady Eleanor Cole. Her scheme, I believe is well known throughout the country. It originated at least some six years ago, five or six years ago, and had the backing of very many important people in this country. The scheme, very roughly, was that she would set aside a certain part of her land and upon it would be established a school, a boys' school for primary and intermediate students to cope with just the very sort of problem that is envisaged in this Motion. There was little response from the African community, and about a year ago Lady Eleanor Cole came to see me to ask my advice, and I made it very clear to her that the obvious stimulus to this should come from the African Elected Members, and as a result of that I can report to this House that there was a discussion with the Member for Nairobi Area. This Member, who is so constructively reminding us of the needs of his people, and of what we all should be doing to meet those needs, and his answer was that he was not prepared to concern himself with this project. The result of that, Mr. Deputy Speaker, is that this particular project, which is ready made for the Africans to help themselves is receiving no support from the African community, and I would appeal to my colleagues who are here today, who I believe would not accept this same attitude, to put their will and their wishes and their help behind this scheme and produce, or help to produce for their own community something which other communities are prepared to help them with.

[Mr. Deputy Speaker (Mr. Wabai) left the Chair]

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

This Motion as it stands, Mr. Speaker, is, of course, entirely racial, and I would like to put in an amendment which in no way will in the effect of it, but I trust will take it out of these rather unfortunate "racist" slants that are so often appearing in this Chamber. My amendment is as follows. In the first and second lines delete the words "African civil servants and other African" and substitute the word "many", and in the third line, delete the word "make" and substitute the words "expand its policy of making", and it would then read, Mr. Speaker, as follows: "That in view of the transfers and movements of many employees, this Council urges Government to expand its policy of making boarding primary and intermediate schools available in selected townships, municipalities, and the city for children of such employees so as to ensure stability and continuity in the education of their children." I do this, Mr. Speaker, because as was made clear by the proposer and the seconder this problem is not common to any one community. It so happens that at the moment the European community are more favourably placed in relation to the problem than the African and the Asians, but the problem still exists for us, and it certainly exists very greatly in the Asian community, and there is quite alarm in all communities, and I can say this for the European community, that Government may depart from its policy of the past in having more boarding schools and concentrating more and more and too much on primary schools, and therefore aggravating the problem which is envisaged in this Motion, and I do urge my African friends to accept this Motion in the spirit in which I am putting it forward, in the hope that Government will keep their eye on this problem for all races and for no particular single race.

Mr. Speaker, I beg to move the amendment.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): After consideration I will accept this amendment, but I will not be able to, as I had hoped, deal with the subject under Standing Order 62, in which the amendment would be debated as part of the original Motion because it really enlarges the whole question very

[The Speaker]

considerably indeed, but I will put the amendment as it is proposed.

I would add to hon. Members when they do have an amendment they must certainly, I think, have thought about it beforehand and put it in a more precise way and write out the new Motion as they wish it to be read. I am putting this amendment. But I do not think we can embark on a repetition of yesterday's debate on interracial schools. If we start on that we shall be here for several days. I am allowing this Motion by way of experiment because Mr. Alexander has proposed it, but it is very marginal indeed whether I should have allowed such an expansion of a Motion.

MR. SLADE: Mr. Speaker, I need not speak at any length on this. I am in full sympathy with the hon. Member of the original Motion, and all that he said in support of this Motion, particularly as to the importance of continuity in the education of children, and I would go further and put the plea again for the value of boarding education as opposed to day education, and ask Government not to go too far in moving away to education by day school alone.

But, Sir, this is a matter which concerns children of all races. It is perfectly true that Europeans have already, to some extent, boarding schools provided for them at the primary stage, but there is need for more, and certainly for the Asians and Africans there is a great need for boarding schools. I do suggest to the House, Mr. Speaker and the Mover, that this is a matter which can and should be treated on not a purely racial basis.

If I might, Sir, also make one further point, and that is with regard to the expense of boarding schools that may be the objection raised by Government. I know it has been on occasions. I would like to say that I am in full agreement with the policy of Government that, when you have boarding schools, you should make the parent bear the whole cost of the boarding element. I do not agree with those who have objected to increased charges for boarding for Europeans, for instance. I think that policy is right, and if that policy is adopted one hundred per cent in the establishment of future boarding schools it should dispose of any economic difficulties.

I beg to second the amendment.

Question proposed.

MR. NAZARETH: Mr. Speaker, Sir, I, too, should like to support this amendment. I will heed your warning or desire and will not repeat points made in yesterday's debate. This amendment is particularly important to the Asian community, and will effect an improvement in an area where it is most difficult to effect. I pointed out yesterday that the Asian community had not a single boarding school. If Government could be induced to accept this amendment it might help to meet that need, and it will also help in bringing the different races together. I therefore hope that Government will be induced to accept this amendment to the original Motion. I support the argument put forward by the hon. Specially Elected Member who last spoke that there is a difference between boarding school and day school education and, like him, I hope that Government will not move too much away from boarding school education.

Sir, I beg to support the amendment.

MR. NGALA: Mr. Speaker, Sir, I stand to support the amendment because I, myself, agree with it in principle. Therefore, Sir, I accept the amendment.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): The substantive Motion now reads: "That in view of the transfers and movements of many employees, this Council urges Government to expand its policy of making boarding, primary and intermediate schools available in selected townships, municipalities, and the city for children of such employees so as to ensure stability and continuity in the education of their children."

I would point out this as an excellent example of the difficulties one can run into. I know these Private Members' days are extremely useful and the purpose of them is to air opinions and voice the wishes of various communities, but if I allow—and I am only pointing out my difficulties—if I allow such a major change of a Motion of which notice has been given, first of all, some Members who are not here today might complain that had they known this sort of Motion was coming up they would have been here. Secondly, of course, it puts

[The Speaker]

Government in some difficulty as to what line of action to take on an amended Motion. I am explaining this in order to explain the procedure of Parliamentary debate, and why it is sometimes difficult for a Speaker to accept what an ordinary Member may consider a very reasonable amendment.

MR. TYSON: Mr. Speaker, Sir, there is one aspect of this matter which I think should not be lost sight of. In many cases these transfers which are referred to, are in the nature of promotions, and I am rather anxious that we should not give the impression that we are supporting any move which would, to some extent, prevent transfers on promotion which, in its turn, would be against the interest of the children. I only mention that aspect of it, Sir, because I think it is an aspect which should not be lost sight of. Otherwise, I am quite prepared to support.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Speaker, Sir, in your remarks on the procedural problems which are now facing us you have accurately presented some of my problems in speaking to this amended Motion. Notice was given of the Motion which related to a clearly narrow and clearly defined problem. That, I may say—that clearly definable problem, has been closely studied by my hon. friend the Director of Education and his officers, and he would have had a number of remarks to make about it. However, that problem is no longer before the House and, therefore, my hon. friend is not, in fact, participating in this debate.

We are now dealing, at five minutes' notice, with a matter of fundamental educational policy which has been introduced by way of the back door. I must state that Government is not prepared to accept the Motion as amended in view of the fact that it carries many unexamined implications which Government would have to take seriously into account before considering whether, and how far, it would go towards meeting the needs reflected in this Motion. Indeed, the Motion as amended is virtually nonsensical, if I may use the expression. Sir, in that it urges Government to expand its policy of making boarding

primary and intermediate schools available for the children of employees who are subject to transfer and movement. That is a literal interpretation of what the Motion now says. It is not the policy of Government to provide boarding primary and intermediate schools for particular children classified by the vagrancy of their parents, and I feel that if we are going to debate this issue of whether Government should aim to develop boarding facilities in preference to day schools, then it should be on a proper Motion of which notice has been received, and which, if it were passed by this House, would be meaningful in terms of the guidance of policy.

I therefore feel I should say no more, Mr. Speaker, except that Government opposes the amended Motion.

MR. BOMPAS: Mr. Speaker, Sir, I beg to support the Motion. I would draw issue with the hon. Minister for Education, Sir. I naturally am fully aware of the difficulties and the dilemma in which he finds himself, nevertheless, Sir, it does seem to me that if the hon. Director of Education has a contribution which he can usefully make to this debate, it is quite wrong, in my submission, Sir, that he should not give us the benefit of his thoughts on this subject, because even though they may be confined to one aspect only of education, it is nevertheless, Sir, part of the whole.

With that, Sir, I beg to support.

MR. COOKE: Mr. Speaker, Sir, I suggest the hon. Minister should move an amendment to the amendment or else that the debate should be adjourned.

THE SPEAKER (Sir Ferdinand Cavendish-Bentinck): I think perhaps as I have had considerable experience of these things over a quarter of a century that I would suggest it is perhaps unfair—this is really going beyond my duties as Speaker—it is perhaps unfair to expect Government to make a snap decision or give an answer to a Motion which has been so drastically amended. I am somewhat to blame, perhaps, in allowing it, but I did so after thinking it over. There is always a way out of these matters, and that is for any Member who has views on this subject to take part in the debate and give his views and if the Mover is so inclined or some other Member—could either

[The Speaker]

move the adjournment under Standing Order 13—then this would come up again, or he could withdraw his Motion in view of having aired the various aspects of the problem which has come before the House.

MR. ALEXANDER: Mr. Speaker, Sir, on a point of information this Motion only urges Government—it does not direct or demand of them, and it merely presses upon them and no more than that. From the Opposition side it would seem they are trying to impress upon us that we are directing them for all time.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, my hon. friend, the Minister for Education, is somewhat hampered in that he has already spoken in this debate and cannot speak again.

The fact is, Sir, that the amended Motion, as my hon. friend, I think, has said, urges Government to "expand its policy" of making more primary and intermediate schools available in the selected townships, municipalities and cities. Well, Sir, as my hon. friend, the Minister for Education, has pointed out, this urges the Government to expand a policy which, in fact, the Government has not got. If does not accept, as yet, that this is the determined policy. It is a matter to which my hon. friend is giving a great deal of consideration, and indeed which has been discussed in various Government committees for the past period of time.

The other point, Sir, is a point which has been made and which is very valuable, and that is that this Motion is now a completely different Motion to that which was placed on the Order Paper, of which notice was given. In fact, had this amended Motion been placed on the Order Paper in the first place the Government would have had ample time to consider its attitude. My hon. colleague is not prepared to make a snap decision by accepting this amended Motion without having full time to consider all the implications, both from the educational policy point of view, and the point of view of experience and long-term effect, and from the point of view of financial implications. Sir, what is literally half an hour's notice.

Now, Sir, the Government feels that under those circumstances it can do nothing but oppose this particular Motion as amended. I would like to follow up your suggestion by suggesting to the hon. Member for Mombasa Rural that having secured what is indeed the object of a Private Member's Motion—an expression of opinion, and brought to the Government's attention the various opinions that have been brought in this debate he should, in due course, exercise his right of reply and withdraw the Motion. In that way, Sir, the position will have been brought about where there has been an expression of opinion, and that expression of opinion has been listened to. But, Sir, I must say that if the hon. Member forces the amended Motion to the vote of the House, the Government, because of the inadequacy of time and because of the implications of the Motion which it has not had adequate opportunity to study, will have to oppose the Motion.

MR. NGALA: Mr. Speaker, Sir, in view of the various views expressed in this Motion, I would like to ask the House for the adjournment of the Motion under Standing Order 13.

MR. ALEXANDER: Mr. Speaker, Sir, I would gladly second that.

Question proposed.

The question was put and carried.

Debate on the Motion as amended adjourned.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): May I again, as we are a rather young Parliament draw attention to the difficulties one can get into, so I trust that in future hon. Members will appreciate that it may sometimes be necessary for the Speaker or the Deputy Speaker to refuse an amendment for the reasons that have become obvious on this particular occasion.

MOTION

REVOCATION OF THE EMERGENCY
(CONTROL OF KIKUYU LABOUR)
REGULATIONS

MR. OLE TIPIS: Mr. Speaker, Sir, I beg to move that this Council urges the Government to revoke the Emergency (Control of Kikuyu Labour) Regulations (Government Notice No. 65 of 1953) forthwith.

[Mr. Ole Tipis]

I think that the introduction of the Emergency (Control of Kikuyu Labour) Regulations, 1953, in the settled areas at the start of the Emergency was quite understandable and proper during those dark days because it was essential that we controlled members of the Kikuyu tribe who had caused the country such a lot of trouble, and that when they are discharged by their employers or when they leave, through other causes, their places of employment they should be confined to a proper place where they could be looked after and repatriated back into their Kikuyu land unit. Of course, Mr. Speaker, the majority of the Kikuyu labour were somehow removed or in other words rounded up when the Emergency was declared, sent to various detention camps and screening camps where they were scrutinized by the Government, and many of them were sent back to the Kikuyu Reserve and the bad hats were either sent to the detention camps or those who had committed any offence were sent to prison. Now, I think it was only those Kikuyu who had satisfied the Government through the screening channels and their employers that they had absolutely nothing, or very little, to do with the *Mau Mau* movement.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Before the hon. Member gets too involved, Sir, may I, with all due respect, point out that the hon. Member's Motion deals with the Emergency (Control of Kikuyu Labour) Regulations. It does not deal with—and this is what the hon. Member is now embarking on—the general Emergency situation, detention camps, and *Mau Mau*: it deals with purely one aspect, and unless we are to embark on a general debate I would ask that you rule that remarks concerning this Motion must be directed to the point in the terms of the Motion.

THE SPEAKER (Sir Ferdinand Caven-dish-Bentick): We must keep to the terms of the Motion, which are quite specific.

MR. OLE TIPIS: Thank you, Mr. Speaker, and I thank the Minister, but I was just giving a very brief outline of the circumstances which I thought neces-

sitated the Government to introduce these Regulations.

Now, Mr. Speaker, I think, as I was continuing to say, that when the Emergency situation improved in 1958, or in 1957 I think it was, the Government agreed to allow quite a number of Kikuyu to go back into the settled areas for employment and those who are allowed were only those Kikuyu who have proved that they had nothing to do with the *Mau Mau* uprising and who were required by various farmers for employment. Now, despite the fact that the situation has so improved we still have these camps and these camps are causing quite a lot of hardships and unnecessary troubles to the workers who are employed like any other tribe, and who have committed no other offences in the areas where they are being employed.

Now the reasons, Mr. Speaker, against the continuance of these camps to my knowledge are: (1) that the security risks for which these Regulations were intended to cover are no longer there today; (2) that it is a gross wastage of public funds to keep on maintaining these camps and also to keep on feeding, housing and repatriating persons detained therein; (3) I think it is a very bad labour policy as such, because it denies the employee, who has committed no offence or breach of the law, his liberty to sell his labour freely to whomsoever and wheresoever he wishes. That, Mr. Speaker, is clearly stated in the original Regulations, and, if I may, I would like to quote clause 11, which says, in part: "Any person in a transit camp shall be deemed to be in lawful custody and may be subjected to such restraints of his liberty as may be necessary or expedient to maintain such custody." Surely, Mr. Speaker, these people are not criminals. They are decent, innocent people who are allowed or who have the right to work freely as free men in these areas.

Now the Regulations, to my knowledge, are quite discriminatory in that they are confined to the settled areas only and to the members of the Kikuyu tribe as such for reasons, I think, best known to the Government, because on the other hand the number of Kikuyu employed in the settled areas is very, very small compared with the number

[Mr. ole Tipis] members of the same tribe who are employed in many other parts of this country, in places like Nairobi, Mombasa and even Kisumu, and many other big townships. But the Regulations do not apply in those areas, and I should very, very much like to know why, Sir, because these people are employed all over the country.

Now, also, Mr. Speaker, these Regulations have led to all sorts of abuses and have in a way enabled unscrupulous and bad employers to take advantage of these Regulations and exploit the Kikuyu labour unnecessarily, because, for instance—and here I am just giving an example—the Kikuyu are employed and signed on at a wage of, say, Sh. 30 per month, and, of course, they are signed on for a six-month probationary period. On the expiry of this period naturally one would expect the employee to go to his employer and tell him: "Well, Sir, I think I have worked hard enough and I think that I deserve an increase of wages." Of course the bad employer replies: "Oh yes, I see. Now look here, I tell you to shut up or else you shall find yourself in the labour camp and I will make sure that you will be sent back to the Kikuyu Reserve, where you have come from." Now, Mr. Speaker, the employee, of course, knows very well what the conditions are in some of these labour camps. He also knows full well that if he is repatriated back into the Kikuyu Reserve he will be faced with the impossibility of living in the Kikuyu Reserve because he has no land there, he has no property there, and in fact he has no other way in which to make his livelihood. Now, Mr. Speaker, surely this man is placed in a very, very impossible and difficult position. He has no alternative, he submits, Mr. Speaker, expect to tolerate any unfair treatment from the few bad employers and as well as accept whatever little he is offered. Now, on the other hand, the employer knows very well that he need not worry, at all because what he needs to do is just to drive his Land-Rover to the labour camp and get replacements at no cost to himself because these persons are maintained in those camps by the Government at the cost of Public funds. That, of course, encourages him. He does not care because he treats his

labour in any way that he likes because he is getting all the help that he wishes to do so.

The other thing, also, which annoys me most is that we all know, and I hope that even—the Minister for African Affairs will agree with me, that today, in the Kikuyu land units, some people are really hard hit, and if they could only find an outlet to go out and seek for employment anywhere they would gladly take it up. As such, Sir, most of these people who are allowed into the settled areas to seek for employment have their original intentions which are that as soon as they get employment there some of them might be qualified tradesmen such as carpenters, stone-masons, and the like, and they hope that in future the time might allow them, or the opportunity might occur, to enable them to look for the jobs of their liking and the jobs which would earn them good or better wages. But, of course, when they take up a job on a farm as a labourer, and they so happen to be discharged, and then are sent back to the labour camp, then they are given no opportunity at all to seek for an employment, except what employment they get is when the employers come and say: "Well, I want some labourers, say, 20 or 30, for my farm," and that particular employer might not have any particular vacancy for a mason or a carpenter. Mr. Speaker, do not see why such persons should not be allowed at least to look for jobs which will earn them better wages, the jobs which they know better, and, of course, if that is the case, then why not allow them three weeks, or a month, for that matter, to look for a better job within the district. It would not create any difficulties so far as the control is concerned, because it was done before the Emergency, and I am sure that no good farmer would allow any undesirable persons to remain indefinitely on his farm, but even now, with the members of the other tribes, what difficulties are experienced when they go and look for work wherever they want. Do we have a lot of men belonging to other tribes unemployed in the settled areas? I am sure that if this restriction is also lifted we would not have any difficulty from the Wakikuyu at all.

[Mr. ole Tipis]

Now, the other thing, Mr. Speaker, is that I know that although the employee is empowered by clause 5 (d) to report to the labour officer on arrival at these labour camps any members of his family who so happen to be left behind on farms, in some cases this has not occurred. I know a man might have been working on a farm and his wife might also have been working on the same farm. The lady might do a good job and the employer is not willing to lose her. Now, sometimes, when the men are discharged the wives are left on the farms. Of course, Sir, I know that the employee who has been discharged is not unwilling to let them continue to work because he has nowhere to take them to in the Kikuyu reserves. Of course, when the man is repatriated back, leaving his wife and children behind, and you know about the restrictions on movement which do exist today, his family lies are cut. This is quite unfair, unjustified, and unreasonable.

The other thing, Mr. Speaker, Sir, is that although clause 13 provides for the removal of cattle or any other livestock owned by the employee on his discharge there is no mention whatever of provision being made in the Regulations for the removal and disposal of crops grown by the employee who happens to be discharged by his employer without a warning or a notice. In this case it happens that, and I do not say that all employers do this, most employers take advantage of this poor man who might have been allowed to cultivate, say, half an acre of land. He may not be an attested squatter as such, but there may be a gentleman's agreement between him and his employer, and having collected and laboured in his own spare time to cultivate this land with the crops, and at times they are not even ready for harvest, he gets the sack and then he leaves all that behind without any small compensation or even allowed to sell his crops to other labourers remaining on that farm. This, Mr. Speaker, Sir, I submit, is really very, very unfair, quite inhuman, and should be got rid of.

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): I think that you are straying away from these particular

Regulations. The points you are covering are covered in other ways.

MR. OLE TIPIS: Thank you, Mr. Speaker, I abide with your ruling, and I was just trying to draw the things which I think are bad in these Regulations and which justify my case that these Regulations be revoked.

If you will allow me, Sir, I will just mention a few and then finish the Motion.

Now, the other thing, Mr. Speaker, is that I know that it has happened in a very few cases where one or two bad labour officers do threaten these labourers in these transit camps. They say: "Unless you agree to go and work for Mr. X," who is known to be a bad employer, "then, of course, I will see that you go back to the Kikuyu Reserve and you will not be allowed to come back here and look for employment." Surely, Sir, that is another one of those very bad things.

I know, Mr. Speaker, that the Government advances rather a very weak and unconvincing argument for the continuation of the Emergency (Control of Kikuyu Labour) Regulations, and they say that it would be quite improper to allow unemployed Kikuyu to remain in the settled areas. Of course, Mr. Speaker, they have never been allowed to remain in the settled areas even before the Emergency, being unemployed for an indefinite period. That, of course, applies to members of the other tribes as well. They are not required to be confined to these labour camps. Does it imply that non-Kikuyu are allowed to remain in the settled areas indefinitely, being unemployed as such?

If it is a question of saying that you want to restrict the entry of members of the Kikuyu tribe to the settled areas, and I am not advocating that they should be allowed unless they have been found for one job—I am not advocating that for one month—but those who have at least remained in those areas for many years and have worked well, have committed no offences, I do not see why they should be treated differently from other Africans who are employed in those areas and, in addition to that, I do not see why these people should at least be treated as criminals. If they are criminals then they should be

[Mr. ole Tipis]

removed and sent to detention camps, but if they are free men to go there to work on their own free will the employers should accept them as such, Mr. Speaker, and I do not see why they should be treated in the way they are required to be treated by these Regulations.

Now, Mr. Speaker, Sir, I would only say, and most sincerely ask the Government, and the Minister for African Affairs, to accept this Motion in the spirit in which it has been moved, and that is the spirit of removing any injustice, any inhumanity, which some of these people suffer from through these Regulations; and I know, Mr. Speaker, Sir, that the Minister will at least find it reasonable to accept this Motion and revoke these Regulations, because I know even the good European farmers do not like them in fact as such as all; some of them do not even like seeing their own fellow farmers exploiting the African labour, but since the bad employers are covered by these Regulations they have no alternative but to say, "Well, we have nothing to say. It is now up to the Government." I should have thought that the Government would have been the last body to have insisted on the continuation of these Regulations, especially now when things are quiet when we are all looking forward to a bright future when we are all looking forward to remove the evils of the past, that these sort of things should be allowed.

I shall be very, very much surprised, Mr. Speaker, Sir, if the Minister does not accept this Motion.

I beg to move, Sir.

MR. TOWETT: Mr. Speaker, Sir, we have heard very reasonable reasons—if that is English—from the Mover of this Motion. I do not want to repeat what he has said, Mr. Speaker, because it seems that he has exhausted all the interesting points and if at all I have got to say anything at all about what he has said it will not be very interesting. But touching on what I would call the human aspect of the labour force in the country, Sir, I should ask the Government, while seconding this Motion, to remember and consider the human needs and the human hate and love. So long

as the Government, in any form of action, continues to subject people to conditions which are not liked by such people then the Government is trying to cause hatred, Sir, and there is, what I call the psychological persistence of hatred; and at the moment the Kikuyu who are forced, when they are discharged from employment to go and stay in these transit camps, those Kikuyu, Sir, do not in any way like the Government and what the Government is doing. They are afraid, Sir, I am afraid to say, that they do not like what the Government is doing; they do not like the Government's regulations which subjects them to these transit camps; and they would like to feel free. Once we have allowed them to go and work for Mr. Y or Mr. X, who are farmers, then I do not see why we should send them back to transit camps when they are released or discharged from employment. We should allow them to be free, at least within that particular area or district, to look for work within the district and inform them, Sir, that when they do not get employment within, say, one month they should go and report to the labour officer in the area or to the transit camp officers of the area. We should allow them to have what I call a free choice of going back to the transit camp when they have failed absolutely—to get employment. That, Sir, will remove the hatred in their hearts against the Government action. I am not worried about what people do but I am worried about the hatred which these people harbour in their hearts against the Government. We are trying to cure those people and you are trying to create good relationships between the Government and every citizen in Kenya, and we should not punish these people indefinitely for the evils they have done. The Government should assure them that the Government is not all the time hating or disliking a person because of previous evils. The Government should now make a gesture and say, "You people, you have done wrong, and you realize that you have done wrong. Now, it is high time that we let you go free to show you that the Government is not harbouring hatred against you because of what you did or what you were forced under certain circumstances to do."

Sir, Friday is always a bad day for me because I have to go 175 miles to go

[Mr. Towett]

home as soon as I finish now and I shall not actually try to waste a lot of my time.

But we know exactly that unless, I must say—I have been saying this over and over again and again and again, I do not know how many agains and how many over—but the Government should really know that what it is doing in sending these Kikuyus back to transit camps is not good for the Government. It will not be good for my Government any time whenever I at all have any Government; it will not be good for my Government. So this Government which is a part of my Government should now just say, let us do away with this procedure of sending the Kikuyus back to transit camps, Sir, and if the Government goes on reports that the Government hears from different transit camps, if the Government is not happy about what is happening about certain persons in those camps, I think the Government should try to experiment on certain districts where they have had good reports and say, all right, we will remove the regulations in so far as this or that district is concerned and then see what is going to happen after that. If, Sir, when such regulations and strict provisions have been lifted in one or two districts—if the people in that area resort to what I call devilish or evil ways, then the Government should not hesitate to send them back, such persons back, to the transit camps.

So, Sir, with those few remarks and my sincere appeal to the Government to consider removing this necessity of sending the Kikuyus to transit camps in trying at least to experiment with one or two districts.

I beg to support the Motion, Sir.

Question proposed.

MAJOR ROBERTS: Mr. Speaker, Sir, I feel quite sure that there is not one single Member of this House who would not be delighted if the Emergency Regulations could be done away with and the Emergency brought to an end. But, Sir, the sole arbiter in this case must be the Government who are in possession of the facts through the Special Branch and other organizations and I think, Sir, we must have a complete faith in them in this problem. And also, Sir, I feel that

Government would relax these restrictions as soon as possible if they thought it was wise to do so.

However, Sir, I do feel that my hon. friend, the Mover of this Motion, was very correct in moving this Motion in this House because there are certain pin-pricks which are causing some embarrassment and which I think could be done away with. For instance, Sir, if a Kikuyu on a farm wants to go to the station to do some shopping he has to come and get a pass. He cannot always find his employer—the employer may be away. The same thing happens if he wants to go to hospital to visit his relative although it may be only a matter of a few miles. In fact he cannot even visit his friends on a neighbouring farm should that farm be under a different ward; in order to get a pass to go there he has got to go to the police station. There are things like that which my hon. friends have rightly brought forward and which I think could in certain areas be done away with.

Now, the operative words there, Sir, are "in certain areas" and I feel Government should start to consider these problems in different areas in a different manner. In that way, Sir, I would support what my hon. friends have said but where I entirely disagree with my hon. friend, the Mover, is when he says that employers are using these regulations to exploit their labour. That is not so, Sir.

MR. OLE TIPIS: On a point of explanation, Mr. Speaker, I did not generalize and say "all the employers". I said *some* and I challenge the hon. Member for the Rift Valley to deny that and say there are none.

MAJOR ROBERTS: Sir, I would qualify that and say that there are extremely few.

MR. OLE TIPIS: Good!

MAJOR ROBERTS: Sir, if there are Kikuyus who do feel that they are being exploited, they are always able to resort to the labour officer who will immediately come and investigate and I have not yet found many labour officers who are pro-employers.

Now, Sir, I feel the Government in their usual way in a Motion of this sort will come forward with a particularly canny amendment. Therefore, Sir, I will support the Government.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Speaker, Sir, I would like first of all to congratulate the hon. Mover of this Motion on his speech, which I thought was both instructive and reasonable. If I may say so, I was slightly surprised that I got up before any hon. Kikuyu/Embu/Meru Member from the opposite Bench to speak, but I felt I should do so now because, as the hon. Member for the Rift Valley quite rightly said, I have an amendment, but I do not claim that it is a particular camp, one, I trust, however, that I will get his support when I do move it.

Now, Sir, these Regulations were designed as the hon. Mover quite rightly said, during the Emergency to provide the means whereby Kikuyu and their families who had been dismissed from employment or, owing to *Mau Mau* propaganda, had left the farms on which they were employed, to be martialled and be sent back to their district of origin with the minimum of discomfort.

The Regulations also, as he rightly pointed out, provide that housing and the feeding of such persons shall be a charge upon Government funds. The camps, as the *Mau Mau* movement went on took on a slightly different aspect and really became places where Kikuyu/Embu/Meru who had lost employment, many of those, particularly the Kikuyu, had no land in the Central Province, could stay under Government control and be fed at Government expense while they awaited further employment. The Government still feels that these camps are serving a useful purpose for the reason that if they were not there any Kikuyu dismissed would have to return at once to the Central Province which is already overcrowded. These labour camps were in fact set up in the Central Province, but there we have done away with them because there is no necessity any longer to keep those camps. If I might just describe briefly, Sir, what happened in these camps, the Kikuyu/Embu/Meru who have been discharged from their employment are taken into the camp and are there given three chances of further employment. Those who have certain skill at artisans the district commissioner keeps longer if they do not find employment immediately in

particular skilled trades. On two or three days a week the labour officer holds a labour exchange at which all the Kikuyu in the camp come to for the purpose of seeking employment. It is also explained to them if it has not been before, the reasons why they were discharged. The labour camps also cater for those Kikuyu who have been sentenced in the courts and have served their sentence and are to be repatriated to their district of origin. If I may, Sir, give a few figures: in Matigah Camp in 1958 the average population was 187 men and women; the gross total for the year was 2,197; the monthly average in that camp of those repatriated was 47 with a total in the year of 524. The number of persons who found employment through these camps in the labour exchanges numbered 140 a month with a total of 1,677 in the year. In the other large camp in the Rift Valley Province, the Nakuru Camp, the men and women admitted in 1958 totalled 7,320 and of these 4,438 were placed in employment; 2,398 were repatriated to the Reserve during the year and 194 repatriated to their districts at their own request.

Now, Sir, the opportunities for employment in the Rift Valley have considerably decreased in the past six or eight months and I am told that many Africans other than the Kikuyu are finding it difficult to obtain employment. I believe myself, Sir, that this system of camps has a certain benefit to the Kikuyu because they do not have to spend their time walking round the various farms in the Rift Valley Province endeavouring to find employment, but they are here at the central focal point adjacent to a labour exchange. Now, Sir, the hon. Mover did mention that in these camps he felt that there had been discrimination against the skilled Kikuyu/Embu/Meru artisans or tradesmen. I visited these camps not so long ago and made particular enquiries about this point and I felt that that was not so. I do not believe that a farmer normally employs on his permanent staff a skilled artisan unless, of course, he is a big farmer or possibly if he is farming on behalf of a company. The skilled artisan on the smaller farms is certainly used for periods at a time and therefore there are not the

[The Minister for African Affairs:] opportunities for the craftsman to practice his craft the whole time and the Kikuyu, I believe, willingly when there are not these opportunities for skilled employment takes a job as an ordinary labourer in the hope that he will get something better later on.

Now, Sir, the hon. Mover mentioned that there were probably abuses and that there were unscrupulous employers took advantage of these Regulations. I also went into that question when I visited the camps and spoke with the district commissioners and the labour officers in the province concerned and I was satisfied that a very close watch was kept upon employers who were known to be perhaps unscrupulous in some respects in dealing with their labour and that the labour officers and the district commissioners paid particular attention to those few farms or trades or employment where that is likely to happen and I was quite satisfied myself, Sir, that that danger was fully recognized and was also fully examined.

I am afraid I shall have to go on a little longer, Sir—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, I would like to inform the House of the suggested programme of business for the next week which was recommended by the Sessional Committee in its meeting last night.

It is suggested, Sir, that there should be meetings on Tuesday, Wednesday and Thursday afternoon and on Friday morning if necessary to complete the business which has been placed on the Order Paper. We will, Sir, suggest to you that you should direct in these circumstances that there should be no meeting on Wednesday morning. The business on Tuesday, Sir, will be the completion of the Report stages on outstanding Bills, the Second Reading of the Scrap Metal Bill and then the Government Motion dealing with Sessional Paper No. 6, the Income Tax Relief for Cereal Producers Association, the Maize Marketing Board Overdraft Facilities and the Government Motion on Sessional Paper No. 7 which should, Sir, take us into Wednesday afternoon. Then time, Sir, it is proposed, will be given by the Government for the

completion of the Motion moved by the hon. Member for Central Rift which we are just debating. After that, Sir, time will be given in order to clear up outstanding business for all non-Government Motions of which notice has already been given except those in the name of the hon. Member for Central Province (South) and the hon. Member for Central Province (North) and the hon. Member for Central Electoral Area, Mr. Travadi, which will be postponed either by your ruling, Sir, or by agreement with the hon. Member concerned.

ADJOURNMENT

THE SPEAKER (Sir Ferdinand Cavendish-Bentick): In accordance with that programme I do hereby direct that there will be no meeting on Wednesday morning. There will be, of course, on Wednesday afternoon. I therefore adjourn Council until 2.30 p.m. on Tuesday next, 16th June.

The House rose at twenty minutes past twelve o'clock.

Tuesday, 16th June 1959

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

(Mr. Deputy Speaker (Mr. Bechgaard) in the Chair)

PRAYERS

ADMINISTRATION OF OATH

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

Leslie Hilton Brown.

BIRTHDAY HONOURS' CONGRATULATIONS

MR. DEPUTY SPEAKER (Mr. Bechgaard): Before the first Order of the day is called, I feel it would be the unanimous wish of all Members of this Council if I were to congratulate you on behalf of our friends Mr. Vasey, Sheikh Mbarak Ali Hinawy and Mr. Swynnerton on the honours they have received.

NOTICE OF MOTION

PURKO TIMBER CO-OPERATIVE SOCIETY LTD.—OVERDRAFT GUARANTEE

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, I beg to give notice of the following Motion:—

THAT this Council notes that the Government proposes to guarantee the bank overdraft of the Purko Timber Co-operative Society Ltd., up to a total of £15,000 subject to the society accepting technical advice from the Forest Department on the exploitation of its concessions.

MINISTERIAL ANNOUNCEMENT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, with your permission, Sir, and with the permission of the House I would like to give a message to the House from Mr. Speaker who is today indisposed.

Sir, hon. Members I hope, have received an invitation from Mr. Speaker to a party tomorrow night at half-past six which will mark the occasion of a presentation on behalf of the Commonwealth Parliamentary Association to Mr. Purvis as a token of our esteem and regard for the great services and help he

has given to every Member of this Council over the past few years and as an expression of our regret at his departure. Mr. Speaker wished me to say that it was his hope that all Members who could possibly come would come and would bring their wives with them.

CONSIDERATION OF REPORTS THIRD READINGS

The Customs Tariff (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, Sir, I beg to move that the Council do now consider and approve the report of the Committee on the Customs Tariff (Amendment) Bill.

The question was put and carried.

Mr. Deputy Speaker, I beg to move that Customs Tariff (Amendment) Bill be now read a Third Time.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Registration of Titles (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to move that Council do agree with the report of the Committee on the Registration Titles (Amendment) Bill.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, I beg to move that Registration of Titles (Amendment) Bill be now read a Third Time.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

REPORTS AND THIRD READINGS

The Land Titles (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to move that Council do agree with the Committee's Report on the Land Titles (Amendment) Bill.

The question was put and carried.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, I beg to move that the Land Titles (Amendment) Bill be now read a Third Time.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Land (Perpetual Succession) (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in its report on the Land (Perpetual Succession) (Amendment) Bill.

The question was put and carried.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, I beg to move that the Land (Perpetual Succession) (Amendment) Bill be now read a Third Time.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

The Native Lands Trust (Amendment) Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to move that the Council do agree with the Committee in its report on the Native Lands Trust (Amendment) Bill.

The question was put and carried.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, I beg to move that the Native Lands Trust (Amendment) Bill be now read a Third Time.

MR. WEBB seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time and passed.

BILL

SECOND READING

The Scrap Metal Bill

Order for Second Reading read.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Deputy Speaker, Sir, I beg to move that the Scrap Metal Bill, 1959, be now read a Second Time.

Sir, it might be useful to Members if I were to make a few remarks in order to give a bit of the background which has led to the presentation of this measure in this House for its enactment.

There is established in the Colony a definite trade in scrap metal, which perhaps received a flip in recent years, as a result of exigencies of abnormal events abroad. Unfortunately trade in scrap metal is not confined to the honest trader only. Side by side with the legitimate trader has grown up the operator who engages himself in nefarious activities.

Thefts of scrap metal have been taking place for some considerable time, and this, in turn, has created a class of receivers of this commodity. There can be no doubt that receivers cannot exist without there being thieves, and perhaps the converse of this proposition is also true. That this illegal market exists there is no doubt, and there have been occasions when it has been found difficult to bring home both to the receivers and thieves a conviction for being in possession of apparently illegally obtained scrap metal owing to the difficulty of identification of the article and the difficulty in separating it from other scrap metal.

Thefts of scrap metal, particularly from the larger public utilities have continued on a scale large enough to indicate a permanent danger, and even though there has been a fall in the price of some of the non-ferrous metals, thefts still continue. Of course, prices may rise again, but thefts of scrap metal have not decreased satisfactorily despite this fall in price to which I have referred, and it has become clear, Sir, that the danger of theft is not confined to high-price periods only. Thefts of scrap metal seems to continue at a serious level in a regular manner. It is not only the occurrence of thefts and not only the value of goods stolen, but their importance as vital components in installations which makes these thefts particularly serious. I suggest,

[The Asian Minister without Portfolio] Sir, it would be unwise to allow a vacuum to exist until prices rise again, and it is hoped that this piece of legislation will act as a deterrent.

In connexion with the matter of thefts from public utilities, I am confident that hon. Members will appreciate that apart from the loss by pilferage of scrap metal, the reduction in the safety and efficiency of working when essential parts of machinery are removed, is of more importance than the cash value of the materials indicates, and, in addition, this sort of state of affairs has also necessitated continuous expenditure of time and money on security measures.

The purpose of this Bill, Sir, is to try and eradicate theft of scrap metal. This the Bill seeks to do by introducing a system of registration under which it will be possible to check on the movements of scrap metal to and from scrap metal dealers. It is not the intention of the Bill, Sir, to control movements, as such, of scrap metal, or of any type of scrap metal. The control of movement as is proposed is to be achieved under the provisions of this Bill not, I would submit to hon. Members, interfere with the legitimate trader. At the same time the method of control which has been devised will help and assist the police to make it possible for them, where necessary, to trace stolen scrap metal.

I would like to say, Sir, that Government's decision to introduce this legislation has been taken after the most careful consideration, and I would like to assure the House that also in recognition of the fact that Government does not wish to impose control on any section of the commercial community unless it is felt to be absolutely necessary, not only for reasons of efficiency and to maintain the general economy, but in the interests of the trade itself.

Hon. Members will, I think, be interested to know that this proposed legislation has been extensively examined by the Board of Commerce and Industry. In addition, the larger utilities, such as the East African Railways and Harbours, the East African Power and Lighting Co. and the East African Posts and Telecommunications have also been consulted. These are organizations, some

of whom have encountered considerable inconvenience and "dislocation of services" as a result of thefts of scrap metal.

Finally, Sir, the scrap metal dealers in the Colony have also been consulted and the prime object has been to make the proposed legislation practicable and also to minimize interference with commercial dealers.

Having stated this background to the Bill, Sir, I would like to mention here one other important matter before I come to deal with some of the details as they appear in the various clauses of the Bill. This important matter to which I would like to refer is that while as a result of the definition of the expression "scrap metal" which appears in clause 2 of the Bill, which is the definition clause in the Bill and which gives power to control ferrous and non-ferrous metals, it is intended in the beginning at any rate, and possibly until circumstances make it necessary to act otherwise, to restrict the application of the control to non-ferrous metals only. This will be achieved by means of an order made by the Minister under the provisions of clause 25 (2) of the Bill. While I am speaking about this particular clause 25, Sir, hon. Members may like to be informed that this important clause, self-explanatory and worded in simple language as it is, provides for exemption to be granted both to persons and different classes of metals. Although the exemption facilities will enable the control to be operated in a flexible manner it is nevertheless intended to use this power sparingly. This is essential if the control is to be effective—for example, large companies and public utilities which dispose of scrap metal regularly will not be exempted from the provisions of this Bill but on the contrary they will be required to be licensed under the Ordinance. Therefore I repeat, Mr. Deputy Speaker, that it is intended in the beginning, at any rate, and until further events make it necessary to adopt a different decision or a decision which is more embracing in its scope, to restrict the application of the Ordinance to non-ferrous metals only; and this will be done under the provisions of clause 25 of the Bill.

[The Asian Minister without Portfolio]

I come now, Sir, to deal with some of the more important provisions of the Bill. I have already mentioned that the basis of control or the method proposed to be adopted to try and stop thefts of scrap metal is by the control of dealers. It is a simple basis of control which is that all scrap metal dealers will be required to be licensed. This is provided for in clause 3 of the Bill. Hon. Members will note that the Bill provides for the issue of two kinds of licences; one is a general licence and the other is a local licence. These two types are provided for in clause 4 of the Bill and hon. Members may wish to read this clause together with the provisions of clauses 6, 7, 8 and 9 of the Bill which deal with the method of application, the manner of issue and renewal of licences and their contents as well as the mode of dealing with them if it is intended to transfer a licence. A general licence shall be valid throughout the Colony while a local licence will be valid in the district in which it is issued. In this respect, Sir, it is proposed to amend the subclause (3) of clause 4 to delete the last words that appear in that subclause which are, "and in such area or areas as are specified therein". But I might mention here that it is proposed to amend this clause together with several other clauses of the Bill in respect of which a notice, I hope, will be circulated with tomorrow's Order Paper and with these amendments I propose to deal briefly towards the end of this introduction in the Second Reading of this Bill.

I was saying, Sir, that a general licence would be valid throughout the Colony while a local licence would be valid in the district in which it is issued. The licensing officers will be the district commissioners of the areas concerned, while it is intended that for the purpose of the issue of a general licence the Director of Trade and Supplies shall be the licensing officer. I should like to make it clear that the effect of possession of a licence or the effect of being a licence holder of either description will not enable the holder to override the provisions of any other law or the requirements of any local authority, for example, in regard to the suitability of premises or inquiries

connected with health. Hon. Members will note that no special provision is made for itinerant traders because it is intended that these should come under the general control, or it may be that, albeit unconsciously, we do not intend to allow that the rag and bone man should come into being in this Colony. Under the provisions of clause 10, every licensed dealer must display a conspicuous notice bearing his name and the words "Licensed Scrap Metal Dealer". Perhaps it is thus that we will confer a meritorious place upon those who deal in and dispose of scrap metal—and perhaps it is thus that we will have elevated the scrap metal dealers to the same dignity as pawnbrokers, money-lenders, money-changers, and bankers.

I will now refer to the provisions of clause 11 of the Bill, Sir. Its provisions will, in the main, enable the position of scrap metal in the Colony to be recorded after the Ordinance has come into force. Clause 12 of the Bill is also important and it requires that licensed dealers must record all scrap metal coming into their possession or which they sell within 24 hours of the transaction taking place, giving full details of buyers and sellers. I think it is essential to have these provisions in the Ordinance if the control which we seek to impose is to be sufficiently accurate, up to date, and effective. The enabling provisions in the following clauses 13 and 14, 15, 16 and 17, will help further to tighten this control.

The next two clauses to which I would refer and draw the attention of hon. Members are clauses 19 and 20. The former provides for the circumstances in which a licence may be cancelled and clause 20 lays down that the burden of proving that a transaction is an isolated transaction under proceedings taken under the Ordinance will lie upon the person who makes this claim. Hon. Members may wish to read this clause black in reference to the definition of the expression or the word "deal" in clause 2 of the Bill which lays down that isolated transactions shall not fall within the purview of the Ordinance.

Mr. Deputy Speaker, I have already dealt with the provisions of clause 25 and I do not propose to say anything more about it now, but I would add that

[The Asian Minister without Portfolio] if power similar to that contained in clause 25 is proposed to be given to the licensing officer under the provisions of clause 26 of the Bill I trust that hon. Members will agree that such power should be granted to a licensing officer to ensure that the control can be exercised in a flexible and practical manner.

I did refer, Sir, to certain amendments which are proposed to be introduced to certain clauses of the Bill. In particular, these clauses are clauses 2, 3, 4, 5, 11, 12, 15, 16, 19, 22 and 25 of the Bill.

My attention has been drawn to sub-clause (3) of clause 16 which reads: "A licensed dealer may detain without warrant any person offering or showing to him any such property as is referred to in subsection (1) of this section until the arrival of a police officer." The property referred to in this clause is stolen property. It has been suggested, Sir, that it will be undesirable for a private citizen to detain a person without a warrant even under circumstances where he is suspected of being in possession of stolen property. I think there is some merit in this suggestion, Sir, and I will be considering, when we come to deal with this Bill at the Committee stage, whether it should not be deleted. As I mentioned earlier, Sir, the proposed amendments will be circulated with tomorrow's Order Paper. But if I might mention just another of the more important ones it is the one proposed to be introduced into subclause (2) of clause 22, where the original subclause will be proposed to be deleted and a new one to be added which will read: "No person shall export any scrap metal unless he has given to the police officer in charge of the police station nearest to the place in which the scrap metal is stored; immediately before being despatched for export, not less than 72 hours' notice in writing of his intention to export the scrap metal specifying in such notice the place and time at which the scrap metal may be inspected." I hope that hon. Members will agree that if this amendment is accepted by the House, matters will be improved considerably and made easier and more comfortable I hope for the merchants exporting scrap metal.

Mr. Deputy Speaker, those are the more important provisions in the Bill and I beg to move.

Mr. Webb seconded.

Question proposed.

MR. ZAFRUD DEEN: Mr. Deputy Speaker, I am not opposing this Bill but I feel that this time I must ask the Minister to give us some assurances. I know that the objects of the Bill have everything to commend it for the approval of this House. It certainly would reduce the incidence of thefts as has been described by the Minister but I do not suppose it is the intention of this Bill to close down the scrap metal trade of this country. We have a considerable quantity of scrap metal which brings a considerable sum of money to the country and I do not suppose for one moment that it is the intention that that scrap should be buried in the soil, which would be very unproductive.

Sir, there are certain requirements in this Bill which it is physically impossible to fulfil. For instance, the scrap dealers are asked to prepare a register giving weights and dimensions and several descriptions of the scrap received in their yards. I wonder if these scrap merchants can find persons who have knowledge of every type of metal which is brought to their yards. I was wondering if the person who is responsible for preparing this clause has ever been to a scrap yard, whether he knows what a scrap yard contains. Sir, I believe that the Minister will give his serious attention to this aspect of the Bill. I am of the opinion that even the most experienced scrap merchants in this country will never be able to fulfil in the right spirit the requirements of the Bill because they will never be able to prepare a register that will give all the descriptions that are wanted.

Sir, there is another very serious flaw in this Bill which is that the person who has been guilty of an offence three years ago or five years ago—and I will bring this into Committee of Supply—will be debarred from making an application to become a scrap dealer. I think this is a very wrong thing because a person once having been punished, his case should be given due consideration on the merits of his application. This will be a very severe penalty. It means that anyone who has been guilty of an offence, when this Bill comes into operation, will not be able to

[Mr. Zafrud Deen.]

deal in this trade for all time, and I am sure that the Minister will try to give his views on this.

Sir, there is another provision that scrap merchants have to keep all the scrap in the yards at least a fortnight before they can dispose of their scrap. In certain cases it has been found that the scrap is bought and stored for a very long period before shipping and I would suggest that these dealers should have that time reduced to only a week.

In clause 21 there is no mention of the rank of a police officer who will be authorized to search the premises of the scrap dealer. It is most necessary that it should be stated who will be the officer who will have the authority to enter the premises and make the search.

These are some of the very essential points and I think when we are in Committee of Supply I will raise one or two other matters which the Minister might consider again.

MR. USHER: Mr. Deputy Speaker, this is a Bill of some complexity—at least I am sure that it will prove so in practice.

At this stage, Sir, there are only two points to which I wish to draw attention. The first is connected with section 14 as read with clause 4 of the Bill. Now, as these clauses stand, Sir, a dealer is obliged to store scrap at premises actually specified in his licence. This, so far as Mombasa is concerned, is going to cause a certain amount of trouble and possibly considerable expense to a dealer. Now, Sir, I concede that more than one set of premises may be of course specified in the licence. But a dealer cannot specify for instance a general warehouse. The dealer really is prohibited from storing metal with a general warehouseman or at a place normally used for storage, say, at the railhead. The enforcement of this provision will involve double handling and will be costly to the merchant. What, of course, the police really require to know is where the metal is stored, who is the alleged owner of the metal, and the description of the metal; We cannot deal with these matters in rules because rules could not contradict the express provisions of section 14, and to have recourse to section 26 which is the exemption clause whereby a licensing officer may exempt a licensed dealer,

holding a general licence in compliance with any or all of the provisions of the Ordinance, would be extremely clumsy and also I would point out that it ends up by saying that it is in respect of any particular transaction, which would mean, of course, that any dealer wanting to get the benefit of it would constantly have to apply to the Minister.

Unless, therefore, the Minister can give some reassurance to us on this point I am thinking of moving an amendment in the Committee stage to provide that a licensed dealer may with written permission from the licensing officer store scrap on specified premises, that is premises other than those specified in the licence, which would really cover the case and be far more satisfactory than any other way.

There is another point I wish to bring out and that is in regard to clause 22, relating specifically to exports and imports. The suggestion I am about to make is that where a permit to export scrap is obtained under section 22 the provisions of section 15, in regard to disposing or changing shape or form of scrap metal, ought not to apply. In point of fact, Sir, by that time this particular scrap metal will, as it were, have gone through the hoop. Everybody will know of its origin and it is clear of objection. I do suggest, also, that the certificate under clause 22 might well be granted by the Director of Trade and Supplies, in addition to a police officer, for the very same reason, that by that time this metal will have had a clearance and it will not then be suspect. Of course, Sir, I am speaking now on behalf of those merchants who are both dealers and exporters.

Subject to these matters, Sir, I beg to support.

MR. ALEXANDER: Mr. Deputy Speaker, Sir, this Bill is welcomed by the trade. I am authorized to express the appreciation of the trade and of the Chamber of Commerce for the way in which the Government has co-operated with them on this particular Bill, and when I say "the Government" in this case I refer particularly of course to the Minister himself and to the office of the Attorney-General.

Mr. Deputy Speaker, today this is a large industry. It is exporting about

[Mr. Alexander]

£1,000,000 a year and a substantial part of that figure goes in dollar earnings?

Concerning clause 16, Sir, subclause 3, of the Bill, I was disappointed to hear the Minister say that he only had under consideration the possibility of amending this clause. I presume, Mr. Deputy Speaker, that the Committee stage will be tomorrow and therefore he has given himself only 24 hours in which to undertake this consideration and come to a decision and I propose to try and help him, here, Mr. Deputy Speaker, by telling him now that unless he has come to a conclusion by this time tomorrow that an amendment will be moved from this side of the House to delete the whole of this section. This is a section, Mr. Deputy Speaker, that enables an ordinary private citizen who happens to be a dealer in scrap metal to detain without warrant any person coming to his business premises and offering him or showing him property referred to—described—in the previous section.

This does mean, Mr. Deputy Speaker, that an ordinary private citizen who happens to be a scrap metal dealer can on finding a visitor in his premises of whom he does not like the length of his moustache or the look of his face detain him without warrant whilst he phones up the police. And what sort of a situation would this give rise to? I can well imagine one of these visitors turning up and perhaps being invited in for a cup of tea and on declining the scrap metal dealer perhaps says he has got to—which is the usual excuse in these cases—visit Lulu or go somewhere behind the scenes either to find himself locked in with Lulu or perhaps even more likely to find himself with a punch on the nose which would lead, of course, to the most unfortunate circumstances. I do submit, Mr. Deputy Speaker, that this clause is morally and legally repugnant and I do urge upon the Minister and perhaps he will come to a decision when he replies, I do urge upon him to agree now to the deletion of the whole of this subclause.

Just one other point, Mr. Deputy Speaker, which concerns the responsibility of the big users of non-ferrous metals and I have in mind particularly the Post and Telegraphs, the Railways and the Power and Lighting Company. It is these organizations that are par-

ticularly vulnerable to this type of theft and I would urge upon the Minister to bring to their attention—and I am thinking now particularly of the Railways and the Post Office—their particular responsibility in protecting this type of metal that is so attractive to the thieves. I know the other day on another subject we were told that we had little or no right to ask for any interference in the affairs of the High Commission and perhaps I will be told the same again in this particular context. But, Mr. Deputy Speaker, it is we, the Colony of Kenya, that have to pay for the police who are troubled with this type of theft and for all the administration that goes with it and I believe we have a perfect right to go to the services of the High Commission and make certain that they undertake their particular responsibility. I am told, and I believe my information to be correct, that the Railways, for example, are particularly slack in their protective measures over these non-ferrous metals and I would urge the Minister to make perfectly certain that his voice and the voice of this Council does get through to those particular organizations of the High Commission.

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

MR. BOMPAS: MR. Deputy Speaker, I would like to welcome this Bill particularly if it has the effect of reducing the thefts of telephone wire which have been so prevalent thereby enabling the Posts and Telegraphs Department to produce some sort of telephone service in certain districts. If it only reduces thefts by a single excuse, Sir, for the inefficiency of those services in those districts, I am sure many people will be delighted.

Sir, I would like very briefly to refer to Section 14, subsection 1 (b) where the Bill prohibits a licensed dealer from dealing with any persons apparently under the age of 16, and I would suggest to the Minister that whilst he is doing his 24 hours' thinking on another section of the Bill, that he might consider the possibility of increasing that age limit to 18. Sir, I have in mind that almost invariably in any charge brought under this section, the defence, I should think, would invariably be—that the dealer offering scrap metal for sale to a dealer looks as

[Mr. Bompas]

though he were older than he really is. I think that the courts could well do with an additional two years on to the 16, which is merely an "apparent" age.

I beg to support.

MR. TYSON: MR. Deputy Speaker, Sir, there are one or two points that I would like the Minister to clarify. This business of dealing in scrap metal is carried on by firms who, in many cases, operate on an interterritorial basis. I would like him to tell us whether similar legislation is being enacted in the other two territories.

Section 4 refers only to Kenya and local licences, but apparently these licences are only operative in Kenya and it seems to me that unless identical legislation is established in the other territories a good deal of evasion can arise by firms who resort to these illegal practices, transferring their activities elsewhere but still retaining their connexions here.

Otherwise, Sir, I support the Bill.

THE ASIAN MINISTER WITHOUT PORTFOLIO (MR. Madan): MR. Deputy Speaker, Sir, I am very grateful to him, Members who have given their support to this measure and I was very pleased to hear from the hon. Member for Nairobi West say that the Bill is welcomed by the trade.

The first speaker, this afternoon, Sir, was the hon. Member for the West Area who asked for an assurance that it is not intended to close down the scrap metal trade. Well, of course, there is no such intention. In fact, the contrary is the case and it is with that very object that this Bill has been introduced in order to protect the legitimate scrap metal dealer.

I appreciate, Sir, his anxiety that it would be in some cases difficult to comply with the provisions of the Ordinance where a dealer is required to keep a correct account and a description by weight and dimensions of the scrap metal in his possession. But, Sir, it is not impossible to do that. At the expense of a little trouble, it is possible to do that and to maintain a register as required under the provisions of clause 12 of this Bill. I can tell him that I have visited a scrap yard—although not with any particular

purpose—but to see how these places are operated and conducted and I cannot see that any person who is either inclined or well organized to run his business in a methodical and an orderly manner will find it difficult to give the details which are required to be given by a dealer under the provisions of the Ordinance and I would not accept, Sir, as the hon. Member for the West Area suggested, that it would be difficult for a scrap metal dealer to give all details as required under the Ordinance.

Then he went on, Sir, to refer to the provisions and said that if once a person is convicted it would appear he may never be licensed again and I assume here that he was referring to the provisions of clause 19 of the Bill which lays down that where "any licensed dealer is convicted of an offence under this Ordinance"; and I would like to underline those words "a person convicted of an offence under this Ordinance," or of an offence involving fraud or dishonesty or stolen property his licence shall, unless the court for special reasons thinks fit to order otherwise, be cancelled forthwith". I think, Sir, that the provision of this clause—

MR. ZAERUD DEEN: Mr. Deputy Speaker, Sir, I was referring to clause 7. I wish simply to look at clause 7.

THE ASIAN MINISTER WITHOUT PORTFOLIO (MR. Madan): Well, when speaking on the Second Reading, I did refer to this clause, Sir, and I said that clause 7, together with clause 8, provided or is related to the issue of licences and the mode of dealing with them and the procedure to be adopted when it is proposed to grant a licence. But surely, Sir, the hon. Member is not going to suggest that a person who has been convicted of an offence under the provisions of this Ordinance at any time beginning three years immediately preceding the date of the application should be granted a licence. Surely a person who offends the provisions of this Ordinance, the Ordinance under which he applies to trade, should not be supported and should not be entitled to a licence because he has offended the provisions of the very Ordinance under which he proposes to trade.

The next part of this clause 7 refers to dishonesty and fraud for a period of five years immediately preceding the date

[The Asian Minister without Portfolio] of the application. I, Sir, am not prepared to accept that a person of that type should be licensed under the provisions of this Ordinance, nor am I prepared to accept, Sir, that an undischarged bankrupt should be able to obtain a licence. I do not think, Sir, that it would be right and proper for us to accept the hon. Member's suggestion, that even though a person of this type has been convicted he should be at liberty to re-submit his application within a lesser period. Well, he should be at liberty to re-apply, but subject to the disabilities which are imposed by the provisions of clause 7. I think, Sir, that our sympathy would be entirely misplaced if we were to incline in favour of people who have been convicted for fraud and dishonesty or for violating the provisions of the Ordinance. But I thought perhaps the hon. Member was referring to clause 19 of the Bill and I said during the course of the Second Reading it is my intention to move an amendment so that the effect of the clause will be that the licence may be cancelled for any period that the court may order and no licence shall be granted for such period as to the court may seem fit. I mention that in passing now to draw the attention of the hon. Member to it.

Then the hon. Member went on, Sir, to say that the rank of the police officer who may enter the premises was not mentioned; neither was the rank of the licensing officer mentioned. If the hon. Member will look at clause 17 of the Bill he will see that any police officer not below the rank of inspector Grade II or a licensing officer may at any time enter upon any premises in respect of which a licence has been issued under this Ordinance. There he gets his rank of the police officer and as far as the licensing is concerned he can be only either a district commissioner, or, as I said, the Director of Trade and Supplies.

The hon. Member for Mombasa, Sir, said that this Bill was one of complexity. Well, all simple legislation designed to protect honest traders usually is of some complexity. But he saw a difficulty in the provisions of clause 14, subclause 2, of this Bill read together with the provisions of clause 4 and clause 26. If I understood him

aright he was suggesting that the trader should be able to obtain a blanket exemption so that a trader will have a licence for different premises where his scrap metal may be stored or lodged. I suggest to the hon. Member that the provisions of clause 26 are adequate to meet the situation and I am sure, Sir, that he will be the first one to come forward and say that we must not do anything which might weaken the control which we are now proposing to introduce as a result of this clause and it is for that reason, Sir, that a scrap-metal dealer is required to specify his premises as well as to tell the police of the intention to export scrap metal. He is required to deal in specified premises only.

MR. USNER: I think, Mr. Deputy Speaker, I do make the point that you would have this blanket exemption or else provision to store in a general warehouse that is to say a place which should not normally be used for the storage of scrap; also, in any place that is normally used for the storage of scrap.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): But I would have thought, Sir, that the provisions in clause 26 went far enough to meet that sort of case. If I might be allowed to read this short clause, it goes this way, Sir: "The licence officer may exempt a licensed dealer holding a general licence from complying with any or all of the provisions of this Ordinance in respect of any particular transaction." I know, Sir, the hon. Member pointed out the limitation imposed by this clause by the use of the words, by the restriction of the operation of this clause to particular transactions; but that, Sir, was done deliberately. It has been done to maintain this element of control which we are trying to establish and if a genuine trader, scrap metal dealer, were to approach the licensing officer and point out the difficulties which the hon. Member for Mombasa seems to think might exist, I am confident, Sir, that he would find the licensing officer sympathetic because I feel that it is to meet such cases that the provisions of clause 26 have been included in the Bill. But I would like to remind hon. Members that as I said during the Second Reading of the Bill, the provisions of this Ordinance are intended to

[The Asian Minister without Portfolio] be applied, at any rate in the beginning, on non-ferrous metals only, not to heavy machinery or articles which are ferrous and difficult of storage. And if we were to allow scrap metal dealers to store scrap metal at premises other than those specified in the licence granted to the dealer, then, Sir, we would be opening the door to abuse and to, what perhaps goes on at present, that is, we do not know where the scrap metal comes from and where it goes to. It is important, I feel, Sir, that scrap metal should be stored only in premises specified in the licence.

Sir, the hon. Member then referred to clause 22 of the Bill and referred to the difficulty, I think, of obtaining a certificate before a merchant may export scrap metal. In this connection, Sir, the hon. Member will recall that I read out a proposed amendment which it is suggested should be substituted for the existing subclause 2 of clause 22 and, if I might, Sir, I would like to read it out again. It says: "No person shall export any scrap metal unless he has given to the police officer in charge of the police station nearest to the place in which the scrap metal is stored immediately before it being despatched for export not less than 72 hours' notice in writing of his intention to export the scrap metal specifying in such notice the place and time at which the scrap metal may be inspected." The hon. Member will note, Sir, that the necessity of obtaining a permit or a certificate before the person can export scrap metal will be removed and the scrap metal dealer will only be required to notify the officer in charge of the nearest police station.

I now come to deal with the remarks made by the hon. Member for Nairobi West, Sir; he referred to the provisions of clause 16 and in his usual exuberant style threatened to move an amendment to delete the entire clause 16 if I did not agree to delete subclause 3.

MR. ALEXANDER: Only subclause 3!

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Only subclause 3. And he said, Sir, that I had not made up my mind whether I would agree to delete this subclause or not. It may interest the hon. Member to know that this point was brought to my notice only at about a quarter to two o'clock this

afternoon although the Bill was published on 17th March of this year; the point was not mentioned to me at any rate until about a quarter to two o'clock today. But, just to prove to the hon. Member that the Government is capable of making quick decisions, I agree to accept his suggestion and delete this subclause (3).

He also asked me, Sir, that I should bring to the notice of the Railway administration their responsibility for the safety of scrap metal especially in regard to non-ferrous metals. Well, I think, Sir, that these remarks in this debate will naturally reach to the notice of the Railway administration. I am not, however, prepared to admit that this organization have failed to exercise proper control and diligence in the protection of all their property, and the hon. Member will recall, Sir, that I said during the Second Reading of the Bill that a considerable amount of time and expense had to be incurred on security measures because of the theft of scrap metal from the larger utilities such as the Railway administration. And I can say that it is partly as a result of the Railways themselves urging the Government, together with others, that this Bill is being presented to this House. I am sure the Railway administration are conscious of their responsibility in this matter.

Lastly, Sir, the hon. Member for Kiambu referred to the provisions of clause 14 (1) (b) when he said that the age of 16 might be increased to 18 years because often 16 is, misleading, I thought he said. Well, Sir, I am not sure on this one, that it would be a good thing to increase it to 18, but on this occasion I would like to consider the matter, and I can say this; that by tomorrow morning I will have made up my mind on it. At the moment it seems to me that the age of 16 is a nice age to start off where you are beginning to give up a state of recklessness and enter into a stage of responsibility. However, I will give further consideration to this matter. Sir, I do not think anything of particular importance hangs on it.

The hon. Nominated Member, Mr. Tyson, Sir, referred to dealers in scrap metal who conduct their business on an interterritorial basis, and he enquired if there was corresponding legislation in

[The Asian Minister without Portfolio] the other territories—that is Uganda and Tanganyika. I think, Sir, that there is a similar legislation in Tanganyika, which deals also with second-hand goods, while our proposed legislation does not. I am not aware, Sir, that there is any such legislation existing in Uganda, but I do not see any particular difficulty about people shifting the seat of their operations to Uganda because, perhaps because, no licences are required in that territory. In so far as such people will operate in this territory they must comply with the provisions of clause 3 of the Bill which expresses that "no person shall deal or attempt to deal in any scrap metal unless he is a licensed dealer acting in accordance with the terms and conditions of a licence authorizing such dealing". In so far as the activities of even these interterritorial scrap metal dealers are concerned they must be licensed under the provisions of this Ordinance in order to operate legally in this Colony. Those are the points, Mr. Deputy Speaker, which were raised, and I beg to move.

The question was put and carried.

The Bill was read a Second Time and committed to a Committee of the whole Council tomorrow.

MOTION

SESSIONAL PAPER NO. 6 OF 1958/59: STORES TRANSFERS TO SCHOOLS AND TECHNICAL COLLEGES

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, Sir, I beg to move that this Council approves the proposals set out in Sessional Paper No. 6 of 1958/59.

Sessional Paper No. 6, Sir, is a very simple document which not even merited the dignity of printing, but I trust that all Members of the Council have a copy of it. It is nevertheless important in that it reflects yet another stage in our developing responsibility upon boards of governors for the conduct and management of the schools.

The House will recall that on 3rd June last year my predecessor, the Temporary Minister, stated the intention of the Government to establish boards of governors for Government African secondary schools and teacher-training colleges. In accordance with this intention an order was made under section 18 of the Educa-

tion Ordinance on 13th December, 1958, which is referred to in the Sessional Paper. It was published as Legal Notice No. 541 of 1958, establishing boards of governors for 12 African secondary schools and six African teacher-training colleges.

Amongst the responsibilities of the boards of governors as set out in that Legal Notice, Sir, is responsibility for the maintenance and replacement and addition to stores and equipment required for the management of the schools under the grants available to them for this purpose, and it is anomalous that part of the equipment and stores of these schools which existed in the schools before the establishment of the boards of governors should remain Government property and remain subject to all the accounting and other rigours of that status when the maintenance of these stores, the replacement of these stores and additions to these stores are the exclusive responsibility of the boards of governors.

The land and buildings which constitute these schools, of course, remain the property of the Government, together with the responsibility for their maintenance and any capital expansion which is required. We are only concerned here with the moveable property associated with the running of these schools.

The schools and teacher-training colleges concerned are set out in the annexure to this Sessional Paper, together with a valuation of the stores and equipment which it is proposed to transfer to the boards concerned. Since, Sir, a fair sum of the Government's property is concerned, it is proper that this matter should be reported to the legislature, and I now seek the approval of the legislature for the action proposed by the Government.

Sir, I beg to move.

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Lt.-Col. McKenzie) seconded.

Question proposed.

MR. ARAP MOI: Mr. Deputy Speaker, I did not want to intervene in this very little document, but a matter arose, and that is the responsibilities of the boards of governors in all these schools—that is teacher-training institutions and secondary schools. I should like the Minister to

[Mr. Arap Moi]

give us an assurance that the boards of governors' powers should be vetoed by the Minister and also by the Director of Education, because I think that if all the responsibilities and powers conferred to these boards of governors might prejudice certain decisions made by these boards of governors. I am referring only to a certain incident which occurred some time back, and this should be taken note of by the Government. I am in fact not saying that the boards of governors have not done well in their work. I am one of the members of a board of governors of a certain girls' secondary school, and I know very well how much a board of governors can do to a school. Of course, I have all the desire that such work done in many such schools under the responsibility of a board of governors are maintained.

Mr. Deputy Speaker, I beg to support.

MR. ALEXANDER: Mr. Deputy Speaker, the Minister has explained to us that the purpose of this Motion is purely to regularize the transfer to the boards of governors of the schools listed responsibility for the stocks, also listed in the schedule to the Motion. What he has not done, though, is to make it clear to us exactly what is the responsibility of these boards of governors in relation to the Directorate of Education, and with your permission, Mr. Deputy Speaker, I would like to go over this subject in some detail from the Public Accounts Committee because it is certainly very far from clear as to whether this particular procedure is the wisest one, and I wonder whether this House, if it is not in possession of all the information on this subject, is right in approving this particular Motion, although I do appreciate that the purpose of the Motion is to approve in retrospect the transfer of these stocks to boards of governors. What I do question is whether, in fact, the stocks should ever have been transferred to the boards of governors.

I start, Mr. Deputy Speaker from the observations by the Auditor-General on this particular subject, and this is contained in the Report of the Public Accounts Committee on the Colony's 1958 Accounts for the year ended 30th June, 1958, which were Tabled in this House only a few weeks ago, and he said this.

I quote: "Paragraph 62: Ministry of Education, Labour and Lands—Grant-in-Aid to African Education. For some time I have had under consideration the control of the recurrent grants-in-aid by the district and regional educational boards to the managers of grant-aided African schools. During 1957/58 the control over these grants improved, but the accounting officer was still unable to certify that in all cases the money had been spent on the budgets for which the funds had been provided, and that value for money had been obtained. The chief reason why certificates cannot be given in all cases is that the district education officers are unable to give sufficiently detailed accounting to all the schools for which they are responsible." And he went on and said that "in order to improve the control district equipment schemes have recently been introduced". Now I must presume, Mr. Deputy Speaker, that what we are talking about today is in relation to the district equipment schemes, and as I understand the situation is that under the old system the education officers in the districts were responsible. In fact, let me quote from the evidence on this given by Mr. Luyt, to the Public Accounts Committee. This is what he said: "We have stated in paragraph 2 introducing district equipment schemes whereby we are moving from the position of paying money to the management and then trying to find out afterwards if it was spent correctly, to a system where the district education officer is himself now purchasing equipment, and he is himself now distributing it himself to the schools against indents from the schools."

Now, I understand, that in fact the stocks listed in the Schedule will be regarded as having, in the context of the second part of that explanation, will be regarded as having been transferred to the schools by the education officer in the district. Now the Secretary to the Ministry went on to say this, and I quote: "Well, theoretically that might seem to produce better and closer control, but the great disadvantage of this from our point of view is the extra administrative burden which falls upon officers appointed and paid primarily for educational purposes. Although we have this scheme launched and we have some two-thirds of all the schools now operating under this scheme, we are still not satisfied that

[Mr. Alexander] the public interest in the long run is necessarily going to be best served by this arrangement." Then, he went on a bit later, "but our big concern really is this administrative burden which is falling upon professional education officers. Therefore, although the schemes in themselves are good, and I think will perhaps meet the requirements of the Audit Department, I remain very doubtful as to whether this is in the overall best public interest, bearing in mind the first essential educational purpose of the officers who are being called upon to operate these district equipment schemes". Then there was very interesting evidence from the Director of Education himself, which I would ask Members to read when they receive the printed copy of this evidence. It was good evidence, and particularly forthcoming, and he, in his turn, expressed considerable doubts as to the wisdom of this new scheme.

I do not wish to trouble the House further with even extracts from this evidence. We went into it at very considerable detail, and, of course, it was wound up with the usual profound wisdom that we expect from the Member from Mombasa, the hon. Nominated Member, Captain Hamley, and you will see in this evidence some more gems of his brief and enlightened wisdom, but, if I am right in assuming that in fact these stocks are a retrospective transfer to this particular new scheme, then all the comments that arose in the Public Accounts Committee are certainly appropriate to this particular Resolution, and I would ask—I saw them shaking their heads earlier on, perhaps suggesting that we were talking about two different factors altogether—but I cannot help feeling, Mr. Deputy Speaker, that there is a relationship between the evidence that we got before the Public Accounts Committee and the substance of this Resolution, and until, Mr. Deputy Speaker, I hear from the Government side a clear explanation of what it is we are trying to achieve I regret I am not able to support this Motion.

MR. MILLER: Mr. Deputy Speaker, Sir, I think there is some confusion in the mind of the hon. Member for Nairobi West on this point. The question at issue is the transfer of the assets of

certain schools to boards of governors, assets which had previously been under the control of the headmaster; in the case of grant-aided schools they had been purchased by the management of the schools out of the public funds provided. In the case of Government schools they have been purchased by the headmaster in the usual way, again out of public funds provided, and I am quite certain that there has been no improper care of these assets or misuse of public funds, but they have all been subject to audit, control, etc. But, Sir, the hon. Member referred to an entirely different thing when he spoke about district equipment schemes having been introduced in some districts in this country in an endeavour to see that primary and intermediate schools in the African and other areas have, in fact, been properly equipped by the managers with equipment for which a proportion of the school fees paid by the pupils is available. The difficulty in the past, Sir, has been that in some cases voluntary agency managements, although they have been given the money from school fees to buy this equipment, have not actually done so, and in order to put that right the unfortunate district education officer has been faced with the rather onerous task of buying equipment himself, storing it in a store at his office, and issuing it to the various schools from time to time in kind so as to see the equipment for which the money was made available has actually got into the schools; that is quite a different exercise. Sir, from this question of transfer of assets of secondary schools, and teacher-training colleges, to the new boards of governors established to look after them.

I would like, Sir, if I may, to take this opportunity, as the hon. Member has raised this question of the overloading of the work of district education officers, perhaps just to repeat a few of the remarks on this subject which I made before the Public Accounts Committee. As I explained then, Sir, I have inherited an Education Department in Kenya which has a far larger number of officers in the field than any other education department in the five countries in which I have worked previously. Unfortunately, however, I have come to the conclusion that those officers actually get less into the schools; have less

[Mr. Miller] knowledge, educational knowledge of what goes on in these schools than the officers elsewhere, who were far fewer in number experienced, and I think, Sir, that this is due to the great amount of accounting and financial responsibility which has been put on the shoulders of these officers in an endeavour, I think, to put right mistakes which may have occurred in the past, though I do not really think they are able themselves to put right these mistakes. I fear that what is happening now is that a very complicated accounting system has been introduced which they are endeavouring to follow, but which even if they do carry out does not ensure that the schools in the country are efficient. That, I think, is the main thing. Those officers should be able to get into the schools and be certain that they are efficient, and if they are not efficient make them efficient, and I think all these accounting regulations should be the responsibility, if they have to be carried out, if it is inevitable for the accounting system of the country that they should be carried out then I think they should be carried out by specially appointed accounting officers who have not got the professional responsibility which district education officers have. We are in the middle of an exercise to try and ensure that we are, in fact, much more certain about the quality of our schools and the value for money that we pay out than we have been in the past, and it is a very important part of this exercise that some method should be found for relieving officers of financial responsibility which I do not think they should be called upon to accept. I hope, Sir, that I have explained the difference between these two items, but if not perhaps I can explain to the hon. Member outside the House later.

I support the Motion.

MR. ALEXANDER: Mr. Deputy Speaker, on a point of explanation, I am still exceedingly confused, and the Director keeps using the word "assets—transfer of assets" as scheduled to these schools here, whereas the resolution talks about "stores and equipment". Now assets are desks and chairs and tables, and I am thinking of books and pencils—stores and equipment.

MR. MILLER: Mr. Deputy Speaker, I include stores and equipment with assets, because as I tried to explain at the beginning of my speech, all those items were under the original system purchased by the headmaster of the school. They were never purchased through the district education officer, and the district education officer has never had any responsibility for either the stores or the assets at Government or grant aided secondary schools or teacher-training colleges. His responsibility has only been for stores and assets in primary and intermediate schools in the villages, and it is in that respect that the district equipment scheme was introduced. There was no application of it whatever to either secondary schools or teacher-training colleges.

Sir, I support.

MR. NYAGAH: Mr. Deputy Speaker, Sir, I rise to try and get two points clear from the Minister, on this subject. The first one is in connexion with the powers of the board of governors, and the next one is in connexion with the figures shown on the annexure. I notice that there are some figures given showing what each school has. I would like to get an assurance from the Minister that these figures indicated for each school will not be transferred to any other school. I fear, Sir, that I have got a reason for that, that it may be possible within a region where several teacher-training colleges or secondary schools are you may have the men at the top who are the connecting link between the boards of governors, trying to transfer some money from one institution which is seemingly a rich institution to another one just starting or about to start. I know it is rather unfortunate that at some schools and teacher-training colleges that it is rather unfortunate that they are not as well off as the others. But it would be a pity if, say for instance, a school like Kagumu or Siriba which seems to have quite a number of pounds, if it were to be deprived of that money to go to another institution. I see the Director is shaking his head but I have got a reason for saying this.

Secondly, Sir, in connexion with the powers of the boards of governors. I would like to get the Minister to assure this House that the powers given to the board of governors are interim, and I

[Mr. Nyagah]

should like to think that in a very short time a review will be necessary because as they are today, the membership of such boards are predominantly Government people who are not necessarily people with the education professional qualifications, and I would call upon the Minister sometime to institute an enquiry or a review to make sure that these boards will have the independence that is required for such boards of educational institutions to have.

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

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, I would like to deal first with the question raised by the hon. Member for Nairobi West, which I think has in the main been fully covered by my hon. friend the Director of Education. The basic point is that we are dealing in this Sessional Paper with the question of stores and equipment, which at present are in two types of institution—namely secondary schools and teacher-training colleges, which have never been within the jurisdiction of district education boards and have never come within the ambit of district equipment schemes. They have all been institutions which have been staffed by persons of greater training and experience than many of the schools which come within the ambit of district education boards or district equipment schemes and consequently a greater measure of responsibility has effectively been placed directly on the headmasters of these institutions. Since they are now under control of boards of governors, it is proper that the equipment which these schools hold should come to be the property of the boards.

The hon. Member for North Rift and the hon. Member for Nyeri and Embu asked for certain assurances regarding the powers of the boards of governors and assurances against, Sir, an undue interference by the Department of Education in the exercise of their responsibility by these boards of governors. I am afraid I am not acute enough or perhaps knowledgeable enough to identify the particular problem which was afflicting the hon. Member for North Rift, but I can assure him that the whole object of this exercise is, in fact, to devolve effective responsibility on the

boards of governors and to give them ample experience to develop for the future. In the order establishing the boards of governors there are admittedly several references to things which they may do with the approval of the Director. For example, "the board shall appoint, with the approval of the Director, a suitable headmaster for the school under its control." That is really a very important matter and a very important responsibility of the board of governors. I think it is proper that at least at this stage the Education Department should have some say on such a question. However, in the main, if one looks at this order, it is giving powers to the board which are limited very little indeed by powers of intervention by the Director of Education or by the Minister, and I can assure the hon. Member that it is our hope and intention that these boards should have effective responsibility unhampered as far as the public interest allows.

The hon. Member for Nyeri and Embu also suggested that there might be some danger of one institution benefiting at the expense of another, and he referred to transfers of money between those institutions. I hope that he was not in any confusion over the fact that these figures which are shown in the annex to this paper are not, in fact, grants of money to schools, but are figures representing the assessed value of the equipment and stores held at present at those schools, and, by the action of Government reporting to Council for its approval in this paper, this equipment and stores will be made the property of the boards of governors concerned, and therefore, cannot leave those schools without the approval of the board of governors concerned in whom this equipment is vested.

Sir, I beg to move.

The question was put and carried.

MOTION

SESSIONAL PAPER NO. 7 OF 1958/59: ADJUSTMENT TO HIGHLAND BOUNDARIES.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, I beg to move that this Council approves the adjustment of boundaries of the Highlands proposed in Sessional Paper No. 7 of 1958/59.

Mr. Deputy Speaker, it might appear to anyone studying this Motion that the

[The Minister for Education, Labour and Lands]

Government was proposing for the approval of this House certain changes in the boundaries of the Highlands. In fact, that is not true. What we are proposing are certain changes in the Seventh Schedule to the Crown Lands Ordinance to reflect changes which have been made in the boundaries of the Highlands on the ground. These changes have been made with agreement of the Highlands Board and the Native Lands Trust Board, and the circumstances of all of them are set out fully in the Sessional Paper before the House. At one time, prior to the enactment of the Crown Lands Amendment Ordinance, 1954, which brought into effect the Crown Lands Amendment Ordinance of 1953, which made an amendment to section 67 of the Crown Lands Ordinance, it was impossible to amend the description of the actual boundaries of the Highlands given in the Seventh Schedule of the Crown Lands Ordinance save by an amendment to that Ordinance. Since that amendment, however, it is now possible for the Schedule to be changed by the Governor issuing a notice in the *Gazette* with the consent of the Highlands Board, but subject to the approval of the Legislative Council. The purpose of this Motion, Sir, therefore, is to invite that approval from the Legislative Council to the amendment to the Seventh Schedule to the Crown Lands Ordinance which reflects changes and adjustments which have been made with the authority of the boards concerned to the actual boundaries on the ground.

Sir, I beg to move.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston) seconded.

Question proposed.

LORD PORTSMOUTH: Mr. Deputy Speaker, Sir, I rise almost on behalf of my hon. friend, the ex-acting Member for Uasin Gishu, who would have made the remarks after long study much better than I am proposing to make.

Now, Sir, what I want to call in question is the matter of principle, on page 6, paragraph 13 and onwards under the heading of "Lembus Forest". Sir, speaking not as a member of the Council of the Forest Advisory Committee, but as somebody who has had about ten years' experience on that committee, I think that we are here up against a matter

of principle which has not yet been decided. Sir, in what I have to say, I do not in the least mean to cast any reflections on the Baringo African District Council or its capacity to manage the Lembus Forest in future for the protection of the Perkerra catchment area. Indeed, Sir, I have seen the most promising hope that many African district councils are doing a very great deal of good work, but I do question that over the final management of the very important forest we have got in the Crown lands whether these should be handed over without a very great deal of thought. Once again, Sir, I would like to say I do not question in the long history of the management of the Lembus Forest the 20,000 acres, that this is being set aside for settlement, but, Sir, the very fact that the Minister, who has introduced this Sessional Paper is not the Minister for Forests shows how difficult the whole question of principle in the matter of the forest land is, because while the Highlands Land Board may be admirably suited to the many questions which come before it, I do suggest that the question of the protection of forests is not really their job. I know it has been in the past and I know it will be in the future, but I do feel that it is time that we thought again over the Crown forest land. We should reserve to a body of expert opinion who could say "yes" or "no" for the benefit of the catchment areas covered by the forest and for the necessity of keeping those under control quite outside any political expediency, but for the real benefit of the climate and the assets of this country with an expert eye.

Now, Sir, in one of the paragraphs of the Sessional Paper, I think it is 19 (d). The agreement to the Baringo African District Council—it goes on to say as a provision of the hand-over to the expenditure of all profits derived from the African district council forest (i.e. the forest handed over by the Crown) on the protection of the Perkerra River Catchment Area. This Perkerra is to last for 15 years only. If that principle were to be general it would mean that the Crown forests would be subsidizing from their own pockets work on general schemes which is outside their area of business and which is just taking away from the forest revenue, which is

[The Earl of Portsmouth] very badly needed. We all know that the revenue they have is lamentably small in relation to their responsibilities and here is a clear case of taking quite a large area of Crown forest, the profits of which are going to go, and I am not saying that they are not needed, to the protection of settled land in the catchment area and not for the benefit of the expansion of the forests where they are most badly needed. If this is carried out to its utmost limits all the royalties of all sorts could go into the protection of non-forested land and the whole thing would be nonsense. I do submit, Sir, that there is a point of principle here— that where land is inside the forests then it should be possible to use the forests for the greater benefit of the area within which those forest lands lie, in order to make certain that in due course the forest can be of much greater value climatically to this country than they are today.

With those remarks, Sir, I beg to support.

MRS. ARAP MOI: Mr. Deputy Speaker, I intended to speak on this Motion and I would like to refer to section 13 which my noble friend did refer to. First, however, I should like to congratulate the Government in keeping its good faith over this very important matter which has been wrangling on for 50 years. It should be recognized that these people have been living in this area before even the Europeans came to this country, and I would like to clear up certain matters here, particularly in section 19, where this White Paper refers to the agreement made by the African District Council, Baringo. I would like to add to that that the Government in fact rushed over this matter and the Members concerned did not have ample time to discuss and consider it, because I feel this was not a piecemeal matter which could be discussed and decided within a very few hours. Mr. Deputy Speaker, here the White Paper suggests that the African District Council together with the right-holders were consulted and that they agreed. At the moment the right-holders have never discussed this matter fully with the Government except that the Government imposed on them these proposals which the Government brought about, and because the people were very

anxious that this settlement should be decided once and once and for all, and they would not in fact resist Government decision. I would like to point out that I am wondering and urge the Minister to tell me how this Government arrived at 20,000 acres which in fact would give the right-holders 18 acres, six acres of which would be arable land and 12 of which would be for grazing. Now, Sir, I hope that the Government did take the consideration to the fact that these people belong to pastoral tribes having in their possession many cattle and who would like to have more land. Furthermore, I should like to find out whether the Government includes 20,000 acres for holding grounds for stock, development of schools, markets, trading centres, administration stations for forestry, health centres, and also certain areas which are not cultivable. I would also like to urge the Government to look into this matter very seriously. The people are anxious that this matter should be settled and I do not agree with my hon. and noble friend that this matter could be reviewed by the Government, and not to agree that this enormous forest should not go to the African District Council concerned. In fact the people of the Baringo District would have liked to get arrears from the Government for the time that the Government has spent the money which has accrued from this forest for the last 50 years. They have been generous enough to allow the Government to use the vast amount of money accrued from this forest. I think that some of the Members are ignorant of the fact and that they think that this area is an area which has been actually within the Kenya Highlands, but in actual fact the members of the Tugen tribes have been living in this area since the treaty or agreement made by the tribe and Colonel Grogan.

These agreements were made and the Government did undertake to protect the agreement. In fact, Sir, the right-holders are now wondering as to why the Government did say that these people were going to lose their rights in this area, because they say that 20,000 acres excised from the forest would go to them, but they will get a very small amount of acreage to cultivate. So, Sir, the fact is that the money which is

[Mr. arap Moi] going to be derived from these forests will be used in the protection of the Perkerra catchment, and therefore I do not see any reason why the hon. Corporate Member should say that this money should be used in another area. I hope that this country is interested in all areas in this country, and not in only one particular area; and in fact this very Government stated in the past that the Government was intending to re-move land barriers in areas, so far as land is concerned, and we are interested in the land and what the Government does.

Now, Mr. Deputy Speaker, I should like only to mention one point—that the Government should agree that local pit-sawyers should be allowed to fell some of these trees within this forest, because at the moment they would like to install a small mill and something of that sort, but they are not allowed to do so at the moment. But I would like to urge the Minister to inform the African District Council of Baringo about the future of the agreement of 15 years with the saw-mill concerned.

Mr. Deputy Speaker, I beg to support.

CMR. GOORD: Mr. Deputy Speaker, Sir, there are two small points of information arising out of what the noble Corporate Member had to say. The paragraph in question is section 19 (c) and (d)—the Lembus Forest—where it says, "This forest to be administered by the Forest Department on behalf of the African District Council" and "(d) The agreement of the Baringo African District Council to the expenditure of all profits on the protection of the Perkerra River Catchment Area." I would like to know, Sir, what is precisely meant by "profits"? Is the Forest Department going to keep actual accounts and charge out its actual expenditure in administering this forest? Will it make any overhead charge? What precisely is meant by the word "profits"?

Secondly, Sir, who is actually going to carry out the protection work on the Perkerra Road and River catchment? Will the African District Council do it itself or will the Forest Department do it on behalf of the African District Council?

There was one thing which the last speaker mentioned, Sir, the question of the time which the Tugen right-holders had in which to consider this agreement. I cannot think that it has been a very little time, Sir, because at least three years must have expired since the hon. Member, together with myself, and other gentlemen, met His Excellency the Governor, at which meeting the bones of this agreement were discussed. I feel quite sure that the people must have had adequate time to consider this.

I beg to support, Sir.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathison): Mr. Deputy Speaker, I am sorry that my hon. and noble friend the Corporate Member is no longer with us, but I do hope that the hon. friend on whose behalf he purported to speak still retains sufficient privilege in this House to read the proceedings of the discussions during the Committee of Supply on the Vote for the Ministry of Agriculture when my hon. friend the Minister for Forest Development gave a full account of what was proposed in relation to the management of these forests and settlement within them and I think at that time he fully answered the proposition that some special machinery should be set up for the management of the Crown forest estates. I would only like to point out to the hon. and noble Member, and for the record, Sir, that the African District Council forest is in fact in the Perkerra River catchment area and it is wholly right and proper that reafforestation of that area in order to protect more fully the catchment of the river should have devolved to it the profits for the first 15 years from the management of this forest.

My hon. friend the Nominated Member Commander Goord asked in what sense there would be profits accruing from the management of this forest. Well, Sir, it is a development forest and accounts will be kept by the Forest Department who manage it, which will produce, no doubt to the satisfaction of the auditors, the amount of money which is earned in any one year for the management of this forest, that amount to be devoted for this period to the reafforestation and general protection of the Perkerra River catchment area. This

[The Minister for Education, Labour and Lands] work will be under the joint management of the Forest Department and the Agricultural Department. We therefore are assured that it will be done in a fully professional manner.

I would, however, like to point out, although I have in fact answered these questions, that paragraph 19 of this White Paper is in fact purely historical in that it recounts the transactions of the Highlands Board and recounts also the conditions on which the Board agreed to the excision of this area from the Highlands. The sole purpose of this Sessional Paper before the House, Sir, is not to approve that policy or to approve any particular way of implementing these decisions. I understand, in relation to what the hon. Member for North Rift has said, that there is a local committee which is widely representative of the local people and Government which is discussing all these details of the precise way in which this agreement will proceed. But it is in order that this agreement shall proceed, and that that committee may operate effectively, that that area shall be a district council forest and be excised from the Highlands that this Sessional Paper is brought before the House to effect a formal change of the boundary.

Therefore, Sir, I beg to move.

The question was put and carried.

COMMITTEE OF WAYS AND MEANS

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

IN THE COMMITTEE

[K. Bechgaard, Esq., in the Chair]

MOTION

CEREAL PRODUCERS (SCHEDULED AREAS) BOARD EXEMPTION FROM INCOME TAX.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Chairman, I beg to move that this Committee approves the exemption from income tax of gains or profits of the Cereal Producers (Scheduled Areas) Board resulting from any cess or levy imposed on the yield or output of any cereal.

I beg to notify that the consent of the Governor has been received to the introduction of this Motion.

Sir, section 12 (2) of the East African Income Tax (Management) Act, 1958, provides that His Excellency the Governor may, with the approval of Legislative Council, by Order published in the Gazette, provide for the exemption from income tax of any income or class of income derived from, accrued in, or received in the Colony. Exemption under paragraph 26 of the first Schedule to the Act has been granted to various boards, on gains or profits resultant from any cess or levy on yield or output. These boards include the Sisal Board, the Coffee Board, the Passion Fruit Board, the Tea Board, and the Pyrethrum Board of Kenya. The Cereals Producers (Scheduled Areas) Board have indeed made representations, Sir, that their income being derived solely from cess they should receive similar treatment and their representations have been accepted. Consequently, Sir, it is considered by the Government that an Order should be made exempting from tax the gains or profits of the Board resulting from any cess or levy on yield or output. This will place the Board in a similar position to the other boards which I have mentioned which are already enjoying exemption under the terms of the Act.

I think, Sir, that it can be said that this is a fair and reasonable measure in so far as the Cereal Producers (Scheduled Areas) Board is concerned.

I beg to move.

Mr. WEBB seconded.

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 the Resolution on the Order Paper and its approval thereof without amendment.

Council resumed.

[Mr. Deputy Speaker (Mr. Bechgaard) in the Chair]

REPORT

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to report that the Committee of Ways and Means has considered a Resolution that this Council approves the exemption from income tax of gains or profits of the Cereal Producers (Scheduled Areas) Board resulting from any cess or levy imposed on the yield or output of any cereal, and has approved the same without amendment.

The question was put and carried.

MOTION

REVOCATION OF EMERGENCY CONTROL OF KIKUYU LABOUR REGULATIONS

THE MINISTER FOR AGRICULTURE, ANIMAL HUSBANDRY AND WATER RESOURCES (Lt. Col. McKenzie): Mr. Deputy Speaker, I beg to move that this Council takes note of the Government's intention to guarantee overdraft facilities to the Maize Marketing Board, established under the Maize Marketing Ordinance, 1959, to the maximum of 700,000 with effect from 1st August, 1959.

Mr. Deputy Speaker, on 31st July, this year, both maize and produce control will come to an end, and in lieu of those two, as from 1st August, management of the maize industry will be vested in the Maize Marketing Board which is to be established under the Maize Marketing Ordinance. Under section 29 of that Ordinance the Board may borrow by way of overdraft such funds as it may require for working capital. The estimate is that in order to carry out its function, including the purchase of the maize crop, the Board will require a maximum of £1,700,000. This figure, Sir, is £800,000 less than previous required by the old Maize and Produce Control Board. The reasons are, Sir, that this Board will deal only with maize in the first instance, and secondly, that the reserve stocks of maize have been considerably reduced. It will be necessary, Sir, for Government to guarantee this overdraft. Although legal approval of the Council is not necessary it is the practice to bring these financial arrangements to the attention of this Council. Accordingly, Sir, I hope that this Council will approve of this Motion.

I beg to move.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

MOTION

REVOCATION OF EMERGENCY CONTROL OF KIKUYU LABOUR REGULATIONS

Resumption of debate interrupted on 12th June, 1959.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, when the House adjourned last week I was speaking about the precautions which had been taken to safeguard Kikuyu, Embu and Meru labour against the few unscrupulous employers. I now turn to some other points made by the hon. Member.

He mentioned, Sir, that these camps caused some hardship, that they were a wastage of public funds, that they were discriminatory to the Kikuyu, Embu and Meru, and that they were not applied in townships. Now, Sir, I feel that these Regulations must be seen against a background of the release of detainees and their employment and absorption in the agricultural and other industries.

Over the past three years a very large number of Kikuyu, Embu and Meru have returned to employment in the Rift Valley and in other areas. Included in the large number of Kikuyu, Embu and Meru who have returned are quite a large number of persons who were detained during the Emergency for their activities, and I am quite certain in my own mind that if there had not been facilities such as these camps it would have been difficult to put into employment these very large numbers that I have mentioned. Just to give an example, Sir, in the case of the Kiambu District over 50,000 persons returned to the Rift Valley Province alone for employment over the last two and a half years. Families who have gone out of the Central Province, again over the past two and a half to three years, now total over 16,000. Now, the problem of re-absorption has, I feel, Sir, been greatly eased by the fact that these camps were available where the Kikuyu, Embu and Meru could wait while further employment could be found for them in the

[The Minister for African Affairs] areas in which they were working without returning to their own areas in the Central Province where it was perfectly possible that they would have to go on the date.

The hon. Member for Rift Valley said that these Regulations were causing some embarrassment and were in the nature of pinpricks, but when he went on to quote what he regarded as pinpricks they were in fact not concerned with this particular Motion—the Control of Kikuyu Regulations—but they were concerned with quite another set of regulations, namely the movement of Kikuyu and Meru and Embu Regulations, brought in in the same year, because he spoke about the difficulties of Kikuyu, Embu and Meru going to the station from the farm and the necessity of getting a pass to do so. That is quite a different subject, Sir.

Now, Sir, I have asked a month ago the Provincial Commissioner, Rift Valley Province, to look at these particular Regulations we are debating today with his security committee to see whether some of the districts concerned can be taken out of the purview of these and other regulations. I have not yet received his report, Sir. It is clear that for the time being at any rate the Government cannot accept the Motion as it stands, and I therefore beg to move an amendment. The amendment is that the Motion before the House be amended by the deletion of the word "revoked" and the substitution thereof of the words "give urgent consideration to the early revocation of". Thus the amended Motion I now propose to move, Sir, would read as follows: "That this Council urges the Government to give urgent consideration to the early revocation of the Emergency (Control of Kikuyu Labour) Regulations, Government Notice 65 of 1953."

I beg to move that amendment, Sir.

The Minister for Agriculture, Animal Husbandry and Water Resources (Lt. Col. McKenzie) seconded.

Question proposed.

MR. DEPUTY SPEAKER (Mr. Bechgard): In my opinion, this is an amendment which comes within the ambit of Standing Order 62. Accordingly, the debate on the amended Motion will cover the debate on the original Motion.

MR. NYAGAH: Mr. Deputy Speaker, Sir, I would like to speak on the original Motion. I see that the Minister has moved an amendment which gives the usual Government wording of "urgent consideration". Now, when these Regulations were brought into force in 1953 at the height of the Emergency, Sir, it was necessary for security reasons. However, in 1959 one can only say that these Regulations are there as a labour control measure. Unless it is finished and unless it has served its useful purpose I think that the Government should have accepted the Motion as it is, revoke the Regulations immediately instead of saying that they will give it urgent consideration.

This particular regulation, Sir, in my opinion, is very discriminatory. It only deals with the Kikuyu, Embu and Meru although I think that it is the Kikuyu alone—but the Minister, when he was talking, did say that Embu and Meru as well had been referred to.

At this time in the State of Emergency, at its lowest ebb, to retain such a regulation is both socially undesirable and economically undesirable; socially, Sir, in that the people who are put in these camps have been heard to say that the life in these camps tends to disrupt the family social life. We heard the other day that it is possible sometimes to have a man whose services on a farm are not being required, particularly, is taken to one of these camps while his family are left in the farm. Sometimes these people whose services are no longer required on the farms go to camps and have to live in a crowded situation, and while they are there we have been told that they have no alternative other than to accept the pay that any farmer who wants labour offers; and it has been said, Sir, that sometimes those who refuse to accept the terms of employment offered by the employer and who know very well that they have no way of earning a living if they go back to the reserve have got to accept, whether they like it or not. The few that refuse are repatriated back to the reserve. They go there thinking that they will find a better life in the reserves, only to find that they are worse off.

At the time when the Emergency was at its height, some of these people we know found their way into the forest.

[Mr. Nyagah]

That was socially undesirable. It is economically undesirable to have these camps because we retain some officers, some labour officers or other officers, to look after them, and also we have got to maintain the buildings and feed them. Why not do we let these people go into the farms and work? After all, if we are to analyse who these people are we find that they are either people who were not repatriated back to the reserves, and therefore there is nothing against them should be held, or people who have been returned from the Kikuyu country for either being loyalists or people who have been rehabilitated and found good. For those reasons, Sir, they should be made free, just like any other members of the other tribes, to look for work undisturbed and without any conditions.

Mr. Deputy Speaker, Sir, these people in the camps feel frustrated and in their moments of frustration they sit wondering whether this is really a just Government and that is a thing which we should try to avoid. Some of these people have been living under very difficult conditions and when they find that the Government, even when there is nothing for security reasons against them being allowed to be free, still place restrictions, then they feel suspicious.

Mr. Deputy Speaker, this is an opportunity for the Government to finish and to wipe out any allegations which might have been made. Allegations on some of its own people—labour officers for being associated with the very few people in the farming community who have been described earlier in the debate as unscrupulous. Some of the officers who have been thus associated have taken people to farmers at extremely low wages. This is an opportunity for the Government to prove itself not in agreement with such action, by closing these camps and revoking the Regulations so that no more of these allegations can be made.

Mr. Deputy Speaker, Sir, I speak against the amendment and I support the original Motion.

MR. KHAMISI: Mr. Deputy Speaker, Sir, I have only a few points which I would like to make in connexion with this Motion which seeks to revoke the Emergency (Control of Kikuyu Labour) Regulations.

According to this Government Notice, it is clear that the Provincial Commissioner can declare any area to be a controlled area in respect of these tribes and it is on that particular point that I would like to speak because, although we at the onset, and particularly in Mombasa, have no labour camps as such for the Kikuyu, Embu and Meru, and yet the area, or some of the districts are controlled areas, in which case any member of these tribes who loses his job through discharge or dismissal is at once compelled to be repatriated to his native reserve in the Central Province. In many cases this has caused a lot of hardship because some of these people have been living at the coast for a long time, even before the Emergency, but yet they do come under the Regulations now, and when they lose their job they are supposed to return to their reserve.

Now, some of these people have businesses and they found that during the height of the Emergency, they had to look for a job in order to stay in Mombasa, and now these Regulations are causing a lot of difficulties and hardships because they are penalizing people who have made no mistakes whatsoever and it is for that reason, Sir, that I urge Government to accept the revocation of the Emergency (Control of Kikuyu Labour) Regulations in order to allow people to return to their normal occupation and their normal places of residence whether it is in Mombasa or anywhere at all, and that they be given chances to look for another job when they lose one—a thing which is at present denied them.

It is for that reason, Sir, that I support this Motion and urge the Government, although they have indicated that they will take early steps to revoke these Regulations, I think the time has come when the necessity for having such Regulations no longer exists.

For that reason, I oppose the amendment and support the Motion as it stands.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I have listened with great interest to the hon. Member who has just spoken. I wonder, Sir, if he has read the Regulations and whether indeed he knows that they do not apply to the coast region, and therefore a great

[The Minister for Finance and Development]

deal of his argument falls to the ground because they do not apply to this particular region.

Now, Sir, speaking to the amendment, Sir, the original Resolution was: "That this Council urges Government to revoke the Emergency (Control of Kikuyu Labour) Regulations." That was urging the Government to revoke them forthwith.

The amendment moved by my hon. friend, the Minister for African Affairs, says: "That this Council urges the Government to give urgent consideration to the early revocation . . ."—that is "urgent" consideration to the "early" revocation. It is obvious, Sir, that a Government which has to maintain its responsibility for law and order and which has to have regard to the security risks of various districts; which must feel uneasy in some of the conditions which have evinced themselves in certain areas from time to time, could not accept such a sweeping Motion as the complete revocation of these Emergency Regulations controlling Kikuyu labour.

The Government, with all due respect to the hon. Member for Mombasa Area, has tried, through this amendment, to show that it is indeed willing to give consideration to the early revocation of these Regulations, and to give urgent consideration to seeing if it is not possible in some way or other to ease the burden. I would therefore beg the hon. Member of the original Motion and his colleagues, before they get too deeply embedded in the words "opposition to the amendment" to pause and think what in fact the amendment means. The amendment means that Government is prepared and has been listening to the opinions put forward by the hon. Members opposite. I know that my hon. friend, the Minister for African Affairs, will indeed listen to, and go into any complaints in individual cases that have been brought forward. We cannot accept the interpretation that has been put forward on this Motion by several hon. Members in that respect. But if there are actual cases and complaints which tend to show that this is in any way being used in the way in which the hon. Member suggested in regard to the

lowering of wages, nobody will be more willing to take action than my hon. colleague in this matter.

Now, Sir, I do suggest that under the circumstances the hon. Member of the original Motion and his colleagues should think over very carefully whether they are really prepared to reject the amendment. If they reject the amendment, then the Government will have no choice but to oppose completely the original Motion.

MR. KHAMISI: Not necessarily.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, the hon. Member for the Coast says "Not necessarily", but I am stating the position of the Government in this particular matter, because the Government is not prepared to commit itself at this stage to revoke the Emergency Regulations completely. It is prepared to have regard to these Regulations in detail, to study them and to see if it is possible in any way to ease them. It cannot commit itself to other than to study them. If the hon. Member is not prepared to accept this, then in fact we must face up to the fact that the only alternative before the Government is to say "No" to what in some districts and areas may be regarded as a reasonable request.

I would suggest, therefore, Sir, to the hon. Member and his colleagues that sweet as the words "I oppose the Motion" may be it is better to take the possibility of consideration of his point of view and opinions and to achieve something for his people in part than it is, but the use of the words "I oppose" can make perfectly certain that there can be no concession from the Government at all.

COL. JACKMAN: Mr. Deputy Speaker, in supporting this amendment I only want to make one point.

All of us in this Council know very well that during the Emergency large numbers of Kikuyu, Embu and Meru people were removed from many areas in this country. As the Emergency improved Government took early steps to try to get suitable men of these tribes absorbed back into the economic life of the country and I think everyone will admit that in many areas, there was considerable reluctance on the part of

[Col. Jackman]

the employers of that labour to have them back. However, Sir, I think in most cases employers were persuaded to start various schemes to bring back members of these tribes, and one of the things, I am quite sure, that encouraged them to do so was the establishment of these camps which would ensure that any re-employed labour which for any reason became surplus to the employer's requirements would not be allowed to wander around the country indiscriminately. Had this been the case, Sir, I think it would have been much more difficult to persuade employers to take back men of the Kikuyu, Embu and Meru tribes.

Now, Sir, we frequently hear in this Council, particularly on the part of the African Elected Members, complaints about the unemployment situation. The only point I would like to make is to ask them to consider very seriously that if this—one of the safeguards for the employment of their people—is removed too quickly and without the general approval of the employers of any particular area, then it might well result in a considerable addition to the unemployment situation among those tribes.

I beg to support the amendment.

MR. COOKE: Mr. Deputy Speaker, I deplore the fact that the Government has not accepted this Motion, but we all know what Governments are. Whenever a straightforward Motion comes from this side of the Council, Government always slips in an amendment as for some reason or other they seem to think that it is not in accordance with their dignity to accept a Motion.

But the amendment, Sir, as the hon. Acting Chief Secretary pointed out, is really not very far from the original Motion itself, and I feel that the African Members would be wise to accept the amendment because I feel that the assurance which Government has given us is a worthwhile assurance.

Nobody criticized these labour camps—they were a necessity at the time and I rather understood from his speech the hon. Minister for African Affairs thought that we on this side of the Council perhaps felt that labour camps were never necessary. Of course they were,

but they have now outlived their usefulness and far from people wandering about the country—I do not think that will happen at all, although an hon. Member on the other side of the Council seemed to fear this—certainly not in the part of the country from which I come, and I feel that the Africans think that under the present system, the employer has rather a lien on their services and that there is really no necessity today to go back to these labour camps to be re-employed, and I feel certain that if Government very quickly implements the suggestion made today that they will feel satisfied. We are bound in this country to take risks—the *Economist* the other day said that it is a very good thing to take a leap into the dark occasionally—and even though there may be a slight risk, I feel as a small farmer myself there will be no risk at all—but at the same time, I do think that the Motion has fulfilled its purpose and that if the amendment is carried, the African Members will have achieved the purpose which they have tried to achieve.

Sir, I oppose the amendment.

MR. STONE: Mr. Deputy Speaker, Sir, I support the amendment for the reasons given by the Minister for African Affairs and I agree entirely with all he said. There is only one further point I would like to make and that is to suggest that straight away, while these Emergency Regulations are still in force, local relaxations be tried in certain areas. That has been found very effective in other regulations of this kind—to take them off and see how well it works, with the knowledge of all concerned that if it does not work well they are able to be applied again. I can think of one case, where the restrictions on movement locally was taken off in my own neighbourhood. It was reimposed in a very small part of that neighbourhood when K.K.M. began to be troublesome, and the effect of that reimposition was not only to restore the morale in the neighbourhood, but also to boost the morale in other neighbourhoods who did not want to have the restrictions reimposed. The result was that the restrictions were taken off again and everybody knew that we could do without them. I do believe, Sir, that rather than try to revoke all the Emergency Regulations immediately, it would be better to feel our way.

[Mr. Slade]

Mr. Deputy Speaker, I am not sure whether I heard the Acting Chief Secretary correctly, but I thought I heard him suggest that if the hon. African Elected Members continued to oppose the amendment, then the amendment would be withdrawn like a biscuit from a naughty boy.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): In order to make the position perfectly clear, I said that if the amendment was not accepted, the Government would vote against the Motion.

MR. SLADE: By which I understand "against the amended Motion", because we are supporting the amendment on this side and the amendment will have to be put before the Council. The amendment is in the hands of the Council now.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): On a point of explanation, Mr. Deputy Speaker, some Members on that side of the Council have supported the amendment, others have opposed it. The Government just does not take the view that automatically it is going to win, even though that may be the view of the other side of the Council.

MR. SLADE: Well, what I do want to put to all hon. Members on the other side is that if this amendment is carried, and carried I am sure it will be despite the modesty of the Acting Chief Secretary, then it will be the most astonishing performance, that Government having put through the amendment with support from hon. Members on this side, refuse to put through the Motion as amended. It would be the most childish withdrawal of a biscuit from a naughty child that I could imagine, and I hope the Minister does not intend to carry out that most undignified threat.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Sir, on a further point of explanation, the hon. Member who has just sat down said that he hoped "the Minister was not going to carry out that undignified threat". For the purposes of the record I would like to put on record again exactly what I said which was that if the amendment was not accepted the Government would vote against the original Motion. It could not accept it.

MR. OLE TIPIS: Mr. Deputy Speaker, Sir, I cannot really conceal my surprise and disappointment that the Government has seen fit to amend a straightforward Motion in the way it did because I should have thought that our Government is moving with the times and at the same time dealing with the daily events as they come, because in my view, Mr. Deputy Speaker, the main intention of the original Regulations has been fulfilled over the past three years.

Now, before I go further, Mr. Deputy Speaker, although I do not like the amendment as it is, I have no alternative other than to support it because even if all members on this side of the Council joined together to oppose it, the steamroller of the Government will see it through and I can therefore only hope that the words "urgent" and "early" in the amendment will really mean what they are supposed to mean and will not be meaningless, and I hope that the Government will take urgent steps to revoke the Emergency (Control of Kikuyu Labour) Regulations and thereby remove the frustrations and difficulties which are encountered by members of these tribes.

Now, Mr. Deputy Speaker, the Minister for African Affairs, when he was speaking on this Motion, gave us some figures of the population of Kikuyu, Embu and Meru in some of these labour camps, but what he did not tell us was some clear indication of the length of time which these persons are subjected to staying in these camps. Also, Mr. Deputy Speaker, he did not tell us the amount of public funds which are spent in maintaining and running these camps. He argued from a very weak point of view, that these Regulations have some benefits to members of the Kikuyu, Embu and Meru tribes; Of course, he is entitled to his own views, but I would only like to ask the Minister, if what he tries to make us believe is right, why should these Regulations only apply to the settled areas, as we know very well that there are very big numbers of Kikuyu employed outside the settled areas in places like Nairobi, where these camps, Mr. Deputy Speaker, do not exist. Now, does that imply, from what the Minister said, that the settled areas, in his own way of thinking, are a very special place and that these Regulations only apply there, but when a man is repatriated back to

[Mr. ole Tipis]
Kiambu and finds a job in a place like Nairobi he does not deserve to enjoy those benefits?

Now, on the other hand, Mr. Deputy Speaker, I am at a loss to see or to understand the reasons why the Government think that these Regulations should continue for one moment. It does not apply throughout the Colony, as I have said before, and as such they are very discriminatory. Instead of being beneficial to members of the Kikuyu tribe, in fact they are creating so many problems, and difficult problems too, which go on to add little to relieve hardships by Kikuyu labour in those areas. I would have understood him very clearly if he meant to say that these Regulations were merely intended to help some of the bad employers to exploit the Kikuyu labour. I have got quite a big bunch of papers. Mr. Deputy Speaker: I am getting complaints daily, and I am afraid I have come across quite a number of incidents arising from the application of these Regulations and if the Minister wants me to substantiate them—which is their usual outcry—I am prepared to do it in a very big way, but I am not out to make difficulties or troubles at all. I have got all these documents and I could place them in the hands of the Minister if he so wishes.

I think, as I have said earlier, I accept the Government amendment to my Motion because there is no other alternative but to accept it, and can only hope that the words "urgent" and "early" will have their true meaning in this respect.

Now, Mr. Deputy Speaker, the Minister has not in any way tried to refute my allegations that these Regulations have some very bad aspects as far as labour policy is concerned. The hon. Acting Chief Secretary tried to defend the Government, saying that any complaints which the people I have the honour to represent have suffered through these Regulations, the Minister and his officers will be only too glad to go into them. But he forgets at the same time to mention, Mr. Deputy Speaker, that those same officers to whom he now asks me to refer any complaints to, have not prevented the occurrence of many bad abuses through the application of these Regulations.

Now I think, if we are to believe what the Minister said, are we to agree that as far as the unemployment situation in the country is concerned, it is only members of the Kikuyu, Embu and Meru tribes who ought to be safeguarded against the unemployment situation? After all, this is an Emergency measure. These Regulations were introduced at the start of the Emergency and any Emergency Regulations surely cannot be termed as being of benefit to the people as such. After all, we have in these areas quite a big number of non Kikuyu tribes who are seeking employment, who are not compelled to go to these labour camps when they are discharged. We have had no trouble whatever from these tribes, and even before the Emergency there was not anything like the present labour camps for the Kikuyu. We did not have any trouble at all with the Kikuyu, and I can see no justification whatever for the continuation of these Regulations unless the Government has some ulterior motive behind it.

As I have said, Mr. Deputy Speaker, take, for instance, in the last few years I am glad to say that the Emergency situation in the settled areas has improved very much, and instead of removing quite a number of unnecessary restrictions the Government wants still to maintain some of these Regulations. I should have thought that the time had really come for the revocation of all of these Regulations, because of some of the Kikuyus, which is what the Government tries to make us believe, what is happening to the many, many Africans who are Kikuyu by tribe, who are employed outside the settled areas? What trouble has the Government had from these employees who are not compelled to go to these labour camps? I still expect to hear something from the Government, although I do not think they will have a chance to reply anyway—it will be too late—but there it is.

Now the Minister for African Affairs also argued that in Kiambu alone about 50,000 Kikuyus have been allowed to go back for employment in the settled areas. That is a very good situation, but what I fail to understand is, if there was nothing against these people—they are free men—they are allowed to go and work on their own free will—I do not

[Mr. Slade]

sentence. We were astounded from the statistics that we saw, how many offenders go back to prison for short sentences—two, three, four months at a time—for several successive occasions, without possibly either being cured of their criminal tendencies or having time to learn a useful trade or being anything but a nuisance and getting more and more into bad company.

So, Sir, we are left with only one method of trying to straighten out a man who is convicted of his first offence, and that is probation—putting him under the care of someone who is going to take some trouble over him—and the evidence of the comparatively short history of this Service in this Colony, as well as elsewhere, has shown what a tremendous effect that can have. The mere fact that the convict finds himself with somebody bothering about him and trying to give him another chance, has the most remarkable effect. I know also how long their gratitude lasts, after their probation period is finished and they are set off again on an honest life. The letters of thanks that come in years afterwards are numerous.

Now, Mr. Deputy Speaker, what is going to happen if this Probation Service is so cut down that it cannot handle all the cases which Judges or magistrates would like to place under probation? Then the Judge or magistrate has only two alternatives. One is to fine or bind over and lose control altogether of the convict, when there is every chance of his getting into trouble again. The other is to put him into prison, with the effects I have described. That is a very serious state of affairs—that Judges or magistrates, who think that a case is really thoroughly suitable for probation, are simply forced to let the convict go or to put him into prison because the Service is not able to cope.

It is quite clear, Mr. Deputy Speaker, that even today, with the reduction of these 14 further officers at any rate, the service will not be adequate, because here we are told by the Minister's answer to my question that, as a result of these 14 supernumerary assistants being discharged, the Department will probably have to ask for the discharge of about 900 probationers of whom half were convicted of *Mau Mau* or *K.K.M.*

offences, which means, Sir, that half of those 900—450 cases—now under probation—ordinary cases, not related to the Emergency, not merely occasioned by circumstances justifying payment under the Emergency Fund—will have to be let loose before they have done their period of probation. That is the clearest possible evidence that with any reduction whatsoever from the Service as it now stands, the Service will not be adequate to meet even the present requirements of those who are already under probation orders.

That I suggest, Sir, is only a taste of the real trouble that is coming if we try to cut down this Service or, indeed, if we are not prepared to expand it; because experience of this kind of comparatively young service shows that its full value is only attained by the process of time, during which those who have power to use it realize its value. Now I heard only a week or two ago of a magistrate who takes the view quite firmly that probation is useless. There may be other magistrates, Sir, who take that view. I can only believe that they take that view because they have not seriously tried it to see its results, because the experience of this and other countries is quite definitely to the contrary. But, Mr. Deputy Speaker, so long as there are magistrates or Judges who have that view, then most certainly the time is coming when they will have changed that view and there will be all the greater demand on the Probation Service, because its value is being recognized more and more.

So much, Mr. Deputy Speaker, for the social side, but now let us look at the economic aspect, and here I would refer back to the question that I asked and the Minister's answer. The third part of the question was: "What is the cost per annum of (a) maintaining an African in prison, and (b) supervising an African under a probation order?" In reply the Minister quite rightly corrected me for having enquired about Africans only, because, of course, this Probation Service is one for all races. He said: "No separate records are kept of the cost of maintaining African prisoners or supervising African probationers as compared with prisoners and probationers of other races, but the average cost of maintaining a prisoner is

[Mr. Slade]

about £59 a year and of supervising a probationer about £12 a year."

Well, Mr. Deputy Speaker, the consequent calculation is obvious, that every time a judge or a magistrate feels constrained to commit a convict to prison because the Probation Service is not able to take his case—and as we have seen we have already reached that stage and passed it—every time that happens it is going to cost us £47 a year more to put that man in prison. Every year in prison—£47. There is the obvious saving. That is the case where a little further expenditure on personnel would definitely save us a great deal of money elsewhere. That is not all, Sir, because I would ask hon. Members to consider the indirect saving of keeping people out of prison and under probation orders instead. If the Probation Service has an effect that I claim—and I am quite sure the statistics will prove it—of preventing people from embarking on a permanent life of crime, then you are saving a great deal of public expense in the work of the police, the work of the courts and in many other ways; an incalculable amount of money is indirectly saved.

Mr. Deputy Speaker, although I have been among the first to acknowledge that in these stringent times we have to look at our priorities of expenditure very carefully and we have to put social services, by and large, at the end of the roll, this is an exception, to that rule, because this is a case where by a little further expenditure we shall actually save ourselves a very much greater cost, and cutting is false economy. It is no good, Mr. Deputy Speaker, arguing from the point of view that it is only a reduction of supernumerary assistants who were paid out of the Emergency Fund, because the facts have proved that the Service needs them as a permanency. Whatever the needs of establishment when the Emergency began, now it is quite clear from the answer that the Minister gave to my question, that these people should be permanent probationers and not supernumerary, paid out of the Emergency Fund. They are needed as a permanent establishment. We cannot afford to cut any of these 14; indeed, we shall have to face very soon an increase of the permanent establishment.

We must make sure, Sir, that the establishment of this Service is adequate at all times to meet all demands. It is not so at the present time.

There is another aspect, Sir, a small one, but it is important. This Probation Service fulfils a second function, that is for the purpose of the Prevention of Cruelty to and Neglect of Children Ordinance, probation officers have been appointed inspectors of children under that Ordinance. They are doing a great deal of work which no one else can do, in the way of making enquiries and bringing cases before the courts, and advising the amateurs of the Child Welfare Society. Their work in that way is growing monthly, and there is something wrong if, in this most valuable work, the service should be liable to shrink just when they are needed more and more.

Before I close, Sir, I would like to take this opportunity of paying a tribute to the former chief probation officer, Mr. Colin Owen, who founded this service single-handed some years ago. I remember very well the day when he first appeared in court asking for a man to be put on probation, and he was completely alone. He never spared himself in his work, which I believe has always been an understaffed service, for the probationers that he regarded as his own children. At the same time, I would like to welcome Mr. Hillier, who has now taken his place, and has started off with evident equal enthusiasm.

I beg to move, Sir,

MR. NYAGIH: Mr. Deputy Speaker, Sir, I stand to second the Motion. There is no question about the usefulness of the work performed by the probation officers for the short time this service has been in operation in this country, particularly during the Emergency.

This Motion, among several points discussed, suggests to the Government that it is a necessity to maintain at all times a Probation Service adequate to meet all demands. It is true, Sir, that in the Emergency we had several probation assistants and probation officers, but I maintain, Sir, that at all times we should have an adequate number, not only during the Emergency but even at times when the Emergency is not on.

[Mr. Nyagah]

Mr. Deputy Speaker, Sir, I have personally, as a layman, watched with interest the work of the probation officers. I have seen some of these people self-sacrificing, walking from village to village, or perhaps cycling for long distances to try and contact some of the people whom they have helped in the courts, or perhaps doing the work that has been described as being children's inspectors. They have taken a great deal of interest in this work, and I am sure their work has been appreciated. I would like to give instances of how accepted these people are in the villages. Whenever they go to a village and try to trace one of their charges they have found co-operation—they have been shown how to contact the person they are after, and in some cases, Sir, it has even been heard some parents saying that they would like the services extended to their children, although they have not been in court. I have come across several probation officers who have told me that some children whom they have helped in the past have continued coming to seek help, friendly help, long after their term of supervision has ended. It only goes to show, Sir, that the work of these people is appreciated both by the public and parents as well as the people who have enjoyed the services rendered. Even at the height of the Emergency and even today we have not got enough of these officers. You could probably get only one in a district—a large district—trying to perform this very difficult task of cycling from one end of the district to another, and trying to attend the courts. If you are to deprive such districts of these single men, who are already inadequate, we are going to aggravate the situation. Not only that, it is going to be a very costly affair to this country, because we shall perhaps have to have Land Rovers to tour the areas trying to contact some of the cases that have not already been removed for supervision, and we shall also have a lot of people who could be helped by the probation officers going back into the fate of following their criminal intentions. The answers given to the hon. Member by the Minister for African Affairs is that 900 probationers is the likely number to be prematurely discharged. Now will the Minister tell us whether these 900 people,

probationers, have been completely cured? That the services given have caused them to become safe people able to go back into the stream of the country without any further help, or is it going to be a work half done, and therefore uneconomical to the country? Also, from the answer given, Sir, there are two comparative figures of maintaining a prisoner and a probationer, which show very clearly that this country will be saving a lot of money to extend the work of the Probation Service if it were to continue employing more probation officers and begin by reconsidering retaining the 14 so-called supernumerary probation officers and assistants who are likely to be dispensed with. If we do not have these officers what we shall find ourselves doing is to find criminals allowed to go to prisons, sometimes to learn more about being criminals, or perhaps going back to the country without any help at all as to how they should live in future—without being supervised—and therefore being a menace to society, and that is why under this Motion we are asking the Government to recognize what this Council has already recognized, that is, the importance both social and economic, to maintain at all times this very useful Service, which is just being felt in the country for the short time it has been established, and to maintain adequate numbers.

Another point, Sir, I would like to ask the Minister, in connexion with the usefulness of the probation officers. It is true we have heard from one side. We know that Government policy is collective, but what we have heard is that the African Affairs which deals with, or looks after the Probation Service, thinks that the country could dispense with a few of these probation officers, but what we have not heard is the view of the Ministry of Legal Affairs. What do they say about this? Have they found them useful or not, and also, in this connexion, I would like to ask the Minister to try and remove the fears some of us have of a remark or insinuation made by some people who are responsible in looking after these probation officers that they do not think these people serve any useful purpose at all. If that is the view held by the Ministry of African Affairs, then there is a reason for getting rid of them, but if it is not, then for

[Mr. Nyagah]

what it is worth let us retain the Service and give it the maximum advantage and chance to develop so that we can help this country to have young men and women developing into useful people.

Finally, Sir, I would like to speak for the people who have enjoyed the services of a probation officer. I must say that I have never enjoyed them, and I do not intend to enjoy them, but I can fairly well imagine what a relief it is for a person who finds himself in a court and sentenced to so many months, a certain sentence, to find a probation officer at that time when he most needs help coming to his aid. If I may give an example without quoting a name. There was a certain high officer in one of the Government departments who found himself in difficulties because of the complicated system of Government accounting, and he was found wrong in his arithmetic, and so he was in court and there the court as usual took its course, and he was found guilty, but this man, under careful handling and the sympathetic consideration of the probation service he was placed under probation. It would have been a very depressing thing for this officer if the Probation Service was not there and if he had found himself going to prison just because he made a mistake. We know that it is wise to maintain a Probation Service, and that is what these probation officers realize, and that is why we would like Government to retain these services.

With these remarks, Sir, I beg to support.

Question proposed.

ADJOURNMENT

THE DEPUTY-SPEAKER (Mr. Bechgaard): I now adjourn Council until 2.30 p.m. tomorrow, Wednesday, 17th June.

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

Wednesday, 17th June, 1959

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

[Mr. Deputy Speaker (Mr. Bechgaard) in the Chair]

PRAYERS

NOTICE OF MOTION

PERSONAL AND RACIAL ANTI-DISCRIMINATIONS
(Constitutional Conference)

MRS. HUGHES: I beg to give notice of the following Motion:—

That this Council, realizing the importance of the coming constitutional conference to the future of Kenya and that the success of the conference will depend on the establishment of harmony, sincerity and understanding between Kenyans of all races, urges all hon. Members of this House to phrase their utterances both inside and outside this Chamber so as to avoid stimulating personal and racial antagonisms.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE.

[K. Bechgaard, Esq., in the Chair]
The Scrap Metal Bill

Clause 2

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Clause 2, Sir, I beg to move that subsection (1) of clause 2 of the Bill be amended by inserting in the definition of "bale" immediately after the word "means", the words "pack in drums or other containers or". The object of this amendment, Sir, is to provide for additional containers and methods of packing of scrap metal.

I beg to move.

THE CHAIRMAN (Mr. Bechgaard): Mr. Madan, there are two words "means" in the definition of "bale" I take it that this—

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): After the first one, Sir.

THE CHAIRMAN (Mr. Bechgaard): Yes, where it first appears.

Question proposed.

The question that the words proposed to be inserted be inserted put and carried.

Clause 2, as amended, agreed to.

Clause 3

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, I beg to move that subsection (1) of clause 3 of the Bill be amended by inserting immediately after the word "person" the words "except a person exempted under section 25 of this Ordinance". This is to provide greater clarity, Sir, as the House is aware under section 25 of the Ordinance, the Minister has the power by order to exempt persons and classes of metals and, in order that there may be no confusion under the provisions of clause 3, I beg to move this amendment.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): If I may add this, Sir, the amendment is proposed to be inserted after the first "persons" when it appears in clause 3 in line 1 of the subsection.

Question proposed.

The question that words proposed to be inserted be inserted put and carried.

Clause 3, as amended, agreed to.

Clause 4

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, I beg to move that subsection (3) of clause 4 of the Bill be amended by deleting the words "and in such other area or areas as are specified therein".

Clause 4 of the Bill provides for the issue of two types of licence, Sir, a general and a local licence. The general licence will be applicable to the whole Colony while the operation of the local licence will be limited to the district for which it is issued, and to that extent these words which are proposed to be deleted would appear to be inconsistent with the object of a local licence and it is possible that they might lead to a conflict with general licences also, and therefore, Sir, I would like to move the deletion of the words which I have read out.

Question proposed.

MR. TYSON: Mr. Chairman, Sir, I do not know whether I can speak to it under this amendment, but this clause 4 provides only for two types of licence, general and local. What I would like to ask the Minister is to consider whether it would not be possible by arrangement with the other territories to have an interterritorial licence. As the clause is drawn at the moment it is restricted to general local licences in Kenya only. It does seem to me that unless this Ordinance is going to be based on an interterritorial plan that we are not going to get very far with it. The abuse is going to be transferred from one territory to another and I would be glad if the Minister would consider the issue of a further type of licence, an interterritorial licence if that is practicable.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, I explained yesterday during the Second Reading of the Bill that similar legislation exists, as far as I am aware, in Tanganyika, but there is no such legislation in Uganda. I therefore do not see that we can provide for the issue of interterritorial licences because, I repeat, Sir, as far as I am aware Uganda has not got similar legislation, but apart from that I also do not see how this legislature could provide for the issue of interterritorial licences to cover Uganda and Tanganyika. It could, perhaps, be done under the auspices of the High Commission. But if the abuse by way of thefts is going to be transferred to other territories because of the enactment of this Ordinance, then I think, Sir, good luck to such territories—let them flourish in other territories, but I would like to point out that I think the provisions of this Ordinance will help a lot to curb the thefts of scrap metal which are going on at the present moment. I do not agree, Sir, that the Ordinance will not serve any purpose because the hon. Nominated Member seems to think that the thieves would transfer their operations elsewhere. I did explain yesterday, Sir, that in so far as the Colony is concerned any person dealing in scrap metal will have to be licensed under the provisions of clause 3 if he is not to commit an offence, and what they do outside the territory, outside the Colony is their business—until, of course, such time that interterritorial legislation can be agreed and enacted.

[The Asian Minister without Portfolio]

I will not, Sir, try to explain to the House, because I think the House is aware of how difficult it is to try to get agreement on interterritorial legislation.

Question that the words proposed to be deleted be deleted put and carried.

Clause 4 as amended agreed to.

Clause 5

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Although the amendment that I am going to move does not appear on the Order Paper, but it is a consequential amendment arising from the amendment we have just approved in clause 4 of the Bill. Might I therefore be allowed to move that in clause 5 (h) the word "principal" which appears in the second line be deleted. Having deleted the reference to other areas in local licences the existence of the word "principal" in clause 5 now becomes meaningless. It is purely a consequential amendment, Sir.

Question that the word proposed to be deleted be deleted put and carried.

Clause 5 as amended agreed to.

Clauses 6, 7, 8, 9 and 10 agreed to.

Clause 11

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, I beg to move that subsection 1 of clause 11 of the Bill be amended by inserting immediately after the word "form", the words "or in such other form as a licensing officer may in any particular case approve". The purpose of this amendment, Sir, is to provide for greater flexibility and to make things easier for scrap metal dealers.

Sir, I beg to move.

MR. ZAFRUD DEBNY Mr. Chairman, I did remark yesterday and I still feel that it is not practicable for any scrap dealer to prepare this register. I would request the Minister to delete the word dimension from this clause—in line 5 the words are "weight or dimensions". If he would delete the words "dimensions" it is possible that scrap dealers may be able to prepare a register and give all the information contained in the clause. But as it stands I have no doubt in mind that the Government would find later on that the scrap dealers in this country

or any country of the world would never be able to meet the requirements as they appear in this clause.

CAPTAIN HAMLEY: Mr. Chairman, Sir, With due deference to my friend over the road I cannot see what he is getting at. All the scrap dealers I know are very capable of taking the measurements of a block of metal. It says here "weight or dimensions". Nothing could be plainer in my opinion and it is a very—(Inaudible)—piece of scrap metal is so convoluted that he cannot get the dimensions of it, he weighs it; otherwise he measures it. What is all the fuss about?

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, I do not know that I need add anything to that very erudite reply. But perhaps the hon. Member for the Western Electoral Area has not noted that the section says "weight or dimensions". It is not both, but it is either of the two. I would like to remind him, Sir, that the trade have accepted this clause. I think I can say that they are quite happy about it and that they will be able to comply with its provisions.

MR. ZAFRUD DEBNY: Sir, I will not throw any light on the ignorance which has been shown by certain hon. Members, but from personal experience I am quite sure of what I said, and it is surprising that I have also been approached by several dealers in scrap metal, and all the time we have been claiming to represent the trade so there must be certain differences of opinion between members of the trade. I can only say at this moment that in the very near future the Government will find that it will be practically impossible for any scrap dealer to prepare this register. I think it is my duty to make this point here.

CAPTAIN HAMLEY: Mr. Chairman, on a point of explanation. It is true that I am not a scrap dealer, and it is true that many scrap dealers are handling hundreds of tons of metal, but I would like to bring it home to the notice of the hon. Member opposite that as Port Manager in Kilindini I have handled many thousands of tons of this metal and I hope that I am not altogether guilty of the ignorance that my friend thinks I may be displaying.

Question that the words proposed to be inserted be inserted put and carried. Clause 11, as amended, agreed to.

Clause 12

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): There are two amendments which I propose to move to this clause, Sir, and I propose to take them one by one, Sir.

I beg to move that clause 12 of the Bill be amended (a) in subsection (1) by inserting immediately after the word "form" the words "or in such other form as a licensing officer may in any particular case approve." The purpose of this amendment is similar to the amendment moved to clause 11, Sir, that is to provide for greater flexibility.

I beg to move.

Question proposed

Question that the words proposed to be inserted be inserted put and carried.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, I beg to move that subsection (2) of clause 12 be amended by inserting immediately before the word "affix" the words "sign or", Sir, in the last line thereof. This, I think, is merely a printer's error.

Question proposed

Question that the words proposed to be inserted be inserted put and carried.

Clause 12, as amended, agreed to.

Clause 13 agreed to.

Clause 14

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Concerning sub-clause (1) (b), Sir, the House will remember that during the course of the Second Reading of the Bill yesterday the hon. Member for Kiambu asked that the age of 16 years might be raised to 18 years. I said that I would consider the matter. One is always prepared to listen to the other side, Sir, and in pursuance of that consistent policy I am prepared to accept this amendment. I beg to move that the word "sixteen" be deleted and the word "eighteen" be substituted therefor.

Question proposed

vious clauses to include the word "drum" or "pack", would he not make a consequential amendment here to include the words "bale" or "pack"?

MR. WEBB: Sir, I do not think that the amendment is necessary. The amendment which was made in clause 2 was to include in the definition of "bale" references to "drums", and wherever the word "bale" occurs throughout the Bill it will include packing in drums and all other things.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): I, like a number of hon. Members am a bit puzzled as to what bales and packs have to do with children of 18.

THE CHAIRMAN (Mr. Bechgaard): I have only read the clause very rapidly but I cannot see the word "bale" included.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): The word "bale" does not appear in this clause.

CAPT. HAMLEY: As usual, Sir, I was a little bit ahead of the House. I have got on to No. 15.

Question that the word proposed to be deleted be deleted put and carried.

Question that the word proposed to be inserted in place thereof be inserted put and carried.

Clause 14, as amended, agreed to.

Clause 15

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, I beg to move that subsection (1) of clause 15 of the Bill be amended by inserting immediately after the word "days" the words "or, in the case of ferrous scrap metal seven days", I explained the object of this amendment yesterday, Sir, which is to provide greater facilities for scrap metal dealers so that they will not have to store heavy scrap metal longer than is reasonably necessary. In this clause the word "bale" does appear, and I hope that the hon. Nominated Member will be satisfied by the explanation already given by the hon. Acting Solicitor-General.

Question proposed

Question that the words proposed to be

Clause 16

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, [The Asian Minister without Portfolio] I beg to move that subclause (3) of clause 16 be deleted. This was suggested yesterday by the hon. Member for Nairobi West and we had considerable discussion on this point. I agree with the hon. Member that it would undesirable for a private citizen to have powers such as are mentioned in this subclause.

Sir, I beg to move.

Question proposed

Question that the words proposed to be deleted be deleted put and carried.

Clause 16, as amended, agreed to.

Clause 17

SIR CHARLES MARKHAM: Mr. Chairman, I have a very brief point on clause 17 (3). Could I ask the Minister if he will agree to delete the words in brackets "(unless he is in uniform)" which appear in subsection (3). Any member of the public is entitled to ask a policeman for his warrant card. I fail to see why in this clause there should be a differentiation now between what are the normal rights of public.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I think, Sir, that I am unable to accept this amendment. The uniform is intended to act in place of a warrant when the man is in uniform, but I think that the private citizen is entitled to ask a police officer or somebody who purports to act as a police officer to produce his credentials.

SIR CHARLES MARKHAM: With respect, Sir, I would suggest under this clause that he is not entitled to do so. I cannot see the point of it, quite frankly, but perhaps the Acting Solicitor-General could help me on this.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I think, Sir, that it depends on how one reads it. As I read it, at the moment a private citizen would not be—he could, of course, ask a police officer to produce his credentials, but if the police officer is in uniform then he need not produce them, but if he is not

SIR CHARLES MARKHAM: Sir, I am sorry to go back to this one. But any member of the public is entitled to ask. A uniform, with respect, is not proof of credentials. Otherwise we would have had one or two *Mau Mau* generals claiming that they were generals in the British Army. What is the point of this clause? I think that we should get a better explanation. I have heard no good reason as to why these words in brackets should remain as part of this Bill.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): May I, Sir, read out the clause loudly so that people will get the tone of it? "Before acting under the provisions of this section, a police officer (unless he is in uniform) or a licensing officer shall, if required to do so, produce documentary evidence of his appointment." Now, the hon. Member for Ukamba will note the words "if required to do so". Speaking normally, I think a uniform is *prima facie* proof that the man is a police officer, but where you have a licensing person who is a private citizen, and, in fact, I think he would be a private citizen, so far as the general licence is concerned, in such cases he should produce his credentials only if required to do so. I am afraid, Sir, that I do not see anything out of place in the wording of this subclause. I will be happy to accommodate the Opposition whenever I can but not on this occasion.

Clause 17 agreed to.

Clause 18 agreed to.

Clause 19

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, I beg to move that subsection (1) of clause 19 be amended by adding at the end thereof the words "and the court may order that no licence shall be granted to him for such period as it shall think fit". The intention is, Sir, that where a person has been convicted of an offence involving fraud or dishonesty, or stolen property, such a person should not be able to obtain a licence easily and the court to which convicts him will be able to assess which seriousness of the crime and make an order according to the circumstances of the case debarbing the accused person from obtaining a licence for such period as the court may think fit to order.

Question proposed.

Question that the words proposed to be inserted be inserted put and carried.

Clause 19, as amended, agreed to.
Clause 20 agreed to.

Clause 21

MR. ZAIRUD DEEN: Mr. Speaker, this clause is silent as to the rank of the police officer. It was explained yesterday by the Minister that clause 17 stated the rank of the officer. I would like to know from the legal experts whether clause 17 is also applicable to clause 21.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I do not think so, Sir.

MR. ZAIRUD DEEN: I think it is necessary that the rank of the police officer should be stated in this clause. It should be the same as clause 17.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I do not agree because I think that any police officer should be able to make an arrest for an offence committed under the provisions of this Ordinance. It will be a cognizable offence and surely the hon. Member is not going to suggest that an ordinary police officer should wait until he can get a superior police officer to make an arrest for an offence committed under this Ordinance.

Clause 21 agreed to.

Clause 22

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, I beg to move that there be substituted for subsection (2) of clause 22 of the Bill the following subsection:

"(2) No person shall export any scrap metal unless he has given to the police officer in charge of the police station nearest to the place in which the scrap metal is stored immediately before its being despatched for export not less than seventy-two hours' notice in writing of his intention to export the scrap metal, specifying in such notice the place and time at which the scrap metal may be inspected."

This also is a clause on which we had considerable debate yesterday during the

Second Reading of the Bill and I feel that I need not dwell on it any longer now.

Sir, I beg to move.

Question proposed.

MR. USHER: Mr. Chairman, Sir, I should like to have some elucidation of this because the fears which I expressed yesterday are not altogether removed. Under clause 8 (d) the dealer's licence specifies all the premises at which he is authorized to deal in scrap metal. It is perhaps necessary for me to point out that dealers in Mombasa in particular acquire their scrap metal, of course, locally in the ordinary way at their business, in which case my objection does not arise, or they acquire it from somewhere up-country, or, as I am advised, in quite considerable quantities from Uganda. Perhaps we might dispose of Uganda, Sir, first, because I put it to the Minister that Uganda's scrap metal will be outside the scope of the law and that if it comes in transit, by railway or export it does not come within the ambit of this Ordinance at all, and could in fact be stored anywhere when it is unloaded from the railway prior to export. But the difficulty arises, of course, in the case of scrap metal which is brought down by rail or possibly by road to Mombasa or to Kilindiini. If by road, Sir, there is not any real difficulty; but if by rail, however, it will come either to Mombasa station or to Kilindiini Station and then there is the question of storage. To put the dealer to the business of unloading and transporting to his own specified premises, that the premises specified in his licence and then re-transport them to a place convenient for shipment it would involve him in expense that would very likely wipe out his profit. Now, I am taking it that a dealer of this kind in that type of transaction is in fact a dealer, and I do not think that the amendment proposed will quite do away with the difficulty. It would still to my mind be an unwarrantable disadvantage.

I see that the amendment now under debate uses the word "place"—not premises—and I am suggesting that "place" is the right word, because if the inspection prior to export, of which three days' notice has to be given, is such a place as is normally used, that

(Mr. Usher)

is, I am advised again, probably a part of the port area rented to the dealer for that purpose, then my objection disappears entirely. But I should like an assurance on that point. If I do not get that assurance, I am afraid I shall be put to moving the amendment which I proposed upon the Second Reading yesterday.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, if I might dispose of Uganda first. If any scrap metal comes to the Colony from Uganda and is intended for export and it is not unloaded anywhere in the Colony, then, of course, such metal would be outside the scope of this Ordinance. But, if at any stage in the Colony it is handled by a local dealer, that dealer must, I feel, be licensed under the provisions of section 3 of the Ordinance even if the scrap metal is intended for export.

The difficulty that the hon. Member for Mombasa sees in this, is that a local scrap dealer may be compelled to store it pending export when perhaps no immediate facilities for transhipment or shipment are available. Now, in such cases, I visualize, Sir, that the person dealing with the metal will only be a licensed dealer and he will have under the provisions of clause 14 premises specified in his licence where he could store the scrap metal. In any event, no person—a licensed dealer—is allowed to deal with scrap metal at premises elsewhere than those specified in his licence as provided for in clause 14 subsection (2) of the Bill. Perhaps, Sir, the word "place" that appears in the third line from the bottom in the new subsection 2 that I have moved in place of the existing subsection 2 of clause 22 should really be "premises" as that would be more consistent and in line with the other provisions of this Bill.

I am assuming, of course, Sir, that where the scrap metal will be stored will be the premises normally used by the scrap metal dealer. If there are instances where the scrap metal is stored in Railway warehouses, I think the scrap metal dealer could notify or specify that place and give notice accordingly to the police officer. It seems to me that the point that the hon. Member is raising is

covered by the new subclause which I have moved.

MR. USHER: Sir, I am sorry to be persistent, Mr. Chairman, but it does not really dispose of my difficulty. The trouble is that the dealer probably does not know in advance what storage will be available. One cannot specify in the licence, for instance, a particular area which might be allotted to him by the port authority and that is where I feel that he should reasonably expect to be able to store the scrap. It can be inspected there; there is no trouble about it at all.

Of course, I do appreciate the fact that he could get exemption under clause 26, but if he is to do that in every single instance it is putting a very considerable and unnecessary burden upon him. Also I would ask that if he is put to that, is there in fact a licensing officer on the spot who can authorize him to take that action?

CAPT. HAMLEY: Mr. Chairman, what actually happens in a case like this is that scrap is taken to Kilindiini for export and one of two things happens. It either goes to a plot which has been leased to the dealer, who may be in Nairobi and has only an agency in Kilindiini, or it is unloaded by the port authorities and put into such place as the dealer has there, called for scrap metal, where it may stay for several weeks or months until a suitable ship comes along. So I think we are rather making heavy weather of this. I suggest to you that "place" covers the whole thing. The Minister has now altered it from premises, but it is very rarely that scrap metal is stored in warehouses. It is a thing that is stored in the open on a plot, and I think that the Minister by altering the clause to read "in such notice the place and time at which the scrap may be inspected," has dealt with the situation.

MR. SLADE: Mr. Chairman, we are spending a good deal of time considering the convenience of the dealer, which, of course, is all very proper; but I suggest here we have got to consider the police officer, too, and for that reason I would ask the Minister to make a very small amendment in the new subclause that he proposes, that is, in the last line but one substitute for the word "time" a reasonable time"; that is to say, that the dealer

[Mr. Slade]

has to give notice of a place and a reasonable time at which the scrap metal may be inspected. It would be very convenient for a police officer perhaps to be asked to come and inspect scrap metal at 2 a.m. It is quite a common practice Sir, that where you have an agreement or legislation saying that notice has to be given of a place and time, to provide that it should be a reasonable time.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, perhaps the hon. Nominated Member will be disappointed when I tell him of my intention to amend the word "place" in the two cases where it occurs in the new subclause and change it to "premises". If I might do that later, Sir?

I must draw the attention of the hon. Member for Mombasa to the provisions of subclause 2 of clause 14 which says that no licensed dealer shall store or deal in any scrap metal elsewhere than at the premises specified in his licence. It does not matter where the scrap metal comes from; that is the only place where he can deal with it and that provision has been included in the Bill in order to make control effective because we do not want any loose ends and the police not knowing which are the scrap metal yards, so to speak; where they can check on what scrap metal there is in any particular place.

He also asked, Sir, that if there will be a licensing officer in Mombasa or at the port. In so far as the local licences are concerned, of course the licensing officer will be the district commissioner. In so far as the general licence is concerned, the licensing officer it is intended should be the Director of Trade and Supplies and I will certainly bring it to the notice of the Minister for Commerce and Industry, that he might consider appointing the Deputy to the Director of Trade and Supplies at Mombasa as a licensing officer for the purpose of issuing general licences under this Ordinance. Perhaps that would, if accepted by the Minister for Commerce and Industry, that might meet the point made by the hon. Member for Mombasa. But I would like to repeat, Sir, that it is important that we know and the police know where scrap metal is stored so that they are able to check up on it and trace stolen scrap metal.

Thirdly, the hon. Member himself drew attention to the provisions of clause 26. In any particular case where there is difficulty about premises, it would be possible for a respectable dealer to go to the licensing officer and get exemption from all or any provisions of this Bill. The hon. Specially Elected Member Mr. Slade, has suggested that we might insert the word "reasonable" before the word "time" so that the new clause will read "in such notice the place and a reasonable time at which the scrap metal may be inspected". I am not sure, Sir, what exactly is meant by "reasonable time". I am assuming for the purpose of this new subclause that when notice is given to the police officer, the hours will be specified during which the police officer may inspect the scrap metal but I do not feel very strongly about it and if the hon. Specially Elected Member can satisfy me that the word "reasonable" will be meaningful I will be prepared to reconsider the matter.

At this stage, Sir, may I move that the word "place" where it occurs on two occasions in the new subclause be deleted and the word "premises" be substituted therefor. That is in lines 4 and 9, Sir.

CAPT. HAMBLY: Mr. Chairman, it would be helpful if some of the lawyers that we have got here would tell us the difference between "premises", "a place" and "a plot".

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): The main difference is this, Sir, that reference is made to "premises" all along in the Ordinance and not to the word "place".

MR. USHER: Mr. Chairman, Sir, the amendment proposed by the Minister has not been proposed by yourself yet and I think perhaps I should be out of order to speak now because I want to propose an amendment to the amendment.

THE CHAIRMAN (Mr. Bechgaard): The new subclause is open to amendment without formal motion, at the moment because it has not been included in the Bill yet.

MR. USHER: I do thank the Minister very much for what he has said about the licensing officer and all that. He has given me really nothing; in fact, he has refused that particular relief to the

[Mr. Usher]

dealers for which I was asking and which I had supposed that he had intended to give them by this amendment but I suspected it and that is why I raised this question of "place" and "premises".

Sir, I beg to move that there be added to clause 22 the following words: "Provided always that a licensed dealer may with the written permission of the licensing officer store scrap metal on specified premises being premises other than those specified in the licence."

Sir, if that is allowed, it disposes of the whole difficulty. There is no secrecy about the thing at all and the scrap and the premises can be inspected and we still have these three days before export can take place.

Sir, I beg to move.

On a point of order, this would not mean my opposition to the proposed amendment now. It would be a proviso to that amendment.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, provided that the hon. Member is prepared to agree to change the expression "the licensing officer" to "a licensing officer" I am prepared to accept that amendment because I feel it is writing into clause 22 one of the aspects of the provisions of clause 26.

MR. USHER: I am very grateful to the Minister and, of course, accept that suggestion.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Then, Sir, the amendment will read: "Provided that a licensed dealer may with the written permission of a licensing officer store scrap metal on specified premises being premises other than specified in the licence."

Question that the words to be left out, be left out, put and carried.

Question that the words to be inserted in place thereof be inserted, put and carried.

Clause 22 as amended, agreed to.

Clauses 23 and 24 agreed to.

Clause 25

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir,

I move that subsection (1) of clause 25 of the Bill be amended by inserting immediately after the word "may", the word "by", which has been left out inadvertently. Sir, and I beg to move.

Question proposed.

Question that the word to be inserted be inserted, put and carried.

Clause 25, as amended, agreed to.

Clauses 26, 27 and 28 agreed to.

Title agreed to.

Clause 1 agreed to.

The Bill to be reported with amendments.

Council resumed.

[Mr. Deputy Speaker (Mr. Bechgaard) in the Chair]

REPORT

The Scrap Metal Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vassy): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has considered the Scrap Metal Bill and has approved the same with amendments.

Report ordered to be considered tomorrow.

MOTION

PURKO TIMBER CO-OPERATIVE SOCIETY: OVERDRAFT GUARANTEE

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, I beg to move:—

That this Council notes that the Government proposes to guarantee the bank overdraft of the Purko Timber Co-operative Society Limited up to a total of £15,000, subject to the society accepting technical advice from the Forest Department on the exploitation of its concessions.

Mr. Deputy Speaker, Government policy has been in the Masai for many years to try to persuade the Masai in the Narok District to accept technical advice on the proper management and exploitation of their forests and the Mau forests on the Masai side are possibly some of the most valuable indigenous forests in the Colony. In November, 1956, the Purko section of the Masai in the Narok District agreed for this purpose (a) to form a co-operative timber

[The Minister for African Affairs] society, and (b) to raise subscriptions of £20,000 to finance the society and to establish a sawmill at a place called—(Inaudible).

In January, 1957, £10,000 had been collected and it was expected that the balance of £10,000 would be collected within the next six months and accordingly the society started to construct the mill and engaged a manager. Unfortunately, owing to the outbreak of various cattle diseases quarantine restrictions were imposed upon the Narok District and the Purko could not raise the balance required. The society arranged an overdraft with the bank for £5,000 for salaries and equipment but that was not enough and they purchased some machinery on credit. In March, 1958, the mill started production but the balance of £10,000 was not in fact collected for the reasons I have given until July, 1958, by which time the society in question was in financial difficulties.

An expert survey was made by Timsales Limited and this survey indicated that the capital for the society was inadequate and that the working capital was conspicuous by its absence; and secondly, that such capital that had been provided had been spent to the best advantage and that there was every possibility if sufficient capital was forthcoming that the society could be put on to a profitable basis. The bank concerned in the original overdraft is prepared to increase the society's present overdraft but on the following conditions: (a) that the society's sales quota to Timsales is increased to 120 tons a month; and (b) that Government guarantees the overdraft.

The first condition has already been agreed, that is to say the quota of 120 tons, by the directors of Timsales. The Government when considering this application by the society for a guaranteed overdraft decided that a clause should be inserted in any agreement with the society that the co-operative society would accept technical advice from the Forest Department on the exploitation of the concession; and this proposal has been agreed to by the co-operative society. In order that there should be proper control of the affairs of the society the Registrar of Co-operative Societies is to become the manager of

this society while the Purko section of the "Masai" living in Narok was agreed to impose a rate in years 1960 and 1961 of Sh. 20 on each taxpayer for the purpose of repaying the overdraft.

Mr. Deputy Speaker, I beg to move.
Mr. Wynn seconded.
Question proposed.

Mr. SLADE: Mr. Deputy Speaker, Sir, there is one point, which occurs to me here, and that is with regard to the administrative supervision of this co-operative society. Clearly if we are to accept a liability on public funds of £15,000 we must be sure that the concern is going to be managed properly without serious risk of the money being lost. Now, the Minister has told us that in fact it is agreed that the Registrar of Co-operative Societies will be the manager of the society, but that is not made actually a condition of this Motion; and I should like to see something in this Motion to the effect, that our agreement to guarantee an overdraft is conditional not only on the society accepting technical advice, but also on the society accepting administrative supervision. I do not think it is necessary to specify this particular kind of supervision that is in fact, agreed at the moment, but I do think it ought to be an express condition of the Motion rather than merely having been agreed outside the Motion. So, Sir, I want to move an amendment by inserting immediately after the word "accepting", the words "administrative supervision and". It would then read "subject to the society accepting administrative supervision and technical advice from the Forest Department on the exploitation of its concessions." That would be quite consistent with what I understand has already been agreed by the society.

LORD PORTSMOUTH seconded.

MR. OLE TIPIS: Mr. Deputy Speaker, Sir, I rise to make a few comments and observations on the Motion before the House. I am glad that the Minister has enlightened the House on the various aspects which have led his Ministry to introduce this Motion.

Now, Mr. Deputy Speaker, he did give a very brief outline on how this Purko Timber Co-operative Society was started, and if I may also contribute

[Mr. Ole Tipis] some information for the benefit of this House I think the whole idea first of all, if my memory serves me right, was either thought of in 1952 or early in 1953, when an application was made by a few Masai to the Masai District Council to establish and operate a sawmill in a place mentioned by the Minister which is known as O'Puisi-Mori in the Mau Forest. Now this original application, Mr. Deputy Speaker, was accepted by the district council concerned, and I would like here, before going further, to speak mainly on the first Motion, because I am rather reluctant to accept the amendment moved by my hon. friend, the Specially Elected Member, Mr. Slade, for reasons which I shall give later on.

Now, when this first application was approved by the Masai District Council, the then officer-in-charge of the Masai Extra-Provincial District insisted that this area, the area where these sawmills are to be established must be declared a "forest area". Of course this proposal was very, very strongly objected to by the Masai elders representing their own people in that council. Now, somehow, to my knowledge, the officer concerned managed to push his proposals through. However, nothing was done immediately to establish or start these sawmills, and of course—the Emergency started and the whole project of establishing and operating the sawmills was shelved.

Now, Mr. Deputy Speaker, towards, I think the end of 1956, an application by the Purko section of the Masai residing in the Narok District was also brought before the Narok African District Council for consideration, and this application, Mr. Deputy Speaker, was approved, and, of course, the by-law for the new society were drawn up somehow, and I think I must mention here, because there seems to be quite a bit of misunderstanding in the Masai in the way in which these by-laws were drawn up. The Masai people argued that these by-laws were drawn up by the then district commissioner without proper consultation or consent of the Masai concerned. But anyway, Mr. Deputy Speaker, these difficulties were overcome and the society was registered. Now again here the question of the Government Forest Officer, which is strongly objected to by

the Masai was again brought in, and, of course, there was a provision in the by-laws of this society to the effect that he will have a control or say somehow in the forest. Then, the Masai, of course, were all the time, even before this new society was formed, were rather worried. I mean they had their own suspicions, and also some fears that the Government might one day come and take their forest from them, but, of course, I think the Government here also added something in the Masai minds which added to their fears and suspicions because after all I think it is the duty of the Government at least to set a very good example in educating the masses, especially those who are not well equipped or enlightened to understand these things easily, and come forward with a frank and straightforward statement of Government's intentions, because the fear, first of all, arose just before even 1952, when the officer-in-charge then, mentioned that it was Government's intention to have a forest officer who could take over and control the Masai forest. Now, the Masai were determined to do everything possible to save this situation because they were repeatedly told that "you cannot possibly live idle with a good and wonderful forest, with good timber lying idle without contributing anything towards the economic stability of the country". Now they went to the extent of subscribing their cattle, as the Minister said, and quite a big sum of money was very slowly but gradually subscribed in the neighbourhood. I think of well over £20,000, and this money was subscribed as starting capital for the new co-operative society.

Now it so happens also, Mr. Deputy Speaker, that when this society was started the Masai agreed that they should at least be helped out and somehow or other the district commissioner, who happened to be not a shareholder of the society, but I do not know whether it is illegal or legal, managed to take it over the chairmanship of that new society, and here, Mr. Deputy Speaker, I think that I am right in saying that the society was started on very, very unsatisfactory business lines. Either this was due to the negligence of whoever the chairman was or, on the other hand, whether the officer concerned did not have any business clue, or whether he

[Mr. Ole Tipis]

was out to see the downfall of, this new society, I do not know, but there is too much in the air either on the points I have made or allegations which cannot be very far from the truth.

Now, Mr. Deputy Speaker, why I said this new society was started wrongly is because it was started with some old and out-of-date machinery. For a new company to start on those lines, and taking into consideration that very old machinery will require very heavy running expenses, I think the Masai people were rather misled or ill-advised, and I think that the Government, as such, cannot escape part of the blame in the very unsatisfactory way this society was run right from the start, which led to the very serious financial difficulties which nearly necessitated the liquidation of the society at the beginning of this year. Now they should also, Mr. Deputy Speaker, remember that no mention was made of a Government forest officer when this new society was incorporated, but somehow the Government having played its part—I do not say the whole part—but I believe either one of its officers had played a part in this affair, and having got the Masai into an impossible financial position in the way it supervised the sawmills for some time, and the Government having satisfied itself that the time was approaching for it to press hard for the appointment or stationing of a forest officer in the Masai forest, the Government said "Look after the Masai forest", and having done that because these people were really hard pressed, their debts were beyond their sources of revenue. Now the Government came with a sort of threat or ultimatum to the Masai people, and this was that unless they agreed to have a forest officer to look after the forest on the understanding that the Government was prepared to guarantee a bank overdraft to enable the society to pay off its creditors, but unless they did that the society would be almost finished because the Registrar of Co-operative Societies is empowered to take any action to liquidate the society. Having faced these people with all those difficulties, and I know because I remember, and I think the Minister also knows, there was a big outcry from the Masai people, and they were really worried

over this affair, and I also remember that they even came to the hon. Member for the Southern Area, and we—he and myself and some Masai elders—set to try to find ways of overcoming these difficulties, and we even went to the Minister's office to talk of the possibility of helping these people by a loan to pay off their creditors, and here, Mr. Deputy Speaker, the whole thing is that the question of technical advice is accepted by the Masai people provided, of course, this technical advice will not be termed in any other way to something which will deprive the Masai people of their forest. And here, if it had not been on this question of exploiting the forest, I do not think the Masai as such would be regarded as destroyers of forests. They have never been, and I think they will not be excepted for economic enterprises—

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): (Inaudible).

MR. OLE TIPIS: The same question, yes; but I think what I said is right because there were so many forests which were left untouched when the Masai were moved from parts of the Highlands. Today these places look as though they are plains. We still have our Mai Forest anyway, but even now what you have are replanted forests.

Now, Mr. Deputy Speaker, the thing is this that there are many sawmills in this country. The way I understand it from the Government in every sawmill that is operated and run in this country, whoever the company is, they are compelled to have a forest officer stationed there for technical advice that is required. We must get a clear explanation whether it is the technical advice which matters most, or the stationing and placing in the control of Government somebody's forest, and here, I think, Mr. Deputy Speaker, as I said before, the Masai would very much welcome any technical advice, but provided that if it is not vested in another form so as to deprive them of their forest, and I stress this point very, very strongly.

Now, on the other hand, Mr. Deputy Speaker, I see no reason why right at the start of the operating of these sawmills if this Government was as keen in providing the technical advice which

[Mr. Ole Tipis]

it claims why it did not, right from the start, give this technical advice to the Masai people themselves, who have subscribed their cattle until it is too late that the whole thing was wrong, and then they come and talk of technical advice too late.

Now, the other thing, is this, Mr. Deputy Speaker. If it is the question of the technical advice, is there any reason why the co-operative society concerned cannot get this technical advice like any other private company?

Now, I am glad that the Minister has also mentioned that this Purko section of the Masai people show that they are really out to do anything to keep their forest in their hands. Towards this end, a great levy—an African district tax—a special tax—so as to repay the loan which we are now asked to guarantee from Government, and I think the Minister is right in saying it is Sh. 20 for every Purko Masai taxpayer. The only doubt I have is when he says from 1960 and 1961, as I think, Mr. Deputy Speaker, that some of them have even started collecting and paying this levy for 1959.

Now, Mr. Deputy Speaker, I would like an assurance here, and this assurance will go a long way towards restoring the confidence of the Masai people in the Government, that it intends them no evil, but it is out to help them, that if it does, the Masai forest will remain theirs, and the Government has no intention whatsoever to take this forest from the Masai concerned, and this assurance, I am sure, will help a great deal and remove quite a number of misunderstandings which have arisen in the past.

Now, to conclude, Mr. Deputy Speaker, I would only say this, as in a way of my small advice to the Government. We all know how some people in some areas are not happy in the way that previous negotiations between the Masai and the Government have been conducted, and here, I think, it is proper that whatever we do we must try, at all times, and at all costs, to maintain the good name of the Government, and also to try and maintain the confidence of the people in the Government of this country.

With these few observations and comments, Mr. Deputy Speaker, I beg to reserve my position whether to oppose the Motion or to support it.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): Sir, if I may just deal with the amendment which the hon. Specially Elected Member, Mr. Slade, has proposed.

The Government do not really see any reason for this amendment. I think if the hon. Member knew the clauses of the agreement, and I think the best thing I can do is to read them to him, I think he will see that the fear he has fully covered. Clause 1 of the agreement reads as follows: "The society shall appoint the Acting Registrar of the Co-operative Societies Department hereinafter called the Acting Registrar, which expression shall, where the context so admits, include his successors in office, to be manager of the society's affairs during the continuance of the period of the said guarantee, and the Acting Registrar shall be vested with all the powers of the society's committee, contained in its by-laws, as amended, and in particular, the retention, appointment, suspension and dismissal of the society's staff." The second paragraph reads as follows: "The Acting Registrar shall have power from time to time to appoint a business adviser or advisers experienced in the timber trade and further to seek the advice of the Forestry Department of the said Colony, to such extent as he thinks fit, and to invite members of the Forestry Department to visit the society's concession in the gazetted area for the advisory purpose for but no other reason."

The hon. Member, Sir, made a point that he thought that in order to ensure that the money that has now been guaranteed should not be lost to the general taxpayer of this country, that this amendment should be passed and the insertion of—I think the words were—"administrative supervision". It would seem administrative supervision has been well covered by those particular paragraphs if that is what he has in mind. The term "administrative supervision" is slightly vague. Whether he means by that there should be supervision by the administration one would not know, but if it is not, the Government feels that

[The Minister for Local Government, Health and Town Planning.]
 general supervision is fully covered, and with regard to the actual loss of the money, Sir, it has been stated by the hon. Member and, indeed, by the hon. Member who has just sat down, that the Purko Masai themselves are seeing to that, and again, for the benefit of the hon. Member, I would like to read paragraph 6 of the agreement: "The Government, acting through the Minister for Local Government, Health and Town Planning, hereby consents to the African District Council of Narok passing resolutions during the years 1960 and 1961 imposing a rate of Sh. 20 on all taxpayers of the Purko section of the Masai tribe if so requested by the society, and further consents that the sum or sums so raised shall be made available to the society's bank at Nakuru in reduction of the said overdraft."

Secondly, paragraph 7 also says: "The said guarantee shall expire when the society's banking account so guaranteed shall have been returned to credit, or at such later date as shall be mutually agreed between the society and Government." So I think, Sir, that both those paragraphs I have read out should be sufficient to meet the points raised by the hon. Specially-Elected Member.

MR. OLE TIPIS: I am standing on a very minor point. I do not think there is any quarrel at all, Mr. Deputy Speaker. That might be what is written in the agreement, but I think, and I think I am right, that this levy is being paid for this year by the Purko.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (MR. HAVELOCK): If there is any being paid this year it is on a voluntary basis and not necessarily according to the agreement, but presumably they are trying to build up a fund before they need to, but I am sure the hon. Minister for African Affairs will deal with that point in his reply. I was merely dealing with the suggested amendment by the hon. Specially-Elected Member, and in view of what I have quoted from the agreement, it does not seem that there is any necessity for the amendment which he has suggested.

MR. NIMAMBA: Mr. Deputy Speaker, Sir, I rise personally to support the origi-

nally Motion moved by the Minister, and first, Sir, I was an official of this co-operative society since its inception, and I think among other people I am qualified to speak on this.

This thing came about, Sir, as early as 1952, when the Masai themselves asked the Government officer in charge to help them exploit their own forests, and I think it was through this, that some delay came about. Quite recently the Masai themselves, and I say the Masai themselves quite truly came and approached the District Commissioner at Narok at an African district council meeting and asked him whether he would help them to start a timber co-operative society, to be owned and run by the Masai themselves, whereby they could exploit their own forest, so that their forests would not be exploited by other people like the sawmill companies or anything like that. The district commissioner, of course, agreed that he might help them, but he pointed out that he was a Government official and he did not think he was supposed to help them in any way at all in such matters unless he consulted the head of the Ministry concerned and the head of Government, but the Masai insisted that he was the only man who could help them to start a co-operative society. The district commissioner, however, made enquiries and got expert advice from Nairobi and consent from the head of Government to be chairman of the society, and he began to draw up the by-laws with the consent of the Masai of course, and he told them the amount of capital that would have to be contributed to have such a big project started off, and the limit of time during which the money was to be brought and certain other detailed things.

Then the mistakes came about mostly. I think, because the Masai by themselves did not sell the cattle required in time. This went on for a long period of time and anything that came along was to be settled quickly, and another month or two went by until another lot of cattle had been sold so that more money could be obtained. Then, of course, that is not businesslike. Then the thing began to run down. The district commissioner kept on warning them that they must have this capital and that they must have it quickly so that the thing could be worked as a unit. But the Masai were slow in many

[Mr. NIMAMBA]
 respects. When this trouble came it had already been foreseen. When the experts came along they said that the whole business was undercapitalized. When things went wrong, in the first instance, they agreed to the by-laws, but when this trouble came, or when they knew it was going to occur they thought that the district commissioner had dropped these by-laws because he wanted to run their forests and things like that. Speaking quite honestly, Sir, I was in the committee which ran this thing. There was no intention at all because they, the Masai, were at the people who asked the district commissioner to draw up the by-laws, and then to resign from the chairmanship. On many other occasions they told him "No, you are not to retire from the chairmanship". It was not until recently, when the district commissioner pressed so hard and said that he was not interested in companies and incorporated societies, that he was allowed to resign as chairman.

So, Sir, in supporting this I would only point out that, personally, the Government would help the Masai a lot if they could grant this guarantee: this which has taken a very long time and a great deal of trouble, and as such, Sir, I do not put any blame at all on the Government in this matter in any way whatsoever. The Government tried to help them a great deal from the bottom up to the top. I think they should be very grateful that this overdraft is going to be guaranteed by the Government, and I take this opportunity, if this society ever comes to be a success in Masai, to say that it is because of the work of the Government and especially the district commissioner here, who I can still remember, Mr. Galton Fenzle.

I beg to support the Motion, Mr. Speaker.

MR. SLADE: Mr. Speaker, my amendment was really for clarification and I think in the light of the information now given to us by the Minister for Local Government and placed on record in HANSARD, that it is superfluous. I would have thought, from what we have heard, that the provision in this Motion for technical advice was superfluous also; but as long as we have it on record that the Government is covered by such a

full agreement as has now been described to us, I would like to withdraw the amendment, with the consent of the Council, Sir, and my Secondor.

Amendment, by leave, withdrawn.

MR. NYABAH: Mr. Deputy Speaker, Sir, today I am prepared to forget the old quarrels between my tribe and the Masai and come to their aid.

The spirit, as expressed in the Motion, is to be welcomed, particularly after hearing one of the Masai acknowledging the help of the Government given to the Purko Co-operative Society right from the beginning up until now. But there is one point which I think has been omitted in this Motion, and that is that the Minister for African Affairs, when moving this Motion, said that the Registrar of Co-operative Societies is going to be the manager, but he did not say until when this was going to be the case. I feel, Sir, although the Government have got to be congratulated on guaranteeing the bank overdraft up to the extent of £15,000, that the Government should state the time limit when they are going to leave the Masai to themselves to run their own show after their bank overdraft has been paid. I feel, Sir, that perhaps an amendment ought to be put into this Motion, and that is, that after the words "technical advice" the following words should be inserted, "... until such reasonable time as the bank overdraft is paid off".

Mr. Deputy Speaker, with those words, I beg to move the amendment.

MR. NGALA seconded.

THE DEPUTY SPEAKER (MR. BECHGAARD): I think that the amendment comes within the ambit of Standing Order 62 and the debate will proceed both on the original Motion and on the amendment.

Question proposed.

THE MINISTER FOR FINANCE AND DEVELOPMENT (MR. VASEY): Mr. Speaker, I have listened to the hon. Member who has just sat down and to his amendment. If I may say so, Sir, the amendment is just as unnecessary as was that proposed by the hon. Specially-Elected Member, Mr. Slade, because, as the agreement says: "The society shall appoint the Acting Registrar of the Co-operative

[The Minister for Finance and Development]

Societies Department, hereinafter called the Acting Registrar, which expression shall include his successors in office, to be manager of the society's affairs during the continuance of the period of the said guarantee." So that the amendment really is completely unnecessary. If I may put it in a plain, straight, businesslike manner, and I do regret the tone that has crept into this debate from time to time, although I think somewhat unwittingly—the Government is guaranteeing £15,000, which is a lot of money, to help the co-operative society to recover from a bad position and get itself on to a sound business footing. Now, the Government, this Legislative Council, must approve this Resolution because the agreement itself says that this agreement is subject to the approval of the said offer by Resolution of the Legislative Council of the said Colony. If such approval is not forthcoming within a reasonable time from the date thereof then the agreement shall become null and void. The Government has, in fact, come forward and said, "We will guarantee you £15,000". On what security? I ask the hon. Member to look at the security which you are putting down for £15,000, and the security is very thin indeed. But in order to help the Purko Co-operative Society to operate the Government guarantees this and comes to the Legislative Council and says: "If you will approve this measure we will guarantee it, and the only thing we are asking in return is that as long as the overdraft is guaranteed by the Legislative Council and by the taxpayers of the country they must listen to the technical advice of the Government." Sir, I suggest that if the hon. Members really do not want us to help in this way the answer is quite easy. We can withdraw the Resolution. If, indeed, when we come forward and say that we are prepared to guarantee £15,000, we are prepared without real security to assist the timber co-operative society to work, and the only thing we are insisting upon is that there shall be a reasonable degree of technical advice and business supervision used, Sir, in the preservation of the asset towards which the £15,000 is directed, then I do not think the Government can be accused of being unreasonable. I think that the less we have under

these circumstances of attacks on Government's policy and the more we have of a rapid appreciation of the fact that Government is trying to help these people, the better the situation will be for all of us. Now, if the Government had said, "We are going to put £15,000 tax on these people", then I could have understood the attitude of some hon. Members opposite. But we are not: we are coming forward literally to say, "Here is £15,000 and if you cannot pay it back then the taxpayer will", and I do suggest that hon. Members should think very much on the lines of the hon. Nominated Member, Mr. Niimama, who spoke very sincerely and solidly to the point. It is, indeed, because one has feelings like those generated by the hon. Nominated Member, Mr. Niimama, that this Resolution is not being withdrawn in the light of the expression of the views of some of the hon. Members opposite.

LOD PORTSMOUTH: Mr. Deputy Speaker, I really rise to make two queries. But before doing that, before dealing with the queries themselves, I should like to reassure my hon. friends who spoke to this Motion that I know from personal experience that a co-operative or private enterprise is never allowed to enter into a Crown land forest concession without the most rigid rules which he has to follow for the sake of good forestry under the supervision of the forest officer concerned.

Now, Sir, I have been connected indirectly with this particular co-operative scheme almost since the beginning, and in those days when you started you were always certain to find not one but 20 eager buyers who were willing to take your timber away. It was entirely a sellers' market. But even then one of the queries which came up to us from the Forest Advisory Committee, which was looking ahead, if this sort of scheme is going to start very widely over the country then there should be a very early foreseeing effort to make sure that marketing is co-ordinated and did not become more chaotic than it already was in the timber industry. The position has now entirely changed. Marketing is still chaotic. But it is a buyers' market. I think that before we assent in this House to the loan of £15,000, which in ordinary circumstances I would entirely be in favour of, we should be very cer-

[Lord Portsmouth]

tain that in such a district where extraction for sale and the long distance to haul is very difficult, and where the cost of the machinery and the extraction costs to get it out to the market is high, that it will be economic. Both for the sake of the people engaged in the co-operative society itself and for the sake of the general timber market in this country. We must be sure that marketing can be assured and it can be economic.

Otherwise, Sir, I beg to support.

MR. NOOME: Mr. Deputy Speaker, the facts of this Motion are as clear as daylight, Mr. Deputy Speaker. The hon. Nominated Member on the opposite side, who is also a Masai, has stated he would comment on everything that has happened from the start to the finish, and I do not want to waste the time of this House, Mr. Deputy Speaker, and I support the original Motion.

MR. MULLRO: Mr. Deputy Speaker, I rise to support the Motion on the grounds that even if the Government argues, as the Acting Chief Secretary has argued, that hon. Members on this side seem to be very ignorant as to what benefit they are getting from the Government, but I think that probably the ignorance of the hon. Members on our side was mainly due to the fact that we did not know the by-laws and the rules and regulations which the Ministers are quoting one after the other.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, first of all, Sir, on a point of explanation, I never used the word "ignorance" and in the second place nobody has quoted by-laws. It is the agreement.

MR. MULLRO: Well, I am not sorry that the Acting Chief Secretary said that we were ignorant, but I think in my own mind that we have been displaying some ignorance on our part, because we did not know about the agreement. With the explanations which have been given, I think it is very good for the Government of this country to give this overdraft, bank overdraft, to establish African business, and I think that a move of this nature is fully welcomed by the Africans in the spirit of the hon. Nominated Member, Mr. Niimama.

With these few remarks, Mr. Deputy Speaker, I support the Motion fully and I hope that my hon. colleagues who moved the amendment will withdraw it, in the light of the explanations given.

MR. NYAGAH: Mr. Deputy Speaker, in the light of the explanations given by the Minister for Finance, which I did not have before, I would like to withdraw the amendment with the permission of my Seconder.

Also, Mr. Deputy Speaker, I would like to add a few matters of explanation that no one on this side associated with the amendments was opposed to the technical advice. What we are concerned with is the Government continuing managing the affairs of the Purko Co-operative Society unnecessarily long after the guarantee is over. If that point is met then I will be quite happy.

Amendment, by leave, withdrawn.

MR. MANGAT: Mr. Deputy Speaker, I think that in matters of this sort a principle is involved. When a transaction like this is to be approved we should know the terms and conditions. I do not know whether the agreement has been laid on the Table of this House so far, but if it has not been then I think it is not proper that the Council should be asked to approve something which is not before them.

We burnt our fingers the other day when the matter of municipal housing was discussed. An order for materials for 5,000 houses was placed and we paid something like £15,000 in damages without the supplier doing anything whatsoever, and on the top of that we were invested with certain iron sheets which the supplier gave them to us. Now they are worth, perhaps, Sh. 3 each. Somebody made a blunder in that agreement and there is a probability it can happen again. I think that the agreement should be laid on the Table before any advance is made.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, a number of the points that have been made in this debate on the Motion have already been covered by my hon. friend the Acting Chief Secretary and my hon. friend the Minister for Local Government, Health and Town Planning.

[The Minister for African Affairs]

I must confess, Mr. Deputy Speaker, that I listened with some distaste to the speech made by the hon. Member for Rift Valley Central. I did so, Mr. Deputy Speaker, because he appeared to be quite ignorant of what the Government was attempting to do to save this co-operative society. Now, Sir, when this co-operative society ran into difficulties it was certainly not the fault of the chairman, nor, may I add, Sir, was it the fault of the Purko Masai. It was a combination of circumstances which, as I pointed out in moving this Motion, largely the disease factor, stopped stock sales taking place in this particular district, with the result that the Purko could not meet immediately the additional sum of £10,000 which was required for the working capital of the sawmill. That, as I say, Mr. Deputy Speaker, was neither the fault of the chairman, who was the district commissioner at that, or of the Masai when it occurred. Subsequent to that the leading Purko elders of this section have implied that all that flowed from the capital not being obtained was the fault of the Government, and today we have heard in the House the hon. Member for Rift Central making exactly the same baseless accusations against the Government that the Purko elders have. In fact, Sir, although I did not say it in moving this Motion, before we came to any agreement to guarantee an overdraft to this society, the Purko elders came to us and said that they would like to run it entirely by themselves and have their own lawyer and manage their affairs completely. Naturally, Sir, we agreed and they employed their own lawyer, and they managed their own affairs for the last eight months; and they got themselves into an even worse tangle than they did before. In fact, they had to come down upon the Narok African District Council for a very substantial loan of £3,000 which the African District Council have paid. Eventually, Sir, the Purko leading elders of this society came to see the Provincial Commissioner, and said that they would like Government support. Mark you, Sir, they had been promised Government support and we had agreed to guarantee an overdraft some six or eight months ago which they had refused. But eventually, I am glad to say, good sense did prevail and they did come and ask

the Government for this guaranteed overdraft.

Now, Sir, I am extremely grateful to the hon. Nominated Member, Mr. Ole Ntimama, for his intervention in this debate. He, as he has said, held office in this particular society, and he has always been of the greatest possible assistance in trying to disentangle the affairs of the society and the quiet baseless suspicions which the Purko Masai have from time to time expressed about Government's intentions. He has made it quite clear here, Sir, in answer to the hon. Member for Central Rift, that the district commissioner was approached by the Purko to form this society and that the by-laws were drawn up by the district commissioner with the approval of those members of that society. He has also made it quite clear that the Purko elders were informed that they were undercapitalized and that they must take some steps to set it right. Those are facts, Sir, as opposed to the sort of statement which the hon. Member for Rift Central has made. He said the society started on unsatisfactory business lines due to the chairman, who was apparently out to see the downfall of this society or had no business sense. That, Sir, is absolute nonsense. The hon. Member for Central Rift—I do not wish to labour this particularly, but I must have on record, Sir, some of the absurd statements which he made and I must nail them down—said that the society was dragged into liquidation apparently for the purpose of imposing a forest officer in the Masai. Well that, Sir, is absolute nonsense. There was never any intention of doing that and the Government took every possible step it could to help the society. But naturally it must insist upon technical advice from the forest officers, and, I repeat, technical advice, and that does not necessarily mean, as the hon. Member seems to think it does, that we are going to have forest officers sitting perpetually up at O'Pusimoru or Nangiberi examining the trees every day. That is not so. It is technical advice.

Then the hon. Member raised another old hare that some of the Masai have run before me on several occasions when I was their district commissioner, that in preserving their forests there was

[The Minister for African Affairs]

some subtle ruse by which the Government were proposing to take their land away.

MR. OLE TIPIS: On a point of explanation, I think that the hon. Minister has misunderstood me because I never said anything about the allegations he is now talking about.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, the record, when it comes out, of HANSARD, will prove which of us is correct on this, but I certainly have a note in my notebook to that effect.

MR. OLE TIPIS: It must be wrong.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): And I would certainly like to add that this particular hare has been run before me on a number of occasions by the Masai and we have always nailed it firmly down, if you can call it a hare, that there was never any intention—

MR. BLUNDELL: Spear the hare!

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Yes, spear it—I thank you. But there has never been any intention of taking away any of the Masai land without their consent. But it is necessary in order to preserve them for their folly, perhaps, one might say, to preserve the forests and to prevent fire and grazing eating into those forests and thereby making them not a national asset for the Masai but a waste of good agricultural and economic land.

The hon. Member also said that technical advice should have been taken from the start when the co-operative society was formed. Now, I know, Sir, that the co-operative society was offered the services of a forest officer and they refused it. That is another statement I would like to make in order to have on the record.

Now, Sir, finally the hon. Corporate Member for Agriculture mentioned that it is now a buyers' market and that he hoped that attention had been paid before this Motion was brought to the House to the economic aspect of extracting timber from this mill. He quite rightly, Sir, said that there were long-distance hauls and that the extraction costs would be high. Now, Sir, as I did mention in moving the Motion we had

a great deal of very valuable advice from Timsales and they went very carefully into that particular aspect, and, if I may quote, Sir, from the report made by Timsales on a visit to the Purko Timber Co-operative Society, this was what was said by the expert: "Purko has an outstanding advantage over any other mill of comparable size in the country, since it is milling timber from its own forests and does not have to bear royalty costs. Thus it has every possibility of being able to operate profitably. The mill is extremely well constructed and will be suitable to house modern band-and/or frame-saws when circumstances permit of their installation." It also went on to add that the timber, which is mainly cedar in those forests, is of extremely high quality. I, Sir, am satisfied that we have taken fully into consideration the difficulties mentioned by the hon. Corporate Member, and we still think that in fact the mill, if the House agrees to this guarantee, will be a profit-making concern.

The hon. Specially Elected and learned Member, Mr. Mangat, said that the terms of the agreement should be laid on the Table. I apologize that, in my ignorance, I did not do this. I had thought that it was not necessary. I did say, however, that the guarantee of the overdraft will in fact be met by the contribution from the Purko people themselves at the rate of Sh. 20 a head for two years which, in fact, of course, is extended so that in fact there does not appear to be any great possibility of Government having to pay any money out in guaranteeing this overdraft. I hope I have convinced the hon. and learned Specially Elected Member that in the circumstances the guarantee should be agreed to by the Council.

I beg to move.

The question was put and carried.

MOTION

PROBATION SERVICES

Resumption of debate interrupted on 16th June, 1959.

MR. TYSON: Mr. Deputy Speaker, Sir, in support of this Motion I would like to add my tribute to the words mentioned by the Mover yesterday in connection with the return of Chief Probation Officer, Mr. Colin Owen. I have

[Mr. Tyson] been a member of the Nairobi Probation Committee for some six or seven years and I have seen ample evidence of the wonderful work he has been able to do in that post.

The Motion which is before us urges Government to reconsider the present establishment of the Probation Service. Our experience in Nairobi in the present committee has been that we have not received from Government the assistance which we, I think, had a right to expect and I am particularly concerned about the question of juveniles.

It must be some three years ago that this question of juvenile delinquents came up before us because at that time it was giving considerable anxiety to the probation officers. And it was in, I think, 1956—three years ago—that some of us met the Commissioner and officers of the Labour Department with the District Commissioner of Nairobi and discussed the question of juvenile employment at the age of 14 years.

The Nairobi Probation Committee has been pressing for an amendment to the regulations by which youngsters of 14 could obtain employment under certain conditions, particularly in Nairobi. The rule, I think, still remains that juveniles are regarded as children of the age of up to 16. The school-leaving age is 14 and it did seem to us that unless these children, when they left school at 14, were in a position to obtain employment in Nairobi or in any other town they were liable to get into mischief as we knew from our own figures they did and we were anxious that the rule prohibiting the employment of so-called juveniles under the age of 16 should be altered to bring it down to 14.

Now, this regulation has been reconsidered from time to time and as late as February, 1959—and the Minister, I have no doubt, has copies of the minutes of the Nairobi Probation Committee—the question of employment of juveniles again came up and the chairman said he had received the report of the Ndola Conference which generally dealt with urban conditions which were the conditions we were dealing with here and did not contain much that we did not already know. It stressed that it appeared better to have controlled paid employ-

ment than to let juveniles be unoccupied and suggested minimum conditions. The principal probation officer said he had discussed the matter with the Chief Justice and the Labour Commissioner and was hopeful that amending legislation might soon appear. It would probably lower the minimum employable age to coincide with the school-leaving age of 15.

Mr. Deputy Speaker, I do suggest that the Minister concerned should give this matter consideration because it will, I think, help the Probation Service very much by relieving them of a good deal of trouble which at present occurs by reason of the fact that these youngsters are prevented from obtaining employment below the age of 16, leaving school at 14, getting into mischief and becoming juvenile delinquents at a very early age and defeating the whole object of the Probation Service.

I support the Motion, Sir.

MRS. GECAGA: Mr. Deputy Speaker, the Probation Service is one of the more recent departments to be introduced into the Government of this country and although a vigorous start in its work has been made perhaps its teething troubles are not yet over. Yet this service is one by which and through which, I believe, much constructive work could be done.

But in order for good and lasting results to be achieved, the Service requires more support from the Government and members of the public so that it may prosper and expand.

Mr. Deputy Speaker, I would like to touch upon a few aspects of the work of the Probation Service. When the case is referred to the probation officers it is the duty of the probation officer to make enquiries, as the court may direct, into the antecedents, home surroundings, character, health, mental condition, nature of the offence and the circumstances of the offence. Therefore, the probation officer, after getting or finding out what is to be known about the case, then gives the report to the court and a decision is made on the outcome of that investigation as to what is or what is not a suitable case for probation. The magistrate, after hearing the report submitted in court by the probation officer

[Mrs. Gecaga] and the recommendation also given, then knows something of the offender's history and his connexion with society. He is, thus, able to consider the offender's needs and possibilities and is in a position to decide whether in his interests and in the interests of the community, it is wise or not wise to place the offender on probation or whether some other form of treatment is necessary.

Mr. Deputy Speaker, when the offender is placed on probation, if he is an adult or a child he or she returns home under the supervision of the probation officer. The probationer's pride by then has had a nasty knock; they have made a mess of things, brought grief and shame to their families and queried their own pitch. They feel strongly that they are no longer liked by the community to which they belong. They do somehow become unsociable because they have no confidence and they feel inadequate and uneasy with other people. Yet these people need friends and they will never be really normal until they can take their place reasonably equally with their fellow human beings and they will never experience one of the greatest enrichments of life, if they are never allowed to experience friendship.

The probation officers must therefore work to this end, but it is a long, slow business and it cannot be hurried. The probationers need some treatment, not only to alleviate their immediate problems which may have contributed to or arisen from the offence, but they must also develop factors which are conducive to their moral health.

Mr. Deputy Speaker, to enable the probation officers to do this important job, which is very much appreciated by many people in this country, they do need more staff and I hope the Minister for Community Development will accept the Motion before the Council.

Before I stop, I would like to pay a compliment to the probation workers for their good work and the patience shown in their work. They often work long hours and the success of the work undertaken by them is truly remarkable.

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

MR. MUCHURA: Mr. Deputy Speaker, I am sorry I was not here when this Motion was moved, but at least I must agree with my friend the hon. Nominated Member, Mr. Tyson, because, as he said, both he and I are members of the Nairobi Probation Case Committee. The problems he has mentioned have been worrying us for some time and I agree that it would be more economical if we can keep the sort of offenders who are at present put on probation by the magistrate after consideration of all the facts leading up to and probably contributing to the offence, out of prison. I can remember during my days as a Government servant: I was posted to a prison hospital and I know roughly what could be the effect on a person who is now put on probation if he were instead sent to prison. Obviously it would be economical to have them on probation to try to make them appreciate that they are not completely lost and that they are still redeemable. If I may use that word. A lot of problems have come before the Nairobi Case Committee and the case-load that some of the probation officers have had to carry is enormous. There was added pressure during the time of the Emergency, but it does not mean that now the Emergency is over they will disappear—and we must not leave the cases "unheard" as it were which would make it almost impossible for the probation officers to do their work as they would like. I feel this Motion will receive support from both sides of the Council, and I support it.

MR. WAWERU: Mr. Deputy Speaker, I do not have very much to say on the Motion, because most of what I would have said has already been said by other Members. But there are one or two points which have not been made by previous speakers. If I feel I should say what I believe will be the result of this Motion if the Minister concerned accepts it.

My district, which is the district adjacent to Nairobi, has had a lot of teenagers who come into Nairobi, are arrested by the police and are repatriated to the reserve, but the next day the same boys are back in Nairobi. I have had a chance of meeting some of the probation officers who have visited my area to help the boys and girls who have been placed under their care, and I

[Mr. Waweru]

have been greatly impressed by the way they have dealt with the teenage group. Those who have gone through them have been well trained and they have changed their habits of stealing and so on, and I feel, Sir, that if some of them had to go to prison instead, they would come back from prison worse than they were before they were sent to prison. They would not get the chance of being looked after by the probation officers.

I was rather shocked when I learned from the hon. Member that the staff had been reduced and that reminded me of when I used to see the probation officers visiting my area, but whose visits have now been greatly reduced. I think it would cost the Government less to put a boy or a girl or a grown up under a probation officer than sending him to prison.

Mr. Deputy Speaker, if the intention of the Government is to reduce the number of probation officers to save money, in my own way of thinking, I do not think there will be any saving because if these people are not put under probation officers, there will probably have to be increases in the police force to deal with the increasing number of cases.

I do not know how the probation department is connected with the Wamunyu Youth Training Centre but, as I see it, it is all the same, and I would say here that the boys who have been through the Wamunyu Centre under Captain Gardner have been so useful to the public as far as the Central Province is concerned, and I would like to pay tribute to the good work which has been done by Captain Gardner and his staff at Wamunyu, and I think they could achieve very much more if only the staff could be increased.

I will not say any more, Sir, other than to support the Motion and I hope the Government will support the Motion.

MR. HARRISON: Mr. Deputy Speaker, there is no need for me to say that the Probation Service is doing a wonderful job of work for the people and the country, as this has already been stated. I think they should receive every encouragement and should be expanded, and I would like to endorse every word that the Mover of the Motion said.

Mr. Deputy Speaker, Sir, I beg to support.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, I am very grateful indeed for the tributes that have been paid, and the interest that has been taken today by the Council in the work of the Probation Service which I heartily endorse. I am also very grateful for the tributes which have been paid to the Principal Probation Officer, Mr. Owen, who retired at the end of last year.

Now, Sir, in case it should be thought, I do not think probably that it is thought, but just in case it should be thought that Government has, in fact, done very little for the Probation Service within the finance which has been available to it, may I give the Council a few figures.

The Probation service was inaugurated in 1946 with two probation officers: in 1953 there were ten officers and 30 probation assistants; in 1957 there were 18 officers, 40 senior probation and probation assistants on the permanent establishment, and five officers and 46 assistants in temporary emergency posts which had been created to deal largely with juveniles who had been sentenced to probation through the courts for *Mau Mau* offences. The present permanent establishment at this moment is 17 officers, five senior probation assistants, 35 probation assistants on the permanent establishment, and there is no question that there will be any reduction in those. There are also 20 probation assistants on temporary terms, and it is proposed that these should be reduced, leaving by next month only five temporary assistants.

I do assert, Sir, that, in fact, during the last 13 years, the Government has done a great deal to expand the Probation Services. Nevertheless, it is a fact, as I said recently in a reply to a question by the hon. and learned Specially Elected Member, Mr. Slade, that we have had to ask the courts to discharge a certain number—not as many as I said, I think I said about 900, but it is more in the neighbourhood of between 800 and 850—probation orders because we have not the staff to look after them. We have chosen, as far as possible, all those with the longer standing probation orders.

[The Minister for African Affairs]

most of them in the Central Province, which would normally be due to expire in the course of this year, and it is also a fact that at the moment we cannot recommend that persons should be put on probation because our present probation staff have pretty full case-loads, and we have nobody to undertake supervision.

The bulge in the Emergency, of course, has made things unusually difficult in the Probation Service, and this bulge will not disappear until after the temporary probation assistants have been discharged, if they are going to be discharged. The present indications are that most of the discharges will, of course, take place in the Central Province, where the majority of the *Mau Mau* orders have been made, but there will be some reductions in the probation staff at Nakuru and in the Nyanza Province as at present proposed. The Principal Probation Officer has examined the case-loads of the various probation officers to see whether any redistribution can be made. In a country such as Kenya, however, it is obviously difficult to average out case-loads put upon individual officers because of the nature of the country and the long distances that some of them have to travel, particularly in the rural areas, and therefore there is no possibility of reconsidering the case-load carried by each individual officer or transferring more on to an officer who has a relatively light load at present.

MR. BLUNDELL: Mr. Deputy Speaker, I thank the hon. Member for giving way. Would he enlighten the Council as to what is a case-load?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, I was in ignorance of this term myself until just now, but before I came in I acquainted myself with what it was. It is a technical term for the number of cases which have been put on any individual officer which necessitates them going in thoroughly to the cases and the load is the amount they carry.

MR. BLUNDELL: Would the hon. Member agree that we are suffering a considerable word-load at the moment?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): No, Sir, not from me!

I have a duty to perform here, Sir, defending the Probation Service, and I also have another duty to perform—to congratulate the hon. Member opposite on his maiden speech!

I do not propose, in fact, Sir, to keep the Council very much longer on this, but it is my duty on behalf of the Government, as the hon. Member well knows, to answer the points that have been made in the debate, and I trust that I will not keep him too long from his tea.

Now, Sir, the hon. and learned Specially Elected Member, Mr. Slade, the Mover, said that this was the youngest branch of the Civil Service and was a "babe in the woods", and he rather inferred that in fact this "babe in the woods" required two Ministers to look after it. That is not so, Sir, and I am happy to say that the "babe" now is my own and that the Minister for Local Government, Health and Town Planning no longer has any hand in its feeding or rearing: he is merely concerned with the neglect of children.

I fully appreciate the arguments which the hon. and learned Specially Elected Member has set forth on the value of the Probation Service both on the social and economic aspects, and I entirely agree with him.

His Second, the hon. Member for Nyeri and Embu assumed that the Ministry of African Affairs, which so long as the Ministry of Community Development is in suspension, has taken over the administration of its services, considered that probation could be dispensed with. That is certainly not our view, Sir, and has never been. When we were considering these economies in expenditure, and when we knew that we would no longer be getting Emergency finance from the United Kingdom Government, we had to consider how and where we could make some cuts, and these naturally cuts were made in all departments—very considerable cuts, and Community Development had to bear its share, and that is why, in fact, there have been these cuts in the Probation Service—not, as I say, on the permanent and pensionable staff, but only in the staff recruited during the Emergency on temporary terms, largely to deal with the *Mau Mau* problem.

[The Minister for African Affairs]

Sir, Government proposes to accept this Motion, but it also proposes to add an amendment, and the amendment is, Sir—which I am going to move—that after the word "Service" at the end of the Motion, there should be added the following words: "having regard to the present financial position". I propose, therefore, to move the amended Motion, Sir, in the following words: That this Council, recognizing the importance, both social and economic, of maintaining at all times a Probation Service adequate to meet all demands, requests Government to reconsider the present establishment of that Service, having regard to the present financial position.

I beg to move.

MR. WEBB: Mr. Deputy Speaker, I beg to second the amendment, and in doing so to deal with one small point which was raised, when he seconded the Motion, by the hon. Member for Nyeri and Embu. He asked for a specific assurance as to the attitude of the courts of this country to probation.

Mr. Deputy Speaker, the Chief Justice and the Judges and certainly the professional magistrates all fully realize the immense benefit of probation, especially from the social point of view. Indeed, as the hon. Mover of this Motion is probably well aware, the Chief Justice—who is chairman of the Central Probation Committee—very strongly shares his views on this Motion.

I do not think I need to do any more, Sir, than to say that from the point of view of my Ministry, we also share the sentiments which have been expressed in this debate about the Probation Service.

Question proposed.

THE DEPUTY SPEAKER (Mr. Bechgaard): Under Standing Order 62, I rule that the debate on the amendment may include debate on the original Motion.

MR. OLE TIPS: Mr. Deputy Speaker, Sir, I just want to say a few words on the Government's amendment to the original Motion. I do not know who the hon. Mover of the Motion will take it, but it is the Government really suggesting that we are so ignorant of the financial position in the country that we could

ask them to do anything irrespective of the financial position of the country, or is it only a matter of moving an amendment for the sake of moving an amendment? So, Mr. Deputy Speaker, this Government of ours tends to take for granted that it would be rather a shame for the Government to accept any reasonable Motion from this side of the House; they, in a way, try to be so evasive as to move unnecessary amendments, and I suggest here, Mr. Deputy Speaker, that the Government's amendment in this respect is as irrelevant as the one they told us over the guarantee for the bank overdraft of the Purko Timber Co-operative Society, and I ask them to withdraw it.

MR. SLADE: Mr. Deputy Speaker, in spite of the support of the hon. Member who has just spoken—and I half sympathize with what he said—I am not at all troubled by this amendment; in fact, I rather welcome it, because it is precisely what we asked by the original Motion—that Government should have regard to the present financial position, and also the future position. I do hope, in having regard to the financial position, present and future, they will do the same sum as I have done, and arrive at the same answer. Working from the figures that the Minister gave me—that the discharge of 14 officers has meant the discharge of 900 orders—I calculate that one officer is able to handle 64 probationers at a time. Supposing that only half those probationers might otherwise have gone to prison, you get 32, and from the figures he gave us—that every probationer kept out of prison saves us £47 a year—the result is a saving of at least £1,500 a year per probation officer.

So, Sir, having regard to the financial position, present and future, I think the Government are bound to come to the conclusion that they have got to take very active steps in pursuance of this Motion.

I beg to agree with the amendment.

MR. NGALA: Mr. Deputy Speaker, Sir, of course, I have no quarrel with the Government in having regard to the present financial position but as far as the reduction of the officers is concerned, I would like to point out two or three things, which are very important and serious in my view.

[Mr. Ngala]

The Minister has mentioned that, due to the reduction of the officers, he is in a position of not being able to have really good supervision over any new probation orders that might be served on people. Now, if this is true, it means, Sir, that any new young people that are given probation orders or make mistakes have no alternative other than going to prison. Now, if this is true, I would like to know from the Minister what his attitude is there, because I strongly feel that it would be very unfair if these young people were just committed to prison on the basis that Government lacks supervision on them as probationers. I would like to know what other alternative the Minister is arranging to save these young people from going to prison. It has already been pointed out by my hon. and learned friend Mr. Slade, as far as the expense and the saving aspect is concerned, but I still feel that probably the Minister is in a position to arrange for some alternative ways whereby he can save alternative ways whereby, for the first mistake they commit, go into prison, and so we deny them the chance of reforming their character.

Now, the other thing that I would like to point out is that we take the Probation Service as a form of education, and I would like to know from the Minister whether this reduction will affect the institutions where young people are getting really useful training, that is the approved schools—the few approved schools—that we have for probationers and the hostels that we have in the outer districts, because these I take to be another form of education and a very necessary form of education, and I think it should not be affected by any reduction of staff. I would like to know from the Minister whether such institutions are going to be affected as far as the reduction is concerned.

It is quite clear that the service of the probation officers and their staff is very much in demand, not only in urban areas but in the rural areas as well. Now, at the moment, Sir, so many young people go into townships, and if they happen to have no identity cards or they happen to have no special resources to keep them in the town, they are arrested. Now, at the moment, they are very much helped

by the probation officers. Now, if these young people, instead of having some people available to help them and return them to their own homes or fit them properly in the townships, if they are just thrown into a situation where they will find themselves criminals and in prison, I think this is a very regrettable situation. I think the Minister appreciates the educative aspect of the Probation Service, and I think, in this House—having seen the beautiful table upstairs made at an approved school—we all appreciate the services that the probation officers are doing in the country.

So with these two aspects, on which I would like some clarification from the Minister—

THE DEPUTY SPEAKER (Mr. Bechgaard): Mr. Ngala, the Minister has already spoken in the debate.

MR. NGALA: Well, from whatever officer is concerned—I would like to support the amendment.

The question that the words to be added, be added, was put and carried.

MR. SLADE: Mr. Deputy Speaker, there is very little for me to say. I must thank all hon. Members who have given such support for this Motion, and particularly the Minister and the Acting Solicitor-General for their encouragement.

There is only one point I would like to come back to, and that is the relationship of the officers who are now to be discharged to the Emergency Fund and the needs of the Emergency. I can quite understand that there was a large temporary expansion of the Service by reason of the Emergency and Emergency offences, and that the disappearance of the Emergency and the falling off of that kind of offence might have called for some reduction, at any rate, in that temporary establishment of officers, but I would point out again, Sir, that the particulars given by the Minister himself, in answer to my question of April last, showed that what we are doing by discharging 14 of these supernumerary assistants is not only putting an end to a number of Emergency probation orders, but also putting an end to a lot of other probation orders which have nothing to do with the Emergency. That proves that

[Mr. Slade]

our permanent establishment must be increased if we are going to deal with all ordinary cases that are offering for prohibition, let alone the expansion of those ordinary cases which one should expect in the immediate future for reasons that I gave when I moved this Motion, Sir.

Sir, I beg to move.

The question was put and carried.

MOTION

UNUSED CROWN LANDS IN KENYA HIGHLANDS

MR. ARAP MOI: Mr. Deputy Speaker, I beg to move:—

THAT in view of the future uncertainty of the African squatters and other landless Africans, this Council urges Government to make strenuous efforts to make unused Crown lands within the Kenya Highlands available for them for agricultural purposes.

Mr. Deputy Speaker, I should like to take the House back a little to 1902. The Crown Lands Ordinance of 1902 dealt with the preservation of land for the Africans; that means the whole idea of land was meant for tribal occupation. This Ordinance, Mr. Deputy Speaker, was repealed in 1915 to pave the way for the settlement of soldiers after the 1914/18 war and because of this move—the Devonshire Regulations in 1923—because of certain uneasiness because of the European community demanding self-government at that time, brought the Asian community to demand the right of occupation of land within the Kenya Highlands and demanding also occupation of land in other parts of Kenya, and because of this—the Devonshire Declaration said the African interest should be paramount should any conflict arise.

Now, Mr. Deputy Speaker, when this settlement of soldiers after the war started, Government began—and at that time, of course, Africans were not represented in this House—to make or to produce a voluminous document in 1925, which was called the Resident Native Labourers Ordinance. In those years, Mr. Deputy Speaker, the Africans who wanted to go to the Kenya High-

lands to graze their cattle with Europeans who were new to the country—possibly some are in this House—worked for them because they had grazing facilities for their cattle. There were numerous documents produced at that time, and also when this document was produced—the Resident Native Labourers Ordinance—a squatter had to get a contract and this contract, Mr. Deputy Speaker, ensured a squatter to cultivate the land within that particular area where the occupier, the European settler, was. He also had the right to build a house for his shelter. The contract also laid down the number of stock he could keep, and that gave him the right to pasture his stock. Also there was an obligation to work for a period of 180 days.

Now, Sir, this went on for some time, but in 1926 the Government repealed again the Crown Lands Ordinance. Later the Executive Council, which met in 1929, produced a map with demarcated areas, giving descriptions of certain areas. This also led to the establishment of the Native Lands Trust Board in 1930, and, of course, there were certain recommendations by certain people who came to this country to report on matters concerning land.

During this time, Mr. Deputy Speaker, Government tried to tighten up laws on land; although they were not really laws to apply to anybody, Government thought that it was wise to preserve this area for the European community.

Now in 1932 His Excellency the Governor appointed a committee to review the 1925 Resident Native Labourers Ordinance, and this report was debated by this House in 1937, which became, of course, law during that time, and I would like to quote, if I may, some of the speeches made during that time by Members.

The Member for Nairobi North at that time, Major Cavendish-Bentinck, said this: "This Bill refers to persons who are servants and nothing more than servants. We want to stress that particularly, because I have reason to believe that outside this Colony there is still an idea that people who have hitherto been known as squatters may have some vague rights to land or to tenancy

[Mr. Arap Moi]

of land. They have no such rights whatever, and for that reason we are very pleased indeed to see that the term 'squatters' has been omitted entirely from this Bill." Such were the views of the Member for Nairobi North at that time. I do not suppose that the Member for Nairobi North at the present time holds such views.

Certain Members also stressed the fact that the Africans should have the right also to own land within the White Highlands, and I would also quote what the hon. the Acting Attorney-General at that time said, about the squatters: "What are you going to do with regard to the resident labourer who has no family? He is here on his own. He has worked for that particular farm for 20 or 30 years. He has given the best of his work, and when he comes to old age or becomes infirm and he is no longer capable of working, what are you going to do with? He has nowhere to go. All he knows is the farm where he has worked for that considerable period. That is a problem which must, as I say, engage the earnest attention of every Member of the Council, and particularly of every member of the select committee." This was stated by the Acting Attorney-General, who saw the problem and who felt that the resident labourers ought to be protected in one way or the other. A man worked for a farmer for many years, and during those years he might have served well and due to unknown circumstances he was dismissed and sent away.

Now, Sir, I would like also to go on to mention some few aspects. The Members at that time also stressed the need for protecting these resident labourers, and the Member who represented the Asian and Muslim community—the father of the hon. Mr. Zafrud Deen—said that there was no question of trying to undermine African rights, because after all Africans were the sons of the soil and no one would question their right or their being treated as, if they were immigrants to this country.

Now, Sir, in the same year, 1937, another Bill was brought in the Crown Land Bill—and it was connected with the Kenya Highlands. There were very strong views and the Member for Nairobi North also said this: "I suggest

that the words 'priority over all other interests' should be expunged from section 58 and that the words 'prior interest' be put in; words used, after all, by the Commission." Due to this influence at that time Government watered down this very sentence and put the words 'prior interest' and I see that such words still exist in the present Crown Lands Bill.

It was very interesting to note during those days, when there were, of course, no direct African representatives to air the views of the African, and although they had some people who represented them indirectly, they did their best during that time and defended the case, but due to overwhelming votes they could not resist.

Now, Sir, in 1941 the same Resident Native Labourers Bill—one section of it was repealed, or amended, and I should like to ask the Government why, during all these years, there has been no move from the Government to consider the case for the squatters who have been squatting about all over the settled areas without being considered. Some Government Ministers may think that the settlers alone should be blamed for this matter, but the Government is not clean on it. People are squatting all over the forest without any security, without knowing what their future is going to be.

I should also like to say that the Labour Department being the father-in-lawing this baby of "Resident Native Labourers Ordinance"—and knowing the Africans in the settled areas, they have been arresting these squatters sometimes and removing their stock; then to holding ground and selling them without even consulting the owners of the stock, at a very low price, and now the Government is moving without telling the Africans in this country—or even this House—even this country—of producing a White Paper as to the future of the squatters in the last three years. After all, we know that in the last three years the Government has been removing squatters from the settled areas, particularly Usisi Gishu; telling them to go to their own reserves; to their own respective reserves. Where is the land in the reserves? Already congested and over populated. The Government says it is going to solve this problem. Land con-

[Mr. arap Moi] consolidation! Where is Government going to put them?

THE DEPUTY SPEAKER (Mr. Bechgard): Mr. arap Moi, I will not permit land consolidation to be discussed on this Motion. The Resident Native Labourers Ordinance—yes, but not land consolidation.

MR. ARAP MOI: Thank you, Mr. Deputy Speaker, I will accept your ruling. I wanted to speak on land consolidation because this question of landless Africans would, I feel, affect the squatters and the African results. In the Carter Land Commission, which was sometimes very cautious, said this: "We consider it a better solution at this stage of the country's progress that Government should accept the obligation of finding land to which landless squatters can go." This report was debated in 1938. This report was produced in 1932, and Government has not taken steps since. The East African Royal Commission also tried to tackle this very question. I did not bring the book because it is a big document, but I thought it would be wise to quote one, Lord Hailey, in an African survey, said this: "In Kenya the problem of the so-called squatter, or resident African labourer on the European farms has proved to be of particular urgency. Something like a quarter of a million African resident labourers and their families have been living in the Highlands of Kenya for a number of years." The views of the commission on this subject were discussed by the Kenya Government in despatches published in 1956. What Government has decided, what decisions have been made by the Government as regards squatters—nothing. Furthermore, I should like to say this. Lord Cromer, the father of our Excellency the Governor, who was a wise man, and I think his views were and are accepted by I think people that a promise, to a native must not under any circumstances be broken, and that no arguments on expediency should be allowed to overrule this imperative necessity. Well, when I use the word "native," it does not mean that I like the word "native". After all the word "native" is not my African word, and native can be interpreted in many ways. It can mean a non-civilized person, but I take it that the

interpretation means the indigenous persons living in a country. So, Mr. Deputy Speaker, I have made this statement and these very able people who in the past have expressed their concern over the future of African rights on land and also over the future of the landless Africans. The East African Royal Commission Report says on page 385—

"A policy without the co-operation of the indigenous people is no policy at all, and the difficulty about these differing political conceptions and their historic association with alienation is that they tend to present the European as an element seeking to maintain and further only its own political power. This produces a sense of conflict and opposition rather than of co-operation, and must be a first duty of statesmanship to seek out the possibilities and ways of making adjustments so as to avoid a clash of culture and race. In this respect the retention of land in the Highlands of Kenya for purely European use, however much it may be justifiable on the grounds of past hopes and promises, has very serious limitations."

I have got up to this point, Mr. Deputy Speaker, because I think that however much we plead for co-operation—I was glad to hear from the gracious lady Tor Uasin Gishu, bringing in a new spirit from America—that this spirit I hope might prevail even in this very debate today—and I would like to say that if we want to achieve co-operation, if we want to arrive at an important policy which will affect every person in this country, I think we should face reality and face the problem which faces us, and I should now like to drive home this point. That there are areas where the land is empty and unused and because we want to make the full economic use of the land—Government might resist—but to resist on economic grounds would be immoral. I should like to mention a few places. Lands like Ithanga near Ukamba should be given to the Africans by virtue of being on the boundary. Also, there is an area which is suitable for grazing which is not being used—of course—there are areas which are used for tea, but most parts of Tindoret near Nandi could as well be used by the squatters in the Uasin Gishu area. Furthermore there is a land near Sergoit

[Mr. arap Moi] a Crown land which the Elgeyo people have been claiming. This could be made available for them. Also, Kijabe where the County Council for Naivasha refused the Africans merely because it was Crown land they said that the Africans should return to the Kikuyu reserves, when they knew perfectly well that the Kikuyu reserves were already congested. Furthermore, I should like to say that even areas inside the Kenya Highlands where the owner has left and the land falls into the hands of the Government, should be made available to Africans, and I feel, and very strongly too, that to preserve an area for one particular section merely by saying they have been promised is ridiculous. There is no promise in this country that has been honoured. Most have been broken. It is only through goodwill that anything can stand firm. Also, I feel and very strongly too, Government has stated quite clearly that Africans are capable of being good African farmers and telling them today that they are not able to become good farmers, then I believe that the Government is eating its own words, and it should tell the world that it has been doing very little, as far as African farmers are concerned. Therefore, they should help the Africans, the able Africans. There are many who have got finance to till the land and make use of the money they have so that they can produce wealth to help this country. Countries like Japan, which is self-supporting is smaller than Kenya, and has 100,000,000 people and yet is doing well. We do not want to be like Communist China where people are suffering because of non-production and because of economic reasons and because of the obligations of the Government, they should do it to see that these empty lands should be given to the landless Africans.

Because of the limit of time and because I was not present at the Sessional Committee, I should have liked to be given more time. Furthermore, what I want to say is this, that in the Kenya Highlands 11.8 per cent has been or is used for stock, 20 per cent has been occupied by squatters—what I mean is African squatters squatting on European farms.

THE DEPUTY SPEAKER (Mr. Bechgard): Mr. arap Moi you have passed your time.

MR. ARAP MOI: I am ending, Mr. Deputy Speaker, by saying that 27.5 per cent is unused land.

I beg to move.

SIR CHARLES MARKHAM: On a point of order, Mr. Deputy Speaker, it has been ruled, Sir, in the past that Members must substantiate their facts. The hon. Member in his speech a moment ago mentioned that land at Kijabe the Africans had been thrown off because of it being in the Highlands, and sent back to the native reserves. It is a very serious allegation, Sir, and I think it should be substantiated in this House.

MR. ARAP MOI: Mr. Deputy Speaker, I want to make the point clear. I think a year ago there was a question on the land at Kijabe where the Africans were living and the Naivasha County Council said that they should go back to the reserves. I do not know, but I think the Minister for Local Government and the Minister for African Affairs knows this.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Yes, we do.

MR. COOKE: Mr. Deputy Speaker, I wish to second this Motion, Sir. I contend it is a reasonable Motion and it has been put in a reasonable manner, and I hope the Government and the House will see their way to accepting the Motion.

It is one of the tragedies of colonial rule that very frequently we are overtaken by events and then we find that we have to yield to force what we have refused to concede to reason. Now, it is a proposition that where there are unemployed, and there are many unemployed today, and that where there has been congestion, and there is great congestion today in certain parts of Kenya such as in Northern Nyanza and in parts of the Kikuyu reserve, that we should take the measures to see that unused land in the Highlands, preferably African areas, is made available for the unemployed people. Otherwise you are almost inevitably asking for trouble.

[Mr. Cooke]

Now, this Motion does not purport to open up the lands of the Highlands to all races. That will have to come and come soon, but all that it says here is that certain areas should be, as it were, set aside for African occupation. Now, Sir, if I can go back to the past, I remember when I was district commissioner in the Samburu country, a long time ago, about 35 years ago, and when the question of the Leroki Plateau came up it was suggested that that plateau should be given to the Northern Laikipia farmers for ranching purposes. I myself then opposed this strongly and to such an extent that I was rebuked by the hon. the Chief Native Commissioner of those days, Mr. Maxwell, and was told to mind my own business. Sir, Well, I did not write any more letters to him, but I wrote to the then Secretary of State for the Colonies and I brought to his notice the state of affairs, with the result that the land was given to the Samburu and today I suppose that the Samburu are one of the most loyal tribes in Kenya with a magnificent record in the King's African Rifles. But it shows, Sir, that, apart from justice being done, it paid us to take that step. Not only are they now renowned for the military qualities but also they are some of the best athletes that Kenya has turned out.

There were various other pieces of land which it was suggested should be put aside then for African occupation. My hon. friend has just mentioned the Ithanga Hills, and it is perfectly true that it was strongly mooted 15 years ago at the Convention of Associations, and I spoke strongly about it in committee, and it was suggested that the land of those hills should be reserved for the Wakamba. Well, it was given over to European occupation and it is one of these marginal areas which cannot be farmed really very profitably by Europeans, although my hon. friend, the hon. Member for Ukambani, will probably say that there is a company now, very highly financed, which is farming the land. But it is marginal land which can be best farmed, I submit, Sir, by Africans, and it is, looking back to the past—and Mr. Churchill has said that the value of recriminations about the past is that they lead to effective action in the future—that we want to see that these things do

not happen again. Now, if that land had been put aside it would have been a very large acreage for farming by the Kamba people. Also, Sir, they are a people who have a great reputation in the army, and they are a very loyal people, as the Samburu are.

Now, Sir, apart altogether from the sentiments of fair play which may be attached to these matters, we should also be aware that it pays us to be fair.

There was another parcel of land, near Makindu, which I noticed was going to be advertised to be alienated to anyone who applied.

THE DEPUTY SPEAKER (Mr. Bechgaard). Will you be some time?

MR. COOKE: About a quarter of an hour, Sir.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Bechgaard): I now adjourn Council until 2.30 tomorrow afternoon.

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

Thursday, 18th June, 1959

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

(Mr. Deputy Speaker (Mr. Webb) in the Chair)

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:—

The Grading of Maize for Export (Amendment) Rules, 1959.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (MR. HAVELOCK) (on behalf of the Minister for Agriculture, Animal Husbandry and Water Resources)

The Kiambu Township Rating (Graduated Rate) Rules, 1959.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (MR. HAVELOCK))

The North Nyanza (Kakemega and Bunyala) Forest Rules, 1959.

(BY THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (MR. HAVELOCK) (on behalf of the Minister for Forest Development, Game and Fisheries)

ORAL ANSWERS TO QUESTIONS

QUESTION No. 163

MR. NGALA asked the Minister for Education, Labour and Lands:—

(1) How many times has the Ziwani Sisal Estate Ltd., Taveta, been visited by a labour officer between 1st January and 31st May, 1959?

(2) If visits have been made, what contacts on the spot have the labour officers made with the labourers to get the labourers' views on the condition of labour there?

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): (1) Twice. (2) On both occasions the visiting labour officers met labourers and spoke to them in some cases at considerable length.

MR. NGALA: Arising out of the reply from the hon. Minister I would like to know from the Minister whether labourers' complaints about hospital facilities were expressed during the meetings.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): So far as I know, no complaints were received, Sir.

MR. NGALA: Arising from the reply, Sir, I would like to know if there have been complaints about the sick people in the estate, and I would like an assurance, Sir, from the Minister—(Inaudible).

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Sir, on the next occasion when a labour officer has occasion to visit this estate I will ensure that this matter is covered as well as other matters which fall within his normal ambit of inspection.

QUESTION No. 160

LORD PORTSMOUTH asked the Minister for African Affairs if he is now in a position to state whether he has found a suitable person to conduct an enquiry into the extent of unemployment both in townships and rural areas of the Colony and Protectorate of Kenya, and if so when the person is expected to start the enquiry?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I regret that it has not yet been possible to find a suitable officer to make this investigation. The second part of this question does not therefore arise.

LORD PORTSMOUTH: Arising out of that answer, Sir, would the Minister give us two assurances. One is, is he aware that he might be able to employ a retired official who would be suitable for the purpose, which solves it immediately, and, secondly, in view of the urgency of the problem would he consider asking the suitable officers in each district, the district commissioner or the labour department. I am going to suggest, would he consider asking them to collect as in the meantime, as much evidence as possible in order that when the suitable appointment is made there will be some one who will have evidence immediately available.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Mr. Deputy Speaker, since the reply was drafted circumstances have changed, and I believe that a suitable senior officer can be made available for this survey. I am afraid he will not be available until towards the end of this year.

MR. NYAGAH: Arising out of the reply, Mr. Deputy Speaker, if the Minister aware that this is a matter which needs urgency?

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): Sir, I am aware that it is a matter of some urgency, but my own Department is, in fact, supplying a very large number of seconded officers to the Central Government, and I am afraid I simply cannot make available anybody at the present time.

MR. COOKE: Why not appoint an ex-officer or somebody similar to that so as to get this matter settled once and for all.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I believe, Sir, that it is essential to get a senior officer who has had considerable experience of the type of problems. A retired official may not be the right person.

MR. BLUNDELL: Arising out of that question, Mr. Deputy Speaker, would the hon. Member consider offering employment to the hon. Minister for Defence who is pending retirement?

QUESTION No. 166

MR. MANGAT asked the Minister for Housing if he was in a position to make a statement concerning the present position of the Nairobi Housing Project as far as the final settlement with the contractors is concerned?

THE MINISTER FOR HOUSING (Mr. Amalemba): Yes, Sir. The statement is as follows:—

The 1,400-house project at Ofafa was completed in January, 1959, and all the houses are occupied. The final settlement with the contractors, Messrs. Stirling-Astaldi (Africa) has been made without major dispute or recourse to arbitration and falls within the provision originally made for building, slightly less than Sh. 20 a square foot. The provision in accordance with the agreement for the housing contract was £50,513; and there is a credit balance of £2,569. The contract sum for services was £56,509 and there is a credit balance of £7,466. The same contractors are building another 500 houses for the Nairobi City Council of the same type allowing for minor alterations and improvements with

£232,000 advanced by the Central Housing Board, at a cost of Sh. 17/60 a square foot, which reflects the contractors' experience with the work and the fall in building material costs over the last 18 months.

Certain orders were placed for materials for the Ofafa housing project on the assumption that 5,000 houses were to be built before the number was reduced to 1,400. All such orders that were placed through the Crown Agents in London were cancelled or reduced without any financial loss, but two orders that were placed through local firms had to be negotiated to a financial settlement, those for the supply of wooden and steel doors, £15,207 had to be paid. There have been certain other expenses in connexion with the Ofafa scheme over and above the contract figures, which principally represent expenses incurred during the period of design and experimentation before work began on the ground, largely owing to the use of pumice. Then a novel building material in East Africa, Over and above the amount which the City Council will meet for design and supervision (something like 4½ per cent on the contract) there is a further £25,027. A sum of £34,051 was included in the second Development Supplementary Estimates for 1958/59 to cover these extra costs. Although the City Council has not accepted responsibility for this sum, there is an agreement that it will in fact raise it through the rents and refund the money to the Central Housing Board.

MR. MANGAT: Arising out of that reply, Mr. Deputy Speaker, would the Minister agree that this amount of £15,207 paid to the supplies of steel and wooden doors was a penalty suffered by Government for breach of contract?

THE MINISTER FOR HOUSING (Mr. Amalemba): That came about, Mr. Deputy Speaker, as the result of circumstances not foreseen at the time of making those orders and it was a figure that we could not avoid—the Government could not avoid paying. In fact, it is less than the amount that the contractors—these people—demanded.

MR. MANGAT: I am sorry to repeat my question, Mr. Deputy Speaker; was it a penalty which the Government had to pay to the contractors for the supply of steel and wooden doors? Yes or no?

THE MINISTER FOR HOUSING (Mr. Amalemba): I think it is a fact that we cannot escape.

MR. MANGAT: Mr. Deputy Speaker, was the Crown Law Office consulted before this payment was made to the contractors? Were the Crown Agents consulted about the legal position before the amount was paid out to the contractors?

THE MINISTER FOR HOUSING (Mr. Amalemba): I would like to look into that one, Mr. Deputy Speaker.

MR. ALEXANDER: Mr. Deputy Speaker, is the Minister aware that the Public Accounts Committee, after considerable initial criticism, did in its last report state how very satisfactorily this arrangement had been concluded and from that it also was concluded that this was due very largely to the efforts of the present Ministry and the Ministry that was handling it beforehand?

THE MINISTER FOR HOUSING (Mr. Amalemba): Yes, Sir.

MR. MANGAT: Arising out of the Minister's reply, Mr. Deputy Speaker, will the Minister agree that the insertion of a simple clause in the contract, providing that the Government could start calling forth its requirements at notice of four weeks or so could have saved this amount?

THE DEPUTY SPEAKER (Mr. Webb): I think that is another question, Mr. Mangat.

REPORT

The Scrap Metal Bill

Order for consideration of report of the Committee of the whole Council read.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Deputy Speaker, Sir, under subsection (1) of Standing Order 93, I beg to move that this Bill be recommitted to a Committee of the whole Council in respect of clause 14 and 22 of the Bill.

The reason, Sir, for moving this Motion is, hon. Members will remember, yesterday the hon. Member for Mombasa moved an amendment which Government accepted. It was in the form of a proviso to subsection (2) of clause 22 of the Bill. Since yesterday, and dur-

ing the interval, Government has reconsidered the matter and come to the conclusion that while the amendment is still acceptable it should be placed in its proper position in the Bill which is as a proviso to subsection (2) of clause 14 of the Bill and that it should be deleted from where it was put in yesterday, that is, as a proviso to subclause (2) of clause 22.

Sir, I beg to move.

The question was put and carried.

COMMITTEE OF THE WHOLE COUNCIL

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

IN THE COMMITTEE

[A. M. F. Webb, Esq., in the Chair]

The Scrap Metal Bill

Clause 14

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, Sir, I beg to move that subsection (2) of clause 14 be amended by adding thereto a proviso as follows: "Provided that a licensed dealer may with the written permission of a licensing officer store scrap metal on particular premises being premises other than those specified in the licence."

In moving the Motion for the recommitment of this Bill, Sir, I gave the reasons why it is sought to place this proviso to subsection (2) of clause 14 of the Bill. I should like to point out to hon. Members that there is just one difference between the proviso that I have just moved and the amendment that was moved and accepted yesterday by the House: that is to say, that word "particular" has been used in place of the word "specified". The hon. Member for Mombasa when he moved his amendment yesterday stated that "provided that a licensed dealer may with the written permission of the licensing officer store scrap metal on specified premises". It is sought to change the word "specified" to "particular premises" now. I am advised that "particular premises" will bring out more fully the object of the hon. Member.

Mr. Chairman, I beg to move.

Question proposed.

MR. USHER: Mr. Chairman, Sir, I had supposed when the Minister did me the courtesy of showing me the amendment he is now proposing that it might be merely a matter of legal pernicketyness and upon his assurance now that it not only does not alter the sense of the amendment which I produced yesterday but in fact rather reinforces it, I am very glad to accept that and to thank him.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): I can, Sir, give the hon. Member the assurance that he seeks. I can assure him that I am not trying to fast a stone on him.

The question that the words proposed to be added be added put and carried. Clause 14 agreed to.

Clause 22

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Chairman, I beg to move that the proviso to subsection (2) of clause 22 be deleted.

This, Sir, is a consequential amendment now as the result of this proviso being shifted to subsection (2) of clause 14.

Question proposed.

The question that the words proposed to be deleted be deleted put and carried. Bill including reconsidered clauses 14 and 22 to be reported with amendments.

Council resumed.

[Mr. Deputy Speaker (Mr. Webb) in the Chair]

REPORT

THIRD READING

The Scrap Metal Bill

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, I beg to report that a Committee of the whole Council has reconsidered the report on the Scrap Metal Bill and has approved the same with amendments.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Deputy Speaker, I beg to move that the Council doth agree with the Committee in the said report.

Question proposed.

The question was put and carried.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Deputy Speaker, I beg to move that the Scrap Metal Bill, 1959, be now read a Third Time.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey) seconded.

Question proposed.

The question was put and carried.

The Bill was accordingly read the Third Time.

MOTION

UNUSED CROWN LANDS IN KENYA HIGHLANDS

Resumption of debate interrupted on 17th June, 1959

MR. COOKE: Mr. Deputy Speaker, when I was interrupted last night I think I had about ten minutes left, if I cared to make use of them. So, with your permission, Sir, I propose to make use of those ten minutes now.

When I broke off I was dealing with the question of land between Makindu and Email, most of which I must say is Crown land; and the reason I brought in the question of Crown land was because I thought the Government had been negligent in the past in not putting aside this Crown land, especially that contiguous to the Highlands, for African occupation. I gave one or two instances of this lack of foresight. I think that we cannot now afford to lose any more time before we put aside any other Crown land which may be, in the future, suitable and necessary for the occupation by the landless, or rather, I must say, the unemployed Africans.

Now here, Sir, I would emphasize that there is no idea in my own mind that every single African could claim a right to land. That would be quite absurd because there would not be enough land to go round. But those Africans with farming instincts, and who have been on the land in the past, I think we should do our best to see that they get land if they are unemployed. There is always this question, Sir, that with the increased amount of mechanization in the country at the moment there will be fewer and fewer Africans required although of course the population is going up and might balance that particular matter.

[Mr. Cooke]

I would like to say, before I go further, that the Mover of this Motion asked me to say that when he referred yesterday to promises not being fulfilled he was thinking of the obligations and the promises made by the British Government and not those necessarily made by the Government of this country; I do not say that I agree with it. Sir, but he has in view Lord Devonshire's Despatch in 1923 in which he said that the African interests must prevail wherever there is clash. He has asked me to explain that that is what he meant when he mentioned the promises not being fulfilled.

I would also like to say that I have taken part in many debates in this House, and I notice that when I and others sit down people jump up and make statements which are not always in accordance with what one has said. In some cases they have happened to be—although I am quite sure this was not the intention—distortions of what has been said.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): On a point of order, Mr. Deputy Speaker, the hon. Member has just misquoted Lord Devonshire.

MR. COOKE: Lord Devonshire—perhaps the hon. gentleman was thinking about the amendment which was made to that particular announcement two years later. I do not think I am misquoting Lord Devonshire.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): On a point of order, Mr. Deputy Speaker, Lord Devonshire never said that African interests must prevail.

MR. COOKE: We can leave that to be decided later on.

Now, Sir, with regard to what I was saying about interruptions, I hope that any Member who wishes to will interrupt me. I am always very glad to give way—and I am not looking at my hon. friend purposely.

SIR CHARLES MARKHAM: It does not worry me if you do.

MR. COOKE: I am sure that it does not. But nevertheless, Sir, if there are any interruptions could they come now, and

not later, and will the hon. gentleman give me an opportunity of asking him to give way if he in any way misinterprets what I say.

Now, Sir, I might say that I think that the Highlands Board have been very good in the immediate past and very reasonable in their approach to the landless of the Africans, and therefore I do give them, if I may, that particular credit. Only today the African Land Trust Board has an instance where 1,000 acres of land is being excised in the Highlands; that is being put back into the Kikuyu area. I say that, Sir, simply to emphasize the fact that I do associate myself—although they were not so many in existence ten years ago—with the large number of farmers in this country who are only too anxious to see that the Africans get a fair deal in the matter of land.

Now, I would mention another piece of land which I am rather disappointed about, because I understood the Minister for African Affairs to give an undertaking the other day that this land south of Mombasa in the Wadigo country, that he would keep in mind the suggestion made in this House that the land should be purchased back from the East African Estates and given to these people. Now, only two days later I was very surprised to read that this land has already been sold, and that it is going to be very much more difficult for the Government to buy back this land, if they really are determined to do so. The hon. Member will mind to do so. The hon. Member will probably say that he did make a condition that the Wadigo would contribute. I admit that that was a condition, but I think it is a pity. Sir, when a matter like that is raised in this House, a matter of considerable importance because it has been a bone of contention for a number of years, that an opportunity like that was allowed to pass, I would emphasize that this is not the first time that this has happened; because it has happened in the past, and, as I say, forewarned is forearmed, and I suggest that some small committee should now be set up to go round and find out and make a factual inspection as to what land would be available if this Motion is accepted, either in the settled areas in the Highlands or in the Crown land contiguous with the Highlands. But in my opinion,

[Mr. Cooke]

Sir, no time should be lost in this setting up of inspection. It is indeed a very grave social problem that we are facing if indeed our assumption is right that there is grave unemployment. How are we to know? We have heard only today a most unsatisfactory reply to the question of the noble lord concerning unemployment, and I think that the Government are not being very helpful in this matter as I cannot really see that it is necessary to wait for six months before the enquiry into such a grave matter can take place. The answer from whichever Minister then has the portfolio will probably be that we have not proved that there is any serious unemployment. It may conceivably be that, it is very difficult to prove that, Sir, if we do not get these facts and figures which the noble lord asked for some time ago. It is, as I say, a matter of major importance, and I think that my hon. friend the Member for Nairobi Area, who should know, has himself taken a very grave view of this matter, especially with regard to the number of people who are likely to be landless, over the consolidation of land. I am not of course criticizing the consolidation of land which I think is a magnificent conception magnificently carried out. But nevertheless there is that risk that there will be a lot of *ahoi* thrown out of their casual employment who will join the army of the unemployed later on.

Now, Sir, I have brought a good many Motions in this House and I can remember that in the majority of them very little notice was taken by Government. I am just going to mention three. One was the Motion which Mr. Elias Mathu and I brought before this House in 1948 concerning the great unrest that was spreading over the country; and we brought it not only once but two or three times, and the Government suggested in their replies that we were a lot of stupid people who did not know what the position was but they learned themselves what the position was when *Mau Mau* broke out a couple of years later. I remember, too, Sir, just this time last year when the African Members with whom I join hands—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy

Speaker, I do not want to interrupt my hon. friend in the complexion of his sentence but I would suggest that there is very little sense in having a limitation of 15 minutes per speaker if the red light can go completely ignored.

MR. COOKE: As a matter of fact, Sir, I thought that the red light was giving me five minutes warning.

THE DEPUTY SPEAKER (Mr. Webb): Your time is exhausted. The balance of your time remaining from yesterday is exhausted.

MR. COOKE: Well, I would suggest, Sir, that the red light should go on a few minutes before one's time is up.

THE DEPUTY SPEAKER (Mr. Webb): You are given five minutes' warning when the yellow light goes on.

Question proposed.

MR. BLUNDELL: Mr. Deputy Speaker, many Members of this Council, on both sides of the House, will have a great sympathy with this Motion, and there are three aspects of it to which I particularly wish to draw the attention of the House. The first is the emphasis in the Motion on African squatters and also landless Africans. I draw attention to that particularly because there are members of other races who are landless and I agree with the hon. Member who has just spoken that we cannot embark upon a system under which everybody would have land. I would particularly draw the attention of the House to the problems which I believe will arise in this country if we cannot solve some of the difficulties confronting the younger members of the Asian community alone, who are now restricted very much to certain trades and professions only. Therefore, Sir, I think it is unwise to limit this Motion solely to landless Africans and African squatters, because this other is a real problem which will affect us considerably in the future.

Secondly, Sir, there is, I think, some confusion in my mind, and I asked the hon. Mover yesterday whether he could clear it for me, as to what is meant by "unused Crown land". If the hon. Member is referring to alienated land which is unused then I would submit to the House that the tenor of the Motion is

[Mr. Blundell]

a dangerous interference with individual rights of property. Crown land which has been alienated, whether by freehold or by lease, is a legitimate property of the individual, and before we begin to move Motions affecting it I think we want to be careful in so far as it affects the legitimate rights of individuals. I would ask the hon. Mover if he advances those arguments strongly whether he, for instance, would agree to any unused small portion of his own estate at Kabarnet being made available arbitrarily by the Government to a member of the Tugen area situated, for instance, in the Cheboko District, which is a very much more dry and arid area than his own. He will then see at once the impact of arbitrary interference with individual tenure in that simple analogy of mine. As the Motion is drafted it is not clear, because unused Crown land under lease, or on a 999 year lease, might refer to land which has been alienated.

Thirdly, Sir, I believe that the whole of the Motion is too narrow in its scope to achieve its objective. The hon. Member may not know but I think that if the Government were to look at its record it would probably find that the amount of actual unalienated Crown land within the Highlands area is not much in excess, if at all, of 28,000 or 30,000 suitable acres. The rest is unsuitable rock, water, clay, or hillside. I believe, Sir, therefore that the Motion in effect would not achieve a solution of the problem which the hon. Mover seeks.

Then, Sir, there is no reference in the Motion to the sheer necessity of considering the economic use of land. If we are going to deal with unalienated Crown land then it needs to be dealt with in the best possible way, and I will give the Council two illustrations. If the area lies in a high potential tea district I think it would be most unsuitable to break it up into smaller settlement schemes for African farmers. I think it would be better used in the maximum production which is economically possible to the benefit of this country under tea. Now, similarly, if the area is not high potential for a particular crop such as tea it might well be in certain circumstances developed as a

settlement scheme for people to farm. Now, an illustration of that, again, which I would like to put before the Council is the use of land in the Highlands in the Kipkaren area in the district which is called Sororo. In that district a number of Nandi tenant farmers have been established on land which was originally within the Highlands area.

The last point I would like to make, Sir, in criticizing the wording of the Motion that I feel it is dangerous in so far as hon. Members of the Council may not realize that forest land is also unalienated Crown land and it would be a great disaster to this country if unwise pressures developed to force out the alienation of land now reserved for forests. Nothing could be more disastrous to the ecology and climate of this country.

AN HON. MEMBER: No one has suggested that.

MR. BLUNDELL: The hon. Member says that no one has suggested that—and he did not ask me to give way, Mr. Deputy Speaker—but as the Motion is now drafted it could include the forest areas. I think it is necessary, therefore, to make the Motion slightly more precise. That being so, Sir, I would like to move an amendment as follows: to the deletion of all words after "that" and the substitution of "This Council urges Government to make a detailed examination of all alienated Crown land, other than forest reserve, in order that it should be able to intensify its efforts to make available land for suitable agricultural development and settlement schemes provided that the main criterion is the best economic use of the land and that the legitimate interests of adjoining landowners are not damaged and that such settlement schemes are available to landless people of all races and African squatters."

Now, Sir, the substance of my amendment is as follows. It greatly widens the scope of examination for the achievement of the objective of the hon. the Mover in that it includes land outside the Highlands areas as well as within it. I would draw the hon. Member's attention to the remarks made by the hon. Member for the Coast on Mackinnon Road. Now, Sir, Mackinnon Road is

[Mr. Blundell] without the Highlands area and strictly, Sir, the hon. Member should have been ruled out of order because it was not pertinent to the Motion which was before the House.

MR. COOKE: I never mentioned Mackinnon Road.

MR. BLUNDELL: If the hon. Member did not mention Mackinnon Road, Mr. Deputy Speaker, then I apologize, but, nevertheless, Mackinnon Road is Crown Land, and I believe that in certain circumstances it would be suitable for wider controlled settlement schemes, either for African people or for the Arab and Asian people with whom Government has already had discussions on the matter.

Secondly, Sir, it makes all Crown land within or without the Highlands available for this detailed examination. It excludes the forest reserve for the reasons I have already given to the Council, because I think it is dangerous, and it brings in, Sir, the necessity of considering the legitimate rights of the existing landowners. Now, I mentioned that because an unwise settlement scheme, improperly controlled, in a highly developed area, might indeed destroy the economy upon which much of the agricultural production of this country rests.

Lastly, Sir, it brings in a factor which I think is important for this Council to realize, that there are problems in regard to the use of land which are not solely confined to peoples of the African race. I am quite sure in my own mind that unless we can widen the scope available to certain other groups of our people such as the younger members of the Asian community we shall run into severe social trouble. The amendment, Sir, which I have put before the House enables us to do that.

Now, Sir, I am on record personally as being in favour of the progressive reduction of land barriers. I believe it is essential that we should begin to think of land more in terms of its economic use to the benefit of everyone in this country rather than particular groups of people. But if that is to be done, Sir, then certain safeguards are necessary. We need safeguards against exploitation in the African areas; We need safeguards

in other areas against sheer bad management allowing the entry of evil disease which may destroy adjoining farms, and excessive fragmentation of what are coherent self-sufficient economic units. I think, Sir, that the amendment which I am putting before the Council more nearly will achieve the objective of meeting the problem of landless people of all races and African squatters than the limited area or area which has been delineated in the Motion put before the House by the Mover.

That being so, Mr. Deputy Speaker, I beg to move my amendment, and commend it to the House.

MR. MANGAT seconded.

Question proposed.

MR. DEPUTY SPEAKER (Mr. Webb): The amended Motion is similar to that of the original Motion, although in wider terms, and the debate will therefore continue on the amendment.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, Sir, I rise to speak to the amendment before the House.

I cannot really effectively explain the Government's attitude to this amendment, Sir, without referring to the argument which was introduced by the hon. Mover of the original Motion in support of that Motion, since the merits and objectives behind this amendment are really very similar and their acceptability depends to some extent on the force of the argument made by the hon. Mover.

The amendment, Sir, at the end refers to African squatters, and the hon. Mover in his original Motion referred at the outset to the problem—the future problem—of African squatters, or resident labourers. I prefer to call them, in the Highlands, and suggested that this must be a major cause for a reappraisal of the availability of land for the ultimate settlement of these people, particularly when they became too old to work, or were discharged, or their contracts were terminated by their employers.

In introducing the Motion, Sir, the hon. Mover went over the history of a Succession of Resident Labourers Ordinances, but I think he stopped rather short when he got to the report of the Royal Commission in East Africa. I

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think it would be of interest to the House and value in considering this amendment, if we were to take the picture a little further than the Royal Commission did at the time they published the report. I do not think the hon. Mover of the original Motion explicitly quoted from the Royal Commission on this subject, but the most relevant section of their report is in Section B of Chapter 15—African Labour, where they go over in turn a considerable amount of the history of resident labourers in the Colony. In paragraph 68 of their report they say it should be borne in mind that something like a quarter of a million African resident labourers and their families have been living in the Highlands for many years, and basing themselves on this sort of figure they went on to argue that it was a major problem, and that particular steps should be taken by the Government to cope with it. Where the Royal Commission got to that figure, Sir, I am not quite sure, but the oversight of the conditions of work of resident labourers and their varying privileges in different parts of the country is one of the functions of the officers of the Labour Department, and we therefore keep close statistics on this subject. I think it will be of interest to the House to know that in 1952, which is the before period in which the Royal Commission were examining these problems, an actual census in the Highlands produced the figures of 36,012 adult males under contract as resident labourers, and if their dependants who were with them were included, the total was 53,091. Now in 1954 a similar figure for those under contract was 25,459, with their dependants they amounted to 44,907. In 1957 the number was 22,083 resident labourers under contract, and with their dependants the total was 31,987. In 1958 the total number was 21,041 under contract who with their dependants totalled 28,455. The census, Mr. Deputy Speaker, is taken annually on the 30th June, and one is being undertaken at this moment, and I shall be surprised if this year does not show that this figure has dropped again. I feel from the point of view of the Ministry of Labour that the disappearance of the resident labourer, as a

worker in the European agricultural area would be a good thing. I feel that more and more of those who work, who are agricultural workers, should come on to more modern terms and conditions of service, and if, in fact, these figures continue to drop, as I hope they do, I think it suggests that those who, as it were, were left out on a limb through old age, or through the termination of their contracts—the numbers of those will be comparatively—I say comparatively—a minor problem.

MR. COOKE: If the hon. Minister will give way, I think that as the hon. Minister is new to the country he does not realize that the number of squatters before the *Mau Mau* incident was very large. Now those people have not been absorbed and squatters in recent years have been decreasing naturally because of certain regulations. I do not think you realize the large number of squatters who used to be on the farms but now have nothing.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): Mr. Deputy Speaker, although I am very new to the country I know a little about the history of this matter, and the squatters to whom the hon. Member was referring in moving his Motion were those who were employed and enjoying the privileges of resident labourers in the European agricultural areas today. I think to introduce the numbers of those who have since been absorbed in other parts of the country is hardly relevant to the argument which I am attempting to develop.

To return to the main line of thought, Sir, I would like also to point out that resident labourers have a minimum period of security of one year and in most cases the period of their contract is longer, and it has been my experience in visiting parts of the country, which I have done in at short time since I have been here that where a resident labourer grows old and past his work, it is the rule rather than the exception that the employer, in fact, maintains that person and his family obviously as a pensioner, and looks after them extremely well, and that, again, which is at the moment the most effective form of social security available for these people. I trust going to be a continuing attitude

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on the part of European employers in the European agricultural areas.

That, Sir, was one of the causes, or one of the reasons introduced by the hon. Mover of the original Motion in suggesting that some particular action should be taken, and I submit to the House, Sir, that while it is a recognized problem, and one which we will have to deal with it has not, perhaps, the magnitude today which one might have gathered from the hon. Member's quotations from the history of the twenties.

The other reason, or the other class of persons who were referred to by the hon. Mover in moving his Motion, were landless Africans. I would like to endorse what was said by the Secondor of this Motion, and also by the Mover of the amendment, that we cannot, I think, proceed on the assumption that every single person in this country must have a title to land. There are some who will draw their livelihood from the ownership of and working on the land, and there are others who in the complementary economy which we are building up with the agricultural industry will find a satisfying form of employment off the land.

If I might now, Sir, turn to one feature of the amendment. The hon. Mover of the amendment has related his proposal to unalienated Crown land. Now in that context, Sir, I would like to refer to the actual statistics. Those statistics which I have available are naturally related to land in the Highlands, since that was the point of departure for this debate before the amendment before us appeared to widen the area somewhat. The area of the Highlands consists of 10,365,000 acres. Now, of that area forests, lakes and road reserves constitute 2,800,000 acres, which leaves a balance of 7,565,000 acres. Of that area land which has been alienated for plantations, farms and ranches constitutes 7,409,532 acres, and I should make it clear at this point, Sir, that these alienations are in the form of leases from the Crown, and the Crown intends to observe its obligations under these leases, and there is no question in the mind of the Government of proceeding to expropriate land which has been

purpose. Does the hon. Member wish to interrupt?

Mr. COOKE: Yes, neither the proposer nor myself ever suggested for one moment that there should be expropriation of land, but it is quite conceivable and more conceivable that there are settlers who would quite willingly sell land now in those marginal areas.

THE MINISTER FOR EDUCATION, LABOUR AND LANDS (Mr. Mathieson): I think, Sir, if the hon. Member had been a little more patient and waited until I came to my next few sentences, he would have seen that I was going to come to this point. I just want to make it quite clear that there is no question of the Government taking steps to expropriate land which has been duly leased, and I think that ought to be quite clear before this House. On the other hand, there are undoubtedly possible cases where land comes on the market, and the question then arises of whether the Government should acquire. Now the Government is always prepared, within the limits of its financial resources, to consider the acquisition of land in these circumstances for appropriate purposes. I have reached the point, Mr. Deputy Speaker, where I was about to say that therefore the unalienated land—unalienated Crown land in the Highlands—amounts at present to 155,468 acres. Of that area a certain amount of it is not really available for alienation. It is certainly not available for alienation for agricultural purposes since it has been earmarked for expansions of townships and for residential areas. That amounts to 10,530 acres at the present time.

Then again, there are other comparatively unattractive categories of land, such as swamps and lake foreshores, which are obviously of dubious value, except for rather obscure purposes, which amount to 39,474 acres. Then railways and riparian reserves amount to a further 10,706 acres. The craters of Mount Longonot and Menengai themselves amount to 25,513 acres. They are within the land available for alienation, but for agricultural purposes, they are not very suitable. Then there are areas which are earmarked as "forest development areas". The hon. Mover of the amendment referred to the import-

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in its function of the protection of catchments and as a productive resource of the country. That area, Sir, amounts to 24,161 acres. Then there are areas which have, since these statistics were drawn up, been added to native land units amounting to 11,236 acres. One of these figures are taken away from the total available, or the total of unalienated Crown land in the Highlands, we find we are left with 33,865 acres, and that is the sort of area which we are, Mr. Deputy Speaker, talking about.

I think it is relevant to that, Sir, that the House should know that in the last five years some 27,000 acres of Crown land in the Highlands—that is an area approximately equivalent to that we are discussing today—have been made available for the use of Africans either in the form of native reserves or other reservations or allocations. The two largest allocations of this kind are 16,000 acres at Ithanga to meet the needs of the Wakamba and 9,600 acres in the henge grazing area for the Kipsigis. In all these cases the approval of the Highlands Board for making these lands available was readily forthcoming. The lands are not excised from the Highlands but they are made available under other provisions of the Crown Lands Ordinance for the use and enjoyment of these people.

I do not think it is necessary for me either to recall to the House that there have been actual excisions from the Highlands in recent years since we discussed only the other day a White Paper which was designed to rectify the formal boundaries of the Highlands as a result of these excisions.

The hon. Member referred to a number of specific areas to which he thought attention might be appropriately directed in terms of the original Motion, and I think in terms of the amendment it is also proper we should address our minds to those areas. The first area which the hon. Member mentioned was Kijabe. If I understood him aright, he suggested that Africans had been thrown off the land in this area by a local authority. I feel, Sir, he must have been referring to the 150 families which lived on the land

of that mission is 2,000, and the Highlands Board agreed, on application to them, on 14th May, this year, that 1,120 acres of the mission land, which contains the preponderance of the Africans in question should be excised from the Highlands and added to the Kikuyu native land unit. This is an illustration—another illustration, Sir—of the readiness of the Government and those concerned, under our present legislation to make land available to meet demonstrated needs. As the hon. Member for the Coast observed, this matter has been finalized only today by the acceptance by the Native Lands Trust Board, which was hardly in doubt, of the addition of this land to the Native Land Units.

The hon. Member referred also to the Ithanga area. Here the greater part of this area is in fact alienated land, and therefore comes under the observation which I made earlier on this category of land. There is the exception of some 4,500 acres, much of which I am advised, although I have never seen it myself—if I did I would probably not have the qualifications to judge—but I am told that it is useless rock, and that the arable pockets amount to no more than 100 to 200 acres. Nevertheless, this is an area—the unalienated portion of this area—which does merit further consideration.

The hon. Member referred also to the Tinderet area, when he talked about certain areas in the forest which might perhaps be used for grazing purposes. Since the debate I have not been able to contact my hon. friend, the Minister for Forest Development, to see whether there is anything in this suggestion, but I would point out that we must be extremely careful for the purpose of the protection of our forests to regulate any use which may be made of those parts of them where trees may not, at the moment, be actually growing.

The hon. Member I think also referred to the area, where he suggested that the claims of the Elgeyo had not been met. I have no doubt that he has studied the recommendations of the Carter Land Commission and knows the situation in that their claim for access to the lake was, in fact, admitted and there is a sullen to the lake from the Elgeyo reserve, and the farms in this area—

[The Minister for Education, Labour and Lands]— is, in fact, under development, and there seems to be little case to argue with reference to that part of the world.

Against that background, Sir, I would like to turn more particularly to this amendment. As hon. Members will have realized from my references to alienated and unalienated land in the Highlands, it would have been the intention of the Government—in fact it was the intention of the Government—to move an amendment to make it clear that the Motion they were prepared to accept, if amended, would relate only to unalienated Crown land in the Highlands. That, in part, Sir, is the purpose of this amendment which has now been put before the House, and I think it would only lead to confusion if I were to now move another amendment for a very similar purpose. However, I do feel that, where the amendment states that the Government should intensify its efforts to make available land for suitable agricultural development and settlement schemes in unalienated Crown land, we must also consider that there are areas of unalienated Crown land which might be acquired for purposes other than agricultural, and we would not be confined in our approach to that purpose.

Furthermore, where the amendment goes on to urge that settlement schemes under it should be available to landless people of all races and African squatters, I should not regard that, Sir, as meaning that such settlement schemes were exclusively for persons in those categories. There might well be settlement schemes as we have had in the past, where people who cannot be described as wholly landless, but have in the aggregate, inadequate land at their disposal, can be brought on to the settlement schemes. I make that comment, also, Sir, against the background of my remarks earlier, that we cannot proceed on the assumption that everyone who has not now got a title to some piece of land must have a title to some piece of land.

With these glosses, Sir, and in order to simplify the process of our debate, I am prepared to announce that the Government accepts this amendment.

COMMANDER GOOD: Mr. Speaker, I rise to deplore the constant appearance of the word "squatter" in this debate. I

submit, Sir, that this is a very outdated word, and it belongs to that long gone era that my hon. friend and neighbour, the hon. Member for North Rift, referred to at such length yesterday. It might, perhaps, be understood in the word that the squatter is a specific person who does not own land elsewhere, but I think that is not true today, Sir. In any case he is not a squatter. He is a resident labourer, and the gap between the resident labourer and the ordinary monthly labourer has vastly narrowed and is today little more than a difference in the privileges which are available. Many of the monthly labourers no less than the resident labourers have, in fact, no land ties of their own, and I would suggest, Sir, that the reference to squatters in this amended Motion might very well be replaced by some such term as "landless unemployed people".

I beg to support, Sir.

MR. MULIRO: Mr. Deputy Speaker, Sir, I am very frustrated today in seeing that my friend, the Specially Elected Member, the leader of the new group, has actually made his amendment to this House and before I say anything on this amendment, Mr. Deputy Speaker, I would rather wish to say, or put some correction on the speech of my hon. colleague. Now, I am very frustrated, Mr. Deputy Speaker, because of this amendment, because it has been said that this land should not be looked for as it is Crown land, as the Minister for Education, Labour and Lands said, but one finds that there is quite a lot of land which is leased to some people in this country, and which is not being properly exploited. In this connexion, Mr. Deputy Speaker, I will quote what the policy of the new Kenya group says about land: "Land should be regarded as an economic asset available for individuals to develop and not as a tribal or racial reserve." If that is the stand of the hon. Member, the hon. Mover of this amendment, and if that policy is also subscribed to by the Government of this country I do not see the reason why vast land should be kept by a few people in this country and yet not be exploited. My argument, Mr. Deputy Speaker, is that land, if it is alienated, as long as it is not being used to the best advantage of this country, should be given out to these landless people to exploit.

[Mr. Muliro]

I would say this, Mr. Deputy Speaker, that in a particular district, for instance, one of the most fertile areas in this country, there are seven people each one occupying over 50,000 acres, and there are statistics also to show that there are some Europeans in this country who own as many as 300,000 acres.

MR. BLUNDELL: Mr. Deputy Speaker, on a point of order, I would submit that the terms of the Motion both the original Motion and the amendment clearly and specifically confine the debate to unalienated and unused Crown land. It would not have been possible, for any of the previous speakers to have ranged over the whole field of land if they had not observed those limitations which I submit are inherent in the Motion, and I would ask your ruling, Mr. Deputy Speaker, whether indeed it is right for us to move over the whole area of land when the specific subject before the House is unalienated Crown land.

THE DEPUTY SPEAKER (Mr. Webb): I think, Mr. Muliro, that the objection is a good one. This Motion is specifically limited to unalienated Crown land. The question of expropriation of land in other circumstances is a wholly different subject, which is quite capable of being the subject of a substantive Motion if you so wish, and I must ask you to confine yourself, please to this particular Motion which deals with unalienated Crown land.

MR. COOKE: Mr. Deputy Speaker, I suggest, Sir, on a point of order that all lands are Crown land whether it is leased or not. If it has not been used by the leaseholders, the contention of the Motion is it should be used by other people.

THE DEPUTY SPEAKER (Mr. Webb): It is not necessarily true, Mr. Cooke, that all land is Crown land, and the land in this Motion is limited to unalienated Crown land.

THE MINISTER FOR LOCAL GOVERNMENT, HEALTH AND TOWN PLANNING (Mr. Havelock): On a point of order, Sir, if the hon. Member is opposing the amendment, and if the amendment is concerned with unalienated Crown land, if he is opposing the amendment, surely he should talk about unused Crown land?

THE DEPUTY SPEAKER (Mr. Webb): I do not think so, Mr. Havelock.

MR. COOKE: This Motion refers to Crown land. There is a certain amount of freshhold land but this refers to Crown land which is also leased.

THE DEPUTY SPEAKER (Mr. Webb): There is also coast land, which is now within the ambit of this amendment, which is not Crown land.

MR. MULIRO: Mr. Deputy Speaker, Sir, there have been a lot of exchanges between the opposite side and this side, and I do not know where I am, as far as the ruling is concerned, as far as an explicit ruling is concerned, but the question is, my contention is, Mr. Deputy Speaker, that the Crown land leased belongs to the country. I claim all land in Kenya is Crown land. Now the problem of getting land to be used by people depends very much whether the land is being exploited or not. That is my contention. That even if land is on a lease to someone, as long as this particular person is not exploiting to the fullest possible extent, that land should be used by others who are in need, and here I say that we cannot hide ourselves. The time has come when we are to face facts. I say we cannot hide ourselves under beautiful English phraseology and unfortunately some of us have not a great knowledge of the language and we go in for definite and direct sayings.

Here I may say, Mr. Deputy Speaker, that whatever land is unused it should be opened out to complete exploitation, and the question of squatters, as my colleague put it across yesterday, and I see my friend across there does not like the word "squatters" being used because it is out of date. It might be out of date, but still one finds in quite a number of African areas, the problem of the Central Province now, where the social and economic development here of landless people are those who have been drawn from the settled areas and who cannot get anything anywhere to settle on, so we see wherever the squatters probably—say we have squatters in the African areas—they should be provided for, and I think it was most generous of Mr. Blundell to move this amendment, and therefore I oppose this amendment totally. I do not know whether the original mover will support it himself.

MR. OLE TIPIS: Mr. Deputy Speaker, Sir, I think the Motion before this House is really a very, very important one, and we can only hope that hon. Members will try to debate this Motion in a very frank and straightforward way, because in this country we have been sitting around trying to evade the real issues facing us long enough, and if we intend to pursue this short sighted attitude we shall only go on adding more difficulties to the people who are residing in this country rather than trying to solve the situation.

Now, Mr. Deputy Speaker, I think I am going to use the word "squatter" although my hon. friend, the Nominated Member, seems to think that this name is out of date, because some African workers in the Rift Valley have been known as "squatters". First of all, Mr. Deputy Speaker, I think I would like to brief the House in the way that the squatters originally came into being. First of all I do not think there is anybody here, be he European farmer or a Government Minister, or even an African Elected Member or any other Member of this House, who can deny the big part which in opening up this country to the farming community with the squatter as such, is playing and continuing to play a bigger part, and I think he is an indispensable asset and will continue to be so for quite a long time to come.

Now the difficulty here, Sir, is this, that people in some quarters tend to take the squatter as an ordinary toke, which having accomplished the duties required of it, it is thrown down. Well, I can hear someone shouting "Question".

I can hear someone shouting "Question!" Well, I say you can question that all right, there is no dispute here; but I know that even if not all employers who forget good services tendered by squatters; you cannot as well deny that squatters have not suffered tremendously in the way they have been handled both by some farmers and also by legislation introduced by the Government. Now, I would like to say this: as far as the squatters are concerned, these people were originally induced to go and work in the settled areas. They were allowed to have a plot to cultivate, a given acreage of land. They were also allowed to possess and keep a number of livestock. But as the

days went by, as the farms became more cleared of the original bush, the farmer began to see the true value of his land and also the Government there interjected to introduce legislation to control the squatters.

Now, it must also be remembered that some of these squatters have lived in these areas throughout their lives. There are second generations of the original squatters living in these areas. These people have no land whatsoever in the African land units nor do they own any property or any other place which they could call their own; and as such what are we doing to help them? When they are discharged, of course, nobody seems to worry at all. They are told, "You are a Kikuyu, you are a Kipsigis, you are a Masai; go back to the district of your origin" without worrying at all.

HON. MEMBERS: Question!

MR. OLE TIPIS: What is all this questioning about, I wonder? These people are sent back. We all know that. They are sent back. Even now, only last month if I remember aright we passed an expenditure, I think of about £15,000 for the removal of livestock owned by squatters from the Uasin Gishu District. What was that removal for? Please let us face realities!

CMR. GOOD: On a point of order, Sir, is the hon. Member referring to resident labourers or the livestock of resident labourers? There is quite a considerable difference, I suggest.

MR. OLE TIPIS: I think that is quite illogical. I mean livestock owned by resident labourers. They go together. They are allowed by the right of agreement to this privilege.

Now, the thing is, Mr. Deputy Speaker, that as far as I am concerned I think that these people have been very, very unfairly treated. I know, of course, that there are some farmers who look upon their workers who have worked for them faithfully and well and for many years who look after them during their old age; I do not deny that, there are. But they are few compared with the rest. Now, here the problem which is a social one facing the country is this: for instance, the squatters and many other farm workers in this country have got no provision at all for

[Mr. ole Tipis] their old age security. And here I want to emphasize that even the question of their wages, the conditions of their salaries, the Government has more or less tried to avoid intervention in this issue which to my way of thinking, I think it has been a very cowardly attitude of our Government. We must protect our workers and we must at least aim at achieving decent, contented people among our various communities in this country.

Now, the question of unused land comes in because I do not see any reason at all why those people who have played a bigger part in the economic development of the country and who have no other ways of making their livelihood since most of them are quite illiterate and they have no land to which they could go to or secure any other employment—they have no land wherever to go—should not at least be allowed to settle in some of or in all the unused lands in these areas so that they could raise the economic standing of the country, as well as being able to support themselves, thus removing social evils which face the people when they have no other means of making a livelihood at all; because here, honestly speaking, I do not see any justification whatever that the question of land in this country should be treated differently. In that, I mean that I do not see any reason at all why we should allow immigrants to enter our country and take over some of our unused land whereas people who are already here—the indigenous people of this country—are landless. I mean it does not simply make any sense at all to my way of thinking and I strongly ask the Government once again to go into this question very carefully so as to remove the hardships which are going to face and to face us more so as the years go by especially now when we are passing the Bill giving land titles to the Africans who have consolidated their land. I do not see where is the security of our people who are landless, who are unemployed, that they are going at least to make a living in this country.

Now, Mr. Deputy Speaker, this question of squatters is one which I think the Emergency has helped a lot to reduce. The number of squatters especially among members of the Kikuyu, Embu and Meru

tribes and I know that since these reductions, the squatter system, as such, I believe, will eventually die out in its own course. But if this is the case, where are we going to place these people? Where are we going to place them? I should suggest to the Government that it is high time it really did something constructive and that the Government of our country stand firm and get in between the various conflicting interests of various communities in this country and judge in the spirit of what is right for the country and not who is right, disregarding any sort of selfish or greedy attitudes that anybody might have.

With these words, Mr. Deputy Speaker, I beg to oppose the amendment and support the original Motion.

MR. MBOYA: Mr. Deputy Speaker, I know that—at least, I have been forewarned—that the Member for Ukamba will be coming after me immediately I have finished speaking!

It is quite obvious that whenever we start debating or discussing land in this country, we always come up against the same thing and that is the fears, the suspicions, the attitudes that prevail or have prevailed on this subject for a long time. We are, in fact, from time to time attempting to discuss the same thing but using different words and phrases occasionally to cover our confusion and sometimes merely to avoid facing the realities of our situation. The Mover of the original Motion attempted, I thought, to avoid bringing into the debate any suggestion or question of the conflicting interests *vis-à-vis* the reservation exclusively for white settlement of some areas of this country. He wanted, Sir, the House to face the question of the future of squatters and other landless Africans. He wanted a problem faced, a problem debated, a problem dealt with. It is therefore unfortunate, Sir, that in his very charming way should have tried—and indeed he has probably succeeded—to introduce issues completely apart and to fail absolutely and completely even to attempt to answer or deal with the problem that is posed in the original Motion. It is equally a pity, Sir, that the Minister for Education, his Labour and Lands, probably in his anxiety to reassure the European Members and settlers, went out of his way

[Mr. Mboya] to make statements and assertions that were in my view not only uncalled for but irrelevant.

Mr. Deputy Speaker, as I sat listening to the various speakers, I wondered how long we are going to continue from time to time in this shadow boxing; how long we are going to continue to fail to see that so long as the present situation continues, our attempts to face certain problems will be marred by the presence of this unresolved problem of the so-called "White Highlands".

Landlessness: the hon. Specially Elected Member, Mr. Blundell, comes here and attempts to suggest to us seriously that when we think or talk of landlessness we are also thinking or should also think and talk of some European landless persons and landless Asians and so on! Mr. Deputy Speaker, I am quite aware that legally, technically and so on, some Europeans do not own land or some Asians do not have land in this country. But I consider it not only ridiculous but absurd that anyone should suggest that when we talk of the problem of landlessness we can seriously start thinking of a European landless population or an Asian landless population in this country. Surely, landlessness in this context—the context of this country—has a meaning and a significance. And its meaning and significance, Sir, is related to the customarily accepted way of life of various peoples in this country. Mr. Deputy Speaker, a European who owns land in this country is a settler and has certain provisions or certain arrangements which, without discussing at this stage and in this debate, I can only say have been not only unchallengeable but completely unacceptable to African people: On this we neither compromise nor wish to make any qualifications. In so far as there is any European who does not own land in this country, and indeed I think the Minister for Education, Labour and Lands does not, I do not think, Sir, that we would put Mr. Mathison in the category of the landless in this country; nor, Mr. Deputy Speaker, do I think we would put Dr. Hassan or Mr. Travadi in the category of the landless in this country. But both gentlemen—who are my good friends—do not own any land. So the problem that we are discussing here of landless-

ness has a special meaning and a special significance and it is no use coming here and trying to gloss it over with a lot of charming phraseology of this newly discovered idea of political multiculturalism and Kenya Groupism and the rest of it. We are trying to discuss the problem as it exists.

Now, Sir, I want seriously to suggest, especially to the hon. Specially Elected Member, Mr. Slade, who has had the occasion with some of us to visit certain areas of this country where, I believe he saw as indeed we ourselves saw the problem of landlessness as it exists and is bound to increase in the next few years. The problem has a significance in that it relates to Africans has a significance in the two following forms: one, that the African's only means of subsistence to a large extent is dependent on peasant farming or ownership of some piece of land in the African reserves; its second significance is the point that the only alternative for him is either employment in the urban areas or some form of social security in his place of employment or in his home areas. The significance, therefore, of the meaning of this problem as it is posed in the original Motion is to draw the attention of the Government to the growing or increasing problem of landlessness in its economic and social aspects and especially as it affects the Africans in this country today. I therefore wish to suggest, Mr. Deputy Speaker, that hon. Members will take this debate a bit more seriously and that the Government will keep to the relevant issues and face the question that is posed in this House: how are we going to deal with the problem of landlessness; the problem of insecurity in old age for squatters and Africans in Kenya. I want seriously to suggest that not only is the Government running out of time but indeed they have run out of time as far as taking into account the urgency of this problem is concerned. In the Central Province as a result of land consolidation—and we have stated this in the Council many times but the Government insists that the problem does not exist!—as a result of land consolidation landlessness is becoming a menace to any and every of the economic and social programmes that are being implemented in the area. And it

[Mr. Mboya].

is no use pretending here that the problem does not exist nor of pretending that by piecemeal solutions we are going with a truly that is becoming nationwide. There is no use pretending here, Sir, that we do not know the inadequacies of land consolidation as a programme in taking care of or meeting this problem or guarding against the possibility of this problem in the future. This is, Mr. Deputy Speaker, the problem that the hon. Mover was trying to put before the House for consideration.

We hear questions about interference with the legitimate rights of certain people. Mr. Deputy Speaker, I will (although I am tempted to enter into that field during this debate) restrain myself from doing so except to make this very brief observation especially for the serious consideration of the hon. Specially Elected Member, Mr. Blundell. It appears to me that when he and others speak of the legitimate rights of certain individuals they are attempting to ignore that so long as the question of the White Highlands remains unresolved all these attempts at Kenya Groups and Capricorn Societies and Kenya Leagues and every other "ism" and league and group, will never succeed. They live on top of a mountain and refuse to look down at the foot of that mountain to see what is happening there. And they think that because they are on top of the mountain, they are top of everything at the foot of the mountain. Mr. Deputy Speaker, these people are in for a very rude shock one of these days.

The Minister for Education, Labour and Lands has told us, or given us some statistics and all I want to say is to appeal to the Government seriously to consider the problem of landlessness; seriously and urgently to consider the problem that we are beginning and are bound to face with regard to the lack of security for the employed people in the urban and rural areas; seriously to consider these problems as they will affect, or as they already affect, the economic and social development of this country. It is not enough, Sir, for the Minister in his attempt to reply to my friend, the Mover of the original Motion, merely to come here and quote figures of the number of squatters that lived in the Highlands in the year 1952/53 and the

reduction of these numbers since 1952 to date, because he leaves out the most important question which was fully covered by the original Motion; namely, what has happened to these numbers which have suddenly disappeared from the squatter ranks, where have they gone to; has the Government provided for them any alternative land, any alternative means of security. If not, are they not landless and is this not what the Motion seeks to ask the Government to consider and think about? It is not enough merely to try and play around with words, phrases and figures. And, Sir, I appeal to this side of the House to think of these problems, in the context in which they have been brought to the House: the economic and social aspects of the problems of landlessness and the squatters in this country. We did not introduce the political element which has been introduced by the Kenya Group, but if they wish to discuss it we are only too ready to do so at an appropriate time.

I beg to oppose the amendment.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, to refer back to the amendment and the original Motion, I would like to refer first of all to the problem of the resident labourers which was mentioned by my hon. friend, the Member for Rift Valley (Central). I think, Sir, he misunderstood the interruption made by the hon. Nominated Member, Cmdr. Goord, when he was talking about livestock. To my knowledge, Sir, and I have checked up on it as much as I can, there has been no question of the eviction of squatters. What has happened in the Usain Gishu area has been a rule made by the local authority to abolish the holding of livestock by squatters.

Now, Sir, the Member for the Coast interrupts me behind saying "The same thing!". Well, Sir, I do wish he would be more accurate in his facts. There have been squatters without stock in Ukamba for a very long time and they are perfectly happy with that situation. Sir, it is no good Members on my left saying "Question!", the fact remains that there are people today in the Ukambani and Thika area who still come along and apply for jobs as squatters because of the privilege of cultivation of land.

[Sir Charles Markham]

The whole question really arose regarding the remarks of that same hon. Member concerning the ownership of cattle and goats.

Also, Sir, I know the hon. Member for the Rift Valley (Central) did refer to many people who had resident labourers being rather cruel to them in their old age and that they had nowhere to go. I hope, Sir, he was not referring again to here he is not here referring to Ukamba because that area which has a lot of resident labourers or squatters, as you like to call them, have been looked after extremely well by the European farmers in that district. And I do know some of the people myself personally—the squatters down there—and they certainly have not told me of any maltreatment as has been alleged by the hon. Member.

Sir, the Member for Nyanza North. Sir, in his speech seemed to get away from the Motion and there were, as you remember, many interruptions at the start of his speech on points of order. He referred, Sir, to land at Laikipia and he quoted very large acreages owned by European farmers. Sir, in case it is thought that that land is unused, I would like to remind the House that a great proportion of the beef production of Kenya comes from that same land and it is perhaps unfortunate that the hon. Member should rather allege that those vast areas were not used. He might like to know, Sir, that in the ten years between 1946 and 1955 the figure for meat production was 17,800 in 1946 and 46,300 in 1955 and a great proportion of that increase comes from the Laikipia area.

Sir, having heard the hon. Member for Nairobi Area speak, I must admit, Sir, that with respect I do not believe the Mover of the original Motion did make it clear what he was getting at because he did devote—and, I think, unfortunately because of the time limit—a large proportion of his speech to history, with the result that perhaps some of his points got lost. We, Sir, on this side of the Council and, I feel certain, on the other side of the Council are well aware of the problem of the landless people. But, Sir, I would suggest to my hon. friend, the Member for Nairobi

Area, that he should look at the terms of the Motion. If he is—as I believe he is, Sir—anxious, desperately anxious to solve this problem, then, Sir, he could not honestly accept the original Motion that is before the House, because that Motion, Sir, tackles only a small proportion of the problem. Now, Sir, if the hon. Member is keen to tackle this problem, then I would suggest, Sir, that lands be taken as the whole of Kenya and not as a small section which he calls the White Highlands. If he is suggesting that, Sir, then I will have much more sympathy with his views. But no, Sir, he did not. His attack was purely on those of us who wish to broaden the scope of this Motion to include all Crown land unalienated at the moment. But no, Sir, once again he wished to only consider the White Highlands.

I am not suggesting changes because I believe pledges are extremely important on this issue but I would like to ask him, Sir, whether he, coming from a certain tribe, would be willing to allow his neighbouring tribe, the Maragoli, into his tribal reserve where there is land not in full use such as the Lambe Valley; or whether, Sir, he is advocating to the Member for the Rift Valley (Central) for the overcrowded Kikuyu of Central Province to go into the Masai; or, Sir, into other parts of Meru which are not crowded at the moment. I have not heard him suggest any such a thing and therefore I would suggest, Sir, that when he talks about my hon. friend, the Specially Elected Member, having introduced politics, he was preaching politics and nothing but politics. And I would suggest to him, Sir, that we should, if he wants to solve this problem; let us together, all of us, find a constructive solution to this problem.

Sir, a lot of us can talk politics and that is one of the reasons why the amendment moved by my hon. friend broadened the scope of this Motion to try and tackle the problem as a whole rather than tackling it piecemeal. But, Sir, you are not going—with respects to those African Members who have opposed the amendment—to solve this problem just by opening up a little bit of area of land because even in 15 years

[Sir Charles Markham]

will you will get the same problem arising again and what about those who have not got it?

Sir, the hon. Member for Nairobi Area gave no constructive suggestion that might solve this problem other than that of opening up the Highlands. He forgot, Sir, the economy of this country or forgets the economy of this country which depends to a great extent on intensive farming and economic farming. Now, although there are areas, I admit quite openly, now, suitable and which should be farmed by African farmers, that alone will not solve the main problem for us, Sir, I feel perhaps, Sir, that the hon. Member has been out of the country for so long and out of touch with what is going on and I would like to say, Sir, how pleased we are that he has managed to get himself doctored in America.

Talking now, Sir, of a subject similar to this: land. I have no farming land in the Highlands, Sir, so I can say this quite safely—land belonging to your neighbour often looks a great deal better than your own; land belonging to people who are richer than yourself again looks better than your own. But, Sir, how often do we start to covet what does not belong to us and try to make political capital out of it?

Now, Sir, before I sit down—because I see there is no timekeeper at the moment, I have about ten minutes to go, I believe; I beg your pardon, Sir, there is a timekeeper—I would like to make one plea to the hon. Member and the other hon. Members who have opposed this subject of the amendment.

What is there, Sir, in this amendment, which really they can oppose in their hearts if they want to solve this problem? The fact that it is non-racial in its attitude? The fact is that there are certain areas of land, as we all know, down near Mackinnon Road, in that area, which are eminently suitable for smallholdings, as my hon. friend the Specially Elected Member said.

MR. COOKE: Question?

SIR CHARLES MARKHAM: Sir, the hon. Member for the Coast says "Question", but all I can say is that we farmed a

bit of country much worse than that down at a place called Murka and with some water we developed some first-class horticulture. But of course, Sir, the Member for the Coast, who was our Member at that time, never came near us.

Sir, he and I have argued on many occasions, but I believe that on this issue we have not really got a lot on which to disagree. I would urge upon them—and him, to accept the amendment in the spirit in which it was moved. This problem does require a detailed examination by the Government. The resolution, as originally moved, is really was only, as I said before, just scratching at the problem. If you look at Kenya as a whole there are vast areas which, with water, and proper methods of cultivation, could be made economic. That, I believe, is the Government's function rather than perhaps retaining in this country vast national zoos which achieve nothing except in relation to the tourist industry, and I was talking Sir, of "Troublesome Toms". I am very sorry indeed that the hon. Member should have brought in this difficult question of politics. I would like to play politics with him on it because I believe it could be great fun, but as he said, Sir, this problem is too serious to be tackled any other way than by a detailed examination by the Government as we have requested in the amendment.

I beg to support the amendment.

THE MINISTER FOR TOURISM AND COMMON SERVICES (MR. CROSSKILL): Mr. Deputy Speaker, this Motion has not got much to do with tourism but I think I may be performing a common service if I can show the hon. Member for Nairobi Area that his approach to this problem is quite wrong. The hon. Member will try to find political answers to social and economic questions and I feel that if only he would perhaps, instead of promemading backwards and forwards across the Atlantic, get down to some serious study of economics he would see that I am right in saying that he is wrong in his approach. He would realize that it is not a question of land alone but what land will produce, the real wealth that the land will produce:

[The Minister for Touring and Common Services]

The hon. Member for Nyanza North. I feel was quite wrong when he complained that there are seven people in a certain area in Laikipia where they are producing wealth from 50,000 acres. But it is not a question of the number of people and the square yards of land which they own but it is the wealth they produce thereby. In that particular area, Sir, great manpower is not required but great wealth can be produced. It is the wealth which pays the taxation, and it is the taxation which provides the social services and perhaps would provide a bursary at an economic college so that the hon. Member for Nairobi could go and study so that he could see these problems in their proper perspective.

There are, of course, population pressures in parts of this country. Government is aware of those. Everybody in this House is seeking solutions to those population pressures, and if he would get down to some serious thinking instead of playing politics we should find the solution more quickly to those problems. I would like him to consider that in the land which is being farmed by the European farmers in this country, which is to the extent I believe of 12,000 square miles, from those square miles are being produced three-quarters of the exportable wealth of the country. Government is doing its utmost and has been doing it for some years and will continue to endeavour to increase the production from the 52,000 square miles which is being farmed by the Africans in this country. Those are the aims that we should endeavour to bring to fruition.

One point which I would like to comment on is that which was made in the speech by the hon. Member for Central Rift with regard to social security. He was talking about squatters or resident labourers and their lack of social security, particularly in old age. He said that many of these resident labourers had been on farms for two generations. I can show him others who have been for three and more generations on farms, and I do submit, Mr. Deputy Speaker, that those Africans would not be there if they did not feel secure, because they

are quite free to go elsewhere if they wish to do so.

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

Mr. MUMBI: Mr. Deputy Speaker, I would gladly borrow a voice from somebody in order to express my opinions in this grievous debate on what I consider a very important and major issue which should be considered very slowly and very carefully.

Mr. Deputy Speaker, I stand to oppose the amendment more especially as the Mover of the amendment has also supported in terms of what people in the British Government and in other European Governments were thinking during the early nineteenth century, and as a result of what I am going to say I have no doubt that those who advocate creating harmony in this country, members of the so-called New Kenya Group will no doubt support the Motion that is before us, and will no doubt oppose very strongly the amendment.

I would first of all, Mr. Deputy Speaker, like to enlighten Members of the House as to what some of the people in the European countries were thinking in the century that I have quoted. I would like to quote page 259 of *The Permanent Way*, which is the story of the Kenya and Uganda Railway, by Mr. M. F. Hill. I am now quoting the last five and a half lines. This is what he says: "If in the year 1903 any statesman had spoken of the 'paramountcy of native interests' in an African colony his views would have excited surprise and ridicule, for men then held more simple and certain faiths than they hold today." When I heard the speeches of certain hon. Members in this House I thought they had moved and were speaking in the twentieth century. I go on. Mr. Deputy Speaker, to quote: "They believed in civilization; they believed in the British Empire; and they were convinced that the British brand of civilization would bring great benefit to Africa; they believed in the beneficial occupation of land; and they thought it the duty of colonial powers to develop their possessions for the benefit of all mankind." That was all right, so far as the last part of it is concerned, that land should be developed for the good of all mankind. But there were other circumstances

[Mr. Mumbi]

which forced people in Great Britain and other European countries to think in those terms, and some of the factors were the new development of colonization in North America and also the movement of Europeans outside Europe. These people who moved from their countries required cheap food. They required many other things because they could not get such good things in the new countries, and therefore they were probably justified in thinking in those terms. But today the problem that is facing us in Kenya is one which the British Government all along has envisaged, and it has warned the Government of Kenya and also it has warned all the territorial Governments under the British Government.

First of all, Mr. Deputy Speaker, I would like to draw the attention of the House to what the real problem is in Kenya especially, and what I believe is the obligation to the British Government in Kenya. I would like to do this, Mr. Deputy Speaker, by quoting precisely what the Prime Minister, the Rt. Hon. C. R. Attlee, said in 1937. He said this: "The Labour Party will see that every native family . . ." and I would like to underline the words "every native family" . . . I am assured of sufficient land for its support and will regard all land in the Colonies as primarily held by whoever it may be in trust for the native inheritance." If we are prepared to call ourselves natives of this country then there is a very big question whether your nativity will qualify you for this statement. If it does, then that is a question that will have to be answered.

Now, then, Sir, our immediate question is, "Is the present Kenya Government trying to fulfill the pledges made by its predecessors?" I believe and I submit, Mr. Deputy Speaker, that they are not trying to do that. Instead they are trying to evade their responsibility. Again, Mr. Deputy Speaker, I have regard for all the parties in Great Britain—Conservative or Labour. I believe that they are all equally good. Therefore I feel that, although the present Kenya Government is under the Tory Government, they must honour the pledges made by the previous rulers, and one of the pledges they must fulfil to the African is making it possible for every

African to have a piece of land. I was rather disappointed when the Minister for Education said that it was not possible to give every African a piece of land. Well my hon. friend the Member for Nairobi Area has put the case very clearly, but the African depends very largely on what he gets out of the land, and to pretend that an African can do without land is a problem that will face this country after many years. When we speak of squatters certain Members cover their eyes on this squatter problem by thinking only of the squatters from the Central Province. They do not understand that there are people of other tribes in the country working outside their homes and they have no home to go to after many years. They have become landless. You will be, of course, aware of the great number of people from Central Nyanza working in the sisal farms. You also take into account the number of Akamba working in certain farms. Now, these people have lost their original land and they must be provided with some form of homes when they come of age, and all the Motion is trying to ask is to open those lands in the Crown lands which are not used by anybody for the settlement of these people.

Now, Sir, when this is mentioned many people raise the question of the White Highlands, the lands held by the White settlers. The point is this, and we have got to face it. If not us, Sir, our children or grandchildren will face it. No Government, however incompetent it may be, will tolerate the idea of one man having 100,000 acres at the expense of so many landless people. This problem will have to be faced at some stage or other. But we are not talking of this yet. The time is not very far off when we shall be discussing it. But our immediate concern today is to try and seek whether something could be done for those Africans who will be a problem to this country for lack of land, nothing whatsoever, and more especially when they become of more age. More especially, Sir, I think of my people the Akamba who fought very gallantly in the two World Wars, and nothing was provided to them and I must say that many of them are some of these labourers. Many of them are nothing more than night-watchmen. I think that serious consideration must be given to these people.

[Mr. Muimi]

I see that my time is running out, but lastly I would just like to correct what the European Minister without Portfolio said, that the Duke of Devonshire never said that when the interests of the two races conflicted the interests of the major group will prevail. Now, this is what the Duke of Devonshire precisely said, and I beg to quote from the Report of the Royal Commission, page 20, paragraph 43. Now, this is what he said: "Primarily Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African native must be paramount and that if and when those interests and the interests of the immigrant races should conflict the former should prevail." Obviously the interests of the other communities—European, Indian and Arab—must be safeguarded. Whatever the circumstances in which the members of these communities have entered Kenya, there will be no drastic action or reversal of measures already introduced, such as may have been contemplated in some quarters, a result of which might be to destroy the existing interests of those who have already settled in Kenya. I believe that is very clear.

I would like to give the hon. Minister two warnings given, following that statement made by the Duke of Devonshire. I would like to quote for the last time what a Joint Committee of the British Parliament stated in their Report of 1931, and I quote the report: "The doctrine of paramountcy is no more than that the interests of the overwhelming majority of the indigenous population should not be subordinated to those of the minority belonging to another race, however important it may be in itself."

Lastly, Mr. Deputy Speaker, the British Government White Paper 3573, issued about the same time as the statement I have just quoted, and it is a serious warning to the Government of Kenya. I quote: "Any derogation from this solemn pledge would be in the view of His Majesty's Government be not only a flagrant breach of trust, but also, in view of its inevitable effects upon the natives a serious calamity from which the whole Colony would not fail to suffer." I think, Mr. Deputy Speaker, that that

is sufficient warning concerning the problem which is facing us, and when I say the Kenya Government I do not refer to the European ruling class but I refer to all people who will be responsible for the Kenya Government. They must face this problem in earnest and not merely throw mud on each other.

I beg to oppose the amendment.

MR. NAZARETH: Mr. Deputy Speaker, when I read the terms of the original Motion I had, of course, the fullest sympathy for it. But I had the advantage of seeing the terms of the amendment just before the commencement of this sitting and I feel bound to say that I must regard the terms of the amendment as a considerable improvement on the terms of the original Motion.

The hon. Member for the Nairobi Area argued that what the original Motion sought to do was to deal with the problem of squatters and landless Africans, and that in effect the amendment did not move in that direction. Now, there is nothing in the terms of this amendment which in any way evades the problem of landless Africans and squatters. The terms of the amendment seek to make available land for suitable, agricultural development and settlement schemes. The hon. Member for the Nairobi Area said that landlessness has no meaning except in relation to Africans. Now, both the amendment as well as the original Motion deal with Crown lands and they do not move in the direction of taking away anything from the lands reserved for African use. Now, if unalienated Crown land is made available to people of other races then in practice it is bound to happen that it is the Africans who will largely benefit from the land made available. In theory, Sir, the Asians will also come into the picture and the Europeans also will come into the picture. But as the pressure mainly comes from the Africans, the problem arises most acutely in relation to Africans, the practical implementation of the amendment will in effect benefit mainly the Africans. If we kept to the terms of the original Motion, as the Minister has shown, there would be relatively little land available for the use of landless Africans and squatters. I do not know what the exact figure that the Minister gave

[Mr. Nazareth]

was but it amounted to a relatively small amount. The terms of the amendment have very largely increased the amount of land which would be brought into the picture. I do not think that a Motion of this kind should bring into the picture such an immense problem as the problem of the White Highlands. We have been given indications that the Government will shortly make a statement on land or land tenure and I cannot help feeling that the question of the White Highlands must necessarily come into it; but if we are going to deal with the question of the White Highlands then I feel that that should be the subject of a Motion by itself and that that issue, a very important issue, should be dealt with entirely on its own merits.

The hon. Member for the Nairobi Area—and I listened to him with the greatest attention because I was anxious to see if there was any strong compelling reason why the amendment should be rejected—said that we were concerned with landlessness as an economic and social problem, and if anything he had said had convinced me that the amendment would defeat the solution of the problem which he had in mind, that is landlessness as an economic and social problem, then I certainly would have favoured and supported the original Motion as against the amendment. But I do not see for one moment that the amendment does less to solve the problem of landlessness as an economic and social problem than the original Motion sought to do. As I have said, Sir, the figures which the Minister gave to the Council show that the impact of the original Motion would have relatively slight effect on the solution of that problem. The Minister, it is true, gave certain figures to show that the number of squatters was decreasing. I am not convinced by any argument founded on those figures because the lessening number of squatters, those who have ceased to become squatters, have probably become either unemployed in the towns or they have gone on to the African reserves and have increased the problem of landlessness in the African reserves. I do not think that that has in any way supported the amendment but nevertheless the

amendment does bring a much better approach to the solution of this problem than the original Motion. The original Motion approached this problem on a purely racial basis. Hon. Members might remember that a few months ago a Motion was moved in this Council by one of the hon. African Elected Members seeking to give greater security to Africans in land in municipalities and townships. I moved an amendment to the Motion urging that greater security should be given to people of all races in areas other than municipalities and townships. That is the basis of my thinking, that we should approach our problems on a non-racial basis. This amendment has that great merit to my mind that it approaches this problem on a non-racial basis, and, as I have said, looking at it from a practical point of view, the benefit which the amendment will bring about will benefit in practice the Africans far more than it will benefit the members of the other races. The movement is all in one direction. It will make land available to Africans which is at present not available to them. It is true that in theory it will make that land available also to Europeans and Asians, and I hope that the problem of the Asians will not be overlooked and that encouragement will be given to Asians to enter the farming industry. But while I do not overlook that, and I hope that the Government will give the fullest attention to that, I do feel it is of paramount importance that we should, as far as possible, endeavour to approach our problems on a non-racial basis in theory, and also in practice. As I see it, this amendment will in practice do a great deal to solve or at any rate to bring about the solution of the problem of the landless and the squatters among the Africans while in theory it will help the other races. I therefore feel for that reason that the hon. African Elected Members might, that well see merit in this amendment, that there is sufficient reason for opposing it, and that as between the amendment and the original Motion the amendment ought to be preferred.

—For these reasons, Mr. Deputy Speaker, I would support the amendment.

MR. ZAERUD DEAN: Mr. Deputy Speaker, Sir, in my mind the whole issue has been confused. I am supporting the Motion not for any sentimental reasons, because my late father advocated this cause in this House 20 years ago. But I believe in the righteousness of the cause so ably pleaded by the Mover of the original Motion.

Sir, if this Motion is accepted it will have a profound effect on the process towards land reforms and it will be a most valuable step to give a measure of security concerning the land to the landless population, security which is deplorably lacking today.

Sir, other countries of the world have similar problems which are symbolic of the feudal system which was prevalent in Europe and in Asia and which has been and is undergoing revolutionary changes; and I feel that all traces of this should be removed. As it was suggested in the original Motion, the result would have been to reduce tension and create a peaceful atmosphere for this country. Sir, if the squatters are given land on reasonable terms and some sort of supervision is exercised with it, then the objections regarding wastage of land will disappear. The sense of security given will far outweigh any loss which anybody in this House may have in mind.

I only wish that this issue had not been confused and that the hon. Members of this House had looked deeply into the intention of the Mover. If they had done so I am quite certain in my mind that the amendment would not have arisen.

With these words, Sir, I beg to support.

MR. SLADE: Mr. Speaker, Sir, I support this amendment and particularly strongly because the original Motion, whatever the hon. Mover may have intended, has been used by some speakers to provoke a racial conflict over this matter. It has been used to refer, not only to unalienated land, but also to land already in the occupation of private owners. I am not going into the question of what is meant by "unused", except to suggest that if it is land that is used for grazing only, then there is a great deal of unused land in the

Masai Reserve, Meru Reserve, and all over this country, as well as in the Highlands. But, Sir, it is most regrettable that on a Motion which should concern every Member of this Council, the racial issue should have to be brought in. Therefore, I think the amendment is entirely right, because it insists on this problem being dealt with from a non-racial approach. The hon. Member who spoke just now gave that as the best reason why he supported the amendment.

Sir, in the amendment, and in the original Motion there are really two problems, and although they have some relation to each other, they are not exclusively related to each other. One is the question of how to make the best use of land not already being fully used. The other is the problem of landless people.

Sir, with regard to making the best use of our land, the essence of this amendment is that we agree to follow the advice of the Royal Commission—that is instead of tackling the problem piecemeal, we have a general survey and in doing so, we have regard, not only to the economic needs of the country and the standard of living of particular classes or communities, but also to keep an eye on those treaties and strong racial and tribal feelings which the Royal Commission acknowledged as something that could not be ignored.

Sir, as regards the other problem—the problem of the landless people—some hon. Members during this debate have urged us to face facts. Now we must face facts; and they must face the fact that landless people are an inevitable outcome of security, of protection against disease, against famine, and against enemies of unrestricted procreation, and of civilization. If you want those things, every country in the world has shown that you have with those things landless people; and that fact must be faced, particularly by those who keep telling us to face facts. And the answer to the landless people is that they must find employment, and civilization provides them with employment. Then, Sir, you have the problem, which the hon. Member for Nairobi Area recognizes, the problem not of landlessness alone, but of social security. This is a much wider, although equally important matter. Provision of

[Mr. Slade] land for settlement and so on may be part of the answer to this problem of social security, but it cannot possibly be the whole answer. This was recognized by this Council, Sir, several years ago, before many of the hon. Members who are supporting this Motion were in the Council. We had, I think in 1952 a Motion passed that there should be an enquiry into the problems of social security. We had the enquiry and we had the recommendations. Unfortunately, the Government have not yet been able to implement those recommendations, and were it relevant in this debate, I would spend some time urging Government to reconsider the urgency of those recommendations. But it is not really relevant in this debate, which is concerned with the use of land.

Meanwhile, Sir, we have to depend very largely upon the responsibility and humanity of private employers, and that is not wanting in this country. If you look around the fields of private enterprise—industry and commerce, you will see what a great proportion of employers have their own voluntary provident schemes for their employees after their retirement. If you look around among the farming community, whatever hon. Members on my left may say you will find that the great majority of farmers accept responsibility for their former employees until they die. You find generation after generation of squatters all on the same farm. The work passes on from father to son and the father stays on with his son when he is too old to work. I am sorry that the hon. Member, Mr. ole Tipis, who is often so fair and generous to European settlers, should have been so unfair and ungenerous on this occasion. He ought to have known better and I am sure that he does know better.

Sir, I have got nothing to add except this. Some of those who keep telling us to face facts, are really implying that we should face threats. I thought I detected that implication in the speech of the hon. Member for Nairobi Area. Now, I ask those people to face some more facts, and there is one fact which must be made very clear, and that is that liberality is not the same thing as appeasement, and if they want liberal attitudes towards them and their problems, they

should not use threats. They will get nothing by threats, except to harm this country and particularly their own people. They must face another fact—that those of us who are determined that the problems of this country shall be handled on a non-racial basis are just as determined, although probably less noisy, as those who like to approach everything from a racial aspect, and that among those who are so determined to see our problems tackled on a non-racial basis, if the great majority of hon. Members of this Council.

I support the amendment.

MR. KHAMISI: Mr. Deputy Speaker, Sir, I have only a few sentences to say in connection with this Motion.

Sir, it has come to me as a great surprise to see and to note that attitude that has been taken by the Mover of the amendment to this Motion. Now, this Motion, I, put to you, Mr. Deputy Speaker, and to the Council, is a very straightforward Motion. There is no complication in it—it only asks for one thing and one thing only and that is to make provision for the security for the landless squatters who are now being used as resident labourers on European farms.

Mr. Speaker, Sir, these people up to now have been allowed to cultivate pieces of land in these areas in order to make up the low wages which they earn. One of the speakers thought that to allow these people to farm alongside the European farms is going to introduce disease into the crops and thus affect the production of this country. If that is true, then surely they do it now, because at present they are allowed to cultivate pieces of land in those very same areas and if they do not do it now, how does it appear that they will do it when they get proper pieces of land for farming? We feel very strongly that the whole question of this Motion has been clouded by the amendment which is couched in a very nice English phraseology of which we are quite ignorant. But we would like more simple motions, worded in simple language such as the one which appears on the Order Paper today, and I suggest that it is the duty of the Government, if that is they have accepted the argument of the amendment simply because it is on the

[Mr. Khamisi]

some lines as the Motion surely, they could accept the Motion as it stands.

Mr. Deputy Speaker, Sir, the question of opening the native reserves to non-Africans has never been a bone of contention in the Kenya politics, and will never be. I think it is quite clear to everyone here that the little land that is being owned by the 8,000,000 Africans in Kenya is not enough to go round, and that is the main reason why we feel that this land which still remains unoccupied in the Highlands should be given to the Africans who can farm it and thus bring more prosperity, and thus fill the coffers of Government.

We have been given some statistics, and if I understood the figures correctly—the Minister told us there were something like 34,000 acres odd which are lying idle and which could be allocated. If that is the case, then let us ask the Government to accept the Motion on the condition that they will only give these 34,000 acres to the Africans and then if any other Member on either side of the Council wishes to bring forward a Motion about the allocation of unused land in the native reserves, then they are at liberty to do so. But at the moment we are debating a Motion which is specifically related to the security of squatters in the Highlands, and it asks that land which is lying unused in the Highlands be allocated for the use of these people.

Now, Sir, I have been listening to Members of this side of the Council who say this motion is rather racial. Last week we debated many Motions in this Council, many of which were of a racial nature such as the European and Asian Education and when we started to bring in the question of African education, we were told the motion was confined to European and Asian education and we agreed and we kept quiet. The other day, we also discussed the Registration of Land which is racial and therefore there is nothing wrong in discussing this Motion as it appears, and it is for that reason that we should get away from the idea that anything that is brought into this Council must be non-racial. The complaint is still there and the necessity for providing security for these landless squatters is there, and it is pertinent, and it must be faced squarely by this Council.

It must be faced by the Government and by the country at large. I wish this matter to be faced in a manful way and therefore I strongly object to the amendment which I consider to be irrelevant and does not suit this Motion, and I ask Mr. Speaker, that the Motion be adopted as it stands.

Mr. COOKE: Mr. Deputy Speaker, I beg to oppose the amendment. Stripped of that vagueness and verbiage, for which I am told my friend the hon. Mover of the amendment is noted, it contains a certain amount of merit, but it does not meet the particular point which we want made.

The problem before us today, Sir, is a very specific and urgent one and it must be met by a specific solution. Later on, I have no doubt, as the hon. gentleman who has just spoken said, the amendment in that form or some other form, might easily be brought in front of this Council and would certainly receive my support.

Now, Sir, I must deal with one or two matters which the Government speaker brought up. He said about the squatter problem that it has not that magnitude today which it had some years ago. Now, Sir, I think, if I may say so, that that is a typical Government reply. A year ago, we had in this Council a debate on detainees in the prisons and we were told, then, Sir, in so many words that it was not a matter of great magnitude.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): On a point of order, Mr. Deputy Speaker, have detainees anything to do with this Motion?

THE DEPUTY SPEAKER (Mr. Webb): No.

Mr. COOKE: The hon. gentleman has a great facility for interrupting, but it really amuses me rather than puts me out of my stride, which is, of course, the main object of my hon. friend, if he doesn't mind my saying so. No offence meant! But it is easily seen through, that is what I really meant to say.

THE EUROPEAN MINISTER WITHOUT PORTFOLIO (Mr. Harris): I would merely like to thank the hon. Member for giving way, Sir, because he so often gives me the opportunity to interrupt on a point of order.

Mr. COOKE: It is typical of the Government attitude. There may be no great magnitude, although I think there is, but I do feel and our argument is that this will be a matter of great magnitude in the near future, and that is the reason why we urge and beseech Government to do something in the matter.

Now I want to relieve the hon. gentleman of one or two of his misconceptions. I have never urged or even talked of expropriating land in the Highlands from the good settlers, but I do agree with one or two speakers today, that if a settler, or if an African, is not managing his land in accordance with tenets of good husbandry, he should lose his land and I thought that was the whole object of the Bills we have been discussing—agricultural Bills and that sort of thing—that if a man did not cultivate properly then he was more or less an enemy of the State. Now, any farmer who does not cultivate is such an enemy, according to the rules of good husbandry, and I think his land should be taken from him. But the land that I am specifically referring to is the marginal land which is not really worth a great deal of money although it could be farmed by Africans far more easily than by Europeans. I think that if it was necessary to take that land as happens frequently in the African reserves where land is put aside for a certain purpose, then we should be prepared to buy this land from the farmer, if he is willing to sell. Now, that was my whole argument in regard to the Digo, and I deprecate very much that Government did not take the opportunity of buying that land which went at a very cheap price.

Sir, I oppose the amendment.

Mr. HASSAN: Mr. Deputy Speaker, Sir, nobody can deny that the Government for the last few years has done a tremendous amount for the agricultural development of the African in this country, and I do not think anybody in this Council would deny that we have amongst the Africans an increased number of unemployed and landless elements. We must think over very seriously as to why this situation has increased. One of the reasons I know is because of the *Mau Mau* trouble which we had in this country. A considerable number of people were de-

tained and have now been released and they have now swelled up the number of unemployed in this country. The ex-squatters have also increased during that lawless period. Another reason why unemployment has increased is the minimum wages in the town. It is a fact, and I would like the Government to know that large numbers of merchants, Government servants and other people living in the towns used to have two or three-house servants, but today a considerable number of those middle income and lower income groups either have only one boy or they do without one and that has increased the unemployment that has been caused.

We all know very well that agriculture is the backbone of the prosperity in this country, and the position has arisen when it is not possible for an African—if he is without a job and without a land—to find means to keep himself today. There was a time when an African friend could help quite a few others and enjoy each other's hospitality and make their living in that way. Today the cost of living has gone up and it is not very easy either for an African to have means to feed his guests or to have means to do so at his disposal.

Taking all these things into consideration, we are facing an issue that is faced by every country in the world. If members of immigrant races are without a job, and are without land, they will have to look after themselves. If they cannot find any job in the country they will have to go to the place of their forefathers; but the indigenous population has nowhere to go. Africa is for them. Therefore I cannot possibly understand any reason as to why there should not be arrangements made to find out means for settling such people, because if squatters have been removed and have gone away from the farms, naturally those people are the people who could make up their living from the land. They are uneducated; they have no other profession; and I think if you look very carefully into the towns you would find that the number of these unemployed is increasing and they are now an absolute danger to the people living in the towns. They have no means to live with the exception to live on picking and thieving. If settlement

[Mr. Hassan] schemes were arranged by the Government for such people. I feel it would be a great help and assistance to the country and to the Africans.

I feel that there does not appear to be very much difference, Sir, between the Motion and the amendment, with the exception that the amendment has a sort of non-racial outlook. Why the amendment is suggesting a non-racial outlook—I think it is the Mover who can explain it better, but I personally feel that the Motion itself indicated that the land unused in the Highlands should be made available for settlement. Unused land is the land which we feel is probably unoccupied and in European occupation. That land is needed in the Highlands to be transferred from one community. It would be really a calamity if that land goes to another community with the same reservation. If the Mover of the amendment has suggested that any unused land or any unalienated Crown land from the Highlands is made available for settlement it should be on a non-racial basis. If Africans are, say, to the tune of 16 to one in this country they should naturally have a better chance to occupy that land.

MR. SIKAU: Could the speaker please address the Chair?

MR. HASSAN: I do not know what the gracious lady means. I am sure I am addressing the Chair.

If the land is to be the question of this Motion—unused land and unalienated Crown land from the Highlands—part of it was to come from the European community, and if such was the case the suggestion that any such land being made available for settlement should be on a non-racial basis. I do not think it should have been a matter of very serious objection to my African friends, with the exception that the amendment has been moved—I do not think there is any difference between the Motion and the amendment itself.

MR. BLUNDELL: Support the amendment, then.

MR. HASSAN: However, the Minister gave some statistics, and that was rather surprising to me because in 1953 we were told that we had about 200,000 acres unalienated Crown land, and what has

happened to the 60,000 acres it would be very interesting to know. It looks as if it has been given over to someone and this House does not know anything at all about it.

MR. BLUNDELL: Mr. Deputy Speaker, I thank the hon. Member for giving way, but I think the hon. Minister made it clear that 27,000 acres at any rate had been released for African settlement.

MR. HASSAN: Well that leaves about 40 acres of land, I think.

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

MR. SAGO: "To squat or not to squat", that is the question, I, Sir, have squatted for a long time in a *duka* and I now seek an opportunity of squatting on a piece of land. It cannot be denied, Sir, that the Asian community, by its heritage and its tradition, is essentially a farming community, and in the non-racial approach to the problem by the amendment suggested I see a chance for the Asian community to be hitched to the plough along with other races, and for that reason alone, Sir, I very strongly support the amendment.

MR. ARAP MOI: Mr. Deputy Speaker, I am speaking only on the amendment, saying that the hon. Mover of the amendment failed to see the point that I have raised when moving my Motion. I did ask the Government to take this matter seriously, and I listened carefully to Government speakers mentioning over 220,000 squatters which existed in the settled area before the Emergency years. The Minister for Labour laboured so much on his defenceless case, trying to defend or to support the amendment by trying to give us figures since 1952, watering down the figures right down to 21,000 squatters—that means plus families—total up to 31,000. But he did not, Mr. Deputy Speaker, tell this House clearly as to where the 220,000 squatters who have been squatting before 1952 have gone to—whether they have died, whether they have gone to Uganda or Tanganyika. This is the point I was trying to find out and to ask the Government to put to this House and tell this House quite clearly whether the Government has tried to find out or find settlement for these squatters.

[Mr. arap Moi]

Therefore, Mr. Deputy Speaker, without trying to go on with various logical arguments advanced by various Members in this House, I should like to ask those Members who felt that this Motion was a racial one—the Member for Ukamba tried to say that I did not put my point through because of shortage of time—but he also did not tell the House what form of security there is on his farm for his labour.

SIR CHARLES MARRHAM: On a point of order, Mr. Deputy Speaker, I have got no squatters on my farm and "I ain't got no farm".

MR. ARAP MOI: Therefore the hon. Member commented on the case but he did not know what was happening to the squatters, so he ought to have given us some information as to what has happened to the squatters—whether there has been some form of approach on the part of the Government to help these squatters.

Furthermore, some Members tried to bring out some delusions as to the Crown land unused and tried to say land within the Highlands is not Crown land, it is merely the property of certain people. I should like to quote a statement made in this Council by the Member for Lands, the hon. Sir Charles Mortimer, in 1938. One Member pleaded that the Highlands was reserved for European settlement, but the Member for Lands said this: "The hon. Member had a good deal to say about the reservation of the Highlands for European occupation, and as the hon. Member is quite well aware, the Bill contains no such reservation, but only a description of an area to be known as the Highlands." That is the fact, and therefore it falls as Crown land, and therefore I did not want to approach this matter on a racial basis. I merely tried to tell the Government that there is an urgent case for the squatters—an immediate case. I am wanting the Government to give us specific actions or steps which the Government is taking to create a better situation, to create a better atmosphere among the races, which many Members in this House are trying to advocate. Therefore, Mr. Deputy Speaker, without labouring too much on this amendment, I think the various Members who have tried to

water down the original Motion have failed to see the point and they should come to their senses and leave this attitude.

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

MR. TOWETT: Mr. Deputy Speaker, Sir, the more one stays in this Council, the more one gets more confused in the Council. When we sit here, Sir, and look at the Government side, I wonder at the thick-headedness and impenetrability which is shown by this opposition: I mean on the Government side, Sir.

I am now going to appeal and ask the Government to learn to see reason. We are trying to create an atmosphere in this country where all people feel that they belong to the country, and when we come here and say let us see to the state in which the squatters are today, you just come and say "No"; you water everything down and then we leave the House in just the same manner in which we came in. It cannot help us. The Government should learn: the Government should re-examine itself instead of coming and accepting what I call a queer type of amendment, which in earnestness is no amendment at all.

I have never, never known of something called an amendment, where you have four or five different items in it which were not in the original Motion. Now, let us examine what is supposed to be an amendment. It introduced what it called a detailed examination of all that was not in the original Motion. That was not in the original Motion, Sir. Secondly, it has introduced what is called settlement schemes. That, Sir, I submit, was not in the original Motion. Thirdly, Sir, the problem of interests of adjoining land-owners was not in the original Motion, Sir. Fourthly, Sir, what you call landless people of all races; that also was not in the original Motion.

Now when you go all over the world and collect all the conceivable points from all that part of the world, and then you come and say you move an amendment which is, in all earnestness, not an amendment. Mr. Deputy Speaker, I think the Government, before saying anything at all about the amendment, should have re-examined whether what is supposed to be an amendment is

[Mr. Towett]

really an amendment, and I wish we had more advice on the position of the Standing Orders and how they are worked out.

SIR CHARLES MARKHAM: Mr. Deputy Speaker, the hon. Member is virtually saying you have no right, as Deputy Speaker, to allow this amendment. Is he in order in saying that?

THE DEPUTY SPEAKER (Mr. Webb): Sir Charles, I do not think I would construe his remarks like that.

MR. TOWETT: Thank you very much, Mr. Deputy Speaker, I need such support.

Now, Sir, I was saying that this was not a nicely construed or a nicely written amendment, so let us forget about it. I notice that people on this side of the House who see things in their right perspective will know that what is being given here is what I call the last straw to the New Kenya Group.

Now, I was just touching on the superficial points. Let us be honest and earnest. I never speak with two tongues. I do not, always.

Now before the Asians came to this country and before the Europeans came to this country, who were the owners at that time of this country?

SIR CHARLES MARKHAM: The Masai.

MR. TOWETT: Yes, I am pleased to hear that. Now if the Masai want to go back to Laikipia, those people who came to the country recently will give way to the Masai. If the Masai want to go to Nanyuki, those people who are there will give way to the Masai. Let us accept it.

Now let me state about my own district and the district around Mandi. There are some areas which were taken by the Government from the people of those areas when the Government came to this country. Now what is occurring or happening at the moment is this. You have a surplus of population; our population is growing. We have a surplus population and some of them have gone back and worked for our neighbours, the Europeans, and there are actually people there on those lands in the farms who are no longer required to work on those farms because of old age; they want

somewhere where they can go and live until they die. They are of no valuable service because of old age—70 and over. They cannot work on the farms. Where do they go? What you are trying to do is this. When you have this problem of nice land for farming, such as we have in Kericho, all the land has been earmarked and taken by people in the area, and those people who are outside when we divide and subdivide land will have nowhere in the district to put their houses and their feet in the reserve. We want somewhere in the Highlands which nobody uses for these people. Now, Sir, I think we should consider this problem. We were not saying we did not tolerate other races to go to unused areas in the White Highlands, but what is concerning us is—if there is anybody even today of any race who is a squatter, let him be considered among the African squatters and be given land in the unused area in the White Highlands. If there is such a person who is a squatter!

MR. ALEXANDER: Me.

MR. TOWETT: Thank you very much. Why should we try to close the mind of reason and look at something else? We should consider these things very seriously.

Now I do not accept the proposed amendment for the reasons I have given. One is, it is no amendment. Two—it does not solve the problem of these African squatters—who include my friend here, because he says he is a squatter; let him come and be given land in the White Highlands where there is land available and which is not in use. That is all I am asking for. Why should we not? It is not racial. We are not trying to be racial. We are trying to get land for people who have no land, where they can go and live and end their days. There are many of them who are old.

MR. DEPUTY SPEAKER, SIR, the problem is a serious one, and if the Government is not going to see what I call reasonable reason, I think it is high time we removed the Government and had another Government.

With those very few points, Sir, I beg to oppose the supposed amendment and support, the Motion—not the wording but the principle underlying it.

MR. NGALA: Mr. Deputy Speaker, Sir, I will not be long, as most of what I wanted to say on the amendment has already been said. I would only support the hon. Member who has just sat down, in that this amendment should not have been brought forward at all because it introduces a completely new subject of much greater magnitude than the original Motion.

Now before I go on to mention one or two points, I would like to express my very distasteful appreciation over the speech that was given by my hon. friend, the Member for Ukamba, and the Minister for tourism. These two gentlemen, Sir, have given a speech that would otherwise be quite appreciated, but the inclusion of personalities in the speeches has been very unfortunate. I feel that the reference to flights across the Atlantic and the reference to titles of doctorship and so on were completely irrelevant, and I think this does not encourage any good relationship between the Members.

SIR CHARLES MARKHAM: Did the hon. Member hear the speeches in question?

MR. NGALA: The hon. Member concerned is asking me whether I heard the speech. I did not comment on his speech because my hon. and learned friend, the Specially Elected Member, Mr. Slade, has already pointed out what was needed to be pointed out in his speech, and in emphasizing this, Sir, I am not trying to defend any Member of any race in bringing personalities into a speech that concerns the policy or principles on certain aspects of the country. I feel it reflects against a very low standard of argument in a Council of this kind for people to deal personally with other Members. Yes, I have been present from the beginning of the House this afternoon.

The other point that I would like to touch on, Sir, is that this Motion touches on a very specific subject, and it was made clear by the hon. Member, and the specific subject on which the Motion reflects is the question of squatters in the Highlands. It was made clear by the Member that by Crown and Highlands definitely meant the Kenya Highlands. Now, I know, that most of the squatters there in the Highlands are Africans but it was not directed specifically to

Africans as such. It is the problem of squatters, and the Motion is aiming at trying to solve this particular problem. I know that the amendment is trying to embark on a much greater problem, which probably needs a Motion by itself, but I think we should have directed ourselves more on this specific problem and not the general nature of the amendment.

We are dealing with the security of a people who have been working in the Highlands for generations without any security, and without any provision for their social facilities and so on, and it is exactly for these reasons that the specific Motion was brought to the House. One of the speakers has said that he has been squatting in a *duka*; he is very fortunate that he has a *duka* to squat on, because there are many people, particularly the special class of people who are on the land in question—that have not got any *duka* to squat on, and we want to deal with them as a specific problem. If there were any Asians or Europeans who were squatting on that land, they would be considered as a special case under this special Motion, and there would not be any discrimination on a racial basis. It is for this reason, Sir, that I think that the Motion is not racial, as such, but it is there to deal with a special problem.

Threats. Somebody—I think it was the hon. Specially Elected Member, Mr. Slade—said that we should be careful of threats. Now I do not think that there have been any threats at all. If I remember correctly, what the hon. Member for Nairobi Area said is that some people live on the top of a mountain and they refuse to look down the mountain. That is not a threat. It is only just a signal for people to be more careful of life that may for any necessary aspects of life that we come up in Kenya. As such I think we need a warning of being more cautious in whatever we do or undertake in this country. As such I do not think it is a threat.

The Minister for Tourism has given a very good speech, but he has spoiled it, I feel very strongly, by referring to personalities who fly, as if the Front Bench opposite did not, and London and for flights between here and London are other places. I therefore think he should not complain because we do not do it as much as they do.

[Mr. Ngala]

With these few words, Sir, I would like to feel that probably the House and you, Sir, you should not have accepted this amendment.

With these few words, I wish to oppose.

THE DEPUTY SPEAKER (Mr. Webb): Mr. Ngala, you must not question the right of the Chair to accept an amendment or not.

MR. NGALA: Mr. Deputy Speaker, Sir, I would like to apologize and I accept your ruling.

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Speaker, Sir, I rise only to say two sentences. One, Sir—we have spent now some considerable time upon this amendment and we are, I think, getting into deeper and deeper water. I would, Sir, like to have moved, under Standing Orders, The closure of the debate, but I find that the only thing that I could do is to move that the Mover be called upon to reply. I do not wish to shut out the possibility of further debate on the original Motion, if the House wants it, but I would respectfully suggest that it would be the feeling of this Council in the main that you should now put the question on the amendment.

THE DEPUTY SPEAKER (Mr. Webb): Under Standing Order 64, the question is that the Mover be now called upon to reply. I am satisfied this is not an abuse of the proceedings of this Council as a large number of Members have had the opportunity of speaking. I cannot, of course, put the question that the Mover be now called upon to reply, because the Motion before the House at the moment is the amendment, and the Mover has no right of reply on the amendment. The only thing I can do, and will do therefore, is to put the question as to resolve the position with regard to the amendment, and then if necessary call upon the Mover to reply.

I will therefore put the question in the usual way, in two parts, the first part of which is that all the words after the word "That" in the Motion standing on the Order Paper be left out.

DIVISION

Question that the words proposed to be deleted be deleted was put and Council divided.

The question was carried by 45 votes to 13.

AYES: Dr. Adajja, Messrs. Alexander, Amalemba, Blundell, Bompas, Brown, Cowie, Crosskill, Cusack, Sheikh El-Mandry, Mr. Farah, Commander Goord, Capt. Hamley, Messrs. Harris, Harrison, Hassan, Havelock, Mrs. Hughes, Mr. Hunter, Dr. Ismail, Col. Jackson, Messrs. Jamidar, Johnston, Jones, King, Luseno, Madan, Mangat, Sir Charles Markham, Lt.-Col. McKenzie, Messrs. Mathieson, Maxwell, Mohindira, Nazareth, Neome, Ntinnama, Nzioka, Pandya, Sir E. Pirihai, Messrs. Rogers, Sagoo, Mrs. Shaw, Messrs. Slade, Tyson, Vasey.

NOES: Messrs. Cooke, Khamisi, Kiamba, Mboya, Moi, Muiimi, Muliro, Ngala, Nyagah, ole Tipis, Towett, Travadi, Zafrud Deen.

Question that the words proposed to be inserted in place thereof be inserted put and carried.

MR. TRAVADI: Mr. Deputy Speaker, I want to speak on the amendment, but the hon. Minister for Finance, the leader of the House ruled the closure and I had to sit down. Now the amendment Motion becomes the substantive Motion, and is on its face value very non-racial and correct, but—

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, if the hon. Member will give way, I did not merely suggest, Sir, that the time had come when the amendment should be put and you, Sir, in your wisdom, felt that the time had come when the debate should be ended.

MR. TRAVADI: But on the face value it appears very non-racial and correct, but by going through the amended Motion when I read the words "settlement schemes" I begin to worry what happened to the Indian or Arab settlement schemes sponsored a decade or a score of years ago. It appears that this amended Motion has unlimited time at its disposal to report which will probably take up to 1960 election and then evaporate. This seems to me to be a sort of stunt just to kill time and wait indefinitely for a general election to come forward. This is why I say this amended Motion creates a very wide issue and hence a sufficient notice in advance for the people to pre-

[Mr. Travadi]

pare, ought to have been given. The para, ought to have related to the squatter problem and was actually meant for landless persons created as a result of land consolidation or those who have not any land or those who are thrown out of the farms and disappear in the reserves. Mr. Deputy-Speaker, if at all, the amended Motion creates some sort of interest in land for the Asian community, but if it clashes or conflicts with the claim of Africans, if their need is greater than the Asian community, I would give in to them, and not press for the Asian claim at all, and surely there is no claim whatsoever by the Asian community against Africans even if they be in the Highlands or the native reserves. We always give in to the Africans and that is the policy which has been followed by the Asian community for the last 30 years or so, not only here, but in India as well. Only yesterday I was reading a resolution by the National Congress of India, that if the interests of the Indian community and the Africans conflict the Indian should not press for any privileged position at all over the latter, and that is the advice which is followed by the Indian community here, and I would abide by it so there is no question of any claim arising against the Africans.

Mr. Deputy-Speaker, I beg to oppose the Motion.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Webb): The time has arrived for the adjournment, and I therefore adjourn Council until 9.30 a.m. tomorrow, Friday, 19th June.

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

Friday, 19th June, 1959

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

[Mr. Deputy Speaker (Mr. Webb) in the Chair]

PRAYERS

NOTICES OF MOTIONS

RURAL AND SEMI-URBAN MINIMUM WAGES LEGISLATION

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

That this Council urges the Government to introduce legislation for the fixation of minimum wages for all rural and semi-urban areas, so as to avoid the exploitation of African workers.

REVISION OF LAWS

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

That in order to establish a permanent, contented, secure and efficient class of urban labour, this Council urges the Government to consider as soon as possible a revision of and necessary adjustments to the labour laws of Kenya.

ENDING OF LAND OCCUPATION RESTRICTIONS AND OWNERSHIP

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

That this Council urges Government to take steps (including the enactment of the necessary legislation) to put an end to the continued operation of racial restrictions on the ownership of land in townships and municipalities, including the City of Nairobi, subject to any necessary provision to protect economically less advanced sections of the population.

[Mr. Alexander] but we intend to do it no longer. He said: "I would like to express my very distasteful appreciation over the speech given by my hon. friend, the Member for Ukamba, and the Minister for Tourism. The inclusion of personalities in the speeches has been very unfortunate." Well, of course, the Member for Nairobi Area, Mr. Deputy Speaker, made a most bitter attack on the Minister for Labour. He said this, I quote: "The Minister for Education, Labour and Lands went out of his way to make statements and assertions that were, in my view, not only uncalled for but irrelevant." Does he expect us to listen to those sort of remarks and not answer them, and twice in his very short speech he made abusive references to the New Kenya Group. I have given way.

MR. MBOYA: Mr. Deputy Speaker, does the Member suggest that my reference to the Minister was a personal attack and does he suggest that my statement in reference to the New Kenya Group was a personal attack?

THE DEPUTY SPEAKER (Mr. Webb): You cannot ask a question. You can make a point of explanation, but you cannot ask questions.

MR. ALEXANDER: Yes, I can confirm exactly what I was saying. He need not have got up. In fact I made it very clear, and I am doing exactly what he invited me to do. I am speaking plainly and I am speaking quite honestly. He went on to say and this was a most distasteful part of his speech. He said this, and I quote: "A very brief observation for the serious consideration of Mr. Blundell." He singled out Mr. Blundell. "They think because they are on top of the mountain, they are top of everything at the foot of the mountain. These people are in for a rude shock."

Mr. Deputy Speaker, there was clearly an implied threat in the last of those words. We have had those sort of threats from this Member and others like him before and whilst he persists with them I can assure him that he will not, he will certainly not, have from us any of the co-operation that is so necessary. Threats surely do not get us anywhere and certainly not in this House.

Mr. Deputy Speaker, I can only think that the people on the top of the moun-

tain are the European community of this country. And I can assure him that his own people are in for a rude shock if he persists and they continue to accept his bitter racial attitudes and policies. That rude shock has come to others in other parts of the world and it will come to people here if this attitude persists.

The Member then did speak of a visit with the hon. Specially Elected Member, Mr. Slade. It was unfortunate, Mr. Deputy Speaker, that he had to refer to this because that committee, having done very, very considerable work, having produced a report that the Government acknowledged on this land question; for the Member who tried to claim reference to it yesterday did not even have the courtesy to sign it—not even sign a minority report—if that was the way he felt.

May I finally, Mr. Deputy Speaker, just dispose of some references that were made to statements in other places. They were made particularly by the Member for Kitui and the Member for the North Rift. Both of them referred to the Devonshire White Paper. What I would like to place on record in this debate is for them to reread the very brilliant and excellent statement that was made on this subject on 9th November, 1957, by the Minister for Legal Affairs, Mr. Griffiths Jones. He went over the whole history of this from 1923 onwards to the Parliamentary Commission of 1924. He referred to the Hilton Young Commission of 1927 which, incidentally, was referred to later in a memorandum on native policy in East-Africa from Her Majesty's Government with the following words—I quote: "It was an occasion which plainly involved that trusteeship must be regarded as in no way incompatible with the common duty of any Government to promote the development of the resources of its territory and the prosperity of its inhabitants including the immigrant communities within it." He then went on to refer to the Joint Select Committee of both Houses of Parliament and he quoted the very last word on this subject which is in the HANSARD, 8th November, 1957, and he said this; or rather, this is what the Parliamentary Commission said which was the last word; or rather the Joint Select Committee of both Houses of Parliament: "The Committee consider

[Mr. Alexander] may be summed up briefly by saying that the doctrine of paramountcy means no more than the interests of the majority. The interests of the population should not be subordinated to those belonging to another race, however important in itself. The Committee would observe in this connection that while its implementation by means of subsidies other than privileges and customs, railway rates or otherwise designed to favour unduly any one community is of necessity open to serious criticism, at the same time it is most important to give adequate security to those Europeans and other non-natives who have settled in the country and who have made a permanent home there often under very difficult and trying conditions." I now refer to the Member for Kitui to what Mr. Atteele said. Can I quote the last word from that party in Britain? It was by the Colonial Secretary at the time, Mr. Griffiths, and it is an extract from the Official Report of the House of Commons, 13th December, 1950, and he said this: "Self-government must include proper provision for all the main communities which have made their home in East Africa, but in the long run their security and well-being must rest in their good relations with each other. Good relations cannot flourish while there is fear and suspicion between the communities. It must therefore be our task to create conditions where that fear and suspicion disappears. In any constitutional changes in the direction of self-government, care must be taken to safeguard the proper rights and interests of all the different communities. Further policy must be worked out in full consultation with those who belong to those territories."

Mr. Speaker, may I conclude by asking for that sentiment to be the mood of this country and the mood of this Council from this point onwards. Let us truly try and find a way to harmony and out of this fearful racialist attitude that is continually introduced. I beg to support the Motion.

MR. JAMIDAR: Mr. Deputy Speaker, Sir, I had not originally intended to participate in this debate but after having heard the last speaker, I am afraid it has become impossible for most of us here to restrain ourselves.

Sir, the hon. Member who has just sat down complained of the racialist talk of the hon. Member, Mr. Tom Mboya, when he spoke yesterday, and he complained about certain abusive words used by the same Member. But with his superior knowledge and command of the English language, he has himself in this process very successfully been able to coin vituperative phrases of greater excellence and far greater superiority.

MR. ALEXANDER: I am improving!

MR. JAMIDAR: Sir, I would not try to emulate his example.

Sir, he has made non-racial professions which do evoke a lot of sympathy and a lot of goodwill. We all are very glad now that he has so much become fond of non-racialism and we are very much distressed at the same time that whilst professing this non-racialism he in fact introduced it to a very much greater extent. I invite, Sir, the leader of the Kenya Group who moved the amendment yesterday to get up here and publicly dissociate himself with this speech that we have just heard.

Sir, I voted for this amendment yesterday only because I felt that this amendment retained all that was in the original Motion and at the same time made it a non-racial Motion. The case of the African squatters is a very important one, and one has all the sympathy in the world for it. Even the present Motion, as it stands, the amended Motion has acknowledged that, by specifically referring to the African squatters—the last few words, "and the African squatters". Although the Motion certainly includes all members of all races, the problem is so pressing and so important that that is why specific reference has been made in this particular amended Motion. If many Members did yesterday point to the urgency of that problem, to the urgency of the need for land on the part of these squatters; were they the part of these squatters; were they advocating racialism thereby? I am quite surprised at this sort of reasoning and logic that we have heard a few minutes ago.

Sir, he who comes into this Council must come with clean hands. These professions of non-racialism would be

[Mr. Jamidar]

thoroughly acceptable to us and we would be all full of praises for these professions if these Members would live up to these professions. They do unmistakably declare that they are in fact non-racialist, then let themselves come out and ask for the opening up of the White Highlands.

Sir, I would like to entertain the House longer but I am afraid I am too much overpowered by the emotion which has overtaken me.

Mr. MULIRO: Mr. Deputy Speaker, I rise to speak on the amended Motion before the House. Just as my colleague who has just sat down said, Sir, I feel very strongly that Kenya must start travelling on a new road, and however much in this country and in this Council the hon. Members busy themselves with certain phraseology and eulogies that we are non-racialists I think that we must all rethink in such a way that we can build a nation, a nation where any kind of discrimination in this country will be abolished so that we can think in the correct way, Mr. Deputy Speaker. If we start to address Members in this Council concerning mere professional political beliefs whereby we hide our own racialism we are not going to get anywhere. Indeed, one might get up and blame everybody else that everyone else is a racialist except oneself. Blame that is not true. Everyone has the blame—the Africans, the Europeans and the Asians. Even this Motion as amended is racialistic by the very fact that the hon. Mover of the amendment adds the words "African squatters". That is racialism. If one wanted to be non-racialist one would have stopped at "people of all races". Why mention the African squatters? We could have left it at "landless people".

Mr. BLUNDELL: On a point of explanation, Sir, the words "landless people" would not have included African squatters which were in the original Motion and which I wished to incorporate. African squatters are not landless. They have certain rights in land which are inherent in their contracts.

Mr. COOKS: There are any number of ex-squatters still regarded as squatters, and who have no land at all.

Mr. BLUNDELL: With all due respect to the hon. Member for the Coast, I would submit that in that case they cannot be squatters.

Mr. MULIRO: The hon. Member for Nairobi West when addressing one of the Asian Members said, "We go out of our way to make land available for all in the amendment." Indeed, why go out of your way? You are not going out of your way to solve the problems of this country. Nobody goes out of his way to solve the problems of this country. We have the problems. It is not solving me at all to talk about these problems. I am not going out of my way as a Kenyan when I do this. People talk of being Kenyans. If so, why do you reject to be called Africans? A country like Kenya is by right an African country, and any Kenyan must therefore be an African. Mr. Deputy Speaker, Sir, words like "co-operation" are not going to promote non-racialism. The word "co-operation" is meaningless in itself. Co-operation does not show the identity of a human being. The word perpetuates the idea of racialism and other things. The sooner that word evaporates from the philosophy of hon. Members in this very House the better it will be for us.

Now, coming to the Motion, Mr. Deputy Speaker, I am going to analyse some phrases as they are here. "This Council urges Government to make a detailed examination of all unalienated Crown land." Now, yesterday it was also made clear by the Minister for Education, Labour and Land that unalienated Crown land which is to be subject to a detailed examination by the Government according to this Motion, most of that, might be rocks and nobody is going to make a rock into good farming land. Most of it might be without any water. Every farmer wants good farming land with a good supply of water to grow crops and create the necessary wealth and not land that is devoid of any rainfall and which is dry and bare. When I think of the forest reserves, Sir, they are the only areas of unalienated Crown land now which are fertile, and those forest reserves are being extended everywhere. I see that even areas which were occupied at that time are now being planted with artificial trees. Sir, if, the natural forest is not there, why take land which

[Mr. Muliro]

is bare of forest and afforest it again with artificial trees? Once the land is empty like that it should be occupied by the Africans. A lot of land is there but this land is not being given to Africans to utilize, although there are very many people in a district who are landless and who are now being pushed into Uganda and Tanganyika and whose future is not known, and yet they give land in their own district to go out to the land in Bugoro and Toro in Uganda. They will be forced back to Kenya again and then create more landlessness. Therefore, I add that the forest reserve should not be extended and in fact that it should be reduced so that Africans should have these forests.

Then another point which is also included in this amendment is that the criterion should be proper economic use of the land, and that the interests of the adjoining landowners are not damaged. I think—and I am very, very clear on this, Sir—that I am very, very clear on this, Sir—that there are many Europeans in settled areas who are carrying on good farming, but in the adjoining African areas poor farming is going on but there the good farmers are never affected by the poor African farmers, and therefore I think the phrase amounts to this: that when land is available in certain areas then probably some European settlers in that region will say, "No, we do not want them to come here, because it will affect our farming." I hope that this does not mean that.

With these few observations, Mr. Deputy Speaker, I beg to oppose this Motion as amended.

COMMANDER GOORD: Mr. Deputy Speaker, this debate is developing into something of a "dogfight" and I would like to throw a little cool water over it, because I do feel that despite what has been said, particularly this morning, we have really a very great deal of common ground.

Sir, the hon. Specially Elected Member who spoke earlier in this debate divided the subject very clearly under two heads—land utilization and the problem of the landless unemployed.

I would like to leave the first for a while and talk about the question of the landless unemployed. A very great deal

has been made in the debate on the so-called problem of absorbing squatters. A large number of Members have dwelt on this, and I think possibly that some misconceptions may have arisen from the figures given by the hon. Minister for Labour on the diminution of the number of resident labourers over the years which are employed in the Highlands. Members have asked what has happened to these people—where have they gone. Well, the answer, of course, Sir, is that the vast majority at any rate have not gone anywhere. They are still there. They are no longer squatters, they are agricultural labourers, and all that has happened is that farmers are departing from the old system and are now engaging the same people on slightly different contracts. So the problem really resolves itself to that of the question of unemployed agricultural labourers.

Now, Sir, it has been said that because these people have no land, that they have no security, and there is indeed great force in that argument, but I would like to suggest that in the case of the town worker a very similar argument may well apply. There are many town workers today who have no land and, Sir, the problem is, in fact, the problem of unemployment, and it is true that settlement schemes may well play their part in solving this.

The second part of the social security question is that of absorbing people in their old age, and turning to the question of aged labourers. I do think that hon. Members will agree that there would not be the slightest point in settling some aged people, who for some reason or other were unable to stay on a farm, in settling them in some place like the Ithanga Hills. Obviously the solution to the old age problem is—if they cannot be kept on farms, and I would like to say that in 90 per cent of the cases they can and are kept on farms—the answer lies in settling them in some place, be it township, village or social centre, near to the place where they have worked all their lives and where, in fact, one will find their children and other relations.

So, Sir, we have three problems to solve: first, that of economic land utilization; secondly, that of unemployment in the whole sense of the word; and thirdly, that of old age security. I do think, Sir, that all Members of this

[Mr. Mboya] spoke and we listened and said "yes". The time has come when we are going to demand our right to speak and to be listened to. The time has come when we are going to demand the right to have an effective say in the Government of this country, and nobody is going to change that, and if Mr. Alexander has any historical knowledge to the contrary, then I dare him to produce it.

Mr. Deputy Speaker, in all humility, the statements that have been made here last night by Sir Charles Markham and this morning by Mr. Alexander have led me to one conclusion, that if all the professions of non-racialism or co-operation—all this talk of the European Kenya Group and the rest of it—are manifested in what these two gentlemen have said and done in this House in the last two days, then may I submit that they are the worst specimens of this new deal. On my part I will continue to stand and say what I believe the African people feel. I will continue to defend to the best of my ability and to fight for, or struggle for, the African's rights and aspirations in this country.

As far as the attacks on me, personally, in this House or outside this House are concerned, I am not worried in the least. I am tough enough to take them and young enough to outlive them.

THE DEPUTY SPEAKER (Mr. Webb): I must ask the hon. Member to come back to the Motion before the House. It is comparatively narrow in scope and might be debated on its merits.

MR. BLUNDELL: I would like, Mr. Deputy Speaker, for you to draw the attention of the House to a standing rule which I think is that hon. Members should not address each other by name. I did not wish to interrupt the hon. Member who has just spoken, but I feel it is a very wise position to stick to that standing order, and I would ask you, Mr. Deputy Speaker, to draw our attention to it.

THE DEPUTY SPEAKER (Mr. Webb): The rule is well known to all Members, and I do ask that you would keep to it.

MR. ZAFRUD DEEN: I cannot allow some of the remarks made by the hon. Member for Nairobi West to go un-

answered. I have known the hon. Member for a very long time and I have always held him in high esteem. He can be a most pleasant person if he so wishes, but I have to say that he brought bitterness into the debate which we did not expect. Sir, he has, by his remarks, misled my community and the whole country. Now I have always maintained that we are essentially part and parcel of this country, and we intend to stay here for all time and we will retain most cordial relations with all the people who live here. Sir, I wish to state here that neither I, nor my community will surrender to any threats. My reason for supporting the original Motion was this, that it related to a specific problem in this country, and we had to take specific measures to handle that problem, and it is unfortunate, as I said yesterday, that the amendment was moved. In doing so the original purpose of the Motion has been lost. Immediate action was necessary to remedy the position of the squatters who have lived for a very long time without any right on the land which they have cultivated. That position will now be delayed as long as the problem remains as it is today.

Sir, I think the amendment now being debated has got everything to commend itself to hon. Members of this House, and I personally have nothing against it. I cannot think of any words, any ideas to say anything against it, but I still maintain that the original Motion and the specific purpose of it should not have been altered in any way at all.

Sir, once again I must say that my hon. friend, the Member for Nairobi West, would have done immense good to this country if he had not brought in bitterness in this debate for which he is trying to accuse others.

THE ASIAN MINISTER WITHOUT PORTFOLIO (Mr. Madan): Mr. Deputy Speaker, I want to intervene in this debate briefly in so far as the Asian community is concerned lest the remarks made by the hon. Member for the Central Electoral Area yesterday should be misconstrued, but before I come to that I would like to say that I find it sad and heartbreaking the turn that this debate has taken. I feel compelled to say that, and I am sorry that I feel so constrained, but I do not think

[The Asian Minister without Portfolio] the speech made this morning by the hon. Member for Nairobi West and the speech made yesterday by the hon. Member for Nairobi Area can in any way be conducive to building up a nation and one country here. That the hon. Member for Nairobi Area can be compelling and convincing is shown by his speech this morning, and we also know that the hon. Member for Nairobi West can equally come up to the expectations that we have of him. I would suggest not only to these two gentlemen, Sir, but to all others, that we are not going to get co-operation and we are not going to get racial understanding by the tone in which the two speeches were delivered. I feel that it is my duty to say that in this House.

I should like to thank, Sir, on behalf of the Asian community, the hon. Specially Elected Member, Mr. Blundell, who moved the amendment yesterday, and I would do it for this reason—that it is the first time, so far as I am aware, that in this Council and indeed even outside it, at any time that a European Member has recognized the need of the Asian community in regard to land by including them in the amendment which was moved yesterday. I think, Sir, I must question it when the hon. Member for Nairobi Area said that neither the European community nor the Asian community could be regarded as landless people. I wonder, Sir, if he meant that seriously? I wonder, Sir, if he meant the position of the Asians in this Colony as he does, he meant what he said? And then he went on to say that if there were any landless people it was the Africans only. I wonder if he meant that also in all seriousness?

Yesterday the hon. Minister for Tourism was speaking and he said, and I am speaking from memory now, Sir, that the Africans are in possession of 52,000 square miles of land in this Colony, that the Europeans are in possession of about 12,000 square miles of land in this Colony, and by force he had to stop there—he could not go on and say that the Asians were in possession of any land because the Asians are not in possession of any land in this Colony.

I would agree with the hon. Member for the Central Area, Mr. Jamidar, that

we must live up to our protestations of reasonable co-operation which we proclaim not only here but also outside, but the European community also has a right to expect that Asians and Africans will also live up to such standards. They cannot expect the European community to make sacrifices and at the same time remain intransigent with themselves. I suggest the only sensible method, the only reasonable way and the only way that suggests a ray of hope is for all people of good will to recognize aspirations of each other and try to blend them as I have said on a previous occasion in this House.

Mr. Deputy Speaker, the real purpose of my intervention in this debate was that I wanted to put the record right in so far as the Indian community is concerned, for I feel that on this occasion I can speak for the entire Indian community because I know that I am giving expression to their aspirations, and I know their feelings about land. Mr. Deputy Speaker, the hon. Member for the Central Area, Mr. Travadi, again, I am speaking from memory, said yesterday that the Indian community would be prepared to surrender everything to the Africans. I do not think, Sir, that is a correct rendering of the attitude of the Indian community. It expresses an attitude of abdication to which I will not subscribe, and I am sure, Sir, the people here and I will not also subscribe to that policy. I think what the attitude of the Indian community and the Asian community is this; that they would like to share in all the economic assets in this country and, of course, land forms one of the most important assets in any country. We would like to do that because we know that a landless community can never be a prosperous community but we do not want that share, Sir, in conflict with any other section of the people of this country. We would like to share the economic privileges as common citizens of Kenya; as Kenyans. And if in the course of doing so it becomes necessary to emphasize our Indian identity we will not hesitate to do that. That, I think, Sir, correctly describes the attitude of the Indian community towards land and I should like to put that on record, Sir.

I beg to support the Motion.

MR. TRAVADI: On a point of explanation, Sir, I did not use the word "everything" which The Minister has used in my name.

MR. HASSAN: I spoke yesterday what I thought was necessary regarding this present Motion and I had no intention to speak a second time but I am forced to speak at this moment because the Member for Nairobi West according to his usual habit tried to twist what I said in my speech yesterday. I said very clearly that I was asked what I meant by saying that the immigrant races can look after themselves and one Member asked what should they do if they had no land and if they had no job and I said they can go to the places of their forefathers because they have that country where their forefathers came from and the indigenous population in this country had no place but Africa. I did not mean that my community whom I represent do not want to have land and settle on the land here. I never said that. I supported the amendment only for this purpose, that it was non-racial and for the Member for Nairobi West to play the role of a musketeer and try to show himself as a friend of the Muslims and the Indians is a matter I do not think he can mislead anybody about in this House. So far as we are concerned here, we have played the rôle of friend to everybody, co-operated with everybody and speak nothing but truth in this Council. But I have seen, Sir, that we have a certain element including my friend the Member for Nairobi West of which the only qualification he and some of his friends have is that he was born in Kenya. He thinks that he is very intelligent and he can put across something which does not exist and I must point out to him that we know everything, even what he thought is his own.

We understand that he is not sincere to us and it is in his presence, Sir, that I must say that if there has been any lack of co-operation and disunity among the Elected Members, he is one of the persons responsible. So far as the African community is concerned, I have stated before and I would like to repeat it, Sir—

MR. ALEXANDER: Would you like to give way? Would you substantiate what you said?

MR. HASSAN: No, Sir, I would like to repeat, Sir, that the Africans in this country, particularly those who were removed from their reserves or properties for work on the farms—they were removed from their land; they were asked to be squatters on the European farms and they left their lands to come there and if, after years of staying in that country, if after years of staying they are called upon to go back and they find there is no land, I say it is just advisable—as is happening in every part of the world—that the Government should make some arrangement for settling such people on the land. I do not do anything wrong by saying that, by suggesting that. And there is no doubt that the Asians here in this country, never had any land at all; they were never settled on any land; they have certain pieces here and there as land in other places but they did not call themselves landowners and they never had much land. Therefore, I say and we have been asking the Government for years together that some arrangement must be made to make available some land to settle and the amended Motion indicated that the Government should investigate and find out all the unutilized and unalienated land in the country for the benefit and the use of members of all communities in which naturally the Asian community was included.

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

MR. ALEXANDER: Just on a point of order, Mr. Deputy Speaker, Members are responsible for substantiating statements they make in this House. The Member who has just finished said I was responsible for the lack of co-operation between Members in this House I would like you, Mr. Deputy Speaker, to direct him to substantiate that.

THE DEPUTY SPEAKER (Mr. Webb): I think that may well have been just an expression of opinion.

MAJOR DAY: Mr. Deputy Speaker, Sir, having listened now for two days to the debate on the Motion and subsequently the amendment to that Motion, the object of both being, as I understood it, squatters or perhaps "the name" should be landless Africans—who have been expelled by the European farmers and

(Major Day)

who have reached the end of their useful tenure of employment. Having listened to that, Sir, I have now at the end or presumably at the end of this debate reached a state of complete bewilderment. It appears to me, Sir, that not only yesterday but particularly this morning there has been a minor cloudburst of either racialism or non-racialism. I am not quite sure which, certainly of personalities, all of which to me, Sir, completely obscures the whole object of either the Motion or the amendment. To me, Sir, I felt that amendment was a good and broader thing. It is only right and proper that all races should be given the opportunity of unalienated Crown lands if they wish it—if they sincerely wish it. But, Sir, the point I wish to stress, as I have done previously *ad nauseam*, is that this should not be at the expense of one particular community and that is why I welcome this amendment.

Now, Sir, I would thus finalize by saying and asking the House to get back to the original idea of this amendment, to finalize this debate or stop all these personalities. I consider, Sir, that the object of this is a humane and proper object—the object of the amendment—and as far as I can see, Sir, it has been completely lost in this outburst on racialism and non-racialism and personalities and I consider, Sir, that is for the shame of this House.

I beg to support.

MR. NYAGAH: Mr. Deputy Speaker, Sir, I did not intend to speak in this series of Motions, but I notice that quite a lot has been said which has called my attention to some other facts said in this House. First of all, Mr. Deputy Speaker, I would like to speak on the Motion that is being debated now which is as the result of the two bombshells dropped into this House by the two Nairobi hon. Members, the Member for Nairobi West and the Member for Nairobi Area. I think, Sir, the ideas expressed in the original Motion and the amended Motion have been very obscured. What I feel we are going to do at the end of this debate is that we are going to leave the squatters, the landless Africans or the landless people, without hope, frustrated and if anything a wake of bitterness and

ill will. Some of the remarks that have been made since yesterday, Sir, have gone a long way from solving the problem that we are trying to solve—or that this Motion was asking us to try and find a solution to. It is true, Sir, that today in the African areas, particularly those where land consolidation has been completed, or is about to be completed, there are very many people without land. Some of them undoubtedly have been—call them squatters or ex-squatters or ex-resident labourers who have come back into the reserve where they have had no piece of land which they can call their own and for which they hope to get a title deed; and others who because of the population increase will have no land. It is a fact, Sir, that there are landless Africans and there are landless people of other races but it is in the terms of the first Motion "the squatter and landless Africans" who are asked to be taken care of.

What we did, Sir, during the course of the land consolidation time in the Central Province particularly was to try and provide for as many people as possible with land. Unfortunately, some of the ex-squatters who have come in to the country find themselves without land and that is a problem that is engaging the minds of all my people in the area that I represent. Is it not going to be asked in this House very soon that land reform in other areas which perhaps we might call land consolidation, we might call land consolidation, and including the Highlands to try and see what they can do with the population which has no right of land in such areas? Call them squatters, call them what you like, but they need to get at least a security of owning a piece of land where they are living.

If I may be allowed, Mr. Deputy Speaker, to confirm that squatters do not have security, I would like to mention in case of a boy I know whose father in the Nanyuki area has been there for more than 40 or 50 years and today the boy has had to go out to look for education. At today he holds a School Certificate. At the moment when he is rising on the educational ladder, the parents of the family find themselves very insecure in the farm and today this particular boy has no land in the reserve and cannot go back to that farm. Now, it may be said that the idea of providing security for a

[Mr. arap Moi] happen to our future land reforms. I should like to say this today, Mr. Deputy Speaker, that the time has come when we should regard the African community as a community which should be included in every programme, and I am saying this, Mr. Deputy Speaker, because so far as the land is concerned we have the Kenya Highlands Board which consists of European Elected Members or those who are appointed by the European Elected Members' Organization, whose membership represents the European community. We have the African Trust Land Board, where you have officials and very few representatives who represent the African interests. I feel very strongly that wherever there is any major problem like land the Africans should be represented so that they can express their views and be taken on record.

There were conclusions which I drew after hearing the views that were expressed by the European Elected Members, that they have had squatters for many years and they do not want them to own land or have any tenancy on land.

SIR CHARLES MARKHAM: Question!

MR. ARAP MOI: There is no question in this matter. It has been shown during the debate that these squatters have not been supported in any way. In these areas the squatters have been asked to sell their stock and remain as labourers working for their masters without being considered, without owning one or two acres of land, for that matter. This is very ridiculous, and, Mr. Deputy Speaker, I think the Specially Elected Member, Mr. Blundell, whose motives are, I think, at least sincere, but because this New Kenya Group which has some experience and some unscrupulous aims which I do not think, when implemented, will ever work, and I think that the best thing for him is that he ought to have come out and abandoned completely this question of reservation for certain groups and reservation for anybody in this country. No land should be reserved for anyone here. All people should be regarded as equal citizens in this country and not merely special interests for special people. If we keep on having this special reservation for certain groups and at the same time trying to create

a Government which will not work without the co-operation of the African Members, have been expressing their sentiments on land. Why should there be this racialism? I was surprised, however, to hear the 'Asian Elected Members' speak and I congratulate those who said that wherever there is a clash between the Africans and themselves they should give way. That is to say, Sir, that they are echoing the sentiments of Mr. Nehru, the Indian Prime Minister, who is, really, the champion of the human rights.

I think those who were anxious to own land here, had to jump up in support of this amended Motion, aimed at not solving the problem which is confronting us. Mr. Deputy Speaker, I have got very little time to answer the various speeches made by hon. Members. I do not like to comment on what the African Elected Members said, because all of them had one theme and that is to see that these landless and unfortunate Africans—should be given somewhere or given some form of settlement.

The hon. Member, Mr. Slade, whom I like—although he believes in individualism—I respect him and I am glad to say that I have visited his farm; I have seen his workers; they are quite happy, but how many of the European settlers really help their labourers or give any form of security, sincerely and earnestly. The hon. Member, Mr. Ukamba said he does not have any, but how does he speak for the squatters when he does not have any?

SIR CHARLES MARKHAM: I think the hon. Member for giving way. The reason I spoke on the subject of squatters as I explained, Mr. Deputy Speaker, was that my constituency has a lot of squatters in it and I am well aware of the problems of the local authorities in this matter.

MR. ARAP MOI: I thank the hon. Member, and I am glad he is aware of the seriousness of the squatters and also he is aware that there are resident labourers and such people exist among the people whom he represents.

So, Mr. Deputy Speaker, the hon. Member for Eastern Electoral Area, Mr. Pandya, spoke sincerely what he believed, and perhaps he thought that if he tried to say that these—landless Africans and squatters—should be given

[Mr. arap Moi] land, then his community perhaps might say: "Well, what have you done for us." I think that is not the case. If I wanted to suggest alteration on the whole system of the Kenya Highlands then I would have brought a different Motion altogether, but this was a special case and we shall think the time will come when we shall have to deal exactly with the question of the Kenya Highlands.

SIR CHARLES MARKHAM: And the Kikuyu Reserve.

MR. ARAP MOI: If the Europeans want to remain in this country, there is no doubt in my view that the vast big land which is not being utilized by certain people will have to be reduced to the minimum so that all can utilize land available for the benefit of the country as a whole. Therefore, without labouring much and because the Minister for Labour has disappeared in the morning, as the squatters have disappeared in the settled areas, I need not say much, but I should have liked him to speak even on this amendment, to give us exactly the figures of the squatters who have gone to the reserves and what has happened to them and what is going to be done by the Government, whether they will be given land or not.

This is a problem that was not answered in this House. That is why the Government has been very evasive. Government has been handling this matter in a very poor manner and as I say, the sooner the Government breaks away from the 'New Kenya' Group the better for the country, so that the New Kenya Group can form part of an opposition side properly so we can see things eye to eye and not merely to support things without knowing exactly what are the motives of any Motion.

The European Minister without Portfolio is very good at interjecting speeches, and he did very well yesterday and tackled the Member for the Coast as to why the Devonshire Recommendations did not mention anything about African paramountcy, but there have been many minutes of these, and were quoted fully by the Member for Kitui here yesterday, and I did quote some and I did also mention various aspects that govern this question of land.

Mr. Deputy Speaker, I think I have said a lot to defend my original Motion and in this case I am going to watch very carefully during the next few months to see what the Government is doing in this respect, and I would earnestly urge the Government to consider cases of this sort when we bring them to this House, and not take it merely as a political matter, but as a matter which is going to be a social and economic problem, a matter which is going to be faced by the future Government—be it an African Government, or any other is going to be a problem.

Mr. Deputy Speaker, I beg to oppose the Motion as amended.

The question of the Motion as amended was put and carried.

MOTION COASTAL LAND FOR AFRICANS

MR. NGALA: Mr. Deputy Speaker, Sir, after a very long battle in a land Motion, we start again on another land Motion, but although most of the Members are a bit tired of hearing land questions, I hope they will be tolerant because I wish to take them to the sea shore where they have fine sea breezes, but the topic is the same.

Mr. Deputy Speaker, Sir, the more we discuss the question of land in this House, the more it is clearly reflected that most of the land headcases in Kenya have been engineered by the Government of Kenya. Now it is very unfortunate that drastic changes on land, dating from 1902, were made by the Kenya Government at a time when the Government was not very knowledgeable of the native land tenure in Kenya and also not very knowledgeable of the particular native bodies that could have given them most appropriate advice on this. I believe that if the Government had been patient, probably the Government would have saved all these headcases that we are having now, and I believe that Government could have acted in a more wise way.

Now the Coast Province is no different from any other areas like the Kenya Highlands in the treatment it has received from Government on the land question.

I would like to move, Sir, that in view of the lack of water, shortage of arable land and increase of population,

[Mr. arap Moi] happen to our future land reforms. I should like to say this today, Mr. Deputy Speaker, that the time has come when we should regard the African community as a community which should be included in every programme, and I am saying this, Mr. Deputy Speaker, because so far as the land is concerned we have the Kenya Highlands Board which consists of European Elected Members or those who are appointed by the European Elected Members' Organization, whose membership represents the European community. We have the African Trust Land Board, where you have officials and very few representatives who represent the African interests. I feel very strongly that wherever there is any major problem like land the Africans should be represented so that they can express their views and be taken on record.

There were conclusions which I drew after hearing the views that were expressed by the European Elected Members, that they have had squatters for many years and they do not want them to own land or have any tenancy on land.

SIR CHARLES MARKHAM: Question!

MR. ARAP MOI: There is no question in this matter. It has been shown during the debate that these squatters have not been supported in any way. In these areas the squatters have been asked to sell their stock and remain as labourers working for their masters without being considered, without owning one or two acres of land, for that matter. This is very ridiculous, and, Mr. Deputy Speaker, I think the Specially Elected Member, Mr. Blundell, whose motives are, I think, at least sincere, but because this New Kenya Group which has some experience and some upscrupulous aims which I do not think, when implemented, will ever work, and I think that the best thing for him is that he ought to have come out and abandoned completely this question of reservation for certain groups and reservation for anybody in this country. No land should be reserved for anyone here. All people should be regarded as equal citizens in this country and not merely special interests for special people. If we keep on having this special reservation for certain groups and at the same time trying to create

a Government which will not work without the co-operation of the African Members, have been expressing their sentiments on land. Why should there be this racialism? I was surprised, however, to hear the Asian Elected Members speak and I congratulate those who said that wherever there is a clash between the Africans and themselves they should give way. That is to say, Sir, that they are echoing the sentiments of Mr. Nehru, the Indian Prime Minister, who is really the champion of the human rights.

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MOTION

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in most of the native land units in the Coast Province, this Council urges Government to grant more Crown land and the unused alienated land in the coastal strip to Africans for dwelling and cultivation purposes on a freehold basis.

Now, I would like to start by showing the lack of water in many parts of the Coast Province. Now recently I have been complaining bitterly of the shortage of drinking water in many areas in the Coast Province, particularly in the native hinterland. In Kilifi District, in Kwale District and in some parts of Taita District there is a serious shortage of drinking water, but the position is even more serious when you come to water for agricultural purposes. This situation has been created by the arid nature, or semi-desert nature, of most of the hinterland in the districts in the Coast Province. Now this was recognized by the East African Royal Commission when they were going round the Coast Province. If I might quote, Sir, on page 7, paragraph 8, of the report, they say this: "Rainfall in the area varies between about 5 inches and 30 inches a year, and the local name of Nyika, which is given to this country and which in Swahili means 'wilderness', is in itself a graphic indication of the general nature of the terrain and vegetation. The rainfall is lowest in the north, where desert or semi-desert conditions prevail, and the nomadic inhabitants eke out a precarious existence."

Now this is the condition of the land in most of the districts, and because of these conditions, Sir, it has been impossible for the Africans living in these areas to cultivate sufficient for subsistence. Apart from the difficulty of getting drinking water, they are faced with the difficulty of not being able to produce sufficient food for their families. Therefore it has been necessary for most of the people to move to the coastal belt to get more suitable pieces of land for cultivation. Now they have not moved there just because they want to encroach on the Crown lands that are there, or even on the so-called private land that is there, but they have gone there because of the necessary pressure that has been put on them by the nature of the land there. When I suggested last time that water

provision or facilities should be looked into, the Director of Agriculture said that my people were not very co-operative. I pointed out that my people have been co-operative in attending to the bylaws made by the African district council and also by paying the African district council rate, but the Director of Agriculture suggested that my people should move and live near wells or water points. Now that does not solve the question of water for irrigation and water for agricultural purposes. This position, Sir, has been very serious, and so serious as to make my people in Kilifi District, Kwale District and in some parts of Taita District, move to some other areas.

The movements, or the drifting of the population was also commented upon by the Carter Land Commission on page 311. In paragraph 1196 the Carter Commission comment on this is that a considerable proportion of this population is known to be living in the coastal strip but if they returned to the hinterland the density would be only 38 to the square mile. Now this shows exactly how the whole population—the African population—is turned into squatters on the so called "private land" and squatters on the Crown land, so the intention of the Motion—is to ask Government to consider making available these Crown lands in the coastal strip, making them available to the Africans who are now living there as a matter of necessity on subsistence agriculture, so that they may be able to have a little bit of happier life on the Crown land. I am thinking, Sir, of a piece of Crown land area at Leuri or in Adu or in a piece of Crown land between Bura and Mwatate or a piece of Crown land occupied by the people within the National Park near Ndi. Now as far as the shortage of water is concerned, I believe I have shown the nature of the problem and I would like to point out, Sir, that Government has not done anything in the areas that I am talking about. I must also appreciate that although Government has not done anything in these areas I am speaking about, Government has done something in other areas, although to a very small extent: and on a very small scale. The shortage of arable land, it is quite clear that the land could not be arable or could not be called good arable land if there was no water,

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and as there is no water the people cannot cultivate and grow the food crops that they require.

The Government policy has been to concentrate on places of higher productivity, but my question is 'what will happen to these people who must live just as other people, and are by nature living on pieces of land that are completely unproductive, and the Government says, "Well, we cannot do anything to you because you happen to be born in the wrong place?" Is Government not recognizing the fact, that these people must get subsistence agriculture to maintain them, particularly in a country where industry and factories are so sadly lacking?

Now, the areas shortage of arable land is very prominent in the hinterland of the Kilifi and Kwale Districts, and in some main parts of the Taita District. This is because of the serious lack of water in these places. In the Taita District although I do appreciate very much what Government has done at Mwandaa, and provided a bit of water, and I also appreciate what Government has done at Msau to provide a bit of water, and what Government is now doing at Ndara to provide a bit of water for the country, but the bulk of the people of the district are living in places where they cannot get water. Now the increase of population is another factor, Sir, which must be taken into consideration. When the Carter Commission went round the population of the Taita District, for example, was only 39,000 people. Now the population is about 70,000 people. They are crowded in small places like Mwandaa and so on, and all these rich places. The population in the Kwale District then was about 120,000 people and now it is over 200,000 people, and the population in the Kilifi District has also gone very high, but most of the population, as indicated in this Carter Commission Report is living on the coastal belt, which is belonging to the Government or belonging to some immigrant races at the coast.

Now there is this Crown land which is unused at the moment, and the big bit that is at Shimo-la-Tewa secondary school at Mtwapa in the Kilifi District, I believe can be made into a settlement

for the people who are otherwise suffering from eviction elsewhere or suffering from high rents elsewhere. Government may say "Well we cannot have a proper scheme of settlement in this area because we do not have sufficient water to carry out irrigation." Now that might be true, but if before Government gets sufficient water at least these people should be cultivating there on a more reasonable security. These people at least should be given a kind of permit or freehold or private leasehold, so that they can on their own, cultivate and live on a piece of land that they will call theirs with sufficient security and more easiness socially. The position is very sad where you find people living on so called private land growing cash crops, and then they are suddenly told to go away because they are tenants at will. Now this is a very sad and very unacceptable situation. It has happened in many places, and whenever you go to a Government officer for help he says, "I cannot do anything. This is private land." Now we do not, as Africans, recognize that as private land because whatever new changes that Government brought they never consulted us. I have been reading through the Carter Commission Report. In many places was either a person who was concerned, either a district officer or district commissioner. Most of the tribes in the coast have their own elders, and where there are elders, traditionally consult them so that they had the right advice in the most appropriate way.

I would like to say that I feel it very strongly that all the problems that face us today in the Coast as far as land is concerned, we blame nobody but the Government. The Government may say that the Crown land is completely useless. It is rocky and you could not give it to Africans and make proper use of it. Now I must point out, Sir, that at the moment there are Africans who are risking and almost living on the Crown land in some parts, but they are often evicted from the Crown land, or threatened with eviction from the Crown land. Now the fact that these people have moved from the native land units to the Crown land for cultivation, that alone shows that they are getting better produce, although it is comparatively low compared with

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other places of high productivity, but because they moved from their unit areas to these Crown lands that shows the Crown land is better than the area, and my contention and strong submission is that Government should look into that and allow them to live freely on the Crown land. Government may say that the Africans might spoil the Crown land. Now most of the Africans I have talked to are willing to live on the Crown land under the supervision of the agricultural officers. All these areas have agricultural officers who could advise the Africans as to how to live and cultivate the land, so that they produce their ordinary good crops, so I would like the Government to dismiss any fears that they have on the land being spoilt, or any fears that they have on the land not being useful to the Africans, or any fears of the land being developed first as a settlement before the people can live on the land.

Now as far as the Crown land is concerned, I would like to go on to some bit of Crown land in the Taita District between Bura and Mwatate where there is a very fertile bit of Crown land. Now some years ago a certain district commissioner in Taita called Mr. Leslie promised that that bit of land as Crown land would go back to the Taita Native Land Unit, and my people were very happy. But now they have been told that they cannot have it as a native land unit although it is thickly populated with Africans. Now, I doubt the wisdom of making available land in that vicinity for animals and when the land is occupied by human beings the Government is very stubborn against human beings occupying the land. I maintain that if the people belong to the Government and the land belong to the Government and the people use it in the way of subsistence agriculture, I do not see the sense, the logic, of refusing the people using the land. I would like Government to pay particular attention to that.

Now I hear that Government has suggested that if people would like to use this land between Bura and Mwatate then we should have certain strong restrictions. Now some people do not refuse restrictions there, but you may find people who have been living there for many years, and they are not in a position to comply with these very

rigid restrictions, and therefore I would like Government to consider giving the land back at Mwatate to the native land unit of Teita so that the people may use the land under the proper supervision of the agricultural officer of the district and under the proper supervision of their own traditional elders of their African district council.

Another bit of Crown land that I would like to be given back to the people because they need it and they live there now is the bit of Crown land near Ndi just before you come to Tsavo where my people again are living, and this is a National Park area. A strong demand has been sent to the Member for the Coast, Mr. Cooke as Trustee of the National Park that this piece of land is wanted by the people, and that the Government should consider it very seriously. I hope Government will also look into this useful suggestion.

Now recently Government has made an attempt to move people from Mbolofo Location in Taita to Digo at Shimba. Now this has not been appreciated. In fact only about five Taita families have gone to Shimba just because we do not like the tribe to be broken up when it is unnecessary. It is unnecessary because pieces of land within the district are available and before we exhaust what is available in our district we would not like our tribe to be broken up and a section of the tribe moved to another place, so I strongly maintain that it is not time now to break up the tribe, but I think the Government should concentrate in improving some of the land that has no water for people to settle on their own and also concentrate on returning to the native land units bits of Crown land they are not using. I do not see the purpose of turning a district into a zoo and refusing the original owners of the land a place to live in and particularly getting subsistence agriculture from the soil.

Now I would like to come, Sir, to the question of alienated land. Now I am particularly thinking of the land that recently belonged to the East African Estates and also the land that now belongs to the Rhamisi Sugar Ltd. in Kwile District. Now the East African Estates had about 100,000 acres alienated to them by Government. This land was originally Digo land but it was alienated by the Government to the East

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African Estates. The East African Estates, Sir, up to date, have done nothing to develop the land and about two months ago the East African Estates said "We do not need this land." They said that they did not want the land and they wanted any person to buy the land. Now I thought that the Government of Kenya had been provided with a heavenly opportunity and I thought they would take the opportunity to buy the land and give it back to the Wadigo themselves, but it did not happen that way. I took the trouble to remind the district officer, the district commissioner, in that area so that he might take it up very quickly. I also took the opportunity of bringing a delegation to Nairobi to meet the Minister for African Affairs and we discussed this with the Minister for African Affairs.

I took the trouble of seeing His Excellency, the Governor, and reminding him just two days before the land was put on the public market so that something might be done to buy the land back. The land was going very cheap at Sh. 23 an acre. Government, Sir, has been getting a rent—if I am correct—a rent of about Sh. 8,000 a year from this land for over 30 years. Now, this money could have been used—a part of it at least should have been used—to buy back land—but all this outcry from the people and from a political association in the country Government turned a deaf ear to the problems of the Digo land. Now, I am thinking of places that have thick populations of the Africans there and places where the Africans have established themselves very strongly. The Pungu Location, for example, both in the right and the left as you go along to Tanga, they have established themselves. The situation that faces them now is a possible complete eviction because Government has not been able to come with a bit of money to buy this cheap land and what faces the people at Kiteje near Mtwara is a complete eviction by the landowner now because Government has again come to us with an empty hand. The Director of Agriculture the other day said my people were not helping themselves. Now, when this land went on the market the African district council which is my people spent every cent they can and

eventually got about 1,000 acres for themselves. Now, although the African district council has spent that money, Government has come to us with an empty hand.

Now, therefore, this talk about people helping themselves before Government helps them is an empty talk as far as I am concerned in this particular situation. Therefore, Sir, I would like to point out to Government that if there were any sort of reaction, any sort of reparation as a result of this complete negligence on the part of Government or complete lack of appreciation of the difficulties, I think I will have nobody to blame but the Government and my people will have nobody to blame but the Government. The Government still has time to negotiate with the people concerned so as to buy back the land. This time I hope I will be taken by the Government. If you will allow me, Sir, I would like to point out that this land, now 16,000 acres of the land, has been bought and here of the biggest buyer, has written to me and he says this—if you will allow me I will read a paragraph: "I understand the African Elected Members are interested in purchasing 6,647 acres of the land situated in Port Reitz West, near Mombasa which was sold by public auction last month by East African Estates Limited. If this information is correct, I shall be only too pleased to negotiate for the sale of this land on behalf of my clients."

Now, the Government has still a chance—

THE DEPUTY SPEAKER (Mr. Webb): Mr. Ngala, I must remind you that you have exhausted your half-hour.

MR. NGALA: If I might just have a minute to finish my sentence, Sir; Government has still a chance to go into this question and buy back this land.

Finally, Sir, I would like Government to consider the possibility of making Crown lands available and alienated land available so that my people can get subsistence agriculture to maintain them as a matter of necessity.

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

MR. KHAMISI: Mr. Deputy Speaker, Sir, I would like to second this Motion. Sir, I think I would like to say it is quite

[The Minister for African Affairs] the other hand, Sir, it is perfectly true that the Government over the past 12 years has spent considerable sums of money in supplying water. Approximately £200,000 has been spent in the Coast Province in the past 12 years on the provision of water supplies. I admit that it is still not enough but it is a pretty substantial contribution to the water difficulties in those areas where the rainfall is rather sparse.

The second point which was made concerning this Motion, Sir, was the shortage of good arable land. Now, Sir, there is quite a good deal of arable land, and good arable land at that, still available in the Coast Province, and I would first of all like to comment on the average density of population because that ties in with the arable land. The average population density in that part of the Kilifi District which lies in the land unit, and including the Malindi Area, is 63 per square mile. The average population density of that part of the Kwale District which lies in the land unit is 67 per square mile. It is perfectly true that certain areas such as Waja Michenda the population there is 780 per square mile. But the reason for the very high population in those areas is because they are near to Mombasa. It is not necessarily because the Digo have gone there to cultivate. Some of them did. But they also went there because they were employed in the environs of Mombasa. Apart from areas of good arable land in the South Reserve, and also in certain settlement areas, which Government has acquired, such as the Shimba Hills, there has been a movement of population towards the coastal strip. It was commented on by the Kenya Land Commission in its Report. But there is still available to Africans in the Coast Province large areas of land in the Shimba Hills Settlement. No single Digo has ever wanted to go there, the reason being, I believe, that in fact they do not like controlled settlement. They have always practiced shifting cultivation and they intend to go on doing so and anything in the nature of controlled settlement is an anathema to them. There is also land available in the Gedi Settlement. That has not been taken up, either. Therefore I am at a loss to understand, when there are these attractive areas available, why

the Giriama and the Wadigo continue to press down to the coastal strip.

I believe that the hon. Member for the Coast Area said that the Government had done very little for the coast people and he urged the Government to increase the scope and size of the agricultural staff in those areas. Might I point out to him, Sir, that the Coast Province has the largest allocation of agricultural staff in the Colony and it has the highest number of agricultural staff in the Colony, taking into account all the other provinces. I might also point out to him that statistics show that the cash income per head of the Africans in the Coast Province is second only to that of the Central Province and if those Africans who live in the Coast Province would devote themselves to better farming methods they could quite easily double their income. It is unfortunate, Sir, as I say, the Wadigo are considered to be about the worst agriculturists in the Colony, and I am afraid that they have paid absolutely no attention to the advice which has been given to them by the Agricultural Department.

Thirdly, Sir, this Motion mentions an increase in the population, and I have already briefly referred to that. It is perfectly true that the population has grown and that the densities given in the Carter Land Commission Report have gone up, as I explained earlier on. But even so, that does not, in my view, justify the plea for additional Crown land to be given to the coastal tribes when there still remain good arable land available and when there still remain places in the settlement areas to which the Wadigo and the Giriama could go. May I just go on, Sir, to say that the Government in the course of quite a number of years have in fact considered the growth of the population in the coastal areas and they have made considerable additions in the Coast Province. I have already mentioned one, the Shimba Hills, where the total area available for settlement is 42,000 acres. I have already said that there is not one Wadigo settler on it. There are others—the Wakamba—and, as the hon. Member for Coast Rural has mentioned, there was a proposal that some people from the Teita area, the Mbololo Location. I think he said it was, would move to the Shimba Hills. He put it as though

[The Minister for African Affairs]

this was a move directed by the Government but of course it was not. It was merely an invitation to the Mbololo Location that if they wished to take up plots in the settlement area in the Shimba Hills they could do so because none of the coastal tribes seemed to want it. In 1954, 4,800 acres of unalienated Crown land, known as the Mwatunge Block, was added *ex gratia* to Teita. In 1957 and 1958 the Saberal exchange in the Kwale District added 2,310 acres for the use of the Wadigo. Also an area of 10,000 acres north of Taveta was added as the Taveta Northern Native Reserve.

The hon. Member also mentioned the question of the Bura area and what the Government was going to do about it. I think he admitted that the Government was doing something about it, but I do not think that the people in the district liked the settlement conditions which the Government proposed to impose there purely from the point of view of better agricultural practice. In the Bura area the Government has made funds available to the extent of £15,000 for the purchase of privately owned land. The position at the present moment is that the Government has acquired 787 acres and negotiations are going on for the balance of 26,000 acres. I have not referred, Mr. Deputy Speaker, to the exchanges of land which have gone on earlier than 1954, but they have been numerous, and I do not think that the Government can be accused of neglecting the Coast Province where it has been clearly shown that there was an economic need for the Wadigo or the Giriama or the Teita to have additional land.

Now, if I can go on with this Motion, it says, Sir, "This Council urges Government to grant more Crown land and the unused alienated land in the coastal strip to Africans. . . . Well, Sir, what Crown land is there, in fact, and what is it like for agricultural purposes? What do we in fact mean by Crown land? If I may, Mr. Deputy Speaker, I will bore the House with a few figures. Excluding the Teita District, in the Coast Province there are 5,805 square miles. The native land units cover 4,529 square miles. The Shimba Hills Settlement is 65 square miles, and there are nine square miles of native forest area. Agricultural and veterinary research stations and

veterinary reserves and other Government reservations cover 133 square miles. Crown forest takes up 247 square miles, and the alienated land which I would like to mention later covers 623 square miles. Therefore, Sir, the Crown land available for alienation between Mamburi and Shimoni consists of the remainder which is 215 square miles. It is not, and it never has been, Government's policy over recent years to make new freehold grants of Crown land. It has always been leased.

Now, Sir, if I might just digress for a few moments, I think it was the hon. Member for Mombasa Area who mentioned a certain number of people, I think it was 45, who had been turned off an area of Crown land. I would like to quote a case which has come to my notice and then perhaps he will be able to draw the distinction and possibly see the moral in it. An African applicant for the lease of an area of Crown land for horticultural purposes, and his application has been recommended by the Coast Land Advisory Board, and it is very likely to be successful, has, as his first major obstacle, the removal of illegal squatters off the land that he wishes to lease. I think that some hon. Members might like to bear that in mind when they attack the Government for removing squatters who are living illegally on private or Crown land.

There is very little Crown land available for agricultural purposes but of the 215 square miles that I have mentioned, there are precisely for the reasons which were given by the hon. Member, that there is very little water there. Before we may make any plans for using Crown land, make any plans for settlement area, it is possibly as a settlement area, it is possibly very necessary to plan very carefully for the water supplies. The particular areas in this 215 square miles that are available are 15 square miles west of the Matuga Experimental Station, and 16 square miles between Kirwini and Kilifi Creek; and although this land lies north of the coastal strip, there is 45 miles of inland, in the coastal strip, north of Kilifi to Mida Creek, there is in particular there. However, Sir, here in this particular area certain claims are to be heard shortly by the Recorder of Titles under the Land Titles Ordinance. Then there are 103 square miles near Malindi. Those are on the coast near Malindi and on the seaward side of the saltworks at

[The Minister for African Affairs] Fundi Isa. I am not personally acquainted with that particular area but I am told that this consists largely of sand dunes. Of course there are still a number of unadjudicated claims in that area which affect the Crown land north of the Sabaki River. Miscellaneous smaller areas of Crown land amount to 36 square miles.

Now, Sir, from the figures which I have given the House and from the explanations that I have given as to the suitability of the Crown land for agricultural purposes it would not seem on the face of it that there is much, if any, Crown land which could be made available if it were so considered desirable, for agricultural purposes in the Coast Province.

THE DEPUTY SPEAKER (Mr. Webb): Mr. Johnston, if you are about to embark on another aspect of the matter it might be a convenient moment to interrupt you.

THE MINISTER FOR AFRICAN AFFAIRS (Mr. Johnston): I am afraid that I shall be some time longer, Sir.

MINISTERIAL STATEMENT

VALEDICTORY—MR. A. W. PURVIS

THE MINISTER FOR FINANCE AND DEVELOPMENT (Mr. Vasey): Mr. Deputy Speaker, before the House adjourns I think it would be the wish of all hon. Members that we should put on record our sadness at this particular occasion which is the last time that we shall have Mr. Purvis serving as Clerk to this Council.

Sir, when Mr. Purvis came to this Council he was faced with a young and developing legislature of the old type emerging through a very difficult period of development from what was almost a form of debating society towards what we hope will be a dignified and operating Parliament. Sir, we do recognize that we are still in the transitional stage. But, Sir, I would say that a large part of the smoothness of the change in procedure has been, during the time that Mr. Purvis has been with us, considerably due to the hard work and devotion of Mr. Purvis in the office of the Clerk to the Legislative Council.

I am sure there is no Member in this hon. House who has not benefited from the impartial and friendly wisdom and guidance given by Mr. Purvis to him as an individual Member. So, Sir, I would take this opportunity on behalf, I am sure, of all Members of this Council, to say how sorry we are to see Mr. Purvis leave and how much we shall miss his calmness and friendliness and his ability to guide us through the intricacies of procedure, and to wish, he and Mrs. Purvis long life and happiness. I would express the hope that we shall from time to time, even if it is only in an unofficial capacity, have the pleasure of seeing them again.

MR. COOKE: Mr. Deputy Speaker, as the *mzee* of this House I have been asked to second this Motion.

I have known many many clerks in this House, both amateur and professional, and I can quite easily say without any difficulty that Mr. Purvis has been number one.

I remember when my own nephew was here as an amateur he had such a shabby cap and gown that we on this side proposed to subscribe and buy him new ones. I imagine that caps and gowns and all the other things are provided.

There is one aspect of Mr. Purvis's service here which I have greatly admired and that is his tremendous loyalty both to the Speaker and to the Government. He would never betray, even by the flicker of an eyelid, the answer when I have tried to worm secrets out of him.

I would like to join other Members in wishing him a very happy retirement. I am sure that with his sense of humour and his Scottish intellect and so on he will be a great success in whatever he undertakes in the future.

THE DEPUTY SPEAKER (Mr. Webb): Hon. Members, I have been asked by the Speaker—who I am happy to tell you is recovering from his recent indisposition—how much he wishes to associate himself with the remarks made by Mr. Vasey and Mr. Cooke, and I most willingly accede to his request. All those who have the honour to occupy this Chair are well aware of the extent to which they call upon Mr. Purvis for assistance and of the help which they have received from him. Therefore, with

[Mr. Deputy Speaker] Mr. Speaker I would like to associate all his Deputies in expressing our very deep appreciation of, and gratitude for Mr. Purvis's services to the Chair, and in wishing Mrs. Purvis and Mr. Purvis all happiness in a long and peaceful retirement.

Before I adjourn Council, there is one small matter of history which Members may like to be made aware of. This has been the longest meeting in the history of this Legislative Council. We have been in continuous session for nine full weeks, which may perhaps explain some of the things which have happened recently.

ADJOURNMENT

THE DEPUTY SPEAKER (Mr. Webb): I now adjourn Council until 2.30 p.m. on Tuesday, 21st July, 1959.

The House rose at thirty-five minutes past Twelve o'clock.

ANSWERS TO WRITTEN
QUESTIONS

No. 79

MR. TRAVADI (Central Electoral Area) to ask the Minister for Education, Labour and Lands:—

(i) (a) How much money was allotted for Education towards Development Programmes from 1944 to 1960?

(b) How much money has been spent during the allotted periods?

(c) How much money has been carried forward from one period to another?

(d) How much money has been underspent or overspent and in the latter case from what source?

(e) What has happened to the balance in each case?

(ii) Its racial breakdown.

REPLY

The Development Programmes do not cover the whole period from 1944 to 1960, although the concept of planned development was accepted in 1944. The first plan was for a ten-year period from 1946 to 1955 but this was superseded after eight years by a new three-and-a-half-year plan running from 1954 to 1957, which was in turn followed by the current three-year plan running from 1957 to 1960.

Thus for the first period expenditure over eight years is shown on the attached tables against allocations for ten years. For the second period expenditure over three-and-a-half years with allocations for the same period are shown. For the current period allocations for the full three-year period are shown but expenditure only for the single year thus far completed.

On the attached tables figures with racial breakdowns are presented. It will be seen that in no period has there been over-spending. The unspent provision at the end of the first development plan was not carried forward to the second period, whereas the unspent provision of the second period was carried forward into the third plan.

TABLE I

	(1) Allocation 1946/55	(2) Expenditure 1946/53	(3) Balance unexpended (which lapsed at end of 1953)
	£	£	£
European Education	2,752,800	2,158,412	594,388
Asian Education	1,793,900	873,710	920,190
Arab Education	129,500	118,817	10,683
African Education	2,204,315	1,587,713	616,602
*Technical	—	—	—
Special Schemes	156,500	154,474	2,026
TOTAL	7,037,015	4,893,126	2,143,889

*Included in the other allocations.

TABLE II

	(1) Allocation (Revised) 1954/57	(2) Expenditure 1954/57	(3) Balance c/fwd. to 1957/60
	£	£	£
European Education	650,873	480,588	170,285
Asian Education	950,344	709,184	241,160
Arab Education	45,319	23,231	22,088
African Education	1,172,260	1,016,779	153,481
*Technical Education	—	—	—
Special Schemes	326,409	319,575	6,834
TOTAL	3,145,205	2,551,357	593,848

*Included in the other allocations.

TABLE III

	(1) Original Allocation 1957/60	(2) Allocation (Revised) plus c/fwd. from 1954/57	(3) Expenditure for 1957/58
	£	£	£
European Education	322,900	428,605	147,340
Asian Education	467,400	614,810	115,195
Arab Education	26,331	51,423	12,367
African Education	928,375	857,181	348,159
Technical Education	145,100	116,080	23,759
Special Schemes	37,594	84,705	35,017
TOTAL	1,558,956	2,152,804	681,837

No. 112

MR. T. TOWETT (Southern Area) to ask the Chief Secretary:—

How much was spent in 1955, 1956, 1957 and 1958 respectively for Ministers' trips abroad (i.e. outside East Africa) while on Government duty?

REPLY

The information sought by the hon. Member for Southern Area cannot be supplied by calendar years, but can be supplied by financial years. The following amounts were spent on Ministers' official journeys abroad in the financial years 1955/56 to 1957/58:—

Financial Year 1955/56.—£2,264 13s. 7s cts.
Financial Year 1956/57.—£2,147 6s. 4s cts.
Financial Year 1957/58.—£1,440 6s. 50 cts.

No. 113

MR. TOWETT (Southern Area) to ask the Chief Secretary:—

(a) How many Europeans and Asians, respectively were refused entry permits to Kenya in 1957 and 1958 respectively?
(b) How many of those refused entry permits in the two years had been to Kenya before?

REPLY

The answer to the first part of the Question is as follows:—

1957	
Europeans granted Entry Permits in Classes A-H	1,420
Europeans refused Entry Permits	19
Asians granted Entry Permits	839
Asians refused Entry Permits	83

1959

Europeans granted Entry Permits	1,460
Europeans refused Entry Permits	9
Asians granted Entry Permits	735
Asians refused Entry Permits	85

2. As regards the second part of the Question, it is impossible to provide the exact figures required by the hon. Member but it may safely be assumed that since the bulk of the refusals were in respect of applications for Entry Permits in Class G, nearly all the persons concerned had completed a period within the Colony on Temporary Employment Passes.

No. 114

MR. T. TOWETT (Southern Area) to ask the Minister for African Affairs:—

What steps are being taken to make all African Courts the responsibility of the Judiciary?

REPLY

It is the accepted policy of Government that African Courts should eventually be integrated with the judicial system under the superintendence of the Chief Justice. A preliminary step towards this ultimate objective was taken in January, 1958, when Government took over the full financial responsibility for African Courts. Further implementation of this declared policy is to be inaugurated when the many problems, legal, professional and financial have been solved and the time appears ripe for such development.

No. 116

MR. T. TOWETT (Southern Area) to ask the Minister for Internal Security and Defence:—

(a) How many discharged prisoners, excluding the *Mau Mau* ones, have been employed by the Government bodies since 1957 through the efforts of the Discharged Prisoners' Aid Association?

(b) What type of prisoners are not likely to be employed by Government bodies?

REPLY

(a) Eleven discharged prisoners have been employed by Government bodies

since 1957 through the endeavours of the Discharged Prisoners' Aid Association:—

(b) It is not possible to state precisely what categories of discharged prisoners would be unsuitable for employment by Government. No such person may be employed without the approval of the Director of Establishments and each application is considered on its merits.

No. 118

MR. T. TOWETT (Southern Area) to ask the Minister for African Affairs:—

How many African chiefs are illiterate?

REPLY

Since the service records of chiefs do not disclose whether they are illiterate or not, a great deal of research would be necessary to discover the number who are literate.

No. 120

MR. T. TOWETT (Southern Area) to ask the Minister for Internal Security and Defence:—

(a) The number of Inspectors (Grade I) who are African in the Police Force?

(b) How many Africans are Assistant Chief and Chief Inspectors, respectively, in the Force?

REPLY

Twenty-nine (29) Africans are Inspectors Grade I and two (2) are Chief Inspectors. There is no rank of Assistant Chief Inspector.

No. 124

SIR CHARLES MARKHAM (Ukamba) to ask the Minister for Legal Affairs:—

Whether he is prepared to make a statement on the allegations contained in the affidavit sworn by Mr. V. C. Shuter, and what action Government proposes to take on this matter.

REPLY

Mr. Shuter's affidavit dated 10th January, 1959, was handed to me on that day by a Nairobi advocate acting on the instructions of the *London Observer*. I immediately arranged for a senior officer of my Department, the

Deputy Public Prosecutor, to investigate and report on the numerous allegations contained in the affidavit. With the co-operation of the Commissioner of Police, a senior officer of the Criminal Investigation Department was detached from all other duties and attached to the Deputy Public Prosecutor to assist him in his investigation, and another senior officer of the Criminal Investigation Department assisted by recording statements from a number of persons who have left the Colony and are now in the United Kingdom.

Ninety-four statements were recorded in the course of the investigation, from witnesses in many widely separated parts of the Colony, from one in Uganda, and from eight in the United Kingdom. Many witnesses were, only traced with considerable difficulty, and a great deal of labour and travelling was entailed in tracing the witnesses, recording their statements, and evaluating and correlating the mass of detailed information accumulated.

The Deputy Public Prosecutor completed his Report on 17th March, 1959, and submitted it, together with copies of all statements recorded, to the Government shortly thereafter. The extent of the undertaking may be gauged from the fact that the Report runs into 111 pages of typescript foolscap and the statements into 241 such pages.

Despite the Deputy Public Prosecutor's thorough and searching enquiries, the Report and supporting statements disclose no support for the main substance of Mr. Shuter's allegations. None of the 19 allegations relating to Manyani Detention Camp has been established. Of 12 allegations relating to Fort Hall Detention Camps, only three were established, and of these, one has been satisfactorily explained; one did not relate to alleged ill-treatment of detainees and does not warrant any action now, and the third was not established in the sense alleged by Mr. Shuter but in other respects under separate criminal investigation. The single allegation relating to Nairobi Prison has not been established.

In the course of the investigation of so many allegations, a number of matters unrelated to the allegations came to the attention of the Deputy Public

Prosecutor, and he accordingly includes in his Report his observations in regard to these matters.

It is the Government's intention to have the typescript Report and supporting statements printed, and to lay them in due course on the Table for the information of the Council.

No. 126

MR. R. G. NGALA (Coast Rural) to ask the Minister for African Affairs:—

(a) How many African Chiefs are there in Kwale District. Give their breakdown according to their educational qualifications as follows (i) the illiterates, (ii) those below K.A.P.E., (iii) those above K.A.P.E.

(b) How many illiterate chiefs have been appointed in Kwale District during 1958 and up to 31st March, 1959?

REPLY

(a) There are 21 chiefs in the Kwale District. Their breakdown according to educational qualifications is as follows:—

(i) Illiterate—5;

(ii) Below K.A.P.E.—11;

(iii) Above K.A.P.E.—5.

(b) No illiterate chiefs have been appointed during 1958 and up to 31st March, 1959. Two chiefs below K.A.P.E. have been appointed during that time.

No. 127

MR. R. G. NGALA (Coast Rural) to ask the Minister for Local Government, Health and Town Planning:—

(a) Whether the Minister is aware that African A.D.C. employees are serving without any terms of service.

(b) When will such terms be ready and be put into practice?

REPLY

(a) I am aware, Sir, that some African District Councils have adopted regulations governing the terms of service of their employees, and that others have not.

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VOLUME LXXX

11th Council—Third Session

21st April, 1959, to 19th June, 1959

Explanation of Abbreviations

Notice of Motion = **Mo.M.**; Question = **Qn.**; Bills: Read First, Second or Third Time = **1R, 2R, 3R**; In Committee = **IC**; Report = **R**; Consideration of Report = **Cons.R.**; Referred to Select Committee = **SC**; Select Committee Report = **SCR**; Recommitted to Council = **Re.C.**; Withdrawn = **Wdn.**

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