

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th October, 2003

The House met at 9.00 a.m

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

2003/2004 Estimates of Recurrent Expenditure Volumes I and II (Revised Edition) of the Government of Kenya for the year ending 30th June, 2004.

2003/2004 Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June, 2004.

*(By the Assistant Minister for
Finance (Mr. Katuku) on behalf of
the Minister for Finance)*

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. NYOIKE

(Mr. Wamwere) to ask the Minister of State, Office of the President:-

(a) Could the Minister explain the circumstances under which Mr. Moses Njenga Nyoike was shot and killed on the night of 28th March, 2003 in Subukia?

(b) Why were the suspects who were arrested for the killing incidents in the area, released before prosecution?

(c) What is the Minister doing to address the state of insecurity in Subukia?

Mr. Deputy Speaker: Is Mr. Wamwere not here? We will leave this Question until the end.

Next Question Mr. Khamisi.

KILLING OF THREE PEOPLE BY POLICE CONSTABLE

Mr. Khamisi: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Could the Minister explain the circumstances that led to the killing of three innocent people by a Police Constable at the Mtwapa Police Base on 3rd March, 2003?

(b) What is the fate of the police constable in question?

(c) Will the families of the victims be compensated and if so, by how much?

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

(a) On 15th March 2003, at about 10.00 a.m., at Mtwapa Police Station, a police constable went berserk and started firing in the air, during which he shot one police constable and two civilians to death, at the Reports Office. Three other people who were shot by the constable were treated and discharged.

(b) The police constable was immediately arrested on the same night and argued with two counts, namely; murder of three people and wounding of three other people during the incident. The cases are pending before the Malindi Law Courts.

(c) The matter of compensation will be addressed by the Attorney-General upon conclusion of the case.

Thank you.

Mr. Khamisi: Mr. Deputy Speaker, Sir, incidences of this nature are common nowadays, where the police are using undue force to maim or kill individuals. Could the Assistant Minister assure this House that appropriate measures have been taken at that particular Police Station to ensure that no further incidences of this kind occur?

Mr. Tarus: Mr. Deputy Speaker, Sir, one action that the Government has already taken is to ensure the arrest of the officer. We have now established elaborate programmes for the police force. One is to address some of the issues that affect their morale. Any other incidence that require urgent attention shall be addressed.

Mr. Manoti: Mr. Deputy Speaker, Sir, while I agree with the answer that the Assistant Minister has given, could he make sure that such policemen, who kill innocent Kenyans, as they wait for their cases to be heard by the court, are transferred from the areas where the offence occurred because they could easily collude with the court and other police officers and interfere with the cases?

Mr. Tarus: Mr. Deputy Speaker, Sir, we cannot transfer someone who has committed a crime but, we will indeed deal with that person.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I agree with Mr. Manoti that the case should not be heard in the same area where the policeman committed the offence. The policeman may be influential and therefore, influence the judgement of the case, especially now that our Judicial system is corrupt.

Mr. Tarus: Mr. Deputy Speaker, Sir, we shall consider that.

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, I understand that the Assistant Minister said that this particular officer "went berserk". That was the word he used meaning that the officer was not mentally fit. He then told us that the officer has been charged for the offence he committed. Is he really answerable for the offence if he was suffering from insanity?

Mr. Tarus: Mr. Deputy Speaker, Sir, going berserk may be medical and sometimes temporary. So, given the circumstances on the ground, we are looking at the crime committed by the police officer. I want to confirm that going berserk was only temporary.

Mr. Khamisi: Mr. Deputy Speaker, Sir, this particular police base is very congested. The policemen there are living under very inhumane conditions. I know that recently the Police Commissioner gazetted the upgrading of the base to a full police station. Could the Assistant Minister assure this House that better conditions will be provided to the officers so that incidences of this kind do not occur again?

Mr. Tarus: Mr. Deputy Speaker, Sir, not only at Mtwapa Police Base will the programme of improvement of facilities take place, but also in other parts of the country.

DEATH OF MASTER KIPSANG KIPTOO

(Mr. Chepkitony) to ask the Minister of State, Office of the President the following Question by Private Notice:-

(a) Is the Minister aware that on 16th April, 2003, Kipsang Kiptoo, a fifteen years old standard six pupil at Kibendo Primary School in Keiyo District was herding cattle when he came across an object which, upon touching, exploded killing him instantly?

(b) Who dropped this object at Kibendo?

Mr. Deputy Speaker: Is Mr. Chepkitony not in? We will come back to the Question later.

OUTBREAK OF STRANGE MENTAL
ILLNESS IN SOTIK

Mr. Kimeto: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware of a mental illness that has affected 13 young persons in Motiret Village in Kapkelei Location of Sotik Constituency?

(b) Could the Minister urgently send public health personnel to study the cause of this problem?

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

(a) I am not aware of an outbreak of mental illness in Motiret Village in Kapkelei Location of Sotik Constituency.

(b) The Ministry of Health sent a team of medical personnel to Kapkelei Location to investigate, but they did not come across any cases of the outbreak. The Ministry would, therefore, appreciate if those affected would be identified and taken to the nearest health facility for medical attention.

Mr. Kimeto: Mr. Deputy Speaker, Sir, since the Assistant Minister has said that he is not aware and I am the person on the ground, let him be informed, and create awareness right now, so that he can tell the public health officers to study so as to get the cause of this illness which has afflicted about 13 people. Could he now be informed and create awareness and then tell his officers to go there and study as to why this disease outbreak has occurred?

Mr. Konchella: Mr. Deputy Speaker, Sir, since my team did not identify the 13 people alleged to be insane, we have directed the Director of Mental Health, Dr. Kima, to visit the area and mount a campaign with extension officers to counsel the people and try and find out the cause of this mental illness which we suspect to be partly caused by the social conditions of the people.

Mr. Serut: Mr. Deputy Speaker, Sir, you have heard the Minister say he was not aware. Then he contradicted himself by saying he sent a team of officers. What were these officers going to do there, if he was not aware of this mental disease?

Mr. Konchella: Mr. Deputy Speaker, Sir, they went there to investigate the alleged mental insanity.

Mr. Kimeto: Mr. Deputy Speaker, Sir, we do not bring Questions on the basis of allegations. We need an affirmative answer. If we go by allegations, then this House will not be honoured. Could the Assistant Minister withdraw the word "alleged" and substitute it for the right word because I, hon. Kimeto, the area representative have visited that area and I know this to be true?

Mr. Konchella: Mr. Deputy Speaker, Sir, it is an allegation because the 13 people have not been identified. We know of three men who have been mad for a long time and roaming in the market place.

Mr. Deputy Speaker: For the second time, Mr. Wamwere's Question by Private Notice!

SHOOTING OF MR. NYOIKE

(**Mr. Wamwere**) to ask the Minister of State, Office of the President:-

(a) Could the Minister explain the circumstances under which Mr. Moses Njenga Nyoike was shot and killed on the night of 28th March, 2003, in Subukia?

(b) Why were the suspects who were arrested for the killing and many other killing incidents in the area, released before prosecution?

(c) What is the Minister doing to address the state of insecurity in Subukia?

Mr. Wamwere is not here? The Question is dropped!

(Question dropped)

For the second time, Question by Private Notice by Mr. Chepkitony!

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

Mr. Deputy Speaker: What is it, Mr. Kimeto?

Mr. Kimeto: My request---

Mr. Deputy Speaker: Order, Mr. Kimeto. We have already passed your Question. I gave you an opportunity to ask the last question and the Assistant Minister answered it. We then moved to the Question by Mr. Wamwere and he was not there. We dropped it. Now we are with Mr. Chepkitony and we cannot go back.

Proceed, Mr. Chepkitony.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I would like to apologise for coming late.

DEATH OF MASTER KIPSANG KIPTOO

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that on 16th April, 2003, Kipsang Kiptoo, a 15-year old Standard Six pupil at Kibendo Primary School in Keiyo District was herding cattle when he came across an object which, upon touching, exploded killing him instantly?

(b) Who dropped this object at Kibendo?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, may I beg to answer this Question tomorrow afternoon because the answer given this morning was not satisfactory.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, I think I will wait for the answer tomorrow as he has requested.

Mr. Deputy Speaker: Yes, Mr. Assistant Minister?

The Assistant Minister, Office of the President (Mr. Tarus): I have already given the apology.

Mr. Deputy Speaker: Mr. Chepkitony, could you repeat what you said?

Mr. Chepkitony: Mr. Deputy Speaker, Sir, the Assistant Minister has requested to answer the Question tomorrow afternoon and I have no objection to that.

Mr. Deputy Speaker: The Question is deferred to tomorrow afternoon.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.310

KVDA PROJECTS IN BARINGO EAST

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

(a) how many projects have been established in Baringo East Constituency by Kerio Valley Development Authority (KVDA); and,

(b) whether he could consider developing Baringo East since it falls within the catchment.

Mr. Deputy Speaker, Sir, since this is the Assistant Minister's maiden answer, I want a satisfactory answer!

Mr. Deputy Speaker: What do you mean by maiden answer?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Deputy Speaker, Sir, this Question was wrongly directed to the Office of the President, yet it should have been directed to the Ministry of Regional Development. We have re-directed this Question and I hope the Ministry will be able to bring the answer in due course.

Mr. Deputy Speaker: Indeed, Mr. Kamama, it appears to be an appropriate question for the Ministry for Regional Development. You are talking about Kerio Valley Development Authority. So, it is directed that this Question be re-directed to the Ministry of Regional Development.

Mr. Kamama: Mr. Deputy Speaker, Sir, since the Minister is here, he should assure me when he will give me an answer.

Mr. Deputy Speaker: No. It is not a matter of the Minister being here. He may be here, but he did not have the Question with him. The Clerk will make the appropriate arrangements to make sure that the Question comes appropriately.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. We do appreciate that some Members of Parliament are a bit new. I thought it was the duty of the office of the Clerk to assist Members to know exactly where a Question should go to even before it is put on the Order Paper. Why is it that the office of the Clerk did not do its job to guide the Member of Parliament to know exactly where the question should go?

Mr. Deputy Speaker: I agree with hon. Mwenje's statement, but it must definitely be an oversight because even if an hon. Member addresses a question to a Ministry, the Clerk's office is supposed to look at it and ensure that it goes to the right Ministry. In this case, I submit that it was an oversight. I can only ask that they ensure that this does not happen again.

Mr. Lesrima: Mr. Deputy Speaker, Sir, if Questions are misdirected and they get lost in Ministries, I would have thought that the Office of the President would have contacted the relevant Ministry so that action is taken on the Question. What did the Minister do with the Question when it came to the wrong department? Should he not have taken collective responsibility to direct the Question to the appropriate Ministry because we do not know now what will happen?

Mr. Deputy Speaker: Mr. Lesrima, I think we have taken note of this matter. We do not need to take more time on that. The Question will be re-directed. I have assured the House that we will make sure that this does not happen again.

Mr. Oloo-Aringo: Mr. Deputy Speaker, Sir, because of the issues which have been raised,

first of all about hon. Members receiving answers early and at the same time, hon. Members knowing the business of the House early, is it not time that we convened a meeting to review the Standing Orders to provide Questions as a fundamental function of this House and at the same time provide that hon. Members know the business of this House one week before we come to this House?

Mr. Deputy Speaker: I agree with Mr. Oloo-Aringo that there is need for such a meeting. The point is taken.

Mr. Kamama: On a point of order, Mr. Deputy Speaker, Sir. My Question was forwarded before the reshuffle of the Cabinet. So, the Minister of State, Office of the President should answer this Question.

Mr. Deputy Speaker: Order! I think I have already made a ruling on that matter. The Question will be re-directed and brought back to the House. So, Mr. Kamama, hold your horses!

Next Question, Mr. M. Kariuki!

Mr. M. Kariuki: Mr. Deputy Speaker, Sir, before I ask my Question, I would like to say that I have not received a written answer until now.

Mr. Deputy Speaker: Again! The issue of hon. Members not receiving answers before the Questions has been cropping up time and again, particularly after we resumed. May I appeal to the hon. Ministers to ensure that written answers are provided to hon. Members early enough.

Mr. Khamasi: On a point of order, Mr. Deputy Speaker, Sir. I think you will appreciate that this is probably the third time in the last two weeks that we are talking about the inappropriate manner in which the hon. Ministers are providing answers to the hon. Questioners. It appears that they are not taking the matter seriously. Indeed, if an hon. Member cannot get an answer in advance, he cannot prepare well for supplementary questions. I think it must go down very seriously to hon. Ministers that we do require these answers in advance.

Mr. Deputy Speaker: I would like now to address the Leader of Government Business on the matter of Questions. I think we have improved because the Front Bench is full. As the Leader of Government Business, he has done very well. However, what still remains undone and which I ask him to see to it that it is done, is to ensure that hon. Ministers provide hon. Members with written answers prior to Question Time, so that they can facilitate their asking supplementary questions. I am sure it will be done. I have directed this to a very capable Leader of Government Business.

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. You have given such rulings many times. You are actually reducing the stature of the Speaker to a toothless bulldog because you always give these directives and they are never followed. There are no sanctions on those who defy your directives. What action will you take against those hon. Members who refuse to adhere to your directives?

Mr. Deputy Speaker: Let us come to that when we see whether this will be complied with or not. Mr. M. Kariuki ask your Question!

Question No.113

OWNERSHIP STATUS OF
MILLING CORPORATION OF KENYA

Mr. M. Kariuki asked the Minister for Trade and Industry:-

- (a) what the ownership status of the Milling Corporation of Kenya is; and,
- (b) in view of the suspension from duty of all workers in December, 2000, what plans the Government has for the ex-employees.

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Deputy Speaker, Sir, we received this Question yesterday at the Ministry. I beg that I give the answer tomorrow.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied with what the Assistant Minister has said? Even with ordinary logic, looking at the Question, it must have been filed a long time ago. So, I think he is taking this House for a ride by saying that he received this Question yesterday.

Mr. Deputy Speaker: Certainly, I am not satisfied for the reason you have advanced that this is a very old Question. Perhaps, the Assistant Minister should give us a more satisfactory reason. If you received the Question yesterday, have you identified the cause of the delay in receiving it?

The Assistant Minister for Trade and Industry (Mr. Miriti): Mr. Deputy Speaker, Sir, I appreciate that it is an old Question. However, I am still trying to find out the cause of the delay because we received it yesterday.

Mr. Deputy Speaker: Very well, I think there is nothing we can do now. I will also ask the office of the Clerk of the National Assembly to investigate and inform the Chair what happened that this Question was delayed. So, the Question is deferred until next week. I expect that when it is answered, an explanation for the delay would also be availed.

(Question deferred)

Next Question by Prof. Olweny!

Question No.373

PAYMENT OF DUES TO
SUGAR-CANE FARMERS

Prof. Olweny asked the Minister for Agriculture:-

- (a) whether he is aware that Miwani Sugar Mills and Muhoroni Sugar Company owed the farmers and workers several millions of shillings before the two companies were put under receivership;
- (b) whether he could indicate the actual amounts owed to the farmers and workers by each of the two companies; and,
- (c) what arrangements are being made by the Government to ensure that the farmers and workers are paid their dues.

The Assistant Minister for Agriculture (Mr. J. Nyagah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Miwani and Muhoroni Sugar companies owed the farmers and workers money before they were put under receivership.

(b) The actual amounts owed to the farmers and workers by each of the companies is as follows: In Miwani Sugar Company, the staff arrears as at the time of receivership totalled Kshs64,945,783; terminal benefits, Kshs46.5 million; unpaid three months salary was Kshs9.5 million; unremitted payroll deductions was Kshs8.9 million. The amount owed to farmers as at 31st March 2003 was Kshs97.8 million.

For Muhoroni Sugar Company, the amount owed to farmers at the time of receivership was slightly over Kshs154.4 million, transporters over Kshs7.6 million and workers Kshs66.5 million.

The total amount owed to them was over Kshs229 million.

(c) The Government is currently working on a programme to restructure all parastatals, including the two sugar mills. However, the programme is expected to be finalised for implementation once Parliament approves the Privatisation Bill. This Bill provides a legal framework for ensuring transparency in the process of restructuring privatisation of public entities.

Prof. Olweny: Mr. Deputy Speaker, Sir, you have heard the kind of amounts owed to citizens of this country. In addition, you have heard from the Assistant Minister that there is no clear-cut procedure of how these people will get their money paid to them. Will this Privatisation Bill create money to be paid to the farmers and the workers of these companies?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, this Bill will create an environment in which we can even possibly have the money to pay the farmers and workers, and to restructure the companies to the point that they can be sold easily. This is because nobody wants to buy them now. It becomes very difficult for us to deal with them. We need to wait until the Bill is implemented so that if there is funding we can pay the farmers. From the present resources, we do not have the money unfortunately.

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House particularly regarding Miwani Sugar Company, that farmers will be paid after the Privatisation Bill is implemented and yet we know the company has already been sold to an Indian? Does he read the Public Investment Committee Reports?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am not misleading the House. Vanesh Company which is a private company, owns 51 per cent and the Government 49 per cent, which is a very substantial part of it. Therefore, I am not misleading the House. Once the Privatisation Bill comes before this House, there is a chance and with the support of this House, we might be in a position to raise some funding to help the poor farmers who are suffering. They were cheated by these two companies.

Mr. Kosgey: Mr. Deputy Speaker, Sir, part "c" of the Question specifically asks: "What measures is the Government taking to ensure that the farmers are paid?" We were told that the Government has set aside Kshs20 billion for the sugar sector. Could some of that money be given to the farmers?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, as I have just stated, because of the complexities of these particular two companies and the fact that there was part private ownership in Miwani Sugar Company, it is difficult for us at this particular moment to commit funds until the things I have just stated take place. But we understand fully the problems the farmers are facing. We intend and we are working flat out to ensure that the Privatisation Bill is brought here so that it can give us room for manoeuvre to enable us assist the farmers.

Mr. Obwocha: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that these two companies are in receivership. Since we do not know whether the money from the Government is coming, could the Assistant Minister tell this House how much each company has in terms of assets?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, Miwani Sugar Company has a debt of Kshs6 billion and the assets are worth Kshs500 million.

Prof. Olweny: Mr. Deputy Speaker, Sir, the receiver manager, who is in charge of the two factories, to me, has run down Miwani Sugar Company. I do not think Muhoroni Sugar Company is in very good shape. They have laid off over half of the workforce that they found in Muhoroni causing them a lot of suffering. What efforts is the Assistant Minister making to remove the receiver manager and replace him with a proper management while awaiting for that Privatisation Bill?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, it is true that Muhoroni Sugar Company has

accumulated huge losses to the tune of Kshs4.6 billion. Messrs. Ndung'u Gathenji of Kushaton and Jack Laguma of BDO International Auditing firm are trying to resolve the problems in their capacity as receivers. We have asked them to try their best to assist that company, but the debts are huge. That is the reason why we need time. Given the problems we inherited, as I said the other day, it is important, for this particular area that we are given time to resolve the problems that were created before we took over. We will be working with these companies so that we can try and assist the farmers. The farmers are in a desperate situation because of the problems created by these people.

Hon. Members: Shame! Shame!

Mr. Deputy Speaker: Order! Order!

Prof. Olweny: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that the receiver manager is doing a good job when he has turned Miwani Nucleus Estate into a grassland?

Mr. Deputy Speaker: That is definitely a question and not a point of order. Order, hon. Members! Next Question, Mr. M'Mukindia!

Question No.223

MATERNITY FACILITIES FOR
GITHONGO SUB-DISTRICT HOSPITAL

Mr. M'Mukindia asked the Minister for Health when the Ministry will build wards and maternity facility at the Githongo Sub-district Hospital.

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

The Ministry has allocated Kshs1 million for conversion of residential buildings at Githongo Sub-district Hospital into wards this financial year. A portion of the funds will be used to start construction of the maternity wing. Additional funds will be allocated next financial year to complete the facility.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, once again, I have just received the written answer a few minutes ago, but I respect your ruling that in future things will be better. This sub-district hospital serves an area covering both Central Imenti and South Imenti in Meru Central District. In an area like this---

Mr. Deputy Speaker: Mr. M'Mukindia, can you come to the microphone? The House cannot hear you.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for his answer. But is he satisfied that the Kshs1 million which has been allocated to this sub-district hospital will be enough to do anything that is of substantial nature?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Kshs1 million is enough to convert the current building into wards. It will not require more than Kshs500,000. The rest of the money will be used to start the foundation for the maternity wing and the Ministry will still re-allocate within the current budget some of the money to complete it. But because the whole facility requires a number of essential units, it will be allocated enough money to complete the project next year.

Dr. Galgalo: Mr. Deputy Speaker, Sir, while we wait for the Ministry to provide maternity facilities to this sub-district hospital, could the Assistant Minister consider giving them an ambulance so that mothers in labour could be able to be transported to the nearby facilities?

Mr. Konchella: Mr. Deputy Speaker, Sir, they have not asked for an ambulance but we will

consider that request if they do so.

Dr. Galgallo: On a point of order, Mr. Deputy Speaker, Sir. I am asking now. Why is he saying they did not ask? This is a property of the House.

Mr. Deputy Speaker: I agree. You should be able to address the issue raised by Dr. Galgallo. It is not necessarily that it was asked by Mr. M'Mukindia. Dr. Galgallo, could you repeat the question in case the Assistant Minister did not hear it?

Dr. Galgallo: Mr. Deputy Speaker, Sir, while we wait for the Ministry to provide maternity facilities to this sub-district hospitals, could they provide an ambulance so that mothers will be taken to the district hospital when they are in labour?

Mr. Konchella: Mr. Deputy Speaker, Sir, we will consider that.

Hon. Members: *Sema ndio!*

Mr. Konchella: *Ndio!*

(Laughter)

Mr. Deputy Speaker: Order! Order!

Eng. Muriuki: Mr. Deputy Speaker, Sir, building wards and maternity facilities for a sub-district hospital is a serious matter. If the Assistant Minister is serious that they are going to build these facilities at Githongo Sub-district Hospital, could he tell this House how much they have budgeted for it so that the hon. Member can go back to his constituents and tell them? How much money is planned to be spent on this particular sub-district hospital for this facility?

Mr. Konchella: Mr. Deputy Speaker, Sir, the Ministry of Roads, Public Works and Housing has produced a masterplan for this particular facility. The Ministry is aware and it is in the process of getting the Bills of Quantities (BQs) to plan for next financial year's budgeting.

Mr. M'Mukindia: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us exactly when he expects construction to start?

Mr. Konchella: Mr. Deputy Speaker, Sir, I have said it is going to start simultaneously with the modification of the house into a maternity ward.

Mr. Deputy Speaker: Next Question, Mr. Mwancha!

Question No.200

COMPLETION OF KEROKA MARKET STALLS

Mr. Mwancha asked the Minister for Local Government:-

- (a) how much money has so far been paid to the contractor who won the tender to build Keroka Market stalls;
- (b) why the project has stalled; and,
- (c) when the construction of the stalls will be completed.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) By the time the construction of Keroka Market stalls came to a halt, the contractor had been paid a total sum of Kshs3.2 million.

(b) The construction stopped because the constructor was demanding to be paid an extra amount of Kshs1.2 million. The council objected to that because the sum was more than what was agreed in the contract.

(c) The project was supposed to have been completed by December, 2000, but the contractor had only completed 15 per cent of the work by the said date. The council is in the process of taking

legal action.

Mr. Mwancha: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that Kshs3.2 million was paid to the contractor when only 15 per cent of the work was done. The contractor did a shoddy job. Who issued the certificates for payment of the Kshs3.2 million, and what was the total cost of the project?

Mrs. Tett: Mr. Deputy Speaker, Sir, the total cost of construction was Kshs8,944,608. The council gave the certificate of payment.

Mr. Deputy Speaker: Obviously, to assist the hon. Member, the Assistant Minister should be aware that there was something wrong here. If the total cost was Kshs8.9 million and Kshs3.2 million was paid when only 15 per cent of the work was done, those statistics do not tally!

Mr. Sirma: Mr. Deputy Speaker, Sir, could the Assistant Minister name the contractor and assure this House that she is going to take the contractor to court for defrauding the council?

Mrs. Tett: Mr. Deputy Speaker, Sir, the necessary action has been taken. The contractor was Masosa Construction Company.

Dr. Manduku: Mr. Deputy Speaker, Sir, we are surprised that the Government is still awarding contracts to that contractor. The same contractor was awarded a contract to rehabilitate the Keroka Water Project. He was paid all the money and no work was done! He was also given the Gesusu Water Project in the same way. He was also awarded a contract to rehabilitate Kisii Town Water Project and he never finished the work. Is the Government going to sit down and watch the same contractor defrauding the Government and the councils? What is the Government going to do to avoid such kind of contractors?

Mrs. Tett: Mr. Deputy Speaker, Sir, I have just said that we are taking legal action. What he has done so far was not within this term. It was before. He has not been given any other contracts.

Mr. Deputy Speaker: Mr. Mwancha!

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

Mr. Deputy Speaker: What is your point of order!

Mr. Obwocha: It is a supplementary question because you called Mr. Mwancha and he is not standing to ask a question. The issue here is---

Mr. Deputy Speaker: Okay! Proceed!

Mr. Obwocha: Mr. Deputy Speaker, Sir, here is a contractor who has been paid, through the supervision of the Ministry of Local Government and yet, he has done 15 per cent of the job. He is paid Kshs3.2 million and the total work is supposed to cost Kshs8.9 million. We should not even blame the contractor. We should blame the person who issued the certificate. That is where the root of corruption is. Could the Assistant Minister tell us what action she is going to take against the person who issued the certificate of payment?

Mrs. Tett: Mr. Deputy Speaker, Sir, as you know, we have inherited a lot of problems from local authorities throughout the country. We are trying our level best to streamline all those problems and taking proper action. I promise the hon. Member that I will follow up that matter, see exactly what happened and take the necessary action.

Mr. Deputy Speaker: Next Question!

Mr. Mwancha: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order! I gave you an opportunity and you sat down! Therefore, we shall go to the next Question by Maj. Madoka.

Question No.366

SUPPLY OF WATER TO MWAKTAU

Maj. Madoka asked the Minister for Water Resources Management and Development:-

- (a) whether she was aware that the people of Mwaktau have to travel 60 kilometres by train, twice a week, to Taveta to buy water;
- (b) whether she could get the Kenya Railways to provide a train tanker to supply water to the people of Mwaktau or provide a road water tank to be stationed in the area for that purpose; and,
- (c) what long term plans she has to provide water to Mwaktau, Mwachambo and Kautonga for drinking and irrigation purposes.

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

(a) Yes, I am aware that some Mwaktau residents travel to Taveta Town, which is 60 kilometres away, to get water twice a week. That is on Wednesdays and Saturdays.

(b) The Ministry has considered the option of providing water to the people of Mwaktau through a water tanker, but established that, that option is not sustainable as it would be too expensive. The Ministry preferred a more lasting solution to be implemented. In that regard, the Ministry will shortly be sinking a borehole and, thereafter, drilling and equipping the same to provide water to the community. That will be accomplished during this financial year.

While that is going on, the Ministry has finished its appraisal of Mwaktau Community Water Project, with a view to prioritising it for financial assistance from within its Community Management Support Programme.

(c) Regarding the long term plans to provide water to Mwaktau, Mwachambo and Kautonga for drinking and irrigation purposes, the Ministry has the following plans:-

(i) To rehabilitate and augment Mwaktau Water Supply to make it fully operational to its original capacity, at an estimated cost of Kshs10 million. Appraisal has already been initiated.

(ii) To complete the ongoing Gangu Water Project in Mwachambo area.

(iii) To develop more water pads to supplement the existing water supplies, for which Kshs4.4 million has been budgeted for.

(iv) To drill boreholes and construct dams and pads in the area with the support of Danish International Development Agency (DANIDA) to serve the communities and their livestock. In that regard, the Government is already preparing base water programmes to be supported by DANIDA from the next financial year.

(v) To strengthen the capacity of the community through training in operation and maintenance of community based water projects, to ensure the sustainability of the same.

(vi) Lastly, to exploit Lake Chala and Lake Jipe for irrigation in areas where it is feasible. The National Irrigation Board is due to be revitalised by my Ministry, to spear-head those efforts. During the current financial year, the Ministry has allocated a total of Kshs23.4 million for the rehabilitation of water supply projects, dams and pads in Taita Taveta District, part of which will go towards water projects in Mwatate Constituency.

Maj. Madoka: Mr. Deputy Speaker, Sir, I want to thank the gracious Minister for her very comprehensive answer.

(Applause)

I am sure if all the Ministers in the NARC Government did that, we will know that the Government is working. Having said that, we understand that Lake Jipe is drying up and is likely to become extinct. Could the Minister tell us what is causing that and what is being done because Lake Jipe is so important to the people around the Taveta area?

Ms. Karua: Mr. Deputy Speaker, Sir, part of the on-going reforms is to set up the Water

Resources Management Authority, which will tackle issues such as the drying up of Lake Jipe in close collaboration with the Ministry of Environment, Natural Resources and Wildlife. We shall shortly be briefing the nation and the House on plans for the establishment of a Water Resources Management Authority.

(Loud consultations)

Mr. Deputy Speaker: Order!

Mr. Mwandawiro, please, go ahead.

Mr. Mwandawiro: Mhe. Naibu wa Spika, huko karibu na Mwaktao kuna pahali paitwapo Kishushe ambapo kuna kisima kilichochimbwa na watu kutoka Misri lakini bado hakijatumika kusambaza maji. Je, Waziri anaweza kufikiria, anaposhughulikia swala la Mwaktao, pia kusambaza maji Kishushe kwa sababu hicho kisima kiko karibu na Kishushe?

Ms. Karua: Mr. Deputy Speaker, Sir, the Questioner will realise that this is a specific question which has not been asked.

However, I want to assure him that we will look into the issue and invite him to liaise with the Ministry so that we take details for an appropriate action.

Dr. Galgallo: Mr. Deputy Speaker, Sir, we agree with the Minister that for maintenance reasons, it is not realistic to use water boosters. However, since she has given us extensive long-term plans, for short-term, could she still consider providing a water boosters so that people do not have to pay fares weekly to travel 60 kilometres on train?

Ms. Karua: Mr. Deputy Speaker, Sir, for short-term it is unsustainable. The commencing of drilling of the borehole will be within a few weeks.

Question No.566

EXTENSION OF MASENO WATER SUPPLY
TO EMUHAYA CONSTITUENCY

Mr. Marende asked the Minister for Water Resources Management and Development:-

- (a) whether she is aware that the Maseno Water Supply Project has its water source from River "Jordan" and the catchment area in Emuhaya constituency; and,
- (b) what urgent steps she is taking to ensure that the people of Emuhaya, including Luanda Town, are supplied with water.

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

(a) I am aware that the Maseno Water Supply Project has its source of water from River "Jordan". The intake works for Maseno Water Supply Project are in Emuhaya constituency. However, the catchment for River "Jordan" is in Vihiga Division of Vihiga Constituency.

(b) The people of Emuhaya, including Luanda Town, are served from Maseno Water Supply Project. Because the water supply is not adequate to meet the demand, water is distributed through rationing.

In order to improve water supply services, my Ministry has budgeted a total of Kshs13 million to carry out rehabilitation works for Maseno Water Supply during the current financial year. The rehabilitation works will be undertaken on a priority basis in the following areas.

We will commence expansion of treatment works to increase production to meet the water demand, install additional pumping equipment for treated water and provide 100-metre-diameter off-take from the main pipeline to serve Luanda Town. We will also replace old leaking pipes that

serve Luanda Town and its environs, and finally we will install a new elevated storage tank at Luanda Town.

Mr. Marende: Mr. Deputy Speaker, Sir, I want to thank the hon. Minister for giving me a fairly brilliant answer. However, bearing in mind that in her address on the Vote of the Ministry of Water Resources Management and Development she said that the Ministry was moving quickly to redress the unsatisfactory situation where water sourced in one area is consumed elsewhere, and noting that Luanda Town and Emuhaya Constituency have a population of more than 200,000 people, could the Minister say exactly when, in terms of months, this situation is going to be corrected, bearing in mind that we are in the fifth month of the Financial Year 2003/2004?

Ms. Karua: Mr. Deputy Speaker, Sir, I cannot give exact dates, but I want to assure the hon. Member that before the end of this year, work will have commenced. The Ministry has been waiting for work plans to come from the districts. We are not releasing Authorities to Incur Expenditure (AIEs) before scrutinising the work plans to ensure that implementation will be without loss to the people.

Mr. Osundwa: Mr. Deputy Speaker, Sir, could the Minister explain what definite action she is taking to supply water to people residing in catchment areas? This is because we have had cases where residents puncture water pipes just because the pipes pass through their area but they do not benefit from the water.

(Loud consultations)

Mr. Deputy Speaker: Order! The Minister and hon. Members cannot hear what Mr. Osundwa is saying. Could we consult quietly?

Mr. Osundwa: Mr. Deputy Speaker, Sir, I was giving an example of the Nol-Turesh Water Project which sources water from Mount Kilimanjaro and supplies it to Machakos District. The Government has incurred huge sums of money repairing the pipeline because the Maasais have punctured those pipes as they do not benefit from the water. What plans does the Minister have to make sure that people who reside in such areas benefit from the water?

Ms. Karua: Mr. Deputy Speaker, Sir, we have given our commitment as a Ministry that we will ensure that people at the source of our water supplies to other areas also get served. However, these are programmes that will take a bit of time. I would ask hon. Members to bear with us. The Water Boards we are setting up are the ones that are going to be charged with the responsibility of ensuring that our plan is implemented. We are conscious of the unfairness of the past practices, and we are going to do something about them.

Mr. Marende: Mr. Deputy Speaker, Sir, before I ask my last question, may I, with your permission, add my voice to the voices of those who are---

Mr. Deputy Speaker: Order, Mr. Marende! This is Question time. You cannot add your voice to those of others. It is not debate time. Could you ask your question?

Mr. Marende: Mr. Deputy Speaker, Sir, I will ask the last question. However, that notwithstanding, I want to compliment the Minister for being so able and wish her to carry on like that.

I want to finally ask the Minister to give a firm undertaking that the people of Luanda Town shall get this water before the end of this year. Otherwise, let her remain warned that we shall disrupt the supply of water to any other area.

Mr. Deputy Speaker: Order, Mr. Marende!

Ms. Karua: Mr. Deputy speaker, Sir, I gave a commitment that the works will begin before the end of the year. I do not know the time the works will take but I undertake to ensure that we expedite their implementation.

*Question No.375*ISSUANCE OF TITLE DEEDS TO
MARAKWET RESIDENTS

Mr. Deputy Speaker: Mr. Sudi is not here? His Question stands dropped.

(Question dropped)

POINT OF ORDERWANTON DESTRUCTION OF PROPERTY
ON ROAD RESERVES

Mr. Deputy Speaker: Now, Mr. Shitanda wants to request a Ministerial Statement.

Mr. Shitanda: On a point of order, Mr. Deputy Speaker, Sir. I would like to ask for a Ministerial Statement from the Minister for Roads, Public Works and Housing regarding the on-going wanton destruction of property on road reserves.

In the last few months, the Government has embarked on a destruction of people's property along the major highways in this country. I would like the Minister to come up with a Ministerial Statement and tell this House why this destruction is going on. This is because some of the buildings along the so called road reserves were put up before the colonial time. We would like to know from the Minister whether the rules regarding the width of our highways have changed and why the owners of property are not being compensated or given due notices.

(Mr. Raila consulted with Mr. Kenneth)

Mr. Deputy Speaker: The Minister for Roads, Public Works and Housing, did you get Mr. Shitanda's request?

The Minister for Roads, Public Works and Housing (Mr. Raila): Not all of it, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well. I want the Minister to listen to Mr. Shitanda. The Minister wants you to repeat yourself, Mr. Shitanda.

Mr. Shitanda: Mr. Deputy Speaker, Sir, I rise on a point of order to seek a Ministerial Statement from the Minister for Roads, Public Works and Housing regarding the on-going destruction of people's property along the major highways - property which the Government alleges that has been put up on road reserves. I would like to know whether the Government has changed the rule regarding the width of our highways; and, if it has, why the owners of the property are not being given due notices, and why they are not being compensated. Some of the buildings along our highways were put up before the colonial time.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, I will issue a Ministerial Statement on the matter some time next week.

MINISTERIAL STATEMENT

MURDER OF DR. MBAI

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, on 30th September, 2003, Eng. Okundi rose on a point of order and requested for a Ministerial Statement on the murder of the late Dr. Mbai.

The hon. Member wished that I particularly address the growing controversy about the conflicting reports on the inquiry, state when the culprits will be arrested and arraigned in court and, lastly, why newspaper journalists who published a related story on the murder were arrested. The issues raised are already before court. However, without touching on matters that may constitute the offence of *sub judice*, I wish to state as follows.

Since the reported murder of Dr. Mbai, the Government has at no time issued any conflicting reports. The late Mbai was shot on 14th September, 2003 at his Adams Arcade House, Nairobi, and later on the same day, he died at a Nairobi hospital. Following the incidence, the police instituted prompt investigations to ascertain the perpetrators of the crime. In the course of investigation, a total of 13 suspects were arrested for interrogation. Three of them were arraigned in court on 1st October, 2003 and charged with the murder. Seven were released on 4th October, 2003 under Section 22 of the Police Act, while three are still in custody. The remaining three are still being interrogated and their fate will be known in due course.

The journalists were arrested in the course of investigating a clearly cognisable offence under the Penal Code. It is, therefore, not true that any international law on the media was contravened. It was following this investigation that the *Sunday Standard* Managing Editor and a police inspector were taken to court on 1st October, 2003 and charged under Section 275 of the Penal Code.

I wish to re-assure hon. Members and Kenyans as a whole that investigations are being conducted professionally by a team of senior officers, headed by a Senior Assistant Commissioner of Police. I wish to reiterate that the Government has absolutely no reason whatsoever to cover up the murder. The Government has not, and we have not, in any way, interfered with the on-going investigations into the murder. In any case, there is no known threat that Dr. Mbai posed to the Government.

Mr. Deputy Speaker, Sir, murder is a serious crime not just against the State but more so against the family of the victim, where it causes untold pain and loss. The penalty on conviction is equally severe. It is, therefore, disturbing to note several individuals, politicians and groups continue to issue unsubstantiated statements through the mass media without availing the same information to the police. This trend is clearly diverting the attention of the public and the investigating team away from the perpetrators of this crime to other matters. My sincere appeal to Kenyans, including hon. Members of Parliament, is that those with information regarding the murder should avail it to the police and record statements. This will be of great help to the investigating team in putting together all pieces of evidence that is necessary for the conclusion of the case.

I wish to assure the House and Kenyans as a whole that the Government is committed and determined to have the perpetrators of this crime brought to book. Every piece of evidence gathered is being analysed. I wish, therefore, to appeal to Kenyans to be patient and avoid unfounded rumours as the police continue with their investigations.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well. I will allow hon. Members to seek clarification as usual.

Eng. Okundi: Mr. Deputy Speaker, Sir, hon. Members will understand my position as the Member for Rangwe Constituency, where the late Dr. Mbai comes from. I am under extreme pressure to assure my constituents of what exactly is taking place. When I demanded the Ministerial Statement on this issue, one of the points I raised was that the Minister must clear the air about the conflicting reports on this murder. Secondly, there has been enormous information about even hon. Members having been involved in this particular murder. I would, therefore, say that it is the duty of

this House to be informed clearly about such issues. If such hon. Members are here, they should clear their names. I think there should be a demand for them to do so as this House should be privy to any information.

Now, I would like to seek clarification on particularly the conflicting reports that we heard through the media and about what we hear all the time. Secondly, why are members of the Press being arrested? This part has not been tackled properly. The arrests contravened this country's media law and implicated the possibility of the Government trying to muzzle the media. So, I need clarification in this particular area. I also request that if any of us in this House has his/her name mentioned with regard to the particular murder, the House demands that he/she clears his/her name of the allegations.

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, hon. Members will recall that when investigations into this murder commenced, the police actually announced a reward of Kshs300,000 to anybody who would volunteer information to help them apprehend the perpetrators of the crime. Obviously, Kshs300,000 is peanuts to well-paid Members of Parliament but it is a lot of money to ordinary Kenyans who may have information on the murder.

Mr. Deputy Speaker, Sir, the police have received more than 1,800 responses. To shift through those responses takes time. I can assure this House that the police have zeroed-in on any credible reports that have been availed to them. As we are talking now, the police are continuing to interview suspects and anyone who may have useful information towards resolving that crime. Those being interviewed include Members of this House.

Hon. Members: Who! Who!

Mr. Deputy Speaker: Order! Order!

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, I would like to seek your guidance. Do we conduct police investigations on the Floor of this House or do we leave the police to conduct their investigations?

I have just said that those who have useful information, including Members of Parliament, are being interviewed by the police. As far as the arrest of journalists is concerned, the matter is before a court of law. I have clearly stated under which law they have been charged. Therefore, I think that speaks for itself.

Mr. Deputy Speaker: Hon. Members, I want to ask you to hold your emotions and relax, so that you can seek your clarifications. I will allow as much time as possible for that but, certainly, you must bear in mind that the matters we are dealing with are before a court of law, and we are not conducting an investigation or a trial here! We are only seeking clarifications on the Statement that the Minister has made.

Proceed, Mr. Billow!

Mr. Billow: Thank you, Mr. Deputy Speaker, Sir. My concern is on what we see as harassment of the media and my question is: From the many statements that the Minister made in the Media subsequent to the arrest of the journalists, he made it clear that they were arrested because of what was published in the *Sunday Standard*. Could the Minister confirm whether the story that was carried by that newspaper was true or false, based on the evidence in the possession of the police?

(Applause)

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, if I came to this House and claimed that Mr. Billow is not a Somali but a Kikuyu, and the newspapers report that, they will be reporting factually that, that is what I said. But it does not

necessarily mean that what I said is true! The issue here is not whether what was printed was what was said, where it was purported to have been said, but it is how that information was acquired. I hesitate to dwell too much on that matter because it is before a court of law. But the position of the Government is that a crime was committed and nobody in this nation, including those in the media, are above the law.

The policy of this Government is to give the Press as much freedom as possible to operate. But that freedom is not without limit. It cannot be exercised to the extent of jeopardising the freedom of others. I, therefore, do not want to comment beyond that point because I might touch on matters that are before a court of law.

Mr. Owidi: Thank you, Mr. Deputy Speaker, Sir. We have seen many murders in this country and we have always been told that no stone will be left unturned. But, at the end of the day, even the lightest stones have never been turned. It is common knowledge that the main financier of that killing is an hon. Member of this Parliament.

(Applause)

He has not been arrested by the police! This is Mr. Norman Nyagah. Rather than being in police cells, he has been given additional security. Could the Minister explain why that parity is there?

Mr. Keter: On a point of order, Mr. Deputy Speaker, Sir. You have heard what the hon. Member has just said. Could he substantiate what he has said?

Hon. Member: Yes! Yes!

Mr. Deputy Speaker: Order, hon. Members! I appealed to Members to conduct themselves in an orderly manner without emotions. I will not allow naming of Members on a matter of such grave nature in this House!

Hon. Members: No! No!

(Several Members stood up in their places)

Mr. Deputy Speaker: Order! Mr. N. Nyagah!

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, this is an extremely sad day for an hon. Member of Parliament to claim that Norman M. G. K. Nyagah was in any manner, or remotely involved in the murder of Dr. Mbai. What a sad day!

On the contrary, I did all that was possible to save the late Dr. Mbai. I want to say the following because I have dared many people who have quietly been spreading that rumour to come forward and say it out there! But they are not men enough to do so!

But I want to say the following: I have recorded a statement, helped the police in many ways and given a chronology.

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

Mr. Deputy Speaker: Mr. N. Nyagah is on a point of order!

Mr. N. Nyagah, I want to caution you that you are not on trial here! If it is a point of order or a clarification, I will allow it.

Mr. N. Nyagah: Mr. Deputy Speaker, Sir, I have made a statement to the police, I have done all that I am expected to do. But I also dare anybody with that kind of information not to hide under the guise of the protection of this House.

(Applause)

That is because if they do that, they will not be men enough! But I would like two people to record

statements; Mr. Raila and Mr. Gedion Moi, because they know a lot about what I am talking about!

(Several Members stood up in their places)

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

Mr. Deputy Speaker: Order! Order, hon. Members!

(Mr. Keter moved towards the Dispatch Box)

Sit down, Mr. Keter! Mr. Keter, I asked you to sit down! I did not allow you to speak! I have been standing and I expect Members of this House who know the rules to sit when the Chair stands! You do not start shouting and coming to the microphone! I am going to allow two more clarifications.

Proceed, Mr. Katuku!

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, the rules of this House are very clear---

(Mr. Keter stood up in his place)

Mr. Deputy Speaker: Order! Order, Mr. Keter! Just a minute, Mr. Katuku! Mr. Keter, what is the matter with you? I have already given you one point of order and you raised it! Now, you are standing and shouting points of order and I have already given you a chance! There are many Members who should be given a chance! I have given it to Mr. Katuku!

The Assistant Minister for Finance (Mr. Katuku): Mr. Deputy Speaker, Sir, I was saying that according to our Standing Orders, it is mandatory that if an hon. Member mentions the name of another hon. Member of this House adversely without first bringing a substantive Motion, he or she is required to substantiate the allegations. More importantly, an hon. Member is not supposed to mention the name of any other hon. Member here adversely unless he brings a substantive Motion. Today, Mr. Owidi has mentioned Mr. N. Nyagah in connection with this matter without bringing a substantive Motion or any evidence before the House.

Mr. Deputy Speaker, Sir, would I be in order to request the Chair to compel the hon. Member to withdraw the allegations and if he has any evidence, to bring a substantive Motion to this House and castigate hon. N. Nyagah or he goes to the police and reports the matter there?

(Applause)

Mr. Deputy Speaker: Order, hon. Members! Mr. Katuku is quite right. Indeed, the Chair only noticed Mr. N. Nyagah jumping and standing on his feet and when he came to speak, he said his name had been mentioned. I do not know whether Mr. Owidi mentioned Mr. N. Nyagah's name when he was making his contribution.

Hon. Members: He did!

Mr. Deputy Speaker: However, indeed, you do not mention an hon. Member's name adversely unless you bring a substantive Motion to this House.

Now, this matter has degenerated into that, but I would like to say that since Mr. N. Nyagah has already made a statement, we leave it at that. However, I said that---

Hon. Members: No! On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, hon. Members! I told Mr. N. Nyagah that whatever he said was enough and he was not on trial.

Mr. Moi: On a point of order, Mr. Deputy Speaker, Sir. Mr. N. Nyagah has mentioned me adversely in connection with this brutal murder and he should also substantiate his claims.

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

Mr. Deputy Speaker: Order, hon. Members! Mr. Raila!

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, I do not know how my name came into this issue out of the blues. However, we are dealing with a very serious matter, indeed, because we are talking about a life of a very innocent Kenyan who was brutally murdered for reasons best known to those who planned or authored this murder. I said at that time that this was an assassination and I maintain that statement up to now.

(Applause)

Mr. Deputy Speaker, Sir, I said on basis of the information available at the time, that one of the delegates who had been called, Ms. Orië-Rogo Manduli, came and said that hon.---

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, Mr. Munya!

Hon. Members: Kaa chini! Sit down!

Mr. Deputy Speaker: Order, hon. Members! Relax!

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, the hon. Member will get his time. However, Ms. Orië-Rogo Manduli told us---

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir!

Hon. Members: Kaa chini! Sit down!

Mr. Deputy Speaker: Order, hon. Members! Again, I want to add that this is, as a matter of fact, not debate time. A Ministerial Statement has already been issued and we are seeking clarification. One can seek clarification, but I am not going to allow debate here. It is not debate time! Seek clarification and it will be given and then we will proceed to another Order.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, I crave for the indulgence of the House to listen to what I am saying in silence. One delegate informed us that the late Dr. Mbai had told her that hon. Paul Kibugi Muite---

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, Mr. Raila! Before you sat down, you talked about Ms. Orië-Rogo Manduli and Mr. Muite. Now, where are we going from here? We are seeking clarification and I am going to ask Mr. Muite not to debate, but to raise his point of order after Mr. Raila's point of order.

Proceed, Mr. Raila!

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, I will probably withdraw the name of Mr. Muite, but I want to say here that two delegates had given information that a delegate who is a Member of this House had threatened Dr. Mbai and Dr. Mbai had actually confided in them that his life was in danger.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir!

The Minister for Roads, Public Works and Housing (Mr. Raila): But I am on a point of order, Mr. Deputy Speaker, Sir! Hon. Muite is trying to stop me from saying---

Mr. Deputy Speaker: Order! Mr. Raila, could you sit down? Mr. Raila, I do not know what you are getting at. I want you to seek clarification. The Chair is not going to allow the Press wars that have been going on and which we have been listening to be extended to this House. Could you seek clarification only on this issue?

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Deputy Speaker, Sir, the Oxford Dictionary defines assassination as murder of a political nature and it is that

definition which I used because Dr. Mbai had confided to a number of people that his life had been threatened by some other delegates and the people who went to Dr. Mbai's house did not steal anything. That is why I am saying that unless evidence is adduced to the contrary---

Mr. Deputy Speaker: Order! Order now! I do not know whether you are really seeking clarification because I do not think Dr. Murungaru will be in a position to say anything after that.

Mr. Muite: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Chair to allow erosion of the authority of the Chair? You ruled correctly that this is not debate time and hon. Members should seek clarification and then you proceed to allow hon. Raila to make a full statement that he should be making at the police station. Why are you allowing him to do that?

(Applause)

Mr. Deputy Speaker: Order! Mr. Muite, I think you have seen the Chair make Mr. Raila sit down because he was not seeking clarification.

Mr. Muiruri: On a point of clarification, Mr. Deputy Speaker, Sir. Murder is a serious crime, but political assassination is a much more serious crime. I would like some clarification from the Minister of State, Office of the President and in charge of internal security. One, it is understood by Kenyans that Dr. Mbai was either murdered or assassinated in order to derail the constitutional conference at the Bomas of Kenya.

Mr. Deputy Speaker: Mr. Muiruri, seek clarification?

Mr. Muiruri: Mr. Deputy Speaker, Sir, I am seeking clarification from the Minister in the sense that any intelligent assassin should have killed Prof. Ghai and not Dr. Mbai.

Hon. Members: Why?

Mr. Muiruri: Mr. Deputy Speaker, Sir, I am seeking a clarification. Could the Minister clarify whether it was simple murder, a political assassination or normal thuggery?

The Minister of State, Office of the President (Dr. Murungaru): Mr. Deputy Speaker, Sir, these are the kind of altercations which I have always insisted are not helpful at all, to the investigations. Actually, these theories being propagated around here are also subject to investigations and I can tell this House that there is a very strong smell of conspiracy in some of the names of hon. Members being mentioned in this House. There are people who are passing round rumours with a view to getting a certain political outcome out of these investigations.

(Applause)

Mr. Deputy Speaker, Sir, what I would like to say to the people of this country is that we are going to the very, very bottom of this matter and the truth, in its stinking reality, will come out. I give that undertaking to Kenyans.

(Applause)

Mr. Deputy Speaker: Order, Members! With that statement from the Minister, that matter is now closed.

Next Order!

(Loud consultations)

Order, Members! There will be no more points of order and the Chair rules that, that matter is closed.

Next Order!

*(Several hon. Members withdrew
from the Chamber)*

Mr. Deputy Speaker: Order, Members! Those who may wish to retire may leave. May I have order in the House! May those hon. Members standing, please, sit.

Mr. Muite now!

MOTION

UNCONDITIONAL REINSTATEMENT OF AIR-NAVIGATION SERVICE STAFF

THAT, bearing in mind that the Kenya Civil Aviation authority (KCAA) is in short of qualified technical personnel; aware that air navigation service staff dismissed from service on 8th April, 2002, are qualified young Kenyans aged between 22 and 35 years; noting that the dismissed staff were not given a hearing according to the rules of natural justice; and realizing that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this House urges the Government to reinstate the dismissed navigation service staff unconditionally.

(Mr. Munya on 1.10.2002)

*(Resumption of Debate
interrupted on 1.10.2003)*

Mr. Muite: Thank you, Mr. Deputy Speaker, Sir. The authority of this House as the supreme legislative organ of the Government needs to be respected and especially by the Cabinet. In the year 2002, when we debated and enacted the Civil Aviation Amendment Bill, which is now an Act of Parliament, the Bill was brought in this House by the then Minister for Transport and Communications, Mr. Musalia Mudavadi, following a go-slow strike by air-traffic controllers. Since the Bill was brought to Parliament, and it is the Bill that air-traffic controllers were demanding so that they become employees of a parastatal and be paid salaries commensurate with what other air traffic controllers are paid, their reason for going on slow ended. I personally moved an amendment to Section VII (K) of the Bill which was supported by both sides of the House. Amongst those who supported the amendment was hon. Michuki, who was then in the Opposition. The clause I added, No.5, says that:

"Notwithstanding any other provision in this Act, to the contrary, any person who as at 31st of March 2002 was an employee of the Directorate of Civil Aviation shall upon the commencement of this Act begin to be an employee of the Authority."

So, it is this House that enacted a law to reinstate the former employees who had purportedly been sacked.

Mr. Deputy Speaker, Sir, I personally have been to the office of hon. Michuki on three occasions and I have used all my powers of persuasion, but I have never felt more ineffective because I was unable to persuade hon. Michuki. Even though you know that there are only three senior counsels in this House, the hon. Attorney-General, hon. nominated Member Mutula Kilonzo and the hon. Member for Kabete, I did all the best I could to persuade hon. Michuki to read the law but I was unable to convince him.

[Mr. Deputy Speaker left the Chair]

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

The letters of termination were written on 8th April, 2002. Never mind that they were back-dated, seeking to terminate the employees employment as from 30th March, but the reality is that at 31 st March, these letters had not been written. So, it is clear that as at, and on 31st March, all these employees were, indeed, on the payroll and, therefore, this Act of Parliament automatically reinstated them. Why is the Ministry of Transport and Communications actually showing contempt to this House by not reinstating these people?

As if that is not enough, they were charged with criminal offence. I donated my professional services and appeared for them in court and they were acquitted. Again, the Public Service Act and Regulation 25, provides that: "Where a civil servant is charged with an offence, he is interdicted." On acquittal, the law says that the civil servant should be reinstated automatically. Again, Regulation 25, and the Assistant Minister should listen carefully, seeks the opinion of the Attorney-General on the interpretation of the law. This is disrespect to the authority of the House. It is this House that said that all those employees should be reinstated. As we talk now, 71 of them, men and women from across the entire country, are still suffering. At least, under the KANU regime they were suffering without bitterness, but under the NARC Government, they are suffering with a lot of bitterness because of the failure to respect the authority of this House.

Mr. Temporary Deputy Speaker, Sir, I do not want to discuss the conduct of hon. Michuki, but surely, if these are the trends, then the NARC Government does not need any enemies. He should proceed to open Eldoret Airport immediately. Closing that Airport was another blunder that he committed. There was no offence committed. The people there are Kenyans and they should be able to export their vegetables and flowers from Eldoret Airport. All these are blunders and are matters the Minister must attend to immediately. If the employees of the Directorate of Civil Aviation are not going to be reinstated; if the authority of this House will continue being eroded by the Minister, we have no business as a House passing the Vote of the Ministry of Transport and Communications. We should block it.

(Applause)

He is a Cabinet Minister by virtue of being a Member of Parliament. So, I ask that there be no more delay. The Minister should reinstate the employees. Their reasons for going on slow were that if you look around the world, the air traffic controllers are paid salaries which are just a peg below those of the pilots because of the stress of the work. These days, it is actually easier to be a pilot because most modern planes are automated. But the work of an air-traffic controller is very stressful. Even those planes which are not landing on our airports are overflying our airstrips and it is the job of these air-traffic controllers to keep in touch with the pilots of those aeroplanes, tell them the altitude, speed, and the direction of wind without the additional burden of guiding planes that are landing and taking of. So, it is a very stressful job. For 23 years they have been demanding that a parastatal be created so that they can be paid salaries that are commensurate with other air traffic controllers across the world and in the region. That has not been done. They had a just cause for asking that a parastatal be created.

Mr. Temporary Deputy Speaker, Sir, it is very embarrassing that a lot of the income that is earned by the Ministry of Transport and Communications through the Jomo Kenyatta International Airport (JKIA) is from the hard work of the air-traffic controllers. Since the Kenya Airports Authority (KAA) is a parastatal, it pays more money to its messengers than the air traffic controllers

are paid. So, they had a just cause for demanding their own parastatal. What more can one do? We do not want to be told that they should go to court, because if they go to court the case will take another three or four years to be heard. Why is the NARC Government behaving in such an unjust manner to these Kenyans?

Mr. Temporary Deputy Speaker, Sir, we are saying that the law that we enacted here should be respected and those members of staff should be reinstated; otherwise, the Vote on the Ministry of Transport and Communications will be vetoed by this House in order for the House to show its teeth and authority.

I beg to support the Motion.

Mr. Mwandawiro: Asante sana,

Bw. Naibu Spika wa Muda. Ninaunga mkono Hoja hii ambayo inataka wafanyikazi wanaoongoza ndege angani warudishiwe kazi zao bila masharti yoyote. Hawa wafanyikazi ni Wakenya ambao wamefundishwa utalamu wao kwa gharama kubwa, na pia walikuwa wakifanya kazi katika mazingira magumu. Kwa kweli, hatuwezi kuendelea na sera za kuwapatia ujuzi wafanyikazi, halafu tunawanyanyasa na kuwalazimisha kuwacha kazi zao. Kila mtu ambaye anasimamia haki katika nchi hii anaelewa kuwa wafanyikazi wana haki kabisa ya kudai kuboreshwa kwa hali yao ya kufanya kazi. Hao *manavigeta* ni watu ambao walipewa utalamu na walikuwa wakidai kuboreshwa kwa hali yao ya kazi, lakini madai yao yalipuuzwa kwa muda mrefu na wizara inayohusika. Walikuwa pia wanatarajia kuwa baada ya mabadiliko ya kisiasa, kungekuwa na serikali ambayo ingezingatia masilahi ya wafanyikazi.

Nimesema kwamba ikiwa tutaendelea katika nchi hii na sera za kutojali wafanyikazi, kupuuzwa masilahi yao na kuwanyanyasa, basi hatutakuwa na haki ya kusema kwamba kumekuwa na mabadiliko bora. Ikiwa tutaendelea na hiyo sera ya hapo zamani ya kuwapuuzwa na kuwanyanyasa wafanyikazi, na kuwafuta kazi kila wakati wanapodai mabadiliko na hali zao kuboreshwa, basi hakuna mabadiliko yoyote ambayo tutakuwa tumefanya na wananchi wa Kenya watahukumu Serikali iliyoko.

Ndio maana, Bw. Naibu Spika wa Muda, namuunga mkono mhe. Muite hapa. Ikiwa Waziri wa Uchukuzi na Mawasiliano ataendelea kupuuzwa uamuzi wa Bunge na kuendelea kutowarudisha hawa wafanyikazi kazini mwao, hatutakuwa na haki ya kupitisha Bajeti yake. Kwa sababu tukifanya hivyo, tutakuwa tunaunga mkono unyanyasaji wa wafanyikazi katika hii nchi, na sisi tuna jukumu la kuonyesha mabadiliko. Inatubidi kuonyesha kwamba tunastahili kuwa katika enzi ambapo tunatilia maanani masilahi ya wale watu wote ambao wanazalisha mali na wanasaidia uchumi katika nchi yetu, na kuwa pia tunaimarisha ule utalamu tulioupata katika nchi yetu. Hatuwezi kuendelea kupoteza wafanyikazi kama hao kwa sababu nchi yetu ilitumia gharama kubwa kwa kuwafundisha utalamu huo.

Kwa haya maneno machache, Bw. Naibu Spika wa Muda, naomba kuunga mkono kuwa hawa wafanyikazi warudishwe kazini mwao mara moja, tena bila masharti, na kuwa masilahi yao yaboreshwe haraka iwezekanavyo.

Mr. Keter: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would also like to join my colleagues in contributing to this Motion. It is, indeed, a well-known fact that our natural wealth is vested in the training which we have given to our people. We know that the air navigators undergo a lot of training. It is, therefore, surprising to see that these young Kenyans, aged between 22 and 25 years, were laid off for fighting for their rights. It is my humble request that if, indeed, this House is of great importance to this nation, then the verdict which was passed by this House should be respected by the hon. Minister for Transport and Communications. We know that old people who had retired were recalled back to work. We have young Kenyans who are looking for employment. By recalling 60-year-old people to work while we have young people around, are we really helping this country? It is, indeed, surprising that hon. Michuki cannot honour this House. I want to join my colleagues who have just said that the Vote of the Ministry of Transport and

Communications in this year's Budget should be looked at keenly, as it seems that hon. Michuki will not honour this House. Even yesterday, as he was answering a Question about the lifting of suspension of cargo flights to Eldoret International Airport, I doubted him. The Ministry of Transport and Communications should have competent people. Communication as a whole is very vital for a developing nation, without which we cannot have investors coming into the country. Investors invest heavily in communication. Our air-traffic controllers have undergone a lot of training and when they demand a slight salary increment, we sack them.

I would like to request that these people be reinstated and their dues paid. They should also be compensated for the time they have been out of employment. Air navigators play a very vital role, not only in this nation, but in the whole world. As hon. Muite has said, there are many flights criss-crossing our airspace and we need air navigators to control their movement. So, if we cannot pay them well and yet we pay others very well, where are we heading to as a nation? So, the young qualified air-traffic controllers should be reinstated. When the National Rainbow Coalition Government (NARC) took over, it said that it was going to create 500,000 jobs. So, far, about 70 air-traffic controllers who were sacked from the Kenya Civil Aviation Authority (KCAA) have not been reinstated. I want to appeal to the NARC Government to stick to its promise to the nation that it will create employment. It should create a conducive environment for these people to be reinstated back to their jobs.

Why should we recruit people who have already retired at the age of 55 years? That brings back the old same people to positions which require a lot of specialised training, yet we know that training changes. Training which was done, maybe, in the 1960s is totally different from the training of the 1970s or 1980s. If the Minister for Transport and Communications, Mr. Michuki, cannot listen to the sacked air-traffic controllers and their young families asking him to consider them, then we should have a young and capable person to run that Ministry.

Mr. M. Kariuki: Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion. In so supporting, I would like to say that the very fact that the Motion is before this House is a very serious indictment on the conduct of the Minister.

We thought that after NARC came to power, we were going to abandon the old ways. Apparently, a majority of the NARC Ministers still belong to the old school. NARC came to power on a ticket of respect for the rule of law. That respect for the rule of law is not being seen here. An Act of Parliament has been passed; the Minister has defied to comply, and I think it is time we put a provision in our Standing Orders that hon. Members of this House who defy the law, should be dealt with by the House. This Motion would otherwise not have been brought to the House.

The rights of workers have been fundamental. Even in our Constitution, the right to belong and to form a trade union is fundamental. It is in our Constitution. Beyond that, workers have a right to strike as part of ensuring that their labour is secure. There is nothing illegal about strikes. Strikes are normal in a democratic framework. Workers are entitled to use strikes as bargaining chip to ensure that their rights are respected. If the matter went to court and the particular individuals were acquitted and an amendment of the law was brought here and their jobs were secured by the law, how can the Minister possibly defend this illegality that he is now committing? That, by implication, also means that we are going beyond the Minister; that the NARC Government does not seem to have an agenda for workers. If we had any respect for our labour force today, I am sure the Government would have acted on the provisions of the Motion well before the Motion came to the Floor of the House. It is a very distraughting state of affairs. I am reminded that the same Ministry of Transport and Communications has failed to pay the benefits of the railway workers who were retrenched in 1998. I have seen the Minister on several occasions and he has failed to perform. I think it is time that the Government off-loaded this particular Minister from the Cabinet, so that we have a more capable individual managing the Ministry of Transport and Communications. It is a very sad day for NARC that we are coming to oppose the rights of workers

before this House.

Mr. Temporary Deputy Speaker, Sir, the law, over time, has changed. For a long time, we were bound by the doctrines of common law that an employer could not be forced to re-engage an employee once he had been dismissed. This same House, in 1998, passed an amendment to the Trade Disputes Act saying that the Industrial Court will have the power to reinstate an employee, whether the employer likes it or not. That was a revolutionary Bill that was brought before this House. It is part of our law today that the courts can, in fact, impose a worker on an employer, whether that employer wants it or not. I think the same principle should apply here. If we have passed a statute in this House to say that air-traffic controllers should get their jobs back, and a Minister defies that law, it is incumbent on this House to put its feet down and tell the Minister: "You will not step on the Floor of this House until you have implemented the law".

It has been said that labour is, in fact, an investment for a country. We spend a lot of resources to bring up our children, all the way from nursery school to university, to impart skills into them, so that they can assist in the development of the economy of this country. What appears to be happening in this country is that we train skilled labour for other economies. We put so much of our investment money in education and skilled labour and at the end of the day, that skilled labour goes to benefit economies of other countries. The number of skilled Kenyans who are working in Europe and America today is in their thousands. That is because they cannot get jobs here in their own country, and yet it is the Kenyan taxpayer who gave his money for the education of these people. In this context, the air-traffic controllers were educated by the taxpayers' money. The skills they have are an investment by the Kenyan taxpayer. We should not allow our investments to go to waste. It is time that the Government re-engaged those people immediately.

Mr. Temporary Deputy Speaker, Sir, the context of jobs in many legal jurisdictions has also changed. Jobs have now become like properties. Employees have no other thing to protect except the employment that they have. If you look at the labour laws in places like South Africa and South America today, you will find that employment is treated as a form of security for the worker, in the same way that a farmer who owns land treats his title deed. We should see the world trends; that we are moving more towards securing the rights of a worker. The NARC Government has to wake up to this reality and spell its policy as to how we should treat our workers. This is just one single example. The way we treat the air-traffic controllers today will send a message to the entire working class in this country as to whether the Government is ready or not, to secure the rights of the workers.

I would like to conclude by saying that having inherited the old structures from the former KANU regime, all that we appear to be doing today is to baptise those old structures with only a message for hope; that we hope to do this and that. The time for the declaration for hope by the NARC Government is coming to an end. It is time for concrete action. It is time, like the Americans say, to walk the talk. There has been so much talking and less action. The NARC Government now has to walk the talk by ensuring that it has clear policies in terms of securing the workers' rights.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Ethuro): It is now time for the Assistant Minister to respond on behalf of the Government.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, thank you for allowing me to respond to this Motion on behalf of the Government. Firstly, I would like to appeal to hon. Members to consider this matter as a Motion before this House. We should try and divorce it from personalities. We should also consider this matter purely on its own merit and not tie it to any other replies that may have been given in this House. The question of opening Eldoret International Airport has nothing to do with this Motion. Yesterday, the Minister did reply to a Question here that Eldoret International Airport will be re-opened on 1st November, 2003, after putting into motion the structures that are required. That

will be done.

However, on this particular Motion, I would like to state as follows: In March, 2002, the Director of Civil Aviation did receive anonymous letters to the effect that the Air Navigation Officers were threatening to go on a go-slow strike. When investigations were carried out, it did, in fact, transpire that the go-slow strike was to be brought forward from 1st June, 2002, to 29th March, 2002. Altogether, 297 air traffic navigation officers went on a go-slow strike. Meetings were organised by the Ministry of Transport and Communications. An ultimatum was issued to call off the go-slow strike because matters that led to it were being discussed by the Government. The Bill that they wanted tabled in Parliament was also being drafted by the Attorney-General's Chambers. Subsequent to that, many of those officers went back to work. Indeed, 161 of those navigation officers reported back to work after the Minister for Labour and Human Resource Development declared the go-slow strike illegal. However, 68 officers who continued with the strike were dismissed, but they were given an opportunity to appeal to the Public Service Commission (PSC). Meanwhile, of course, letters of termination were received after the Minister declared the strike illegal. They, indeed, did appeal and the majority were reinstated. But 68 of them were left out. On further appeal, two more were reinstated in the service. Those whose appeals were not accepted for whatever reason, the PSC looked into---

Mr. Munya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The air-traffic controllers who are jobless are 71 and I have a list showing that. Why is the Assistant Minister not giving us the right information?

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, that is not a point of order. The Mover of the Motion will have a chance to reply. He is just taking my time!

Mr. Temporary Deputy Speaker, Sir, the most important point I am making here is that the law was followed. The go-slow strike was declared illegal by the Minister for Labour and Human Resource Development. Letters of dismissal were issued after the PSC had authorised those dismissals. However, an opportunity was given---

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): What is it, Mr. Muite?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, through the Chair, could I ask that you prevail upon the hon. Assistant Minister not to continue misleading this House? What law is he saying was followed, when, in fact, these people were charged in court and dismissed before their cases were heard?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Ligale, which law are you referring to?

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, the Public Service Commission Act was followed. The employees were dismissed after the PSC authorised their dismissal.

As I said, those employees who appealed were reinstated. A smaller number had their cases dismissed. Therefore, they were not reinstated. They cannot be reinstated because the Public Service Commission Act was followed.

Mr. Temporary Deputy Speaker, Sir, we are beginning to personalise this matter. Indeed, when Mr. Muite spoke earlier, he was trying to personalise the matter by bringing in the name of the Minister. He was also trying to insinuate that the Vote on the Ministry of Transport and Communications will not be approved because, for whatever reason, he thinks the Minister has not followed the law.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, is the word "insinuate" parliamentary? I did not insinuate; I said that we shall vote against the Ministry's Vote.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, all these are just arguments. They are not points of order.

Mr. Sudi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Could we allow the Assistant Minister to finish his response?

What is it, Mr. Sudi?

QUORUM

Mr. Sudi: On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as we would like to listen to the Assistant Minister, it appears there is no quorum!

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! We do not have a quorum. May the Division Bell be rung?

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, since we cannot raise a quorum, it is now time for the interruption of business. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House adjourned at 11.15 a.m.