

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 5th November, 2003

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPER

The following Paper was laid on the Table:-

A list of two nominees received from the Joint Forum of Religious Organizations for approval by the National Assembly for appointment to the Kenya Anti-Corruption Advisory Board under Section 16 of the Anti-Corruption and Economic Crimes Act, 2003, Paragraph 1(3) of the Second Schedule:

Charles Kariuki Wambugu  
Shashikant Kantilal Raval.

*(By the Assistant Minister for Justice and  
Constitutional Affairs (Mr. Githae) on  
behalf of the Minister for Justice and  
Constitutional Affairs)*

### QUESTIONS BY PRIVATE NOTICE

#### SACKING OF KNH PROCUREMENT OFFICERS

**(Mr. Osundwa)** to ask the Minister for Health:-

- (a) Is the Minister aware that the following officers were sacked by Kenyatta National Hospital Board, contrary to Treasury Circular No.11/2003 of 27th May, 2003 on deployment of procurement officers: Messrs Keengwe Maina; George Otung'; A. Mathu; M. Indai; Joseph Marwanga and Samuel Mwangi?
- (b) Could the Minister disclose offences that were committed by the said officers which warranted termination of their services?
- (c) Could the Minister further table copies of warning disciplinary letters served to officers and responses thereto, to prove that justice was done in determining their cases?
- (d) Will the Minister redeploy them to other stations as per the circular in part "a" above?

**Mr. Deputy Speaker:** I am aware that Mr. Osundwa is out of the country with the Library Committee. Therefore, this Question is deferred to next week.

*(Question deferred)*

WATER SUPPLY TO SIGOR TRADING CENTRE

**Mr. Rotino:** Mr. Speaker, Sir, I beg to ask the Minister for Water Resources Management and Development the following Question by Private Notice.

(a) Is the Minister aware that the people of Sigor Trading Centre and the environs have been without clean drinking water from April, 2003 to date?

(b) What action has the Minister taken to have the water pipe repaired and thereby restore water supply to the town?

**The Assistant Minister for Water Resources Management and Development (Mr. Munyes):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the people of Sigor Trading Centre and the environs have been without clean drinking water since April 2003, when the Sigor Water Supply intake was damaged by floods and the main pipeline washed away and buried in a landslide.

(b) The Ministry has released, to the District Water Officer, Kshs670,000. The funds are required to repair the intake and replace the damaged pipes in order to restore the water supply to the town by the end of November, 2003. While the repairs are being carried out, the Ministry will station a water tanker at Sigor to provide water for essential services.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for that good answer, hoping that what he has said will be done. You do agree with me that a trading centre, and its environs, of a population of 10,000 people staying without piped water and safe drinking water from April up to now, yet the Ministry is in existence is, indeed, a real crime. I have been to the offices of this Ministry many times trying to talk to them about this water shortage. Could the Assistant Minister assure that the people of Sigor will drink clean water by the end of this month, because I know the ability of the District Water Engineer?

**Mr. Munyes:** Mr. Deputy Speaker, Sir, we have already stationed a water bowser in that area and sent Kshs670,000 to the District Water Officer. So, that is enough assurance. We will ensure that the Kshs670,000 is used to repair the damage. As they wait for the repairs to be complete, a water bowser will be stationed there permanently for the people of Sigor.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, we appreciate what the Ministry is doing. Sigor is on my the way to Turkana, and we want an assurance as to when the people of Sigor Trading Centre will have piped water. The Assistant Minister has not responded to that part of the Question.

**Mr. Munyes:** Mr. Deputy Speaker, Sir, the construction will be complete by the end of November.

**Mr. Moroto:** Mr. Deputy Speaker, Sir, the Assistant Minister can continue giving that assurance but it was just early this year, between April and May, when the Minister visited the area and promised that within a month those people would get water. Security officers who are manning that area are forced to get a water bowser from Kapenguria to that place, and they have gone for two months without water. Could he assure us that those people will get water, or it will be the same as, indeed, last time?

**Mr. Munyes:** Mr. Deputy Speaker, Sir, I would like to repeat that we will ensure that the construction is complete. We have already sent Kshs670,000 to the District Water Officer of the area, and allocated West Pokot Kshs4 million in the current Budget, and I hope that will help to solve the water problem.

**Mr. Rotino:** Mr. Deputy Speaker, Sir, in his answer, the Assistant Minister has said that he has sent a water bowser to be stationed in Sigor. I would like him to give us an assurance, because this is not the first time he is doing that. He once sent a water bowser to the area, and it had a

mechanical breakdown on the road, and stayed there for one full week. It was then towed to Kapenguria awaiting repair. Last week, I was with the engineer and he said that they could not repair the lorry. The Assistant Minister is saying that a water bowser will be sent to the place, but as we speak now - I was in Kapenguria yesterday - the bowser has a clutch problem. Could he assure the House that he is going to repair the lorry and send it to Sigor?

**Mr. Deputy Speaker:** Mr. Munyes, you appear to know the area.

**Mr. Munyes:** Mr. Deputy Speaker, Sir, I come from that area.

**Mr. Deputy Speaker:** So, could you give it a last shot now?

**Mr. Munyes:** Mr. Deputy Speaker, Sir, the hon. Member has said that he came from the area yesterday. If he could call there today, he would be told that the water bowser is there.

## ORAL ANSWERS TO QUESTIONS

### *Question No.747*

#### IMPLEMENTATION OF ARID LANDS RESOURCE MANAGEMENT PROGRAMME

**Mr. Mahamud** asked the Minister of State, Office of the President:-

(a) what the impact of Arid Lands Resource Management Programme funded by the World Bank in ten ASAL districts in Kenya was;

(b) how much was used to implement this programme; and,

(c) what plans the Government has to extend the programme.

**The Assistant Minister, Office of the President** (Prof. Kibwana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Arid Lands Resource Management Project has had the following impact in the ten ASAL districts where Phase I was implemented:

(i) Effective drought management during the project period with resultant reduction on mortalities in both human and livestock.

(ii) Improved access to water by more than 50 per cent of the population.

(iii) Improved educational facilities and infrastructure in over 80 primary schools.

(iv) Improved promotive and curative health services to the communities through the rehabilitation of 17 health centres.

(v) Improved livestock health, hygiene and improved access of trade stock to terminal markets.

(vi) Over 2,500 vulnerable community members were restocked and 500 given shelter huts.

(vii) Communities have been greatly empowered through a series of training programmes to a level which has enhanced the ability to be in charge of their own development agenda.

(b) US\$25.1 million was spent over a period of six years; that is, 1996 to 2002, in the ten arid districts.

(c) The project has already been extended and the Second Phase will be implemented in 21 arid and semi-arid districts for a period of six years.

Thank you.

**Mr. Mahamud:** Mr. Deputy Speaker, Sir, I am very much satisfied with the answer given.

Thank you very much.

**Mr. Wanjala:** Mr. Deputy Speaker, Sir---

**Mr. Deputy Speaker:** Mr. Wanjala, you are not from an arid place. Your place is prone to

floods!

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, we have tried through this House to put Busia and Siaya districts under the Arid and Semi-Arid Lands (ASALs). That is because of the circumstances that prevail in those districts. But that attempt has been frustrated by the Government. What criteria did they use to put Kieni East and Kieni West under ASALs, if Budalang'i cannot be one?

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, I do appreciate that Mr. Wanjala knows it is a very successful project which is very much sought after and hence, the desire to have his constituency included. But we have previously answered that question; that there is a professional criteria that is used. It is a scientific criteria that is used to determine ASALs and, definitely, Mr. Wanjala's constituency does not fall within those areas.

**Mr. Wanjala:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister on the Floor is a professor and a lawyer. He is talking about a scientific criterion. If we compare ASALs and Budalang'i, where people stay in makeshift houses because their houses have been destroyed by floods, what scientific method could you tell us, as a professor, was used to include Kieni East and Kieni West?

**Mr. Deputy Speaker:** Order, Mr. Wanjala! I do appreciate your concern, but that is not a point of order!

Continue, Prof. Kibwana.

**Mr. Kibwana:** Mr. Deputy Speaker, Sir, I am a professor of law and, obviously, there are certain things about ASALs that are not related to law. On the question of Kieni East and Kieni West, there are particular areas which are very dry. That was determined by the previous Government in terms of areas that were to be covered under that project. It is not something that was done under this particular administration.

**Mr. Deputy Speaker:** Mr. Bahari, you keep on moving! That is why you confuse the Chair. Yesterday, you were here, now you are there!

**Mr. Bahari:** Mr. Deputy Speaker, Sir, I will stop being a nomad!

In the Second Phase of the Arid Lands Resource management Programme, we notice that over 30 per cent of the expenses constitute operating expenses. Could the Assistant Minister review that situation, so that we could spend less on salaries and things like that?

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, because of the kind of professional people required, we have some people from ordinary Government Ministries to do special work. They are compensated higher than those within traditional Government Departments. What the hon. Member has suggested is worthwhile exploring. In most of those projects, it is necessary to spend more money on the projects themselves than on emoluments.

**Mr. Salat:** Mr. Deputy Speaker, Sir, of the 21 districts that are going to benefit from that project--- I heard him say clearly that some sections of Kieni East and Kieni West have been included. In my constituency; that is, Bomet, there are some areas like Longisa Division which stretch all the way to Sigor in Chepalungu Constituency, and are actually considered arid. Are those areas included in the 21 districts?

**Prof. Kibwana:** Mr. Deputy Speaker, Sir, already, that programme is going on and it has been completed by the World Bank. The Government is also exploring other opportunities for doing more cutting-edge work in arid districts.

*Question No.704*

TERMS OF SERVICE FOR  
PRE-SCHOOL TEACHERS

**Mr. J. M. Mutiso** asked the Minister for Education, Science and Technology:-

(a) what are the terms of service for the pre-school teachers as stipulated by the Ministry; and,

(b) when the Ministry will start paying the salaries of nursery school teachers.

**The Minister for Education, Science and Technology** (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to reply.

(a) There are no terms of service for the pre-school teachers as those schools are established privately or by communities. Their service terms depend on agreements entered individually, considering the ability of those communities to pay.

(b) The Ministry is not able to start paying salaries to the pre-school teachers until funds are availed.

**Mr. J. M. Mutiso:** Mr. Deputy Speaker, Sir, let me, first of all, thank the able Professor for giving me that answer. But that notwithstanding, I would like to draw the attention of the Minister to the fact that the recruitment of school teachers is done by the district education officers. The guidelines for the recruitment are sent through the Ministry. In the same way, there is a servant-master relationship between the person who recruits and the person who is recruited. Could the Minister come out clearly and explain the terms for pre-school teachers as issued by the district education officers?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, as I have just said, the Ministry does not lay the terms of service. However, the Ministry of Education, Science and Technology, through the District Education Boards and the district education officers, do give guidelines on the type of people who can be employed as teachers. Equally, we also provide guidelines on the curriculum.

**Mr. Mwenje:** Mr. Deputy Speaker, Sir, the Minister may think that these are private schools but the children are not private. These children belong to parents in this country. What programme has the Minister put in place to ensure that pre-primary school teachers, together with those of informal schools, are paid salaries by the Government? This is because these children should benefit from the free primary school education programme because their parents pay tax to our Government. What programmes has the Minister put in place to ensure that pre-primary school teachers, together with the ones of informal schools, are paid salaries by the Government?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I concur with the first observation made by the hon. Member that children in private primary schools are equal to those in public primary schools. When we decided to implement the free primary school education programme, we targeted the most pressing area as far as parents are concerned. I would like to inform this House that we are re-looking into the whole matter to see how this can be done in future.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, there is a district centre for Early Childhood Education (ECE) in every district. Last year, the Ministry sent new Land Rovers which are used by the district education officers in every district. The Minister has told us that they will start paying pre-primary school teachers when funds will be available. This is the case, and yet it is his responsibility to bring proposals for their remuneration in this House. Could the Minister tell us the plans he has put in place to ensure that the Government pays pre-primary schools teachers salaries? I am saying this because it is this House which passes the funds. I am saying this because the Land Rovers the Ministry sent to each district centre for ECE are being misused by the mainstream department of the Ministry of Education, Science and Technology.

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, it is true that a number of these vehicles marked "Early Childhood Development (ECD)" are used by a number of DEOs. But it should be

appreciated that these officials supervise all segments of education to ensure that things are done properly. I have said that we do recognise the very important role played by ECE in this country. Right now, we do not have funds to cater for pre-primary school teachers' salaries, but we will deliberate on this issue carefully.

**Mrs. Mwendwa:** Thank you, Mr. Deputy Speaker, Sir. I would like the Minister to tell us whether it is possible to have guidelines on school fees charged in pre-primary schools. I am saying this because some nurseries charge Kshs450 per child per term. These schools are found in the countryside. Other pre-primary schools in some areas charge even more than Kshs450 per child per term. Is it possible to have guidelines on pre-primary school fees before the Ministry provides free pre-primary school education as it is the case with primary education?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I do believe that the Ministry's capacity to give those guidelines will emerge after the deliberations at the National Conference on Education to be held between the 26th and 29th of this month. All hon. Members will, alongside other Kenyans, be invited to this forum to debate the entire education system in this country. I believe that when January, 2004, comes there will be very clear guidelines on the fees to be charged in our schools.

**Mr. J.M. Mutiso:** Mr. Deputy Speaker, Sir, I would like to ask the Minister for Education, Science and Technology to consider asking for additional funds to subsidise the salary of teachers in pre-primary schools before the end of this financial year. Since the World Bank, under the ECD, has given substantial money to buy learning materials, medical components and the rest, could the Government honour its part? Could the Minister undertake to do that?

**Prof. Saitoti:** Mr. Deputy Speaker, Sir, I really want something to emerge out of the National Conference on Education.

*Question No.638*

REVIVAL OF KABIANGA FARMERS  
TRAINING CENTRE

**Mr. Keter** asked the Minister for Agriculture what urgent action he is taking to revive Kabianga Farmers Training Centre which has been run down.

**The Minister for Agriculture** (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has already taken the following steps to revive Kabianga Farmers Training Centre. To strengthen the management, the Ministry has appointed a new principal and management board with members drawn from Kericho and Buret districts.

(b) This financial year, the training centre has been allocated a total of Kshs1,208,924 for both development and recurrent expenditure. My Ministry is closely monitoring the operations of this centre to ensure that farmers get the required services.

**Mr. Keter:** Thank you, Mr. Deputy Speaker, Sir. First, I would like to thank the Minister for recognising that Kabianga Farmers Training Centre has been run down. Secondly, this centre has 100 acres of land out of which 20 acres are under tea. This institution can stand on its own. Could the Minister consider ploughing back all the proceeds from this centre to the institution so that it can stand on its own instead of the Government allocating it some money which is not enough, for example the Kshs1,208,924?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, in an effort to ensure that there is effective service delivery to the people of Kenya, the Ministry is looking at the role of Farmers Training Centres (FTCs) with a view to encouraging the ones that perform well. It is now clear that some of these FTCs have been mismanaged in the past. As a result, these FTCs have been unable to give returns

so that the Ministry can allocate them funds without delay. But as a Ministry, we would like to assist these FTCs so that they can provide extension services to our farmers.

**Mr. Mwandawiro:** Bw. Naibu Spika, hilo swali ni muhimu sana. Tunatumia pesa nyingi kujenga taasisi za kutoa huduma mbali mbali halafu tunaziacha zinaanguka. Ningependa kutoa mfano wa Taita Farmers Association, na ninaamini kwamba kuna taasisi za kilimo kama hii humu nchini. Je, Serikali ina sera gani kuhakikisha kwamba taasisi za kilimo ambazo zimejengwa haziachiliwi zikaanguka?

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, I do appreciate the question the hon. Member has asked. I said at the beginning that, as a Ministry, we have come up with a strategy on the need to interface extension service with the private sector, and we will release it possibly in the course of this year or early next year. The FTCs will offer these services. Therefore, we will not allow any institution under the Ministry to be run down.

**Mr. Keter:** Mr. Deputy Speaker, Sir, could the Ministry allow Kabianga Farmers Training Centre to offer certificate or diploma courses, specifically in tea research because we do not have any institution which offers these courses? This centre is capable of offering certificate or diploma courses in tea research.

**Mr. Kirwa:** Mr. Deputy Speaker, Sir, I will be misleading the House if I allow that centre to offer those courses immediately because there are many institutions which offer courses in the field of agriculture. We will consider that so that farmers from that area can get services from that training centre. May I hasten to say that this Question has come at the right time because I have been bothered about the role of FTCs throughout the country. I have told the officers in my Ministry to move with speed and ensure that every institution under the Ministry does the right thing. We do not need an institution which does not do what it is supposed to do. However, I will take seriously the concerns of the hon. Member.

**Mr. Deputy Speaker:** Very well! Next Question, Mr. Samoei!

*Question No.332*

REPOSSESSION OF TURBO  
HEALTH CENTRE LAND

**Mr. Samoei** asked the Minister for Health:-

- (a) whether she is aware that land earmarked for expansion of Turbo Health Centre has been allocated to private developers; and,
- (b) what plans she has to repossess the land and upgrade the health centre.

**The Assistant Minister for Health** (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The land identified for expansion of Turbo Health Centre is in Lugari District of Western Province. It is forest land and investigations have revealed that it has not been allocated to a private developer.

(b) The land currently in use by the health centre is not formally set aside for that purpose. The Permanent Secretary in the Ministry of Health has, therefore, requested the Commissioner of Lands to regularise the ownership of the current use by the facility and its future expansion. At the moment, there are no immediate plans to upgrade the health centre to a sub-district hospital as it lacks the required critical physical facilities like wards, theatre, kitchen, laundry, mortuary and an administrative block.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, today, the Assistant Minister has bothered to check

the correct status of the land in question. Earlier, he had said that he was not aware. However, I want to thank him for taking the trouble to find out what the correct position is. Whether the land is in Lugari or Uasin Gishu District is not the issue. He has confirmed that the land has not been grabbed.

Could he tell this House when this land will be allocated to the facility? We have already raised money to develop that piece of land.

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I have asked the Permanent Secretary in the Ministry of Health to initiate the process of degazettement of this forest land by the Minister for Environment, Natural Resources Wildlife so that we can request for allocation to the health centre.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, if the answer given by the Assistant Minister is true, then the same action should apply to very many hospitals in Kenya, and particularly Kerugoya District Hospital. Is he also aware that land belonging to Kerugoya District Hospital has been grabbed? Could he also take the same action in other hospitals?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, if the hon. Member is saying that land for the hospital has been grabbed, I will request him to give us the details and we will ensure that it is returned to the facility.

**Mr. Samoei:** Mr. Deputy Speaker, Sir, 5,000 acres of land adjacent to this health centre have already been given out to squatters. I do not know why the Assistant Minister needs time to degazette this land. Already, the communities, both from Lugari and Uasin Gishu districts, have agreed that this piece of land should be used for the development of the health centre. This facility serves people both from Western Province, my constituency and Nandi District. So, this issue has already been settled on the ground. What long-term plans does the Ministry have to upgrade this health centre bearing in mind that we do not have a district hospital in Uasin Gishu District?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, first and foremost, the District Forest Officer and the Physical Planning Officer confirmed that this is forest land. If there are squatters there, then they are not legal owners. As far as we are concerned, it is forest land and we have to degazette it so that it can be allocated to the Ministry.

As for the construction of the health centre, we can only expand it once this land has been allocated to the health centre. In the first place, the two acres where the facility is located do not belong to the hospital. We have to regularise it and then initiate the process of expansion.

**Mr. Deputy Speaker:** Next Question by Mr. Ojaamong!

*Question No.712*

HEALTH FACILITIES FOR TESO  
DISTRICT HOSPITAL

**Mr. Ojaamong** asked the Minister for Health:-

- (a) whether she is aware that Teso District Hospital (Kocholya) lacks maternity wards, hospital equipment, a mortuary facility, hospital staff and medicine; and,
- (b) what urgent measures she is taking to provide the said facilities and rehabilitate the hospital.

**The Assistant Minister for Health** (Mr. Konchella): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Teso District Hospital has a maternity ward of seven beds and a complement of 44 technical and five support staff. It also receives adequate drug supplies from the Kenya Medical Supplies Agency (KEMSA). However, I am aware that the hospital lacks a mortuary, theatre and X-Ray facilities.



(b) Teso District has been allocated Kshs12.2 million for operations and maintenance for the district hospital and rural health facilities. The Ministry allocated Kshs750,000 during the last financial year for the completion of the 32-bed ward capacity and we will provide additional funds to complete and equip the project this financial year. Over a three-year period, the Ministry will prioritise provision of other requirement for the hospital starting from next financial year and we will start with the theatre.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, I am very satisfied with the answer to "b" of the Question but not "a". The health delivery services in Teso District have collapsed. As I speak now, most patients go to seek health services in Tororo and St. Antony's in Uganda and other areas. Could the Assistant Minister assure me that he is going to revitalise the health delivery services in Teso District as soon as is practicable? We do not have the 44 health personnel he is talking about. That is equivalent to the number of patients who go there.

**Mr. Konchella:** Mr. Deputy Speaker, Sir, I am aware that this is a very high density facility used by many people. We are providing funds to complete the current project to provide a 32-bed capacity ward, beds and other needs to the hospital. We have also prioritised from this year; to give additional requirements as recommended by the Health Management Board.

**Mr. Gitau:** Mr. Deputy Speaker, Sir, most district hospitals in the country are in a worse situation than Teso District Hospital. What is the Ministry's plan in as far as bringing these hospitals to actual hospital status? Right now they cannot be called hospitals.

**Mr. Konchella:** Mr. Deputy Speaker, Sir, could the hon. Member, please, repeat his question?

**Mr. Gitau:** Mr. Deputy Speaker, Sir, district hospitals in the country are institutions that are similar to hospitals. They lack equipment, vehicles, mortuaries and all the necessary facilities. What is the Ministry's plan to bring them into actual hospital status?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, it is due to financial constraints that we are not able to provide the needs of every hospital. However, it is also the responsibility of the Health Management Board to identify critical needs of the hospitals so that we can fund them when funds become available.

**Mr. Twaha:** Mr. Deputy Speaker, Sir, provision of health services is a priority in Kenya and in any part of the world. In my constituency, I have six health centres and dispensaries which have been closed down due to lack of staff. Recently, we received a donation of ten scanning machines and we cannot use them because we do not have staff. What is the Ministry doing to alleviate the shortage of personnel in the health sector countrywide?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, as I said yesterday, the Public Service Commission of Kenya (PSCK) is recruiting 40 specialist doctors this week. Early this year, we recruited 100 doctors. At the moment, we need to recruit 800 nurses. However, the critical need of nurses in the whole country is about 2,000. But with the available funds, we will only recruit staff that we can pay. But we are yet to get authority from the Treasury to enable us to recruit the 800 nurses we require to manage those facilities.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, the previous KANU regime earmarked Alupe Sub-District hospital for a medical training centre. Are there any plans to that effect by the NARC Government?

**Mr. Konchella:** Mr. Deputy Speaker, Sir, the Government is looking at the issue of health requirements. Once the proposed National Health Insurance Scheme is operational, we will plan for all facilities in our hospitals.

**Mr. Deputy Speaker:** Next Question, by Dr. Wekesa!

*Question No.809*

## INCREASE OF COUNCILLORS' SALARIES

**Dr. Wekesa** asked the Minister for Local Government:-

(a) what the total remuneration is for:-

- (i) mayors for municipalities;
- (ii) chairmen of county councils;
- (iii) councillors; and,

(b) what plans he has of increasing the councillors' salaries and when the increase will be effected.

**The Assistant Minister for Local Government** (Mrs. Tett): Mr. Deputy Speaker, Sir, this Question was deferred until Mr. K. Maitha comes to answer it. Unfortunately, his father passed away.

**Mr. Deputy Speaker:** Why, Mrs. Tett? You have been answering Questions. What is so special about this Question that you cannot answer it?

**The Assistant Minister for Local Government** (Mrs. Tett): Mr. Deputy Speaker, Sir, I did answer it in full, but the hon. Members insisted that---

**Mr. Deputy Speaker:** Order! I am not aware that an Assistant Minister can be told that she cannot answer a Question until the Minister comes to answer. What is it?

I need to know why the Assistant Minister cannot answer the Question. Could [**Mr. Deputy Speaker**]

you answer the Question, Mrs. Tett?

**The Assistant Minister for Local Government** (Mrs. Tett): Mr. Deputy Speaker, Sir, I did answer the Question fully, but the Chair ordered that Mr. K. Maitha should come in person to answer this Question.

**Mr. Deputy Speaker:** If that is the case, then the Question is further deferred.

*(Question deferred)*

The Chair takes this opportunity also to commend the manner in which Ministers handled the Questions this afternoon. I think it has been exemplary. Through the Deputy Leader of Government Business, the Chair wishes to record its appreciation for the efficient manner in which hon. Ministers answered Questions this afternoon. It is always good to give credit where it is due. It is not always good to blame. So, well done and keep it up!

Now, that is the end of Question Time.

Proceed, Mr. Khamisi!

*(Applause)*

**POINTS OF ORDER**

## STATUS OF HARAMBEES

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, I stand on a point of order to request a Ministerial Statement from the Minister for Justice and Constitutional Affairs on the status of Harambees. During the campaigns we were told that one of the first things that the NARC Government would do was to outlaw Harambees because of their perceived links with corruption. A task force was,

indeed, established headed by Mr. Wamwere. A Public Officer Ethics Bill was also endorsed by this Parliament. Could the Minister tell us the status of Harambee in this country? What is the fate of that task force? I raise this Question because hon. Members of Parliament are spending quite a bit of time collective money for Harambees from their colleagues. I think we are violating the same rules that we may have passed in this House.

*(Applause)*

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Githae): Mr. Deputy Speaker, Sir, I will be in a position to give the Ministerial Statement next Tuesday.

**Mr. Deputy Speaker:** Very well! Proceed, Mr. Ethuro!

REGISTRATION OF  
PERSONS IN TURKANA

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I rise to request a Ministerial Statement from the Minister of State, Office of the President on the situation of the registration of persons in Turkana District. As I speak now, the process of registration of persons in Turkana District stalled because of lack of materials. I think it is important that our people get their identification cards. So, I am asking the Minister to furnish this House with more details.

**Mr. Deputy Speaker:** Did you get that, Mr. Tarus?

**The Assistant Minister, Office of the President** (Mr. Tarus): I am sorry, Mr. Deputy Speaker, Sir, I was not paying attention.

*(Laughter)*

**Mr. Deputy Speaker:** Well, I have just commended hon. Ministers. Do you want me to retrieve the compliment?

Mr. Ethuro, could you repeat?

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, since the Assistant Minister is my friend, I will repeat. Otherwise, I would have taken great offence that he is not listening to me.

However, I stand to request a Ministerial Statement from the Minister of State, Office of the President on the situation of the registration of persons in Turkana District. This process has now stalled for a couple of months because of lack of materials. I would like the Minister to tell this House what is happening. The officers are ready to issue identification cards, but there are no materials, especially the films.

**The Assistant Minister, Office of the President** (Mr. Tarus): Mr. Deputy Speaker, Sir, I will issue the appropriate statement.

**Mr. Deputy Speaker:** Very well! Proceed, Mr. Mwanzia!

CANCELLATION OF LOANS OWED TO  
CO-OPERATIVE BANK OF KENYA

**Mr. Mwanzia:** Mr. Deputy Speaker, Sir, I stand to request a Ministerial Statement from the Minister for Co-operative Development and Marketing with respect to the waiver or cancellation of loans owed to the Co-operative Banks of Kenya by coffee co-operative societies. If the House can recall very well, about two weeks ago---

**Mr. Deputy Speaker:** Order, Mr. Mwanzia! I just want to make sure that someone is taking

the briefs because the Minister is not here and I know the Assistant Minister is out of the country. May I ask the Deputy Leader of Government Business to take note of that?

Proceed, Mr. Mwanzia!

**Mr. Mwanzia:** Mr. Deputy Speaker, Sir, I stand to request a Ministerial Statement from the Minister for Co-operative Development in respect to cancellation or waiver of loans owed to the Co-operative Bank by coffee co-operative societies within the country. About two weeks ago, the Minister for Co-operative Development was on a tour of two districts in Central Province; that is, Murang'a and Maragwa districts, where he actually waived over Kshs84 million and Kshs60 million respectively of loans owed to the Co-operative Bank by co-operative societies in those districts. This has raised a lot of concern in other coffee growing areas, especially Machakos Constituency, where I come from, and other coffee growing areas. We commend him for that because it is a good gesture to revive the coffee industry. However, many coffee farmers are asking: Is this actually being applied discriminatively or not? So, I request the Minister to give us the Government's policy on the waiver of these loans in respect to loans owed by co-operative societies. Secondly, whether it will be applied throughout the country.

**The Minister for Education, Science and Technology** (Prof. Saitoti): Mr. Deputy Speaker, Sir, let me take the undertaking that this matter will be brought to the attention of the Minister for Co-operative Development and Marketing to ensure that he issues a Ministerial Statement possibly next week.

**Mr. Deputy Speaker:** Very well! I do not remember having another request for a Ministerial Statement. Hon. Members, it has been agreed that all requests for Ministerial Statements should be channelled through either the Speaker's Chambers or the Deputy Speaker's, so that when we come here we do not want hon. Members to interrupt the Chair asking for these Statements. So, we will not entertain hon. Members to ask for Ministerial Statements from the Chair. So, please make use of the Chambers which are available to you all the time. I hope that this will save us a lot of problems in future. What is it, Mr. Kamama?

EVICION OF PASTORALISTS  
FROM LAIKIPIA DISTRICT

**Mr. Kamama:** On a point of order, Mr. Deputy Speaker, Sir. Yesterday, an Assistant Minister in the Office of the President, Mr. Tarus, undertook to issue a Ministerial Statement regarding the eviction of pastoralists from Laikipia District. However, I have not seen that Ministerial Statement in this House. I do not know whether we come to this House as a hobby or to address issues affecting Kenyans. I would like the Assistant Minister to issue the Ministerial Statement because, as I speak, people's houses are being burnt down in **[Mr. Kamama]** Laikipia District and people are being tortured. Yesterday, General Service Unit (GSU) personnel were unleashed on *wananchi*, and they are suffering. I am raising the issue before this House for the last time. Thereafter, I will leave it upon *wananchi* to sort it out on their own.

Mr. Deputy Speaker, Sir, could the Assistant Minister issue the Ministerial Statement?

(Applause)

**Mr. Deputy Speaker:** Mr. Tarus, I believe that your undertaking to issue a Ministerial Statement on this matter today still stands. So, could you proceed and do so?

**The Assistant Minister, Office of the President** (Mr. Tarus): Mr. Deputy Speaker, Sir, I did undertake to issue the Ministerial Statement today. However, after a careful examination of the whole problem, I telephoned the hon. Member this morning and told him that, while we are trying to bring the Ministerial Statement to the House, we try to take action on the issue of eviction,

because I have been told that, already, there are problems there. Therefore, I would like to apologise. I have not been able to bring the Ministerial Statement today, but I had consulted with the hon. Member. I thought he understood the background which has made us unable to bring the Ministerial Statement today.

**Hon. Members:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order! Order, hon. Members! Before hon. Members raise points of order, Mr. Assistant Minister, I would like to remind you that this is a matter which is already before the House and, therefore, you cannot make a deal with the hon. Member who brought it here, outside this House.

*(Applause)*

This House was promised a Ministerial Statement today, by yourself. So, I will accept your apology that you are not ready to issue the Ministerial Statement today, but can you tell us when you will issue it?

**The Assistant Minister, Office of the President (Mr. Tarus):** Mr. Deputy Speaker, Sir, the Ministerial Statement will be issued tomorrow.

Mr. Deputy Speaker, Sir, may I say that it would have been unfair for me to bring to this House information which has been obtained through telephone. We must obtain such information in written form, so that we give a serious commitment to the House.

**Mr. Deputy Speaker:** Mr. Tarus, I get your point, but the House does not really care how you get the information. It is, really, your work to get the information for this House. So, we appreciate the point you have raised but, tomorrow, we will get the Ministerial Statement sought. That is an order from the Chair.

**Mr. Ethuro:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** On the same matter?

**Mr. Ethuro:** Yes, Sir.

**Mr. Deputy Speaker:** After the Chair has already ordered the Assistant Minister to comply?

**Mr. Ethuro:** Yes, Sir.

**Mr. Deputy Speaker:** What is it?

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, I know that the Chair has already ruled. However, this is a very important matter. It came to the House yesterday. We are talking about pastoralists. We are not just talking about Laikipia District. Whenever I hear about pastoralists, I hear about my people. The Office of the President has security apparatus in place, which can brief the Assistant Minister on a daily basis.

**Mr. Deputy Speaker:** Mr. Ethuro, that is enough. You have made your point!

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, this Ministerial Statement has been delayed for more than a week now.

**Mr. Deputy Speaker:** Order, Mr. Ethuro!

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, how can this House trust the Assistant Minister when he keeps talking about issuing the Ministerial Statement "tomorrow"?

**Mr. Deputy Speaker:** Order! Order! Mr. Ethuro, being a Member of the Chairman's Panel, you know that since the Chair has already ordered the Assistant Minister to bring the Ministerial Statement tomorrow, even if you talked until the end of the day, the Ministerial Statement will still come tomorrow. So, the matter ends there.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Dr.**

Machage): On a point of order, Mr. Deputy Speaker, Sir. This is a matter of grave importance. You have heard an hon. Member of this House threaten to unleash his people to war if the Ministerial Statement he has sought is not issued today. Could the hon. Member, therefore, withdraw that threat or order his people not to go to war, because the Ministerial Statement he has sought will be brought to the House? I am afraid that if his statement stands, it will serve as an incitement to the people of Kenya.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I am not going to allow any more exchange on this matter! As a matter of fact, I did not hear anything that amounts to incitement. I did not even hear the word "war". I have just heard the word "war" from Mr. Machage. So, the matter ends there. There shall be no more points of order on that issue. We will await Mr. Tarus' Ministerial Statement tomorrow.

### COMMUNICATION FROM THE CHAIR

#### CHANGE IN THE ORDER OF BUSINESS

**Mr. Deputy Speaker:** Hon. Members, before we proceed to the next Order, I want to inform the House that there is a change in the order in which our business appears on today's Order Paper. Order No.9, which is a Motion by the Minister for Justice and Constitutional Affairs, will not be there. As you are aware, this afternoon, the Assistant Minister for Justice and Constitutional Affairs laid on the Table documents relating to that Motion, which have been referred to the relevant Departmental Committee. Therefore, Order Nos.7 and 8 will remain as they are. However, Order No.10 will become Order No.9, while Order No.11 will become Order No.10. So, we are just removing Order No.9 from the Order Paper.

Let us now proceed to the next Order.

### COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Deputy Speaker left the Chair]*

#### IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Mr. Ethuro) took the Chair]*

#### THE INSURANCE (AMENDMENT) BILL

*(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11,  
12, 13, 14, 15 and 16 agreed to)*

*Clause 17*

**Mr. Obwocha:** Mr. Temporary Deputy Chairman, Sir, Clause 17(b)(iv) is a very dangerous clause.

*(Applause)*

This clause is proposing that when you hand in your cheque to an agent or broker, he must deliver it to the insurance company before you are covered. You and I know that an agent works for the principal. The moment the agent has agreed on the terms of the contract, then the principal is bound.  
by it.

*(Applause)*

It also means that your car or yourself will not be covered between the period you write your cheque and the period the insurance company receives it. That is very dangerous and I would like to plead - because I had proposed an amendment which was time barred - and propose to the Assistant Minister to move an amendment to this clause to the effect that, the contract starts the moment the agent or the broker for the insurance company receives your cheque. Your contract should start at that time and if not, we are going to kill this one.

*(Applause)*

**The Assistant Minister for Finance** (Mr. Katuku): Thank you, Mr. Temporary Deputy Chairman, Sir. I appreciate what Mr. Obwocha has said. Many Members have expressed their fears on that. But the problem is that if we change this section, we will change the whole operation of the insurance industry. I would like to appeal to the Member to be patient on that. We shall consult and see how best we can address his fears. That is because once we amend this clause the way he had proposed--- He was intending to bring an amendment to this section and he was time-barred. But I looked at the amendment that he was proposing.

I am of the opinion that we will confuse the whole Bill. We need time to consult with Mr. Obwocha, so that we can bring something which will not change the whole system. We can bring any viable amendments later.

*(Several Members stood up  
in their places)*

**Mr. Sirma:** On a point of order, Mr. Temporary Deputy Chairman, Sir. We are not here to rubber-stamp what the Assistant Minister wants. We are making laws for this country and not for the sake of Members here. So, is he in order to postpone the amendment to that clause to another date that will be agreed upon between him and Mr. Obwocha?

**The Assistant Minister for Finance** (Mr. Katuku): Mr. Temporary Deputy Chairman, Sir, there is no amendment before us. I am just addressing concerns raised by Mr. Obwocha. He has not filed any amendment.

**Mr. Kagwe:** Mr. Temporary Deputy Chairman, Sir, we appreciate the predicaments that the Assistant Minister is facing. However, we cannot pass a bad Bill which will hurt the people of this country, just because of a technicality which he is not ready for. We have a normal procedure and if the Bill is not ready, it is not and we know what should be done.

*(Applause)*

**Mr. M. Kilonzo:** Thank you, Mr. Temporary Deputy Chairman, Sir. I believe that the Assistant Minister is grossly mistaken in law. If this clause is passed, it will, in fact, affect the very basis of our contract law in this country. A contract is reached the moment a person enters into an agreement with an agent or a broker. Therefore, the recommendation by Mr. Obwocha is quite in

order, that the Assistant Minister himself offers to amend that particular clause. Otherwise, we will be passing an illegal law.

**Mr. M.Y. Haji:** Mr. Temporary Deputy Chairman, Sir, I think the responsibility of this House is to take into consideration the interests of the majority of Kenyans. We know the number of people who are going to insure are more than those who have already insured. Therefore, there is no way we can accept this Bill to go through.

**Mr. Muchiri:** Mr. Temporary Deputy Chairman, Sir, I want to add my voice to the fact that this clause is very injurious to the insurance industry because the insurance industry cannot do without an agent or a broker. It is just like a property business.

It is, therefore, necessary that when the agent or broker receives the money, the contract of the insurance starts from there. So, the Assistant Minister should consider deleting that clause and then we move on, otherwise, we will vote against it.

**Mr. Obwocha:** Mr. Temporary Deputy Chairman, Sir, I just want to plead with the Assistant Minister to amend this clause and the new NARC Ministers are better than what they are trying to display. I am informing the Assistant Minister that this is a very dangerous clause. Even our lawyers have said that you are actually changing the law of contract. The contract starts the moment you have either given the cheque to the agent or the broker on behalf of the principal.

Mr. Temporary Deputy Chairman, Sir, what the Assistant Minister is amending in that clause is that when you have given your cheque to the agent or broker and until he takes it to the insurance company and the insurance company has received it, that is when the contract starts. Honestly, between that period, if there is anything that happens to you, your car or anything, then you are not covered. I do not think we can allow this.

Mr. Temporary Deputy Chairman, Sir, I would plead with the Assistant Minister to remove this amendment, please.

**The Assistant Minister for Finance (Mr. Katuku):** Mr. Temporary Deputy Chairman, Sir, I am in a tight corner and I would want to appeal to hon. Members to allow me because I am finding the arguments brought by hon. Obwocha very valid - move a Motion under Standing Order No.107 that the Committee reports progress and seeks leave to sit again tomorrow so that we can bring the necessary amendments.

*(Applause)*

**The Temporary Deputy Chairman (Mr. Ethuro):** Order, hon. Members! Standing Order No.107 - Report of Progress - which the Assistant Minister has referred to states as follows:-

"If any Member before the conclusion of proceedings on a Bill in a Committee of the whole House moves to report progress and such Motion be carried, the Chairman shall leave the Chair and he, or, if Mr. Speaker has taken the Chair, the Member in charge of the Bill, shall report progress to the House and shall ask leave to sit again, and a day for the resumption of the proceedings shall be named by the Member in charge of the Bill."

I think the Assistant Minister has moved that we sit on another day which is tomorrow.

*(Question put and agreed to)*

*[The Temporary Deputy Chairman  
(Mr. Ethuro) left the Chair]*

*(The House resumed)*

*[Mr. Deputy Speaker resumed the Chair]*



**PROGRESS REPORTED**

## THE INSURANCE (AMENDMENT) BILL

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, the Committee of the whole House is considering the Insurance (Amendment) Bill and has instructed me to report progress and beg leave to sit another day, which is tomorrow.

**The Assistant Minister for Finance** (Mr. Katuku): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

*(Question put and agreed to)*

**Mr. Deputy Speaker:** Next Order!

**BILL***Second Reading*

## THE PERSONS WITH DISABILITIES BILL

*(The Minister for Gender, Sports, Culture  
and Social Services on 4.11.2003)*

*(Resumption of Debate interrupted  
on 4.11.2003)*

**Mr. Deputy Speaker:** Who was on the Floor? It was Ms. Abdalla. You have ten minutes.

**Ms. Abdalla:** Thank you, Mr. Deputy Speaker, Sir. At the end of business yesterday, I was about to conclude my contribution to this Bill. At the end of business yesterday, I was commenting on Clause 27 which is employing double standards in relation to adjustment orders to public buildings. Access to public buildings for disabled persons is of more importance than to private buildings. So, if we leave it at that without giving the other parties the right to appeal, we will be doing a disservice to persons with disabilities.

Mr. Deputy Speaker, Sir, another issue of concern is the National Development Fund for Persons with Disabilities. The Bill is calling for the introduction of an optional levy to fund that Bill. Persons with disabilities are not optional citizens of this country and so it would be unfair for us to fund the activities using an optional levy. All the Ministers in this House have not shied away from charging colossal sums of money to the Consolidated Fund.

Mr. Deputy Speaker, Sir, I am wondering why this is not the case for persons with disabilities. If we can afford to pay one single person Kshs2.5 million, why can we not charge the services to persons with disabilities to the Consolidated Fund?

Mr. Deputy Speaker, Sir, although I support this Bill, I wish to note that if the definition of "disability" in this Bill does not reflect the societal responsibility, then this Bill will not serve its purpose. If the definition of "discrimination" does not use the neutral term of "capability" instead of "disabilities", it will also not serve its purpose.

Mr. Deputy Speaker, Sir, setting up a National Council that is so bloated that people will not be able to achieve the objects for which it has been set, is unfair to persons with disabilities. This clause has to be amended so that the members sent to this group would be lean as the promise given

by the NARC Government. The NARC Government came to power promising a lean Government and it should do the same with the bodies that they establish through Acts of Parliament. The capabilities and commitment by the persons nominated to such bodies should be of concern to this Ministry and not the number of persons sent to that Ministry.

Mr. Deputy Speaker, Sir, another thing that must be amended in this Bill is the over-emphasis on the enjoyment of the civic rights of the disabled person. We cannot continue to use the disabled person as a voting machine without considering the right of the disabled to be represented by one of their own.

Mr. Deputy Speaker, Sir, finally, as I mentioned before, as regards the National Fund for Persons with Disabilities, the Minister in responding to this Bill, must clarify to us what has happened to the previous fund for the disabled before he is given a leeway to start a new fund for the disabled.

With those many remarks since yesterday, I wish to support this Bill, subject to the amendments and additions recommended.

Thank you.

**Mr. M. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to address this Bill.

It is very unfortunate that a country like ours is only legislating now for the protection of people with disabilities. You will remember that the Attorney-General set up a task force way back in 1993 which was required to investigate and report on the laws and customs as well as practices on how our people with disabilities are treated in this country. You will also recollect that the Report, which was then filed with the Attorney-General, was not even made public until 1999, a period of six years. That was an extremely unfortunate situation. I do believe that a country that cannot look after and care for people with disabilities is impoverished to the extent of such neglect.

Mr. Deputy Speaker, Sir, you will further recollect that after the Report was made public, there was further delay and this Bill was not published first until June, 2002. Again, you will notice that it has taken the NARC administration more than ten months to realise the seriousness of bringing this Bill for debate. However, it is my desire this afternoon to congratulate the Minister and the Government for, at long last, bringing this very important Bill to the Floor of the House for debate. It would not have escaped the attention of hon. Members that close to 17 per cent, of all poor people in Kenya, suffer from disability of one form or the other. What is even worse is that out of the 17 per cent the most badly affected are women with disability because their discrimination is even greater. Most of them will not attract husbands, they will not be attractive to their peers and in consequence, their discrimination is even greater than that of ordinarily disabled persons.

Mr. Deputy Speaker, Sir, with your kind permission allow me, however, to point out serious flaws in this Bill. I will be making an effort at the Committee stage to introduce certain amendments to this Bill in order to take care of these flaws. The first one is that the Bill itself has not made any effort to recognise the need to formalise and acknowledge, under the law, language recognition for those who have problems with the spoken word among our disabled people. There is no attempt in this Bill to recognise sign language expressly so that we can understand that it will be used in our courts and even in this Chamber. You recognise that the facilities that we have in this Chamber would be grossly inadequate for a Member of Parliament with language disability as we have so many in our country.

Similarly, the Bill has failed to recognise the need to accept that people with disabilities in this country have enormous difficulties in inheriting from their parents. As a matter of fact, if a child is disabled, particularly mentally, in our country, he is normally treated by his uncles, cousins and everybody else as a piece of rubbish and would not be allowed to inherit from his parents! The Bill

failed badly to establish a mechanism to ensure that people with disabilities of the nature that I have described, particularly mental incapacitation, can use the Council we are establishing under this Bill, to make sure that they can inherit from their parents without the stigma attached to the disabilities that God, in his own right, passes on to such people.

You will recollect that one of the most important aspects of disability is exclusion. Disabled persons in this country are regarded as anathema. You will remember, for example, people suffering from albinism have a skin defect of one form or another, and they are not treated well at all. Therefore, the Bill does not recognise the need for this country, through legislation, to make sure that the exclusion of our people merely because they suffer from disability of one form or another is abolished.

Mr. Deputy Speaker, Sir, I salute the efforts of the Government particularly the Minister in introducing the Clauses on public service transport and public buildings. However, why are we legislating that it will take five years for owners of public buildings, including the Government, to make facilities for our disabled people to be able to access the buildings with ease? I dare say, and I will be suggesting at the Committee stage through an amendment that this period be reduced to a mere 12 months because the changes are basic and minor and can be undertaken quickly. It is merely a matter of providing ramps so that a person who is on a wheel chair can easily get access to a building.

Concerning jobs, the Minister has drafted that we make provision for 5 per cent of the jobs available to be reserved for the disabled persons. I dare say that the international standard of this aspect of legality is 7 per cent. Again, I think it is fair that this House, at the Committee stage, allows me to amend that figure from 5 per cent to seven per cent.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Ethuro) took the Chair]*

Mr. Temporary Deputy Speaker Sir, before I go to the other aspects of my contribution, I want to take this opportunity to recognise the services rendered to this country by voluntary organisations like the Rotary Club throughout the country. As a matter of fact, the Rotary Clubs of Nairobi have been organising a rally for disabled children in this country for very many years; more than ten years. Although I know that there has been an element of laxity in the last one or two years, I plead with Rotary clubs in Nairobi to continue with this worthy course of bringing disabled children to Uhuru Park, Jamhuri Park or any other park for entertainment. I would like to recognise the role played by the Kenya Ear Foundation, which for so many years has been organising treatment for people with ear defects and are not able to meet the costs for treatment or operation. I would like to recognise, through you, Mr. Temporary Deputy Speaker, Sir, the role played by Lions Club International in this country. As you are aware, they are running one of the best managed and organised eye unit hospital in this country in Loresho and they continue to support people with disabilities in this particular area.

Mr. Temporary Deputy Speaker, Sir, it is for that reason that I suggest and I dare submit without fear of contradiction, that it is not fair for the Minister and the Government to suggest in Clause 36 that only donations to Government agencies involved in rehabilitation of persons with disabilities shall be allowed as a deduction from income taxes. It is about time that this country adopted the international practices throughout the world whereby those people who are generous and are careful of the needs of the disabled when they make donations to organisations recognised

by the Council we are establishing under this Bill, that such donations be a charge on their taxes so that we can then encourage the growth of donations of this nature. I am aware that there has been abuse in the Harambee system. I am not suggesting that donations to Harambees be permitted to be deductions from taxes for purposes of donations. If we really do care about the disabled in this country, it is time, using this Bill, to introduce a facility whereby it is not just Government agencies to whom donations can be made and they be a tax charge on somebody's income. We should spread the net to ensure that if it is Rotary International, Lions Club International or the Giants clubs, for as long as they are properly registered as organisations looking after the welfare of the disabled persons, then such donations would benefit from the deduction of taxes from the donors.

Mr. Temporary Deputy Speaker, Sir, we ought to ensure that the Fund for people with disabilities that we are introducing in this Bill should be able to gain donations from a wider cross-section of the public than has been suggested by this particular Bill.

Mr. Temporary Deputy Speaker, Sir, if you look at the proposals, you will notice that the fund raising is limited. We need to allow Kenyans who have a bigger need to support disabled people to do so, so that they can donate to their organizations without being subjected to taxation for purposes of such donations.

Mr. Temporary Deputy Speaker, Sir, the other problem I would like to raise now is that of definition. If you look at the definition of "disability", I would like to join my colleague, hon. Abdalla, in saying that it is not complete. As a matter of fact, this country treats children with learning disabilities as *bubus*; people who are unintelligent and have a mental problem. I cannot understand why until now, the Ministry of Education, Science and Technology and the Government itself have not recognized that people with learning disabilities, what we call "learning impairment," need attention. This is a disability which can be detected and cured before the child is 13 years old. Therefore, with your permission, I would be recommending to the Minister, and also proposing to this House at the Committee Stage, that we amend the word "disability" to provide for "people with learning impairment". That condition is popularly known as "dyslexia", and many people forget that many world leaders have been found to be dyslexic; just to mention somebody like George Bush himself.

Therefore, it is important that while we are debating this particular legislation, we should introduce protection for our children. We insist that among the council members, the persons to be appointed; particularly from the Ministry of Education, Science and Technology, one of them should be a qualified child psychologist, so that he can assist this country in identifying children with dyslexia and other learning impairment problems. This will ensure that these children's education is tailored to capture these problems, before they later on develop into much wider ranging problems. Again, I must emphasize that if a child has got dyslexia or learning impairment, and it is not detected and treated before the age of 13 years, you cannot repair that damage. Similarly, you will notice that in our schools, there are no provisions for the special needs of children with such disabilities. Those of us here who are professors and education specialists would readily acknowledge that there is no single school under our 8-4-4 System of Education, which is offering special needs for children with dyslexia. As a result, we are losing an enormous number of potential young people, who could otherwise have been treated and offered psychological assistance.

Mr. Temporary Deputy Speaker, Sir, when we come to special needs in education, in fact, there is nothing special. It is only that instead of subjecting the child to a class of 12, 20 or 40 students, he is given a ratio of 1:1 by teachers so that he can be taught by only one teacher for say, one hour a day; or two hours a week. Normally, they catch up, because it is something that can be treated. Therefore, I would, once again, be recommending at the Committee Stage, that we amend

these phrases. Similarly, the Bill suffers from serious problems, which I noticed the NARC administration has not discovered. Wherever they say that there is going to be a "chairperson", they always call him "chairman". Gender sensitivity in this country is long overdue. I plead with Cabinet Ministers and the Attorney-General that, whenever they bring legislation to this House, they should make sure that they no longer call people who chair such councils "Chairmen", but "Chairpersons". Once again, I will be seeking leave of the House to amend those aspects of the Bill which are not gender sensitive; since NARC promised it would be gender sensitive when it came to power. I believe that the number of council members of 27 is far too high. We ought to reduce them and make sure that at least 50 per cent of them are people with disabilities spread out across the spectrum of disabilities that we can identify.

Mr. Temporary Deputy Speaker, Sir, as you know, the NARC administration promised that it would write a new Constitution within 90 days, but that has not worked. Yesterday, we passed a Motion extending the period by 18 months, up to June, 2004. I am not quite sure, looking at the Bomas talks and the Government's attitude, whether we are going to pass a new Constitution soon enough. It has been stated in public fora that the new Constitution will not be brought into force until 2007. Accordingly, I plead with this House to accept that we borrow from the Constitution of Kenya Review Commission (CKRC) report, on this particular aspect. We should then incorporate as much as possible from the recommendations of that report, so that we have an express recognition of the rights of the persons with disabilities and human dignity, even while we wait for a new Constitution. There is no reason why we should wait for another four years in order to confer human dignity to our people with disabilities.

Mr. Temporary Deputy Speaker, Sir, I once again come up with the issue of the people with mental disabilities, and the problems that they face in Kenya. As you can recall, the current practice in this country is that; when somebody appears to be running around, either naked or otherwise, or to be suffering from some mental disability, the chiefs warrant the police to arrest that person and then take him to Mathari Mental Hospital. Although recently I saw the Minister changing the name of the hospital, let me say that a rose still remains a rose by any other name.

Mr. Temporary Deputy Speaker, Sir, what I am saying is that it is God who determines the level of mental intelligence that a human being is going to have. A society that merely condemns its people who have mental disabilities is a society that is undergoing enormous difficulties. Therefore, I suggest that, in view of this, we should find a method of making sure that persons with mental disabilities are treated in a special manner. This is because you cannot take them into a school for rehabilitation, nor can you take them for scholarship programmes. All that I am asking is that instead of that chief taking that person to Mathari Mental Hospital, I want an arrangement to be introduced where that person would be taken before a magistrate or a Judge, who will then be required to inquire on the whereabouts of the relatives of that person to ensure that a guardian is appointed as quickly as possible. This will ensure that even as the mentally disturbed person receives treatment in a hospital, his affairs are looked after by a duly recognized guardian, sanctioned by a court of law. Again, I suggest that the time for this has come. A country must look after its people with disabilities.

Mr. Temporary Deputy Speaker, Sir, you will notice that under Clause No.21, the Minister is suggesting that persons with disabilities are entitled to a barrier-free environment. I believe that the definition of "barrier-free" has not been included in this Bill. It is important that we define that phrase so that we indicate that the environment is not just barrier-free, but is also "disability-friendly". That means that the environment is amenable to that disabled person to remain there without feeling discriminated against or looked down upon. When I say "he" I also mean "she".

The other issue I wish to raise is under Clause No.33, which I mentioned earlier. It states:

(a) "The sources of funds shall be a disability levy which the Minister, in consultation with the Minister for Finance, may impose on any person or corporation; and,

(b) "income generated by investments made by trustees, or any other donations which the council may receive for purposes of the Fund".

I would like to suggest to the Minister that we accept such donations, so long as they meet a certain criteria and they are tax-free to the donor.

Mr. Temporary Deputy Speaker, Sir, let me now come to the issue of education to communities and society in general. It is not enough to say that we are making provisions for our disabled people, without making sure that we empower the council established under this Bill to make sure that they also undertake education to the local communities and societies where disabled people are. Communities and societies can be told that disability is not the choice of the person with that disability, but an act of God, and sometimes it is purely an accident.

If that kind of education is implanted into the community, I expect a greater improvement in the treatment that we offer to our disabled persons.

Mr. Temporary Deputy Speaker, Sir, the other thing is the representation of persons with disabilities. I appreciate the fact that we cannot amend the law on elections or representation in Parliament. Again, I will repeat that it is my hope that the new Constitution that we are drafting at the Bomas will make provision for representation of disabled persons. Therefore, I plead with you to ensure that in anticipation of the new Constitution, you will start looking for facilities to cater for disabled persons when they come here, particularly on language and so on. I would like to now deal with the issue of the rights of persons with disabilities; their respect and human dignity.

With those few remarks, I wish to support this Bill, subject to the amendment that I will be proposing in due course.

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Let me first of all, commend the Ministry for coming up with this Bill, however late it is. It is very clear that persons with disabilities have suffered in this country. Persons with disabilities have gone through a lot of pain in this country. For example, our buses have no provision for persons with disabilities to board. If this Bill is passed, all the owners of public service vehicles will be required to make provisions for the disabled persons to board their vehicles. That is a very commendable move by the Ministry.

The same case applies to our lifts. Lifts in many buildings in this country have no provisions for assisting the physically disabled persons. It is really a sorry state of affairs that some times, the disabled persons have to request other people to assist them to board lifts. Even worse, are our toilets. I have yet to come across a building with toilets for the disabled persons. Even this august institution of ours has no toilet for the physically disabled persons. I do not know how our physically disabled visitors use the washroom facilities. I would like to commend the Ministry for coming up with this Bill, which now provides that all buildings must have facilities for the physically disabled persons. This trend has continued even concerning other equipment such as desks. If you go to offices, you will find that disabled persons have to ask their friends to assist them to sit down, which should not be the case. This also include tables and chairs in offices. This is a commendable move. For the first time, we have plans to take care of our disabled persons. One person said that you can know a country that values life by the way it treats its disabled persons.

Mr. Temporary Deputy Speaker, Sir, the other point that we need to clarify is that disability is not inability. There has been a false belief in this country that a disabled person cannot perform as well as an able-bodied person. That is a fallacy that needs to be removed completely from our minds. There is nothing that a disabled person cannot do in life. It is important that we preach this

gospel, so that discrimination against persons with disabilities can end. I am told that one of the reasons why companies ask people to attend interviews is to see whether they are disabled or not. Once they find that you are disabled, you are automatically disqualified from being considered for the job. They think that it will be an extra expense. They have to adjust their toilets, desks and chairs in order to accommodate a disabled person. I am glad that with the passage of this Bill, all forms of discrimination against persons with disabilities will be prohibited.

My only quarrel with this Bill is the penalty. A penalty of Kshs20,000 or one year imprisonment is not adequate. If businessmen are required to make changes to lifts, doors and accesses of their buildings, I am sure the cost will be more than the penalty. So, you may find that some unscrupulous businessmen will not make the changes and will opt to pay the penalty of Kshs20,000, because it is cheaper than making the changes. That is the only quarrel I have with the Bill. I want to ask the Minister to increase the penalty to something like Kshs500,000 or three years imprisonment, so that this acts as a deterrent to those unscrupulous building owners.

We need to preach this message to all institutions including police stations. Police stations also have no facilities for the physically disabled persons. We need to tell them that they should provide facilities for the physically disabled persons. This message also needs to be given to telephone service providers, particularly, public booths. I am always moved to tears when I go to public booths and find a physically disabled person trying to make a call and cannot even reach the numbers on the telephone instrument. I am glad that if this Bill is passed, even the telephone service providers will be required to provide facilities that can be used by the disabled persons.

My other quarrel with the Bill is the time within which institutions are supposed to adjust their facilities. In some cases, they have been given five years and the minimum is two years. Five years is a long period. We cannot pass a Bill of this importance and not see its effects until after five years. In fact, this means that if somebody does not provide those facilities for the disabled persons, then you cannot take him to court until five years are over, or two years, which is the minimum notice given. I want to ask the Minister to reduce this period. Five years is too long; probably, a year will be adequate. The adjustments are not very expensive and businessmen do not need five years to implement them.

Mr. Temporary Deputy Speaker, Sir, the Bill provides that employers must reserve 5 per cent of their jobs for persons with disabilities. Five per cent is too low. My learned friend, Mr. M. Kilonzo, mentioned 7 per cent, but I am told that 7 per cent was in use about three years ago. The current rate is actually 10 per cent. This is the case in America.

In America, 10 per cent of all jobs are reserved for the disabled persons. I will speak to the Minister so that he can bring this amendment to provide that we reserve ten per cent of our jobs for disabled persons instead of the 5 per cent that is provided in this Bill. We are told that more than 15 per cent of the population suffers from one disability or another. That 15 per cent is only the figure that is known. We know there are some communities that conceal their disabled persons. They are hidden somewhere until they die. Therefore, these people are not included in the 15 per cent.

Clearly, the percentage of the population that suffers from one disability or another is more than 15 per cent. So, we need to increase the percentage of jobs reserved for the disabled persons in this country.

Mr. Temporary Deputy Speaker, Sir, another thing to note is that disabled persons incur some other expenses which we ordinary people do not. For example, those who are visually disabled require the white canes. Those with visual impairment also require braille machines which we do not. It is good that all expenses spent in the acquisition of those necessary implements be tax-free.

Mr. Temporary Deputy Speaker, Sir, other institutions that have been discriminating against

the disabled persons are the schools and colleges. You find that in their admission forms they ask a very innocent question: Do you suffer from any disability? Some people think that this question is being asked to enable those institutions provide them with the necessary facilities. However, that has not been the case. The moment those admission forms get to the principal's office with a positive answer, he immediately declines to admit them on the basis that it will be too expensive for the institution to cater for them. They say that they do not have enough money to spend for other purposes, leave alone catering for the needs of only a few disabled persons.

Mr. Temporary Deputy Speaker, Sir, I am glad to see that discrimination even in admission to schools and in employment will also be prohibited if this Bill is passed.

Mr. Temporary Deputy Speaker, Sir, the other clauses were very ably discussed and debated by my learned friend, Mr. M. Kilonzo.

With those few remarks, I beg to support.

**Maj. Madoka:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill. It is a Bill which is long over due and needs all our support. There are very many people with various disabilities. As it has been said, disability is not inability.

Mr. Temporary Deputy Speaker, Sir, there are many comments which have been made to be able to improve on this Bill. I agree with the sentiments expressed by Mr. M. Kilonzo and Mr. Githae. However, there are certain areas which we need to carefully look at. On the question of employment, it is not good enough to say that the National Council for Persons with Disabilities (NCPD) shall endeavour to ensure that 5 per cent of all jobs in this country are reserved for the disabled persons. It should be mandatory for all organizations to reserve this 5 per cent. There should be mechanisms to ensure that these steps are taken so that people with disabilities, indeed, get employment.

Mr. Temporary Deputy Speaker, Sir, I have had the privilege of being involved with the disabled people. They are very efficient and able people. In fact, they are better workers than most of us with abilities. If we employ the disabled persons, I am sure, we will get better results. In today's world of Information Technology (IT), I am sure many people with physical disabilities can do most of the jobs in the companies.

Mr. Temporary Deputy Speaker, Sir, I think we need to promote the abilities of the disabled persons because they are capable of doing certain things such as art with their feet. We should be in a position to promote the special talents given to these people with disability. It is important to empower the NDFPD when we establish it. There are very many organisations of people with various disabilities, but they are not able to make any progress because of lack of sufficient funds. We know we have had the NDFPD for the disabled persons, but there has not been fair distribution of funds. I hope that with this Bill, we will have proper mechanisms of ensuring that these funds get down to those people who really are in need. If these disabled persons are empowered by providing them with funds, I am sure they will carry out various activities and they will be able to survive and enjoy life as most of us.

Mr. Temporary Deputy Speaker, Sir, on the question of education, I think it is an area which needs a lot of attention. I know we have talked of incorporating proper facilities into the public buildings and buses. However, what happens to the people in the rural areas where, first of all, there are no busses and roads? If we provide a wheel chair to a disabled person in Taita Taveta District, we will not be assisting him much because he cannot move up and down the hills and valleys of that district. What happens to those people? We have to find a way, and I would suggest that, maybe, in those areas, we need to have a centralized place for these people who cannot move around freely. We could set up various institutions for the disabled people where they can go and study so that they acquire the necessary education.



Mr. Temporary Deputy Speaker, Sir, it is also important that we look at the way these various organizations for the physically disabled are controlled. There are many organizations which claim to be supporting the disabled persons. However, these organizations are corrupt. They just collect funds for their own needs. It is important that there is some sort of mechanism to ensure that these organizations that claim to be working for the disabled people are properly checked. I also want to suggest that with the NCPD, we should have similar councils or committees in the districts which would be able to ensure that they co-ordinate the activities of the various organizations and also ensure that these funds are properly distributed. Therefore, we should have committees at district levels so that they can keep a proper check on the distribution of these funds.

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

**Ms. Mwau:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. This Bill, to a certain extent, is very comprehensive.

Mr. Temporary Deputy Speaker, Sir, democracy is about citizens being able to exercise their human rights, both civil and political, on an equal basis with other citizens. This Bill tries to integrate disabled people into the Kenyan society. This Bill will enable persons with disabilities to actually feel that they are part and parcel of this society.

Mr. Temporary Deputy Speaker, Sir, disability is a human rights issue, just as women rights issues are development issues. People with disabilities have to enjoy their social and political rights. Part III of this Bill tries to lay down some of the rights that disabled people must enjoy. People with disabilities are the most marginalised in the world and also in this country. They are stigmatised to a certain extent that they are hidden. When a child is born disabled, he or she is hidden by the parents and sometimes even killed because they are seen as a bad omen.

When I was growing up, I knew many children who were hidden and would eventually die because they were disabled. The myth still exists up to today; that disabled people are actually a bad omen to the family in which they are born.

The disabled are stigmatised, discriminated against, always denied their rights, and sometimes disinherited. They are also denied opportunities. They are always the last to be considered in employment, given the last opportunities to join school, and are sometimes the last to be fed in the families.

Mr. Temporary Deputy Speaker, Sir, one out of every ten Kenyans in this country is disabled. There are several causes of disabilities. One is accidents; thanks to the Minister for Transport and Communications who is trying to put in place measures to curb this menace. Disability also comes from diseases like polio and measles. Therefore, the Ministry of Health needs to put in place mechanisms to make sure that there are no more cases of these diseases. Another cause of disability is domestic violence. A lot of women are disabled in their homes in the name of keeping them silent. The Ministry of Justice and Constitutional Affairs should put in place measures to see that women do not suffer any disability at home.

Mr. Temporary Deputy Speaker, Sir, in every six persons that are absolutely poor, one of them is disabled, and, one is a woman. Disabled women suffer triple disabilities; as a daughter, a mother, and as a wife. You are discriminated against, you are denied opportunities, and most of the time you are not free to enjoy your life. Sometimes, as a disabled person, and especially as a woman, you are raped, because you cannot be able to protect yourself.

Majority of the disabled persons are denied the right to inherit their parents property and the language used against them makes you think that they are "things." That is why they are called *kiwete*, *kipofu*, and *kilema*. That makes them "things" and not people in the community. This Bill has tried to a certain extent to protect the rights of the disabled people.

Mr. Temporary Deputy Speaker, Sir, the biggest problem that the disabled people suffer in

this country is the issue of being excluded. They are excluded because, for instance, our structures, our institutions, and our mode of transport are not disability. Thanks to this Bill which is recognising that it is important to include the disabled people in planning because in most of our planning, the disabled people are not considered. That is why public services such as transport, and other physical structures need to take into account how the disabled people would access and use such facilities.

People with disabilities have no access to health services. The health facilities are far from their homes. The transport they must use is not friendly and the health providers are not also friendly. The issue of education is also something that the Bill needs to address so that the disabled people have access to education.

The current Constitution discriminates against persons with disabilities. I hope that this Bill will integrate the rights of the disabled people into the new Constitution. Part III of the Bill of Rights tries to bring in the Bill of Rights for the disabled people. It takes care of some of the rights of the disabled people.

The need for the Bill to be gender sensitive is very crucial. The need for the Bill to understand that women's disability needs are very different from men's disability needs is very crucial. I hope that the Council that is involved in the Bill will take care of men and women. Particularly, if you are talking of 27 members, 50 per cent of those should be women with disabilities while the other 50 per cent should be men with disabilities. If the director is a man, then vice director should be a woman and vice versa. At the moment, and for instance in the courts, blind people are not able to represent themselves because they are said to be unable. Therefore, the legal fraternity should also check on disability issues.

Mr. Temporary Deputy Speaker, Sir, finally, I have made a comment on the 27 National Council Members. I am recommending that 50 per cent of those should be women and 50 per cent should be men. If the director is a man, then the deputy director should be a woman. Are you aware that the National Fund for the Disabled People has no representative of people with disabilities? I would want to congratulate the Minister who brought in this Bill that is long overdue, for bringing in the Bill that recognises the needs of disabled people in this country, and bringing in a Bill that will try to integrate disabled persons in the running of this country.

As far as representation is concerned, there is need for the disabled persons to represent themselves. There is also need for affirmative action to check that the Bill is put in place, so that we have representation, even in Parliament, so that disability issues are put in the forefront.

Mr. Temporary Deputy Speaker, Sir, thank you. I beg to support.

**Mr. Kipchumba:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance. First, I would like to support my colleagues who have just said that we need to give people with disabilities a 10 per cent chance in terms of job opportunities. As the Minister rightly put it, about 10 per cent of Kenyans are disabled. Therefore, it is only fair that they get an equivalent share in terms of employment opportunities as a means of earning a livelihood.

Mr. Temporary Deputy Speaker, Sir, if you travel all over the country, you will realise that the disabled people are the most discriminated against. Sometimes this year, the Nairobi City Council *askaris* manhandled some disabled persons who were on their way to petition His Excellency the President over some grievances. Unfortunately up to now, no action has been taken against those *askaris* who brutally manhandled the disabled persons. It is high time that action was taken. There is no recommendations here to the effect that any form of discrimination, or brutal handling of disabled persons must be severely penalised. We shamelessly watched as these members of our society were being manhandled by the infamous City Council *askaris*. This was quite unfortunate. Even then, the Ministers concerned never came out to strongly condemn that

unfortunate brutal act.

Mr. Temporary Deputy Speaker, Sir, if you travel on our streets, you will realise that the majority of the beggars there are people with disabilities. I do not know for how long this country would like to witness this kind of unfortunate scenes in our societies. This Bill is very timely and it should introduce a levy which will be used to take care of disabled persons so that they do not continue begging in the streets.

Mr. Temporary Deputy Speaker, Sir, one speaker said that the Lions Club and other international organisations give a lot of support to disabled persons. But even the rich people in our society, including Members of Parliament, do not donate to the cause of disabled persons. It is high time that those of us who have adequate wealth donated some of it to the disadvantaged members of our society.

Mr. Temporary Deputy Speaker, Sir, I agree with the sentiments expressed by many hon. Members that most of the members of the council should be disabled people. The Bill gives the Minister powers to appoint a chairman from amongst members of the disabled group but there is no reason why he should appoint a chairman for them. They should be given an opportunity to elect a member from amongst themselves to be the chairman. We are aware that the funds that were collected previously are controlled by people who are not disabled. It does not make sense. Disabled people are sincere and honest. They can do the job themselves. It becomes very difficult for an able person to understand the problems of disabled persons. It is time that all the activities of the disabled persons were controlled by members from amongst themselves because they understand their problems. They appreciate themselves better than we do.

Mr. Temporary Deputy Speaker, Sir, as many hon. Members rightly said, these disabled people do not need sympathy. They need to be assisted so that they can help themselves. The Fund for the Disabled bought the two Rehema Houses but the disabled have never received any funds from that Fund. Whenever funds are being distributed, they always end up in the hands of able people, to the detriment of disabled persons.

Mr. Temporary Deputy Speaker, Sir, this Bill should include a provision to bar able people from using the resources or facilities of disabled persons. If you go to a supermarket, you will find a huge man pushing a trolley that is usually reserved for babies. You might not understand what that person is doing. If we allow able persons to continue using the facilities for disabled persons like booths, lifts or toilets, the disabled persons will not access those facilities. Kenyans do not respect disabled persons because they know that there is no law that bars them from using those facilities. We have very few toilets in many of our cities, including Nairobi. Instead of able persons being patient, they will rush to the toilets meant for disabled persons. In the process, disabled persons will not get any assistance. I will want us to handle that requirement, and I hope the Minister in his own wisdom will include that requirement.

Mr. Temporary Deputy Speaker, Sir, I do not agree with the proposed period within which the requirements of disabled persons are supposed to be in place. A duration of five years is a long time. The other day when the Minister for Transport and Communications wanted to implement certain regulations in the transport sector, he only announced that, next month all *matatus* must have seat belts and speed governors in total disregard of the amount of money that was required or going to be used in this sector. I do not, therefore, see why we cannot include a requirement that many of these institutions must ensure that facilities are in place within a very short time, say, one year. Of course, save for buildings which require some restructuring and a lot of money, many of these facilities like the booths, and facilities in the transport sector should be put in place within a very short time.

Mr. Temporary Deputy speaker, Sir, I do not see why when it comes to the disabled, we give

ourselves a very long time, and talk of monetary constraints, when, like I said before, with regard to issues related to the *matatu* industry, all you need is a pronouncement and that is enforced. I will, therefore, request the Minister to ensure that there are certain facilities that must be put in place within one year or a maximum of not more than three years.

Mr. Temporary Deputy Speaker, Sir, there should also be a requirement in this Bill that families with disability must be given some kind of assistance. I have seen some punitive measures put in this Bill, for example, if an individual conceals a disabled child, he will be fined Kshs20,000. To me, this does not make a lot of sense. Some societies through their cultural practices conceal children, not because they love to, but because of the way the society has treated various members of the society with those kinds of disability. Therefore, fining such a person Kshs20,000 is adding insult to injury, and to me, it does not make a lot of sense. I, therefore, would like to request the Minister to include a requirement that families with disabled persons must be given certain minimum assistance, because bringing up a disabled person is very expensive. Many of the families usually give up along the way, because they do not have the adequate finances to assist those people.

Mr. Temporary Deputy Speaker, Sir, like other hon. Members have said, when you fill many of the application forms, either for medical cover or the Green Card to go to America and other countries, there is always a clause there for an individual to state whether he or she is disabled. It is not that they would like to offer better assistance, but you can be sure that they will not accept your application. Therefore, among our requirements, we should include a clause that any local or international agency that operates in this country must never discriminate against the citizens of this country. As much as we regulate ourselves, we have foreign organizations, and it should be made very clear to them that they must never discriminate against citizens of this country, so that they do not just admit able persons in their countries.

Mr. Temporary Deputy Speaker, Sir, if there is any department in this country that is very discriminatory against disabled persons, it is the military. If you have attended a military recruitment exercise, you will bear with me that they even look at a person's toe which was scratched sometime back when he or she was young, and classify him or her as a disabled person. It is a very unfortunate situation that 40 years after Independence, members of our society are being discriminated against to that extent. Many people say that there are no disabled soldiers, but soldiers are not required only to fight in the field. We have soldiers who sit in offices and others who are drivers, and therefore, the absence of one toe cannot render a man or woman incapable of undertaking any military activity. Therefore, it is time that those requirements were looked into with a view to abolishing them.

Mr. Temporary Deputy Speaker, Sir, like I said earlier, disabled persons are some of the most sincere people that we have in our society. If you look at the Bill, it states that if a doctor causes a patient to get any form of disability, he or she will be fined Kshs20,000. What is Kshs20,000, compared to when a doctor has caused disability to a man or woman of this country? We must not increase those penalties from Kshs20,000, but the length of imprisonment must be very severe, so that we do not have quacks in our medical sector. We know that many disabilities have been caused by practising doctors and, therefore, I would like to request the Minister to carefully look at this clause, so that we punish doctors who cause disability. If a disability is caused to a person for the rest of his or her life and he or she is given Kshs20,000, I do not know what they are going to do with that money.

Mr. Temporary Deputy Speaker, Sir, I would also like to agree that there is a requirement that the Council will recommend the various discriminatory practices. I think it is important that Parliament is included in determining all the disabilities that exist. When we choose the director of

this Council, it is important that he is vetted by this Parliament, so that we do not give a lot of leeway to a Minister just to appoint somebody without adequate vetting procedures.

With those few remarks, I beg to support.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also make my contribution.

On the onset, I would like to say that this Bill is long overdue. Just as one hon. Member who was contributing said, the attitude of society was that disabled people were arrested by the chiefs and taken to police station for eventual consequences at that level. There was also enforced sterilization of people who were considered disabled. That was how far the attitude of our society had gone.

Mr. Temporary Deputy Speaker, Sir, the effort that has been made by the Minister must be commended because we are trying to bring in a new culture. However, having said those kind words, I would like to make some contribution which must be understood in the light of trying to enrich the thoughts that must have gone into the preparation of this Bill. I want to agree with hon. Members who have spoken in this House and suggested that the definition is not sufficient or wide enough. This definition must be given wider thoughts. I predict that if we do not take care of it at this stage, we are inviting a lot of litigation.

Mr. Temporary Deputy Speaker, Sir, for example, when you read through some cases in other countries, you will understand what I mean. I have come across a case in America where a lady whose breast was lost through breast cancer was litigating to be declared as a disabled person and, therefore, benefit from some of the things that are provided by the law in that country.

In some countries, you will find that such people are listed as disabled and when they are discriminated against, there are damages apportioned to them. It is a good proposition to re-think seriously about the width, the length and the breadth of the definition that will enable us to define a disabled person.

Mr. Temporary Deputy Speaker, Sir, in Clause 37, I would like to thank the Minister for proposing to waive or lower the charges of any disabled person who seeks legal redress to asserts his or her rights in court. That is a good case of affirmative action. However, in the laws of Kenya right now, there is a bad thing that exists. When you go to court to seek damages for a finger that was cut in an accident or place of work, you will get compensation for that physical maiming. But when it comes to mental anguish, the Kenyan law does not state clearly whether one is entitled to compensation. Actually, most of the suffering that the physically disabled persons experience is not of physical nature.

Many a times, they are abused, discriminated against and exposed to a lot of mental anguish. If compensation to such disabled people is not provided for in the law through a civil case, we have not done justice to them. Such suffering is of civil nature and the penalties we are putting here are of criminal nature. They cannot address civil matters. I suggest that a very clear clause be introduced to say that if a disabled person suffers mental anguish as a result of a private person's conduct, then they must be paid. As the law stands now in Kenya, it does not address that. I would like to agree with those who have stated that we need to address the special education needs of the physically disabled. One angle that I would like to emphasise is that, once a child has been born with disabilities, or has developed disabilities of whatever nature in the course of his life, then it should be legal for the parents to be given certain facilities. They could either be stipends or clear exemptions of payment of fees in certain areas. This is the only way we can help parents who have disabled children.

If this Bill is passed by this House, it will cut across the country; from the rural areas to

the towns. This Bill should state clearly that parents with disabled children should benefit from free medical care. This should come out clearly in the Bill. This is the only way we can, through affirmative action, assist parents who bring up children with special needs.

Mr. Temporary Deputy Speaker, Sir, the final point I would like to make is on the proposed council. I urge the Minister to ensure that people from rural areas are included in its composition. Many times, the composition of important national bodies has been concentrated within towns. This has failed to reflect the needs which arise from rural areas. I also agree that the 10 per cent quota on employment and appointment should be maintained for people with disability. In addition to that, when it comes to appointment of people to high offices, for example, judges, Permanent Secretaries and other important executive positions, a criterion should be introduced in which the proposed appointee reflects whether or not he has supported the cause of the disabled. The historical background of some of these people is very clear; they have opposed any form of assistance or affirmative action for the disabled. This criterion should not only be used when it comes to appointment to executive positions but also when it comes to other important positions. This aspect should be included in the Bill because it will go a long way in helping people to change their attitudes towards the disabled.

The proposed council has been given a great responsibility by the clause which constitutes it. The Bill which has been brought before the House today should reflect what this council should do. This council should cover all forms of disabilities. I believe that the Bill cannot cover all special needs. I believe that the council will address needs which might arise in future. For instance, I can see a need to have a special Act of Parliament which will deal with disabled children and even provide for their education. The council should tell us, for example, the position the country should take on issues such as euthanasia. Should disabled people, for example, those who have suffered injuries and have continued to suffer day and night be allowed to terminate their lives? The council has great responsibilities. Its composition will be crucial because if it is composed of only people who are not disabled, it will not address important issues raised by disabled people.

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

*[The Temporary Deputy Speaker  
(Mr. Poghio) left the Chair]*

*[The Temporary Deputy Speaker  
(Prof. Olweny) took the Chair]*

**Mr. Y. Haji:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. This is a good Bill and I would like to congratulate the Minister for the windfall he got on it. I know that this Bill belonged to this side of the House, but we could not bring it before the House because we were caught up with last year's general elections. I, therefore, support it.

I would like to make a proposal on the short title because it says that the notice in the gazette may appoint different dates for different provisions of the Bill. If this is done, it will render this Bill useless because there will be a tendency for someone, maybe, to forget some of its provisions if it is not gazetted in its whole entirety. I, therefore, wish to propose that as soon as the Bill is passed, it should be gazetted with all its provisions, without negating some to future gazette. Mr. Temporary Deputy Speaker, Sir, we have been told that 10 per cent of our population is made of people with various disabilities. This is a large number and it corresponds to nearly 3.3 million of the total population of this country. We know that it was 3.3 million voters

who brought the NARC Government to power. Therefore, if his great number is made up of people with disability, then we cannot ignore their plight. This number is even greater than the number of primary school children who join secondary schools. Therefore, the Bill has come at the right time and we hope that the Government will implement all its provisions to the letter once it is passed by the House.

The majority of the members to this council must comprise of people with disability. I am saying this because we have seen that most of the appointments made to various commissions and inquiries comprise of people who are drawn from the Ministers' backyards. It will be very unfortunate if the Bill, which is supposed to address the plight of disabled people, the council's composition will be made up of people who will be picked from various homes in order to satisfy the ego of the people in power.

Clause 4 of this Bill indicates that the council will comprise of seven persons out of the different interest groups. We would like to see those seven people, or if the number could be increased to eight to cater for the eight provinces we have in this country, to represent every province. Mr. Temporary Deputy Speaker, Sir, if we will not balance the membership of the council and base it on the needs of people from various areas, then this Bill will be useless. I am saying this because this Bill will address only the needs of a few members of our society. Mr. Temporary Deputy Speaker, Sir, I further propose that the chairman and the director of the council should be disabled. This is because these are the only people who can articulate the problems of their fellow colleagues. These people know the pain of being disabled and what disabled people require. These people can be more aggressive than normal people who normally take up those positions but spare little time to serve the interest for which they have been appointed.

On disbursement of funds, we need people of very high integrity to administer these funds. I agree with the hon. Members who have said that we have been talking about transparency and accountability, and it is high time we brought all appointments before the House for vetting. If this is done, it will enable hon. Members to vet those to be appointed to those senior positions.

Mr. Temporary Deputy Speaker, Sir, this Bill has not addressed properly the question of educating the public. I am saying this because in many societies, people believe that disability is a curse from God, whereas *Allah*, God, created disabled people simply to test our patience and how sympathetic we can be to them. When we are faced with calamities, we always pray to God so that He can help us. We are also being tested as human beings whether we are sympathetic to the disabled. It is not out of their wish, but because of God's will.

Mr. Temporary Deputy Speaker, Sir, I say this with confidence. In my faith, we do not believe that disability is a curse. In Islam, when we lose a closest person, we say: "*Alhamdulillah*". *Alhamdulillah* means I thank God. If a person has disabilities, we cannot say that he is cursed.

Mr. Temporary Deputy Speaker, Sir, there is need to establish schools to cater for the disabled persons, particularly in northern Kenya. In the whole of North Eastern Province, there is no school for the disabled. If you were to take a blind child to Thika School for the Blind, which is 1,000 kilometres away, by the time you reach there, you are already tired. We are also torturing this child by exposing him to a new environment. Therefore, the Government should establish a school in every province for persons with disabilities.

Mr. Temporary Deputy Speaker, Sir, on equipment, we know that other countries have advanced in manufacturing equipment for the disabled persons. I think it is high time, and with the passage of this Bill, that we established factories to manufacture the equipment instead of relying on Non-Governmental Organisations (NGOs) and other donors to supply them from overseas. Until we take such measures, I would request the Government to make sure that the equipment is duty-free. But in this country, there is a culture that when something is duty-free, the beneficiaries are

made to fill so many forms. They are also made to run from one office to another seeking for signatures from Government officials who are always away attending meetings. This has really slowed down progress in this country.

If it is duty-free, it should be straightforward. It should be dealt with by one desk alone. If it is the Ministry of Finance, one officer should be assigned the responsibility of verifying whether those goods belong to the disabled persons or not.

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

**Mr. Muite:** Mr. Temporary Deputy Speaker, Sir, I would like to add my voice to support this Bill. Apart from the material things which this Bill seeks to facilitate towards people with disabilities, there is the issue of human dignity; accepting people with disabilities are human beings who ought to have respect for their humanity. I think this is very important. It is very befitting that, indeed, this House is providing this legal framework within which people with disabilities will be able to be accepted, respected and regarded as worthy and equal human beings by the society. That respect is, in my view, even more important than the material aspect that this Bill seeks to provide.

We need to ask the Ministry to engage in and facilitate civic education. We need to educate our people across the entire country to begin to accept people with disabilities, accord them respect and to treat them as human beings. It is one thing enacting laws, and a different thing operationalising those laws. I would recommend that the Ministry concerned should come up with strategies of beginning to change the attitudes of Kenyans and encouraging Kenyans to develop a new culture of respecting people with disabilities, accepting them and treating them with dignity. That is very important, so that they can get completely assimilated into the society. We need to show compassion; we need to accept, respect, and regard them as equal human beings in every way. That respect is something that cannot be overemphasised.

Mr. Temporary Deputy Speaker, Sir, when we talk about respect of the human being, may I take this opportunity to make a special appeal to the media in this country in terms of respecting humanity. Do you watch television almost every night to see what they call robbers who have been gunned down? We are being shown dead bodies on the screen. It is a horrible sight. It is lack of respect for humanity. That body was once a human being. This does not happen in other countries. It only happens in Kenya. Why do we have to be shown on television, images of dead people? Whenever there is an accident, the media in this country loves to show us the mangled dead bodies on the television screen and even on the front pages of the print media. This is violating the humanity of that person who has died. The dead body needs and requires to be respected. We need to cover them. In the old days, immediately after an accident, the police would cover the dead bodies with sheets or blankets. They would accord the bodies respect. Can you remember the last time you saw the police covering dead bodies? Nowadays, they are left there, sometimes for a whole day. This is what is defiling our respect for humanity.

We must go back to the value of respecting human dignity, and I want to make a special appeal: Let them tell us about accidents and robbers who have been gunned down by the police, but spare us, our children, husbands/wives from watching such images on television screens. It is a violation of the dignity of the person whose life has departed from his body. They are not nice images to see. Let us also accord respect to these people.

When this Bill becomes law, and even before the Council begins to implement the clause seeking a reservation of the 10 percent of available jobs for people with disabilities, the Parliamentary Service Commission (PSC) should start implementing that clause. Actions always speak louder than words. Let the PSC not wait for the Council to make any request to that effect. Let this House lead by example. Let the PSC fill its 10 per cent quota by employing 10 per cent of people with disabilities.



*(Applause)*

Mr. Temporary Deputy Speaker, Sir, nature has its own way of compensating disadvantaged people. Blind people somehow develop very sharp hearing senses, and they are excellent telephone operators. That is a job which does not need eyesight. Blind people are able to operate the telephone very well. We have a very huge team of telephone operators in Parliament. That is an area where people who are visually impaired can be employed. The Government should then follow suit. So, let us actualise this Bill. Let us not just wait for the Council to start working to implement these proposals. Let the Government equally lead by example, so that we can assimilate these people completely and also do some research. I can see that this aspect is conceptualised in this Bill in terms of facilitation for loans.

Let us ask the Council, as soon as it is constituted, to do a survey and help people with disabilities in their small businesses across the entire country.

What would be a better starting place, even before the proposed Council is constituted, than within the Government itself? You will remember some ugly sights, where people with disabilities were actually being beaten up City Council askaris. They fall under the Ministry of Local Government. I now understand that there were complications about where they wanted to be permitted to carry on their small businesses and where the Nairobi City Council wanted to relocate them to. The point is this: These are people who want to be self-employed. They have not indulged in begging or thieving. They are small-scale traders.

So, I am saying, the starting point should actually be to provide these people with a venue, and not the backstreets, where nobody goes. They should be accorded a good place - some of the plots being grabbed by those who already have - within the Central Business District, designated as a market for people with disabilities. The Government should go further to provide them with loan facilities. Most of these people do not need more than Kshs50,000 to start businesses. Probably, even Kshs50,000 is too much for some of them. They buy vegetables, fruits, among other commodities, which they sell for a profit.

It is affirmative action that is required for people with disabilities. What better demonstration can we have about our concerns and implementation of a meaningful affirmative action than actually to now provide these people with special areas not only in Nairobi, but also in other parts of the country? In Nairobi, near City Market, there was a plot that had been grabbed. Why can that plot not be allocated to people with disabilities to carry out their trading activities?

There are many other areas within the Central Business District where these people can be settled to carry out their trading activities. When one thinks of the Central Business District, one thinks about the big-time business people. Now, the majority of our people are being pushed to beyond River Road. I do not know when you last attempted to take a walk in those areas. They are now known as "no go areas", because they are being managed and run by organised criminals. Even during the day, you cannot walk through there. Women are particularly at risk.

So, what I am saying is that even within the Central Business District, let us reserve a space and allocate it to people with disabilities, and go further to give them access to affordable loans, so that they can continue with their businesses. We see that experiment in Mombasa, Nakuru and Kisumu.

I am trying to say that actions speak louder than words. Let us now move beyond merely legislating. "The proof of the pudding is in the eating". We want people with disabilities to "taste the fruits" and the results of the legislation that we are going to pass. So, the challenge to the Government and the Council being created is how effectively they are going to operationalise this

Act in tangible terms of ensuring that people with disabilities are actually able to earn a decent income. They are human beings with their special needs, but their self respect and dignity will increase when they are able to support themselves and their families.

Mr. Temporary Deputy Speaker, Sir, I now realise that we are becoming sensitive even within Parliament Buildings, but did we have to wait until some of us actually had this misfortune of having to go on wheelchairs before thinking of giving access to the higher floors? Today, in the United States of America or Europe, plans for buildings will not be approved unless they incorporate accommodation for people with disabilities, be it the toilets, be it the lifts or other facilities. Even airports in those countries have provision for people with disabilities. In this country, however, we have been proceeding as if people with disabilities do not exist. We have been closing our eyes and pretending that they do not exist. Let us change our attitude. Before plans for public buildings are approved, they should be required by local authorities' by-laws to actually cater for the special needs of people with disabilities. They must have toilets and other facilities specifically designed to accommodate people with disabilities. That is how to incorporate and assimilate them in society.

Therefore, I wholeheartedly support this Bill and ask that its operationalisation should have benchmarks of implementation. The Council should be giving us reports on how many disabled people have been employed, and how many have been assisted to set up their own businesses.

With those remarks, I beg to support.

**Mr. Wario:** Bw. Naibu Spika wa Muda, nimeshukuru kwa kunipa fursa hii ili nichangie Mswada Huu.

Bunge hili limepitisha Hoja na Mswada kadhaa juu ya mambo mbali mbali. Kusimama hapa na kupinga Mswada kama huu ni kama laana kwangu. Mswada ulioko mbele yetu umenuiliwa kuboresha utu wa wale wasiojiweza katika jamii. Kwa hivyo, nimesimama kuunga Mswada huu kikamilifu.

Bw. Naibu Spika wa Muda, Mswada huu umechelewa kufika Bungeni. Mswada huu ungeletwa Bungeni kitambo. Kwa sababu sasa umefika, baada ya kumwambia Waziri "ahsante", na kama kweli Serikali ya NARC inataka kuboresha utu wa wale wasiojiweza katika jamii, inafaa Serikali ianze kufanya hivyo mara moja, si kwa kuzungumza, bali kwa vitendo. Inafaa Serikali ianze kwa kuwatengea nafasi za kazi watu wasiojiweza. Tukiwa hapa, tunazungumza juu ya asilimia 17 ya Wakenya wote. Hii ni idadi kubwa sana.

Ni lazima tuwe na sera na sheria ambazo zitaboresha utu na hali ya watu wetu. Ni sikitiko langu kwamba dini zetu zimeshindwa kuwashawishi Wafrika kuwakubali wasiojiweza katika jamii kama wanadamu wengine. Badala yake, Wafrika walitumia mila zao kuwadhulumu na kuwadhalalisha wasiojiweza katika jamii. Hoja iliyo mbele yetu haikuangazia baadhi ya mila zinazowadhulumu wasiojiweza. Ni wajibu wetu kutunga sheria na kuweka kipengele kitakachopiga marufuku mila yoyote inayodhulumu wasiojiweza.

*[The Temporary Deputy Speaker  
(Prof. Olweny) left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Poghisio) took the Chair]*

Bw. Naibu Spika wa Muda, wengi wamezungumzia juu ya kutengwa kwa wasiojiweza katika jamii. Ikiwa kuna watoto kadhaa na jambo la urithi linatokea, mtoto asiyejiweza hana haki. Ningependa Hoja hii iangazie jambo hilo na kutambua kwamba mtoto asiyejiweza ni mtoto kama

mwingine na ikiwa kuna urithi, ni lazima mtoto huyo apewe kifungu chake.

Bw. Naibu Spika wa Muda, nasimama hapa kuzungumzia mila mbaya za Kiafrika. Kwa mfano, katika lugha ya Kiswahili, kuna ngeli ya Ki-Vi. Ngeli hiyo hutumiwa kwa vitu visivyo na uhai kama vile kijiko-vijiko, kikombe-vikombe, kitunguu-vitunguu, kiwete-viwete. Hiyo ndio heshima tunayowapatia watu hao. Ni sikitiko kubwa kuwapatia watu majina ya vitu visivyo na uhai. Hata kwa lugha, tunawadhalalisha. Tunawaweka pamoja na vikombe na vijiko! Wakati umewadia kurekebisha maneno kama hayo katika lugha, na tukubali kutumia lugha yenye heshima na utu wa ubinadamu.

Bw. Naibu Spika wa Muda, tukizungumzia baraza la watu wasiojiweza, ombi langu ni kwamba baraza hilo liwe na uwakilishi bora. Mara kwa mara, tunapitisha sheria hapa, na sheria hiyo inatumiwa na wanasiasa kuwanufaisha watu wao. Iwapo tunataka kuboresha hali ya wasiojiweza katika jamii, basi baraza hilo liwe na uwakilishi wa sehemu zote za nchi hii. Ni vigumu kusema tutumie wilaya. Angalau tutumie mikoa. Kila mkoa uwe na waakilishi katika baraza hilo ili matatizo ya wasiojiweza katika mikoa mbali mbali yashughulikiwe vilivyo.

Bw. Naibu Spika wa Muda, namshukuru aliyezungumza mbele yangu kwa kugusia majumba yatakayojengwa baadaye. Zitakapochorwa ramani hizo, lazima ziwe na thibitisho kwamba wasiojiweza wataweza kuingia katika nyumba hizo. Kama sasa, ukimwita asiyejiweza na umwambie: "Nina cheki yako na niko katika gorofa ya 36 hapa Times Towers," atatumia mbinu gani kukufikia huko? Ni kama kumhadaa kwa sababu jumba hilo halina mahali palipotengwa rasmi kwa wasiojiweza. Lifti ndizo hizo zinapigiwa mlolongo na wale wenye nguvu zaidi. Wanasema mnyonge hupata haki mwenye nguvu akipenda. Ningependa kulipongeza shirika la Telkom Kenya. Telkom Kenya wanapoweka kile kibanda chao cha simu mahali popote, wao huitia maanani jamii ya watu wasiojiweza. Wamewatengenezea vibanda vyao maalum. Nafikiri ni Telkom Kenya tu ambayo imetoa mfano mzuri wa jinsi ya kuwajali wasiojiweza katika nchi hii. Kwa kweli wanastahili pongezi, nami nawapa hizo pongezi.

Bw. Naibu Spika wa Muda, Mswada huu haujatenga pesa mahususi za kuwagahamia wasiojiweza. Mswada huu umebahatisha tu. Tunataka pesa zitakazotengewa baraza la jamii ya wasiojiweza zitoke katika hazina kuu ya taifa hili. Ikiwa Serikali, hakika ina nia ya kuboresha utu na hali ya jamii ya wasiojiweza, basi itenge pesa mahususi za kuwagahamia katika hazina kuu. Pesa hizo zipatiwe baraza la jamii ya wasiojiweza ili nao wapate elimu na matakwa yao mengine maalum yashughulikiwe. Ni muhimu watu hawa waandikishwe na wapewe elimu bora; elimu ambayo inaambatana na matakwa yao.

Bw. Naibu Spika wa Muda, kunayo lugha ya ishara. Tusingojee mwenzetu kupigwa risasi ndipo tutengeneze vifaa vya kutumiwa na watu wasiojiweza. Hili Bunge linastahili kuwa mfano bora katika nchi hii. Lugha ya ishara ni lugha ya kimataifa. Anapozungumza Bw. Spika hapa, kando yake pawe na mtu anayeashiria anayoyasema ili yeyote asiyejiweza katika jamii na anayebahatika kuingia Bungeni, awe na fursa ya kujadiliana na Wabunge wenzake. Lakini ilivyo sasa, ni kwamba Bunge hili halina mahali maalum pa jamii ya watu wasiojiweza! Ikiwa Bunge letu halijawatengea nafasi wasiojiweza, basi hakuna taasisi nyingine yoyote katika nchi hii ambayo itawatambua na kuwaheshimu watu wasiojiweza.

Bw. Naibu Spika wa Muda, Mswada huu unapendekeza kwamba asilimia tano ya nafasi za kazi zitengewe jamii ya watu wasiojiweza. Hebu tufuate mifano ya mataifa mengine ya ulimwengu, ijapokuwa tumechelewa. Mataifa mengine yamepeana baina ya asilimia saba na kumi wala si tano, za nafasi za kazi kwa watu wasiojiweza! Kwa hivyo, asilimia tano bado ni ndogo sana. Ili kuyafikia mataifa mengine katika kuwajali watu wasiojiweza, sharti twende kasi sana. Mswada huu utakapowasilishwa mbele ya Kamati ya Bunge zima, nitapendekeza kwamba badala ya kupeana asilimia tano ya nafasi za kazi kwa watu wasiojiweza, tupeane baina ya asilimia saba na kumi.

Kwa hayo niliyoyasema, naunga mkono Mswada huu.

**Prof. Olweny:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support the Bill by making a few comments so that others can also get their chances. This Bill has come a little too late for this country. We would have had it earlier. In this country---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, could you protect me from the loud consultations?

**The Temporary Deputy Speaker (Mr. Poghisi):** Continue!

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, in this country, the previous Government made some efforts to support the people with disabilities. It was not enough. A lot of money was raised in a Harambee so as to give support and the capacity to the people with disabilities. The money was put in an account, and so it became a Fund. A body was formed to run the Fund. However, when we go back to the rural areas and back to town, we still find that people with disabilities are beggars. Who is benefiting from the money? Who has benefited from the Fund?

We have people who do not have disabilities running this Fund and yet they have enough organisations to run. They have enough funds to run in this country. Why can the body that is taking care of this money not be run by people with disabilities themselves?

Mr. Temporary Deputy Speaker, Sir, the people with disabilities in this country have really been mishandled. My colleagues have talked of it. They have given an example of the City Council *askaris* mishandling people with disabilities on one occasion in this City. That is not the only one. Look around and you will see how the way motorists harass people with the white sticks. They do not give them an opportunity to pass. People with disabilities in this country do not have enough facilities for themselves, including in public places. They do not have enough facilities in the form of toilets for them. I would suggest that anybody who wants to open a restaurant, hotel, any building or school should not be registered unless there are enough facilities in those buildings to take care of people with disabilities.

Mr. Temporary Deputy Speaker, Sir, if a person with visual disability is to enter a *matatu*, it is terrible. They are pushed around and they fall down. The physically disabled do not get an opportunity to board *matatus*. I would suggest that instead of the Minister for Transport and Communications ordering *matatus* to be fitted with seat belts, that he orders them to incorporate facilities that take care of people with disabilities in *matatus* and buses. There are no seats reserved for these people in buses and *matatus*. Or if that is not enough, we could have buses or *matatus* specifically for people with disabilities if we cannot allow them to travel with us in the normal buses or *matatus*.

Mr. Temporary Deputy Speaker, Sir, if you go to our institutions, like the universities, how many people with disabilities are allowed to join these institutions? They are very few and yet they say that 10 per cent of Kenyans have disabilities. Go and take a toll in the universities and colleges; what percentage of people joining these institutions have disabilities? It is very small. That means that we have never given good consideration to our people with disabilities and for that reason, I give my strong support to this Bill because it is taking care of that. It is giving room and it is stressing on giving the people with disabilities opportunities for education, the capacity that they need, rehabilitation and ensuring that they are not discriminated against as far as discrimination in acquiring employment, education and in whatever institutions is concerned.

Mr. Temporary Deputy Speaker, Sir, in the Bill, a National Council for the Disabled and a National Fund for People with Disabilities have been proposed. I suggest that it be indicated in this Bill that those who are going to run the Council and the Fund be people with disabilities because the

able people have enough opportunities in this country. There is no need to have them running the Fund and the Council, which are meant for people with disabilities.

With those few comments, I support.

**Mr. Kimeto:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for me catching your eye. This is a good Bill which has come in good time. People with disabilities have suffered a lot. The majority of us who were in the then ruling party did not recognise their natural style in life. I hope the NARC Government will now come up and assist these people with disabilities.

Mr. Temporary Deputy Speaker, Sir, some of the people regarded as being disabled are not disabled as such. Some of them are very clever people. For instance, some blind people are very clever and it is only their blindness that has made them not to act as able persons. Also, some of the disabled persons have wisdom. Unfortunately, our Government has not been taking care of these people by giving them jobs. They have been neglected and they only survive under the mercy of God.

Disabled persons have children who go to school. These children are normally sent away from school for not being able to pay school fees. A child of a blind man who cannot even differentiate between a one hundred shilling note and any piece of paper is sent away from school! Some of them have come to me and told me: "Hon. Kimeto, we hear that you are close to somebody called the President. Why do you not tell him that we cannot see the money you keep on asking our children to pay in school? Where do we get that money and yet we do not even know the appearance of the money?"

I would like the NARC Government to advertise tomorrow, over the radio, that all the children in secondary schools and in the universities, belonging to the disabled persons should be exempted from paying fees. We need to assist people with disabilities. The moment a disabled person's child is sent away from school, he or she cannot even be told to go to work in the shamba because of their deformed limbs and their minds cannot direct them to do whatever they want to do.

It is, therefore, unfair to send such children away from school simply because their parents cannot raise school fees. Are we not behaving like disabled people ourselves, in terms of ruling this country, when we subject these disabled children to such cruelty?

Mr. Temporary Deputy Speaker, Sir, we need to allow all the children of the disabled persons to go to school free. They should go to hospital---

**The Assistant Minister for Foreign Affairs** (Mr. Wetangula): On a point of information, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, I do not need any information. Those hon. Members trying to inform me should stop doing it.

**Hon. Members:** They want to help you!

**Mr. Kimeto:** Do they want to inform me? I do not need their information. I am well informed.

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Phogisio): Order, Mr. Kimeto!

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, when disabled persons in this country go to hospital, the doctors and nurses who treat them demand hospital fees from them. Let us not be disabled in terms of thinking. It should be advertised, countrywide, that whenever disabled persons visit hospitals, they should be treated free of any fee. The NARC Government, headed by hon. Kibaki, should pay for such people. That will be a good example of the way forward on how to manage this country.

I want to congratulate the Minister from the NARC Government who brought this Motion. Let him be broad-minded and also consider the aged people in this Bill. As one grows old, at the age of 80, one becomes mentally disabled in one way or another.

*(Laughter)*

At the age of 70 or 80, everybody becomes disabled, as the eyesight becomes poor. If you look around, some of us have got eye glasses---

**Dr. Godana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My good friend has just said that when you turn 80 years old, you become disabled; we have a Vice-President who is 80 years old and is not disabled.

**Mr. Kimeto:** Sorry, I did not hear what you said. Can you say it again so that I can explain to you? But I was saying that at the age of 80, a majority of the people become disabled in one way or another. Their working abilities are completely diminished. They cannot walk straight.

*(Mr. Kimeto demonstrated  
how old men walk)*

*(Laughter)*

Some of them have a bad eyesight and their hearing is poor. So, in one way or another, they become disabled.

**Mr. Khamasi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Kimeto in order to begin acting in the Chamber the way he is doing at the moment?

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, under what Standing Order is his point of order?

*(Applause)*

I am demonstrating that so that Kenyans can know exactly what happens when we grow old. I want to request the Minister to have a provision for people who have attained the age of 80 years in this Bill. Hon. Kibaki's Government should look after aged people by providing them with free medical care because, so far, the National Hospital Insurance Fund (NHIF) does not cater for people who have attained the age of 80 years. So, this House and the Minister should know that at the age of 80, we shall still be alive, and we will need assistance. At the age of 80, one is jobless and this in itself is disability as one does not have money.

**The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor to mislead this House by saying that when you are jobless, you are disabled? Surely, this cannot be right.

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, I know that hon. Githae has not attained the age of 80; he is only 45 years old, and I am 62 years old. I am older than him.

*(Laughter)*

**The Temporary Deputy Speaker (Mr. Poghio):** Order, Mr. Kimeto! Order! It reaches a point when you have to stick to the Bill and the definitions therein. Mr. Kimeto, I do not think the

Bill even envisages a situation where joblessness can be defined as inability or disability. So, just stick to the Bill and proceed.

**Mr. Kimeto:** Mr. Temporary Deputy Speaker, Sir, I was just saying what happens to people at the age of 80.

We have the northern part of this country where the land mass is very vast. Why does the NARC Government not assist the disabled people by resettling them there as a way forward? The disabled persons should be assisted in all ways.

Mr. Temporary Deputy Speaker, Sir, lifts in buildings in this country have no facilities for the disabled persons. Even in this Parliament, there are no facilities for the disabled persons and they cannot access the public gallery. We should establish facilities that can be used by the disabled persons. I support those hon. Members who have said that adjustments should be made in all our buildings, to accommodate the needs of the disabled persons. Within Parliament Buildings, we have ramps where Mr. Leshore passes through. These were fixed because Mr. Leshore is an hon. Member of Parliament. The same facilities should be fixed in all public buildings. The Government has failed to budget for the disabled persons. I want to request the Minister to release money for the disabled persons to constituencies tomorrow, so that when I go to Sotik, I will have it.

With those few remarks, I beg to support.

**The Assistant Minister for Foreign Affairs (Mr. Wetangula):** Thank you, Mr. Temporary Deputy Speaker, Sir, for finally giving me an opportunity to contribute to the debate on this Bill.

This Bill is long overdue, as my colleagues have said. We have many disabled persons in this country who need legal assistance. These are persons who need to be governed by some legal regime that would make them enjoy life the way every other Kenyan does. As we do so, we must caution ourselves not to create enclaves of disabled persons, so that they feel discriminated against in the process. As we create facilities for the disabled persons, the cardinal point must be to make them feel that they are part and parcel of our society. Looking at the Bill, you get the impression that we want to establish a Council that will largely be composed of disabled persons. That is principally not right. We must make disabled persons feel able to sit on committees and councils, where everybody else is, and the Council involving themselves must also have able-bodied persons, so that, that mix will give them the human feeling that they deserve.

When we started rehabilitating street children, one got the impression that street children in this country are only found in Nairobi. I hope that when we pass this Bill and start providing facilities and services for the disabled persons, the centre of attraction shall not be Nairobi, but we shall also---

*(Mr. Koigi was applauded as  
he entered the Chamber)*

Mr. Temporary Deputy Speaker, Sir, hon. Members are excited at the entry of Mr. Koigi because he is dressed in an unusual manner.

I was saying that we need representation and operations of facilities for the disabled persons to be disseminated throughout the country. We should not create a situation where all the facilities are concentrated in Nairobi, and people in outlying areas do not have those facilities. I notice that we shall have a registration process to determine how many disabled persons we have in the country. It is my humble view that registration centres should start from the sub-locations, locations, upwards until we reach the national level, so that the administration can get the disabled persons who have been hidden by their families to be registered.

The Act has also not been quite clear on the degrees of disabilities that may make one

qualify for full support in certain areas. What happens to a person who loses a finger on his hand or a toe on his leg? In broad terms, such a person is disabled, but when we go into the details of the degree of disability, such a person may not be eligible to get full benefits that go with a disabled person that is unable to walk or talk. So, we need to have some definition on degrees of disability and the capacity for the State to take care. One point that I feel strongly should be included in this Bill is that the Fund that we will set up should have the responsibility of hiring and paying for services of people who assist disabled persons. If a disabled person uses, for example, a wheelchair that needs constant support to be pushed around, we should not proceed on the assumption that such a person will have kind members of his family to assist him move around.

If we have a blind person who goes around with assistance of either a walking stick, a dog or somebody to hold his hand as he goes about his businesses, the Fund should be in a position to hire and employ such aids for disabled persons. That is the best way we can assist them. In many cases, you will find that disabled persons are left at the mercy of members of their families, some of who are normally not very kind. But if somebody is hired by the State and paid from this Fund, then assistance to the disabled person will be a matter of duty. It will be a matter of employment and the disabled person will get the facilities that he requires.

Even if we were to provide walk-ways for the disabled persons, we need assistance for them to stop vehicles and cross roads. We need assistance for them to take lifts in buildings. Although we have said that they should be given priority whenever they go to places where services are being offered, if there are no persons with full abilities to assist them, it is unlikely that the selfish nature of Kenyans that we know, will give way on the queue for the disabled persons. We need to employ persons to assist them. We have also a provision in the Act that disabled persons should be entitled to free legal services. This also needs to be qualified. I would support a situation where a disabled person who is litigating on matters relating to or have something to do with his disability, should be given free legal services. But if my learned friend, Dr. Godana, has a disabled member of his family who is feuding with him on a family piece of land, I do not see why we should give free legal services in a situation like that. In that case, whoever chooses to litigate, should pay for it. But where we have matters relating to the situation and conditions of a disabled person; where he has been discriminated against because he is disabled or is unable to bring in a car because of some strange rules, then he should get free legal services. But where they engage on a misadventure, I do not think it will be sensible to give them free legal services.

Mr. Temporary Deputy Speaker, Sir, some of the organizations that must be mandated and conditioned to provide facilities for physically disabled people are the local authorities. If you go around the City of Nairobi, there have been attempts here and there, to put ramps for people on wheelchairs to cross pavements. However, people on wheelchairs and people who crawl on the ground have no special places in the streets of Nairobi, or any other municipality in this country, where they can access places that they may want to; be they restaurants or offices.

Mr. Temporary Deputy Speaker, Sir, I would be comfortable with a situation where we have a strict legal requirement that the City Council, for example, has a pavement facility where disabled people on wheelchairs and tricycles can ride comfortably, so that they can access wherever they want to go. Leaving them to compete with able people on walkways and other places is not very helpful.

Mr. Temporary Deputy Speaker, Sir, I agree that we need to provide special quotas for disabled people in education facilities. We must also strictly enforce the employment procedures to accommodate disabled people. However, the 5 per cent employment allocation for disabled people that is provided in this Bill is a bit too low. If we are talking of the population of the country having about 17 per cent persons of disabilities, we need, for a start, to increase, perhaps, this percentage to



10 per cent so that we can accommodate our disabled brothers and sisters. However, for a start, the emphasis should be on the provision of education because going around, especially the rural areas, parents with physically disabled children do not care to take them to schools. It might be a good idea for a start to have at least a minimum of one boarding school with all available facilities, where disabled children can be looked after by the State. The State can afford them education. We should encourage secondary schools and colleges to have special facilities that can accommodate such people.

Mr. Temporary Deputy Speaker, Sir, we have had a National Development Fund for Persons with Disabilities (NDFPD) in this country that has been running for many years. However, the running of the NDFPD has been shrouded in some form of mystery. The public does not quite know how much money there is, and how it has been utilised. Quite often, you find some form of philanthropy being dished around, where the NDFPD from time to time may buy one or two wheelchairs, but they engage into a lot of fanfare in giving that wheelchair to a disabled person. When we have the NDFPD, we need assistance to disabled people to be a matter of legal rights and not gifts that those who run the NDFPD have to bring in the Press and have some sort of showbiz and appear to be philanthropic on funds that do not belong to them.

Mr. Temporary Deputy Speaker, Sir, we have a provision for disabled people to bring in cars duty-free. However, our experience in certain jurisdictions has shown that if we are not careful in enforcing this law, criminal gangs will take advantage and start profiteering from facilities that are provided for disabled people. We need to be very careful and have very clear scrutiny. If a disabled person is bringing in a car, the Ministry responsible should have the capacity to ensure and check that, in fact, that car is brought in by a disabled person, for his or her use, and routine checks should be made to see that we do not have criminals taking advantage of a law that was, otherwise, meant to be very good to disabled people.

Mr. Temporary Deputy Speaker, Sir, we have seen many things of that nature happen. This Parliament should take the lead in providing facilities to the disabled people. Just like my colleagues who spoke before me have said, if tomorrow a physically-disabled person was elected to be the Speaker of this House, how would he or she get to where you are sitting? We need to not only wait and modify the place when we get to a situation, but we should have foresight and have everything ready to accommodate people with disabilities.

One would have expected that when we were debating this Bill, this Parliament would have been filled with persons with disabilities from their organisations and so on. However, as hon. Mr. Kimeto put it, if they came here to listen to the debates, how would they get to the Galleries to sit and listen to the debates?

Mr. Temporary Deputy Speaker, Sir, I have been to the Australian Parliament where I went with Dr. Godana. We saw that at their ground floor, there is a gallery for disabled persons who come in wheelchairs to listen to debates. I think as we expand our facilities, we should be mindful of getting to a situation where we can have our brothers and sisters with disabilities come and sit here.

There is a clause, I think it is Clause 13, that requires employers to make sure that they employ 5 per cent of disabled people in their establishments. If they do not, either Clauses 24 or 37 establishes that to be a criminal offence. I think that this kind of clauses needs to be qualified. For instance, what happens to an employer who engages in purely manual labour? How can he employ disabled people and fulfil that requirement? If hon. Mr. Salat owns a tea estate in Kericho District, how would he be compelled to employ 5 per cent disabled workers as tea pickers? It becomes very difficult, yet, if he does not, under the law that we are going to pass, he will be committing an offence. I think we need to describe that the employment must be relevant to the undertaking that

the employer is engaged in. We cannot, for instance, ask a road contractor who employs people in masonry work to employ disabled people. These kind of qualifications are necessary because we do not want to pass a law that will be used tomorrow in prosecuting people, and every time we go to court, we fall flat on our faces because it does not make a lot of sense in what we are trying to enforce.

I also want to suggest that where we have institutions that are providing services for disabled people, apart from the tax breaks that are provided, companies like Kenya Power and Lighting Company (KPLC) should provide some concessional rates on power tariffs to assist the disabled people. We also need a situation where providers of other services, like the internet, assist the disabled people to access their facilities that might help them broaden their knowledge.

Mr. Temporary Deputy Speaker, Sir, as we pass this Bill, we must ensure that disabled persons are made to understand that they are part and parcel of our society. They must be made to know that disability is not inability. They must know that wherever they go, we recognise them as part and parcel of our society, and that they will participate fully in the development of our country. Finally, I would like to congratulate the Ministry for bringing this Bill which is long overdue. I believe once we pass it, we will be able to assist the disabled persons.

With those few remarks, I beg to support.

**Mr. Lesirma:** Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to also join my colleagues in congratulating the Minister for bringing this Bill to the House. The biggest handicap in implementing this law will be the inability of the able people to empathise with disabled people.

The most important thing about this Bill is the creation of the Council. The Council should be given the responsibility to identify and deal with the causes of disabilities such as health and poverty. In the rural areas, children do not get adequate immunisation or pre-natal and ante-natal facilities. As a result, some children get defects even before they are born. Once they are born disabled, they cannot move. There are no facilities to correct such disabilities. I hope that the Council will play a major role in dealing with the causes of disabilities without relying on the Ministry of Health.

Mr. Temporary Deputy Speaker, Sir, I would also like to comment on the question of civic education. As Africans, we have cultural problems about disabilities. In a number of communities, it is believed that if you are born disabled or become disabled as a result of an accident, you must have been cursed or bewitched. It is, therefore, very important to include civic education in our educational curriculum so that our people can begin to appreciate that disability is not a curse.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of language which has been referred to by previous speakers. There is a lot of derogatory language either in the available literature, or in our day-to-day conversations about disabled people. We refer to them as *kipofu*, *kiwete*, imbecile, mad and so on. I know that it is difficult to legislate on these issues, but we can change this negative opinion through civic education.

Mr. Temporary Deputy Speaker, Sir, on the question of employment opportunities, countries like the United Kingdom have introduced a law requiring that in every establishment that has 100 or more employees, 3 per cent of these should be disabled people. There should be no reason to say that because the enterprise is heavily manual, there will be no opportunity for a 3 per cent recruitment of disabled persons. They can do administrative jobs or those which are sedentary in nature.

Mr. Temporary Deputy Speaker, Sir, the biggest problem that affects disabled people is lack of information. We need an inventory of the facilities for disabled people. Already, in this country, there are a number of institutions that cater for disabled people, either under the Government or the missionaries. I believe that if the inventory is provided, they will benefit. For example, the other

day, in my constituency, I was approached by a parent who had a disabled child and I did not know what to do. I had to consult a senior disabled person who informed me that corrective surgery for that four-year old child could be done at Kijabe Hospital. There are many cases similar to this one, but the cost could be very prohibitive. I hope the Council will have a budgetary provision to support such people.

Mr. Temporary Deputy Speaker, Sir, a lot has been said about infrastructure, and I think we need to begin here by modifying this House. If a disabled hon. Member wants to consult with the Speaker in the Chambers, it would be difficult. We should also pass laws on architecture. A number of disabled Kenyans who are working cannot rent houses because all the houses are not designed to suit them.

With those few remarks, I beg to support.

**Mr. M. Kariuki:** Mr. Temporary Deputy Speaker, Sir, I rise to support this Bill. First, I would like to underscore the last point that Mr. Lesirma has said that we need to lead by example from this House. In the previous Parliament, we saw two physically challenged hon. Members who were nominated. I think it was a good signal at that particular time. The Parliamentary Service Commission should have started to prepare for proper facilities for hon. Members who are physically challenged. When I sneaked out just a while ago, I felt very touched. I went to use one of our facilities here and I found a former hon. Member who was trying to use that facility. He is on a wheelchair and he had serious problems. I think it is timely that this particular Bill has been brought to the House to take care of those shortcomings. It is unfortunate when Parliament does not take the lead.

I must, however, observe that I visited the County Hall Building, and I saw that some work has taken place, maybe in anticipation of this particular Bill. I think that is a good signal. I also noticed that in our Continental Building, we have toilet facilities for those who are physically challenged. I think that Parliament can set a good example if we start from here.

This particular legislation raises several issues. Starting from the title of this particular Bill, I am personally very unhappy that we should be using the word "disability". The world over today, the language is now changing. It is a stigma to refer to a person as disabled. The current internationally accepted term is "people who are physically challenged". I hope that the Mover of this particular Bill will find the need to use more civil language in this particular Bill.

Mr. Temporary Deputy Speaker, Sir, Section 2 which defines various matters, including disability, seriously raises some concern here. For example, the last point that was raised by Mr. Kimeto here to the effect that even persons who are in their senility are covered by this particular definition. The definition of disability includes both sensory and mental disability. A person who has an early senility would qualify to be a person under disability. However, we need a broader and clearer meaning in defining this particular term. In another statute; the Limitation of Actions Act, this particular term has been defined differently. It is good to make it absolutely clear. I do not think, in the first place, that these people are disabled as such. They have certain shortcomings, but the term "disabled" means they cannot contribute usefully.

The definition says that a "disabled person is one who is not able or has no ability to carry out usual day to day activities." That would really be a contradiction.

## ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Poghiso): Order, Mr. M. Kariuki. You still have about 18 minutes for next time.

Hon. Members, it is time to interrupt the business of the House. This House, therefore,

stands adjourned until tomorrow, Thursday, 6th November, at 2.30 p.m.

The House rose at 6.30 p.m.