

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 15th May, 2007**

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-  
Report of the Departmental Committee on Health, Housing, Labour and Social Welfare on the Employment Bill (2007).

*(By Dr. Manduku)*

### QUESTIONS BY PRIVATE NOTICE

#### OUTBREAK OF DIARRHOEA IN TULWET LOCATION

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

(a) Is the Minister aware that 40 people from Umoja in Tulwet Location were hospitalised on 30th April, 2007, suffering from diarrhoea and vomiting?

(b) What was the cause of the ailment?

(c) What measures is the Minister taking to avert such occurrence?

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

(a) Yes, I am aware.

(b) From the epidemiological investigation done by the provincial and district teams, it was established that water was the main mode of transmission.

(c) Measures undertaken to control and prevent any future occurrence of the same are:-

(i) Community members in Umoja Village in Tulwet Location, Kuresoi Division of Molo District have been advised to ensure that water for drinking is either chlorinated or boiled before use.

(ii) Health officials in the area have intensified health education on safe handling of both water and food, including during consumption.

(iii) Samples from water sources in the area have been collected and sent to the Government Chemist for further analysis.

(iv) Plans are under way to protect the communal spring in the area, which is widely used by residents, in order to avert possible future contamination.

(v) My Ministry is collaborating with partners like the UNICEF and the World Health Organisation (WHO) to sustain supply of chlorine for household treatment of drinking water in all high risk districts. This long-term measure will ensure that cases of diarrhoea are drastically

reduced nationally.

**Mr. Cheboi:** Mr. Speaker, Sir, I know the Assistant Minister is a seasoned doctor and I understand why he is a bit evasive, especially considering that this is an issue with a lot of security concerns. However, it is even worse when we become evasive because then it still sustains the security issue. The Assistant Minister has said that the water was the mode of transmission of what led to those people getting hospitalised.

I would like to, specifically, know what is it that, that water transmitted. What was in that water?

**Dr. Kibunguchy:** Mr. Speaker, Sir, there is a bacteria that causes diarrhoea in most cases. That bacteria in medical terms is called *Shigella*. That is what caused the disease.

**Dr. Manduku:** Mr. Speaker, Sir, the issue of poisoning of water in that area has caused a lot of security tensions. You will remember that even last week, there was a fight in that area where one community is being alleged to have poisoned the water. The Assistant Minister has said that samples of water have been taken to the Government Chemist to identify which type of poison was put in that water. It is important that the Ministry comes out with that report; that, there was a chemical or the *Shigella*.

Mr. Speaker, Sir, people there are still fighting saying that one community poisoned the other. So, how long is it taking the Government Chemist to show us whether there was any chemical that was put in that borehole? How long will it take?

**Dr. Kibunguchy:** Mr. Speaker, Sir, I think it is absolutely wrong to mislead this House that there was poisoning. I have not mentioned poisoning anywhere in my answer. We do not believe that there was poisoning of that water. Dr. Manduku is a colleague in medicine and I know he understands causes of diarrhoea. *Shigella* is one of the main causes of diarrhoea. We are saying that this water was contaminated; not poisoned!

**Mr. Mukiri:** Mr. Speaker, Sir, the Assistant Minister should take this Question with the seriousness it deserves. Out of that poisoning--- Sorry, out of the perception that there is a community that poisoned another one, we have had quite a number of people killed.

**Dr. Kibunguchy:** On a point of order, Mr. Speaker, Sir. Is it really in order--- I have repeated here many times that we have not said that water was poisoned. Is it in order for hon. Members to keep repeating that the water was poisoned?

**Mr. Speaker:** Order! The hon. Member corrected himself. In fact, initially, he said "poisoned" but I think he retracted. Am I right, Mr. Mukiri?

**Mr. Mukiri:** Yes, Mr. Speaker, Sir. I am talking about the perception from one community that they were poisoned by the other community. Out of this, five people were killed and property destroyed. That is why we are saying that the Assistant Minister is saying this is the likelihood. They have the samples! Why can they not tell us what was the problem with the water? On the ground, some people are saying that they were poisoned, yet the Assistant Minister does not know what was detected in the laboratory. Could we have this Question deferred because this is very important? This will ensure that the Assistant Minister can come up with the right answer.

**Mr. Speaker:** Order, Members! I do understand, and I hope every hon. Member of this House understands, the anxiety of hon. Members on this issue. It is a security issue. Dr. Kibunguchy, how long does it take for your laboratories to find out whether there is poisoning in water or not? These people were hospitalised on 30th April, 2007, and today is 15th April, 2007. How long does it take you?

**Dr. Kibunguchy:** Mr. Speaker, Sir, when I answered part (b) of this Question, I made it very clear that the initial investigations show that the water was contaminated by *Shigella*. We do not believe that it was poisoned. These people were treated and they are all well and all of them have been discharged. There is no poisoning.

**Mr. Speaker:** Dr. Kibunguchy, if you could help the House---

*(Loud consultations)*

Order, Members! I have said it several times and I wish to repeat that when matters are brought to this House, it is not a contest between an hon. Member and the that involves the livelihoods of Kenyans. In your other answer, among the measures that you are going to take, you said that you have sent samples of the water to the Government Chemist to determine what the problem with the water was.

Now, how long do you anticipate to get the results from the Government Chemist? This is because it will be definitive and you will stand on the Floor of this House and say, "Here is a certificate of the Government Chemist and it says that this is what caused the problem." Kenyans out there in Molo will hear the truth and they will stop it. How long will it take you to do that?

**Dr. Kibunguchy:** Mr. Speaker, Sir, I wish I was asked that initially. I would have endeavoured to come with that report. However, be that as it may, I think you could defer the Question until Thursday. I think by then, I will be able to have some results on that. But that was not initially asked.

**Mr. Speaker:** Very well! Yes, Mr. Cheboi!

**Mr. Cheboi:** Mr. Speaker, Sir, indeed, that is what I specifically asked. I am not a doctor, but I am a lawyer. Having gone through the process of trying to follow the Government Chemist and every other direction, I have come to know what *Shigella* is. It is some substance which causes dysentery.

**Mr. Speaker:** Some what?

**Mr. Cheboi:** Mr. Speaker, Sir, some organism. The incubation period is 14 days or even longer. We are now deferring this Question, but the Assistant Minister should come back very specifically and tell us what it is that caused this ailment and not just to put across some biological terms. This is because I have something here which I am referring to and it talks about *Shigella* and dysentery and the fact that it might have been very difficult for dysentery to have been the cause of the ailment. In any case, Mr. Speaker, Sir, there was no vomiting!

**Mr. Speaker:** Order, Mr. Cheboi! Order! I do understand your sentiments. Sorry for that.

*(Dr. Kibunguchy stood up  
in his place)*

Mr. Assistant Minister, also relax! We are not going to engage in academic exercise although that is also very healthy. However, be that as it may, Mr. Cheboi, would Thursday be okay with you?

**Mr. Cheboi:** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** So, could we, in the meantime, then hope that everybody will keep their cool until we get back on Thursday?

Mr. Assistant Minister, could you, please, get something definitive? If you get a definitive answer, it will help to cool down the tempers and bring sobriety to the areas affected. So, Thursday will do and I thank you all for your understanding.

Next Question by hon. Member for Yatta!

DE-REGISTRATION OF  
STUDENTS BY UON

**Mr. C. Kilonzo:** Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Is the Minister aware that the University of Nairobi is de-registering students who are not able to pay fees arrears?

(b) Is the Minister also aware that most of these students come from very poor families?

(c) What action is the Minister taking to ensure that these students are not de-registered?

**The Assistant Minister for Education (Dr. Mwiria):** Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the University of Nairobi has notified students who have not paid their fees arrears that they would be de-registered if they do not clear the arrears.

(b) All the students listed are the Module II (Parallel Degree Programme) students who are aware of all the costs availed to them before registration. In other words, it is explained to them before they register.

The policy of the University Senate is that if you do not pay fees, then you do not get the support that you would require as a student. So, "No payment, no service" of which students are very much aware of. The university has taken some steps before making good its de-registration threat. Some of the measures the university has put in place before de-registering a student are as follows:-

Issuing warning to the students internally and placing notice in the daily newspapers. This notice appeared in the *Daily Nation* of 10th April, 2007, without names indicating that they will soon be de-registered if they do not comply; and finally, printing the list of defaulters of active students. This list appeared in the *Daily Nation* of 4th May, 2007.

We understand and appreciate that many students are from poor families. However, we must appreciate that the idea of introducing the Module II (Parallel Degree Programme) is an income-generating project for universities. There is, therefore, need for them and their parents to negotiate with the university authorities and commit themselves to avoid being de-registered. They are expected to pay. So, the best they can really do is to negotiate with the university administration.

(c) The Ministry will closely monitor the situation to ensure that no student is wrongfully de-registered.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, higher education, particularly university education, is very crucial in this country. Nowadays, most students who attain strong grades such as B+ (Plus) and are qualified to join the public universities, are not able to join them. Could the Ministry consider giving loans specifically to these students who have gone for the Parallel Degree Programme and yet they come from very poor families? Could they be assisted by the Higher Education Loans Board (HELB)?

**Dr. Mwiria:** Mr. Speaker, Sir, we appreciate that there are difficulties and that there are many students from poor families who qualify to join the public universities, but are forced to go to the Parallel Degree Programme because of the cut-off points. We have been negotiating and exploring possibilities of finding more resources for such students, especially if we can expand the money that is available through HELB. However, we are also discussing with some commercial banks to see if we can help them. The problem is one of limitation of resources. I wish we could resolve this so that we can have many more of our students benefit from the HELB's resources.

**Mr. Sambu:** Mr. Speaker, Sir, all the public universities in this country were established using Government resources. These are not private investments. What is happening now, and we want the Government to be clear on this, is that the University Senates or the Boards which run the universities are turning them into commercial enterprises. This is not only happening at the University of Nairobi, but also at Moi University, Jomo Kenyatta University of Agriculture and Technology (JKUAT) and others. Could the Assistant Minister categorically state whether these universities are still public universities or they have been turned into commercial ventures? If they have been, then HELB should help all the students!

**Dr. Mwiria:** Mr. Speaker, Sir, they remain public universities. I would like to remind the

hon. Member that even outside Kenya, if you go to other countries, there are always opportunities where students pay much more than the others who are not on scholarships. So, what we are doing in Kenya is asking students who can afford to pay fees for that education so that many of those who cannot are supported by the Government. It is a way of the universities raising some money to get along. We do appreciate, of course, that, unfortunately, quite a high percentage of students are now in the Parallel Degree Programme. One of the reasons is that the public universities have been tying admission to bed space. However, we are now saying that beginning next academic year, universities should not tie admission to available bed space. That will open up opportunities for many more students who will join through the public school system and will not make public universities commercial and private as they currently look.

**Capt. Nakitare:** Mr. Speaker, Sir, the Assistant Minister has given us a comprehensive answer. Most of our students going overseas have scholarship windows. Do we have scholarship windows in our local universities like the ones overseas?

**Dr. Mwiria:** Mr. Speaker, Sir, a lot of students that go overseas from Kenya get support from friendly governments. It is not scholarships from the Kenya Government. We do, however, have a Bachelor programme where a limited amount of money is available, a maximum of US\$2,000. Locally, we have a form of scholarship whereby we reduce the costs tremendously so that universities become affordable. In a sense, a lot of our students are actually benefiting from Government scholarships in that the cost of being a public university student is relatively low compared to other countries in the world.

**Mr. C. Kilonzo:** Mr. Speaker, Sir, our universities have a policy of "no payment, no service" which the Assistant Minister has confirmed. Those students who are not in the Parallel Degree Programme are usually locked out of the hostels when they have not paid the full fees.

Could the Assistant Minister ensure that these students who are not in the Parallel Degree programme are not denied these facilities in the universities because of non-payment of fees?

*(Loud consultations)*

**Dr. Mwiria:** Mr. Speaker, Sir, I did not get the question because there are loud consultations!

**Mr. Speaker:** Order, hon. Member! We are repeating the same old story! We cannot communicate! The Assistant Minister cannot hear what the hon. Member is saying because his colleagues sitting next to him on the Front Bench cannot allow him to listen. Could you please allow him the opportunity to hear? Mr. C. Kilonzo, could you please repeat your question?

**Mr. C. Kilonzo:** Mr. Speaker, Sir, the policy of "no payment no service", has been extended even to students who are not in the Parallel Degree Programme. You will find that students who have not paid the full fees are locked out of the hostels. Could the Assistant Minister ensure that this policy is not applied to students who have been admitted to university under the regular programme?

**Dr. Mwiria:** Mr. Speaker, Sir, the policy applies to all students. Even students in the regular programme are expected to meet all the costs of university education. They are also sent out until they pay the fees. This policy is not discriminatory against the parallel degree students. The University of Nairobi is owed up to Kshs500 million by parallel degree students; Kshs157 million by the active students and another Kshs400 million by those who decided to desert. It is very difficult for the university to function if you have students who do not pay for part of their upkeep. So, it is a serious problem and the university is owed up to about Kshs500 million. We really need to appreciate the position in which our universities are in given that the Government is not even able to give them everything they ask for their maintenance and upkeep.

## ORAL ANSWERS TO QUESTIONS

*Question No.187*DOWNGRADING OF CHEPTALAL  
SUB-DISTRICT HOSPITAL

**Mr. S.C. Koech** asked the Minister for Health:-

(a) whether she is aware that Cheptalal Sub-District Hospital was downgraded to a health centre and hence the officer in charge has no authority to incur expenditure; and,

(b) if the answer to the above is in the affirmative, when the health centre will be given its original status and equipped to the required standards.

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

(a) I am aware that Cheptalal Sub-District Hospital has never been downgraded to a health centre. The facility was declared a Sub-District Hospital in 1999, but there has never been a formal gazette of the same. Therefore, the facility cannot be allocated funds through an AIE before it is gazetted.

(b) As stated in "a" above, plans are under way to gazette the facility as a sub-district hospital since it meets the requirements. Its physical structure and equipment can comfortably cater for a sub-district hospital at the moment.

**Mr. S.C. Koech:** Mr. Speaker, Sir, at this rate, it looks like we shall not attain the health for all by the year 2030. This facility is going to waste. It was intended to provide services in a very remote area in my constituency. It has taken eight years to do a very simple process of gazetting. Could the Assistant Minister undertake to complete this process at least by next week?

**Dr. Kibunguchy:** Mr. Speaker, Sir, gazette must start from the ground. The DDC must tell us the situation on the ground and then we will gazette it. We do not gazette it from the headquarters. We must get the information from the ground and it must come from the DDC.

**Mr. Waithaka:** Mr. Speaker, Sir, the Assistant Minister has not denied that it has taken eight years to have this facility gazetted. Is he surprised and could he take the initiative to actually inquire and establish why it has taken eight years to gazette this facility? The hon. Member has said that this facility is going to waste because it has not been gazetted.

**Dr. Kibunguchy:** Mr. Speaker, Sir, we must correct the misconception that the facility is going to waste. The facility is functioning adequately as a health centre. At the moment we have staff, equipment and drugs that are serving people. What is left is the process of upgrading it to a sub-district hospital.

I would like the hon. Member to go home and call his District Development Committee and let them write to us formally and we shall do it.

**Mr. Speaker:** Surely, Mr. Assistant Minister, you are in charge of all health facilities around the country. Would your MOH not listen to you if you told him to apply for the necessary consent from the DDC which is also chaired by the District Commissioner?

**Dr. Kibunguchy:** Mr. Speaker, Sir, I can do that. I can talk to the MOH. That is not a problem. I did not know that a problem like this existed. Now that I know, I can do it. It might even be easier for the hon. Member to do that.

**Mr. Speaker:** Order! I think the business of the hon. Member is to raise the issue with the Minister and not to go and do administrative work at the district! That is not his job! I will give you up to Thursday next week so that you report back what steps have been taken. This Question is deferred to Thursday next week.

*(Question deferred)*

*Question No.189*

RETURN OF SCHOOLS TAKEN  
OVER DEB TO AIPCA

**Mr. J. Nyagah** asked the Minister for Education:-

(a) whether he is aware that many schools that belonged to the African Independent Pentecostal Church of Africa (AIPCA) were taken over by the District Education Boards (DEBs) and other churches; and,

(b) what plans he has to return these schools to AIPCA.

**The Assistant Minister for Water and Irrigation** (Mr. Wanjala): Yes, His Excellency!

**Mr. Speaker:** Order! Mr. Wanjala, it is very nice to be excited, but there are limits to excitement!

Proceed, Assistant Minister.

**The Assistant Minister for Education** (Mrs. Mugo): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of any school that was taken over by the District Education Boards and other churches from the African Independent Pentecostal Church of Africa (AIPCA).

(b) Since the answer to the question above is in the negative, there are no plans to return any schools as the list of the schools claimed to have been taken over has not been forwarded to my Ministry by the church.

**Mr. J. Nyagah:** Mr. Speaker, Sir, I am very disappointed with the reply to this Question particularly coming from such a good friend of mine whose uncle was the principal of Githunguri College; the late Mzee Jomo Kenyatta. I am sure Mzee Jomo Kenyatta would be very disappointed because he left behind 426 schools of which Githunguri was one of them. Three hundred and twenty seven schools are run by the DEB. Now that I have made the Assistant Minister aware, and I have tabled the documents to prove that what I have said is the truth, could the Assistant Minister try to reduce the fights between the Anglican Church, the Catholic Church and the Methodist Church?

Mr. Speaker, Sir, could the Ministry give back to AIPCA the 327 schools that belonged to them that are owned by the DEBs which fall under the Ministry? I would like to table the documents.

*(Mr. J. Nyagah laid the  
documents on the Table)*

**Mrs. Mugo:** Mr. Speaker, Sir, I am glad that the hon. Member has tabled the documents. I would like to scrutinise them. Let me add that although the hon. Member has indicated that my late uncle spearheaded those schools, I had no knowledge of that formally.

I would request that since there is no formal complaint regarding the taking over of those schools, whoever feels that he owns those schools and is aggrieved can lodge a formal complaint with my Ministry or the DEBs.

**Mr. Raila:** Mr. Speaker, Sir, the AIPCA schools played a very important role in those formative years and her uncle was actually a teacher at Githunguri. That is on record. She is actually misleading the House! Be that as it may, she may not have been too young not to have known. There is no reason why she should now try to feign ignorance on the fact that these schools were taken or that they should returned. Could the Assistant Minister undertake to investigate and ensure that these schools are restored to the rightful owners?

**Mrs. Mugo:** Mr. Speaker, Sir, I have already answered that question. I said that a formal complaint or claim should be lodged with my Ministry and we shall look into it. No such formal claim has been lodged with my Ministry.

**Mr. J. Nyagah:** Mr. Speaker, Sir, since I have been a Minister in the Ministry of Lands I know for a fact that a formal complaint and a formal request was made by the church. In our former Government we had almost given back the DEB schools. Could the Assistant Minister commit herself that the Ministry will look at this matter positively since another claim will be made for the second time?

**Mrs. Mugo:** Mr. Speaker, Sir, like many other tasks that, that former regime did not do which they should have done, I cannot argue that they did not perform even on this one. I said that we shall peruse the documents, investigate and that a formal claim should be lodged. If the claim was lodged, then the former regime must have lost it. We do not have it.

**Mr. Bahari:** Mr. Speaker, Sir, this is a very serious issue because it is addressing over 300 schools. Would I be in order to ask, through you, for this Question to be deferred because the answers in both instances, were quite unsatisfactory? There was a formal complaint and the Assistant Minister is not aware. She should now go and investigate because the answer that she has been given is quite inadequate.

**Mr. Speaker:** Order! I cannot defer the Question! I think that is enough. You know what you can do if you are not happy. You can have a look at Standing Order, No.18. Otherwise, we shall be deferring all Questions.

*Question No.234*

DISMISSAL OF KENYA ARMY OFFICERS

**Mr. Speaker:** Is the hon. Member for Wundanyi here? The Minister of State for Defence has asked that his Question be deferred to Tuesday.

**The Assistant Minister, Office of the President (Mr. Tarus):** Mr. Speaker, Sir, I am here!

**Mr. Speaker:** Are you talking about Question No.234? Are you ready to answer it?

**The Assistant Minister, Office of the President (Mr. Tarus):** Yes, Mr. Speaker, Sir.

**Mr. Speaker:** Then the Ministry should never in its life mislead the Chair! I received a telephone call from the Minister's secretary, telling me that the Minister thinks that there is something wrong with the answer he has and that he is going to rectify it and bring a correct one on Tuesday. I hope you have the corrected one.

Proceed!

**Mr. J.M. Mutiso:** On a point of order, Mr. Speaker, Sir. According to the Order Paper, there is Question No.270.

**Mr. Speaker:** Yes, you are right. I will come back to it after this one.

**The Assistant Minister, Office of the President (Mr. Tarus):** Mr. Speaker, Sir, I am sorry that, that had to happen. I was meant to consult you knowing that the Ministry had talked to you about the need to defer the Question to next Tuesday, but we have compared our notes and realised that there is no need to defer the Question to next week. We can comfortably answer the Question.

**Mr. Speaker:** Excellent! Go ahead and answer now!

**The Assistant Minister, Office of the President (Mr. Tarus):** Mr. Speaker, Sir, he has not asked the Question.

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

**Mr. Speaker:** No point of order now! Could you ask your Question?

**Mr. Mwandawiro:** Mr. Speaker, Sir, I have not asked the Question!



**Mr. Speaker:** Ask now!

**Mr. Mwandawiro:** On a point of order, Mr. Speaker, Sir. I wish to say that I agree with the Minister that the answer is not proper. We had better wait for the "real" Minister to come and answer the Question. There is no proper answer!

*(Laughter)*

**Mr. Speaker:** Order, hon. Members! This is a very interesting situation. I am tempted to defer the Question to Tuesday and I hereby do that. With all due respect, Mr. Tarus, I am not in any way slighting you.

Next Question, Mr. M. Maitha!

*(Question deferred)*

*Question No.270*

REFUND OF KANGUNDO COFFEE  
FARMERS' MONEY

**Mr. M. Maitha** asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that the coffee farmers in Kangundo District were members of the Machakos District Co-operative Union;

(b) whether he is further aware that the said union was closed down under mysterious circumstances; and,

(c) how much money was contributed by the coffee farmers in Kangundo and when their money will be refunded to them including interest accrued over the years.

**Mr. Speaker:** Where is the Minister for Co-operative Development and Marketing? Where is Mr. Ndwiga? Is he not here? What about the Assistant Minister? Is that Ministry provided with a telephone line? Your Excellency the Vice-President, would you know whether that Ministry has telephone facilities?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Speaker, Sir, the last time I contacted them, it was on telephone. So, they have telephone facilities. But just in case they do not turn up on time, I am ready to give the answer.

**Mr. M. Maitha:** Mr. Speaker, Sir, this Question is very important because some depositors put their money in the Machakos District Union---

**Mr. Speaker:** Can I defer it to Thursday?

**Mr. M. Maitha:** Mr. Speaker, Sir, I would rather have the Minister answer the Question himself.

**Mr. Speaker:** I am asking you whether I should defer the Question to Thursday and ask His Excellency the Vice-President and Minister for Home affairs to ask the Minister to come.

Quite frankly, we have continuously demeaned the office or even the person of the Vice-President; by Ministers continuously not coming to the House and the Chair being forced to ask him to act like a messenger! I think it is wrong. It is the duty of every Minister to come to duty and perform that task. Anyhow, I hope they listen to that.

*(Question deferred)*

**Mr. Raila:** On a point of order, Mr. Speaker, Sir. You have said some very kind words to the Leader of Government Business. It is not just the Ministers, the Vice-President is the Leader of Government Business and when the Ministers do not come, it means that the Government, which he is leading here in the House is failing. So, he cannot be excluded! He is part of that failure!

**The Vice-President and Minister for Home Affairs (Mr. Awori):** Mr. Speaker, Sir, in all my life, I like to make people happy. I am making *Agwambo* happy in stating that I am part of that failure. I leave it to *hon. Agwambo*!

**Capt. Nakitare:** On a point of order, Mr. Speaker. You have heard what the Vice-President has said here. Is there an hon. Member called *Agwambo* in this House? Is that a title for a Member of Parliament?

**Mr. Speaker:** I was wondering whether that is a name of an hon. Member and if so, who? If it is a title, what rank is that title? Next Question!

*Question No.256*

IMPLEMENTATION OF WATER PROJECTS  
IN KHWISERO DIVISION

**Mr. Arungah** asked the Minister for Water and Irrigation:-

- (a) how many water projects have been implemented by Lake Victoria North Water Services Board in Khwisero Division since the Board's inception; and,
- (b) what water projects are earmarked for implementation in the next financial year.

**The Assistant Minister for Water and Irrigation (Mr. Wanjala):** Mr. Speaker, Sir, I beg to reply.

(a) Two major water projects have been implemented by the Lake Victoria North Water Services Board in Khwisero since its inception. These are: the Mwikalika Community Water Project and Sidindi-Malanga Water Project.

(b) The Board has earmarked to complete the Sidindi-Malanga Water Project at a cost of Kshs7,150,000 and Khwisero Community Water Project at a cost of Kshs1,250,000 during the next financial year.

Other water projects to be rehabilitated and completed include Mwikalika Community Water Project, Khwisero Health Centre Water Project and Ematungali Community Water Project.

**Mr. Arungah:** Mr. Speaker, Sir, I do not know whether to thank the Assistant Minister or not because he is just misleading the House. For the record, the two projects that he has named have been in existence for the last ten years. This water Board was formed about two years ago. If, indeed, they have spent any money, could the Assistant Minister tell this House exactly how much money has been spent on the two projects and what action was undertaken?

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! Does this House need a break to go and talk? Can I give you a break so that you go and talk and come when you finish? So, can we now be on business?

Proceed!

**Mr. Arungah:** Mr. Speaker, Sir, can I repeat my question, then?

**Mr. Speaker:** Yes, please.

**Mr. Arungah:** Mr. Speaker, Sir, the two projects the Minister mentioned have been in existence for the last ten years. These water boards were formed about two years ago. If, indeed,

the Board has spent any money, how much has been spent and what works have been undertaken, because the people of Khwisero have not drunk any water from these two schemes?

**Mr. Wanjala:** Mr. Speaker, Sir, first of all, this Sidindi-Malanga Water Supply is operational, and is from Siaya District and supplies part of Eshimombe, Muhaka and Bibi areas of western part of Khwisero Division, and areas around Shirotisa Tank. So far, in the Financial Year 2005/2006, the Ministry gave Kshs1.2 million, which was used for rehabilitation work on the storage tank and the distribution pipeline. It is operational in Kisa West Location, with over 100 consumers.

On the Mwikalika Community Water Project, this is, first of all, a community water project with a borehole, C7007 at the source. It is located in East Kisa. The initial borehole was damaged in 1997. The Government, through Lake Victoria North Water Services Board, allocated Kshs3 million to the National Water Conservation and Pipeline Corporation to drill a replacement borehole. The project is operational, though some minor works are yet to be completed on those two projects.

**Mr. Waithaka:** Mr. Speaker, Sir, the Member for Khwisero was specific. He said that these two projects are old. This Board came into operation in 2003. This is a about three or four years back. This Kshs3 million you say was given to the last project. In which year was this money allocated to that project?

**Mr. Wanjala:** Mr. Speaker, Sir, I have been very clear. These projects were started sometime back. But the hon. Member for Khwisero is aware that during that time, the Government that was there made all the projects to collapse and, indeed, this Government revived the Sidindi-Malanga Water Project.

In 2005/2006, the Government provided Kshs1.2 million, and I have given the kind of work that was done. For Mwikalika Water Project, I have been very clear that in 1997, already this borehole collapsed, and the Government, through the Lake Victoria North Water Services Board, provided Kshs3 million for replacement of a new borehole where most of the work has been done, but a few areas are still being done.

**Mr. Arungah:** Mr. Speaker, Sir, even if I was to give the Assistant Minister the benefit of doubt and say he has spent approximately Kshs5 million on these two projects in the last four years or so, last week I read in the Press that Kshs100 million was spent in one constituency to provide water for the people there. Is this a fair distribution of national resources? Could the Assistant Minister undertake to come to Khwisero to find out for himself whether this Kshs5 million, indeed, was properly utilised?

**Mr. Wanjala:** Mr. Speaker, Sir, there is what we call affirmative action. There are some areas that have completely no water, and there are other areas that have natural sources of water. So, in such dry areas, the Government, through affirmative action, allocates more money compared to those areas that have more water.

**Mr. Mwandawiro:** On a point of order, Mr. Speaker, Sir. Is it in order for this Assistant Minister to mislead the House that there is affirmative action in relation to Ministry of Water and Irrigation, while we know that areas which have a lot of water, such as Nyeri District, have got more money than Taita-Taveta District?

**Mr. Wanjala:** Mr. Speaker, Sir, I want to assure the House that if it were not for affirmative action, you know very well that even the Presidential candidate Kalonzo, this Ministry has given him a lot of money because his area is hard-hit. Equally, there are even other areas in Nyeri that are dry.

**Mr. M. Maitha:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to drag in the name of hon. Kalonzo when we know that there is no water in Mwingi District?

**Mr. Speaker:** Order! Order, Members! I think it is, in fact, a false statement when the

Assistant Minister says he has given to hon. Kalonzo Kshs100 million, or whatever millions. It is not to him you give; it is to the people of Mwingi.

**Mr. Wanjala:** Mr. Speaker, Sir, I said that the people of Mwingi where the Presidential candidate for ODM(K) comes from, received Kshs70 million for water, and we are digging 30 more boreholes in that area. So, this Government does not discriminate.

**Mr. Arungah:** On a point of order, Mr. Speaker, Sir. The assistant Minister has evaded my second question, which is, can he undertake to visit Khwisero to ensure that the Kshs5 million was properly spent?

**Mr. Speaker:** With or without affirmative action!

*(Laughter)*

**Mr. Wanjala:** Mr. Speaker, Sir, that era where Members raised issues of misappropriation of funds--- Today, our Ministry is very serious, that if the Member does raise that, then we undertake to send auditors to audit the project, not only a Minister to go on site and roam around and come back without an answer. We will send our auditors if there is any issue pending.

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

**Mr. Speaker:** Yes, what is it?

**Mr. Raila:** Mr. Speaker, Sir---

**Mr. Speaker:** By the way, Assistant Minister, is visiting parts of Kenya roaming around?

**Mr. Wanjala:** Mr. Speaker, Sir, you know very well that hon. Raila roamed around this country when he was Minister for Roads and Public Works without doing roads!

*(Applause)*

**Mr. Raila:** Mr. Speaker, Sir, that is not my point of order! Mr. Wanjala knows that I gave money for a bridge to be constructed in his constituency. But it was later removed after I left! What kind of affirmative action is the Assistant Minister talking about when, just over two years ago, every district was being allocated Kshs5 million for water projects but now, there are two districts which have been allocated Kshs1 billion?

Mr. Speaker, Sir, what kind of affirmative action is he talking about when two districts, which do not even need water - their water requirement is less than the Chair's district - got Kshs500 million each? The other districts were allocated only Kshs5 million each?

**Mr. Wanjala:** Mr. Speaker, Sir, we have set aside Kshs2.2 billion for rehabilitating the Kisumu Sewer System. That work is being carried out right now. The hon. Member is well aware of that! All the roads have been blocked. That is the area where the Orange Democratic Movement (ODM) presidential candidate hails from! This is a very fair Government!

*(Applause)*

Mr. Speaker, Sir, on the issue of the bridge, when Mr. Raila was Minister for Roads and Public Works, they allocated it Kshs15 million. When he left, they increased that amount to Kshs25 million. That bridge is being designed now!

*(Applause)*

*Question No.258*

LAND REGISTRAR FOR  
WEST POKOT DISTRICT

**Mr. Speaker:** Is the Minister for Lands here?

**The Assistant Minister for Lands** (Mr. Kamama): Mr. Speaker, Sir, I am here.

**Mr. Speaker:** Mr. Kamama, I am afraid Mr. Rotino wants this Question to be deferred until next week on Tuesday. Will you be available then?

*(Loud consultations)*

Order, hon. Members! Order! I cannot blame the hon. Members. Nobody can hear what everybody else is saying, including the Chair! I have just called the Assistant Minister to inform him that Mr. Rotino has asked the Chair to defer this Question until next week on Tuesday.

Mr. Kamama, is that okay with you?

**The Assistant Minister for Lands** (Mr. Kamama): That is fine, Mr. Speaker, Sir.

**Mr. Speaker:** Thank you! The Question is deferred until Tuesday, next week!

*(Question deferred)*

*Question No.042*

SAMBURU GROUPS BENEFITING  
FROM "NJAA MARUFUKU"  
KENYA PROGRAMME

**Mr. Lesrima** asked the Minister for Agriculture:-

- (a) how many groups in Samburu are benefiting from the "Njaa Marufuku" Kenya Programme; and,  
(b) what criteria is used to select those groups.

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

(a) A total of 18 groups in Samburu District are benefiting from the "Njaa Marufuku" Kenya Programme (NMKP).

(b) The criteria used to select those groups are:-

- (i) The groups' membership must comprise the poor and vulnerable persons within the community.  
(ii) The projects to be undertaken must contribute to the reduction of poverty, hunger and food insecurity in the community.  
(iii) Those projects must be approved by the District Co-ordinating Committees (DCCs).

**Mr. Lesrima:** Mr. Speaker, Sir, I would like the Assistant Minister to elaborate on what kind of projects the NMPK undertakes. How much money has been allocated, in the Ministry's budget, specifically for those 18 projects?

**Mr. Kaindi:** Mr. Speaker, Sir, to date, Kshs2.17 million has been disbursed to those groups. They are engaged in various activities. Some are---

*(Loud consultations)*

**Mr. Speaker:** Order, hon. Members! I think it is about time the House gave me directions on what to do because we cannot communicate! Hon. Members cannot simply keep quiet!

I want this House to tell me this: What do you want me to do? I cannot, forever, keep on calling for order. My voice box is not insured!

*(Laughter)*

So, please, keep quiet. Let us hear one another!

Proceed, Mr. Kaindi!

**Mr. Kaindi:** Mr. Speaker, Sir, I had indicated that Kshs2.17 million has been disbursed to the 18 groups within Samburu District. Their activities range from tree planting, vegetable upgrading and production, poultry, bee-keeping, goat upgrading and a variety of other activities.

**Mr. Poghiso:** Mr. Speaker, Sir, is that information available to all constituencies? How many groups have, for example, applied from Kacheliba Constituency?

**Mr. Kaindi:** Mr. Speaker, Sir, for ease of reference, I will table a list of all groups in the constituencies and divisions that have applied, and the amounts that have been allocated. That will enable hon. Members to scrutinise those figures and become aware of what is happening within their constituencies.

*(Mr. Kaindi laid the  
document on the Table)*

**Mr. Bett:** Mr. Speaker, Sir, since that programme was introduced--- It is supposed to alleviate hunger in this country. Is the Assistant Minister satisfied that the programme is achieving its intended objectives?

**Mr. Kaindi:** Yes, Mr. Speaker, Sir. Over the last two months, I have been able to visit many of the water pans, ranging from Malindi, Samburu and other districts. I have seen the impact that, that programme is having. Indeed, we want to upscale the programme so that it could alleviate poverty and assist the rural communities.

**Mr. Speaker:** Last question, Mr. Lesrima!

**Mr. Lesrima:** Mr. Speaker, Sir, hon. Members and other leaders are a bit in the dark with regard to that good project. Who constitutes the District Co-ordinating Committees (DCCs)? How much funds are available at the Ministry headquarters? The officers on the ground do not seem to be aware of the budgetary allocation and the future prospects of that project!

**Mr. Kaindi:** Mr. Speaker, Sir, the following are the members at the district level: The District Agricultural Officer (DAO), the District Livestock Production Officer (DLPO), the District Fisheries Officer (DFO), the District Social Services Officer (DSSO), the District Education Officer (DEO), the District Health Officer (DHO) and NGOs which are relevant to the programme.

We have also directed that, before those projects are submitted to the headquarters, where the secretariat is based, they be tabled at the DDC. That is a directive we have given so that hon. Members can scrutinise them at that level, and be able to give their concurrence.

**Mr. Speaker:** Very well! That marks the end of Question Time!

Mr. Munya has a Ministerial Statement to issue.

## MINISTERIAL STATEMENTS

### CIRCULATION OF LEAFLETS IN RIFT VALLEY PROVINCE

**The Assistant Minister, Office of the President (Mr. Munya):** Mr. Speaker, Sir, on 8th May, 2007, Mr. Mukiri, the Member of Parliament for Molo Constituency, rose on a point of order and requested a Ministerial Statement from the Minister of State for Administration and National

Security over some leaflets that were being circulated in various parts of Rift Valley Province. The hon. Member wanted to know the people behind those leaflets and what action the Government is taking because those leaflets are alleged to be creating tension in that region. I wish to state as follows:-

It is true that some leaflets are being circulated in some parts of the province. The leaflets were first spotted in Molo District at the beginning of May, 2007, and they are not directed at any particular ethnic community. It is believed that they are dropped at night. So far, the Government has done the following:-

(i) Investigations were launched immediately the leaflets surfaced and, so far, useful leads are being followed to establish their genesis and the people behind the circulation of those leaflets. The extent of the investigations cannot be disclosed at this moment, as it may interfere with investigations.

(ii) District commissioners, district officers, chiefs and peace committees have been holding public meetings to sensitise the people on the importance of maintaining peace. The *barazas* have also been used to dispel and stem the tension that has been caused by those leaflets.

(iii) Residents of the affected areas were requested to volunteer information that may lead to the arrest of the authors of the leaflets.

(iv) Security personnel have been put on high alert to deal with any attempt to disrupt peace in the area.

The areas where the leaflets have been cited include Kericho, Molo, Nakuru North, Nakuru, Naivasha, Koibatek, Uasin Gishu, Trans Nzoia East and Trans Nzoia West.

Mr. Speaker, Sir, on 11th May, 2007, a group of criminals attacked selected members of the Kisii community living around Sondu River in Kuresoi Division of Molo District. As a result of the attack, four people were killed, four people were admitted to Molo District Hospital, 15 houses were burnt and 21 head of cattle stolen. Following the incident, security personnel were mobilised and deployed immediately in the area and calm was restored. Five suspects have been arrested in connection with the incident and security has been beefed up in the area.

Mr. Speaker, Sir, this incident is suspected to have been a revenge mission after some members of the Kalenjin community accused some Kisiis of poisoning a water spring. This followed cases of diarrhoea, headache and vomiting experienced by some people. However, laboratory tests at the provincial hospital, have proved that it was not a case of poisoning.

Mr. Speaker, Sir, this is what the Chair asked the Minister for Health to table in the House.

The provincial and district teams went and collected samples of the water. They were tested and it was established that it was normal water contamination. There was no poisoning.

Mr. Speaker, Sir, I would like to bring to the attention of hon. Members that a few years back, a similar incident almost occurred. The Kalenjin accused a Kisii woman of poisoning water at a primary school; a claim that almost resulted into a conflict between the two communities.

Mr. Speaker, Sir, it is believed that these are acts of a few criminals out to cause fear and despondency. They are not connected to the recent circulation of leaflets in Molo and its neighbouring districts. The residents of the affected areas are, therefore, asked to go about their normal duties as the Government is closely monitoring the situation and taking care of security. Once again, I reiterate the commitment of this Government to ensure that such incidents do not occur and citizens' lives and property are protected.

Thank you.

**Mr. Speaker:** Who raised the issue? I will recognise only three hon. Members for clarification. That is Mr. Mukiri, Mr. Angwenyi and Mr. Raila in that order!

**Mr. Mukiri:** Mr. Speaker, Sir, you have seen the extent of the circulation of the leaflets in the country. They have been circulated in almost seven districts. I wonder why the National

Security Intelligence Service (NSIS) cannot nab them. There are many roadblocks on our roads. These people must be using vehicles. How come they can circulate leaflets for almost three weeks without being arrested?

Mr. Speaker, Sir, I also want the Assistant Minister to throw more light on the Kuresoi incident. It is a fact that he was aware that there was a problem after the alleged poisoning of the water spring by the members of Kisii community. Why did the NSIS not gather intelligence information, so that they could deter death and destruction of property that occurred in Kuresoi? What is happening to the NSIS? We have been approving a lot of money in this House for their operations.

**Mr. Angwenyi:** Mr. Speaker, Sir, the Assistant Minister has on many occasions reassured Kenyans that the leaflets being circulated in some parts of the country will not have any negative impact on them. However, every time he reassures us, the week after, we see incidents of Kenyans losing their lives in areas where the leaflets have been circulated. What is the purpose of spending Kshs6.2 billion on the NSIS when they cannot detect or investigate, adequately, crimes against humanity, especially against the Kisii community? When will he be able to control the cases of insecurity and assure us of our security? Are Kenyans not allowed to stay or settle in any part of this country? Should they go back to their own communities? Should they hire their own security forces to defend their communities? How will the Ministry compensate the families who have lost their loved ones and property? How will the Ministry settle the displaced people from their settlements? We pay a lot of taxes to this Government. For the information of the Assistant Minister, the Kisii community pays a lot of taxes to the Government.

**Mr. Raila:** Mr. Speaker, Sir, somebody who has written a leaflet has already given some information. It should not be very difficult for the police to carry out investigations and arrest the culprits. Many people are dying in this country on a daily basis. The other day, 12 people were killed in Kitale. During the funeral, very inflammatory statements were made by Ministers. They were pointing accusing fingers at hon. Members of this House. They said those hon. Members involved were known. It was like they were casting aspersions. If the Government knows the person who is responsible for the killing of 12 people in Kitale, why can he not be arrested and charged? Why do Government Ministers go out there, make those kind of wild allegations and create tension in the country when they have the machinery to deal with this kind of thing? Are we in a state of emergency? Could the Assistant Minister throw some light on who this hon. Member, responsible for the death of people in Kitale, is?

*(Applause)*

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, Mr. Mukiri is wondering what problem we have with the NSIS. However, I have already explained that the police now have very useful leads as to who is behind these leaflets. I said that we cannot give that information on the Floor of the House. The police are following the leads and we are very confident that the person or persons will be arrested.

Mr. Speaker, Sir, I have already explained that the Kuresoi incident was sparked by rumours that a water spring had been poisoned by some people from one community. We have already said that investigation shows that there was no poisoning. This underlines the fragile nature of the relationship between the various communities living in the Rift Valley Province. This is borne out of many years of distrust. The Government has been dealing with this very effectively. When there were such incidents last time, the Government came in and restored peace.

Mr. Speaker, Sir, citizens also have a responsibility in helping the Government fight crime. They should help the Government with information. These incidents happen among the communities. People see them, but rarely do they come out to assist the police with information.



We are asking citizens to come out. Obviously, when the leaflets are thrown, somebody must have seen the person dropping them. This means that some citizen somewhere is keeping this vital information that can help the police apprehend the criminals. It is the responsibility of the Government to provide security, but the citizens also have a responsibility to help by providing information.

Mr. Speaker, Sir, on the issue of the politician who may be involved in the Kitale killings, the next Statement deals with that and perhaps, I will deal with it when giving the Statement.

**Mr. Speaker:** You may as well continue with it!

ESCALATION OF INSECURITY  
IN SABOTI CONSTITUENCY

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, in May, 2007, Capt. Nakitare rose on a point of order, demanding a Ministerial Statement over the escalation of insecurity in Saboti Constituency. On 28th April, 2007, I issued a Ministerial Statement over the escalating insecurity in Kinyoro Village, Saboti Division, and the action the Government had taken. Another incident, however, occurred on 3rd May, 2007. On that day, at around 8.30 p.m., in Matisi area, approximately ten people armed with AK-47 rifles, and in two motor vehicles, attacked the trading centre and started shooting indiscriminately and robbing people of property of unknown value. The police immediately started investigations and mounted an operation within the area, and arrested four suspects in connection with the raid. Five other people were bonded to keep the peace for a period of one year.

On 10th May, 2007, the police, acting on a tip-off, laid an ambush at Manor House Agricultural College. About six members of the gang emerged while armed with firearms and a shootout ensued during which two of the gangsters, one of them wearing jungle trousers and a smocked jacket resembling those worn by the security forces, were gunned down. One AK-47 rifle with 11 rounds of ammunition was recovered. Other members of the gang managed to escape with injuries, but were later confronted by the police in a house they were hiding in and one of them was shot dead, while the rest escaped. Immediately after the attack the Provincial Security and Intelligence Committee held a *baraza* at Matisi on 4th May, 2007 to calm the tension in the area. Security patrols have been intensified and Administration Police camps have been established at the two villages.

In addition, the police have mounted operations and investigations in Trans Nzoia and the neighbouring districts with a view to apprehending all the suspects in order to restore law and order in the area. Calm has now been restored. It should be noted that the raid at Matisi took less than ten minutes, and that the thugs were randomly shooting at people they met along the way. The police responded promptly in less than 20 minutes, only to find that the gang had already left in a get-away car. The hunt for the killers is still on. These are incidents of thuggery and the police are optimistic that the suspected criminals, who are at large, will soon be arrested and brought to book.

I would like to, still, reiterate the commitment of this Government in ensuring peace and tranquillity for all the citizens of this country. I would like to add that already three of the gangsters have been gunned down. The police have useful information and we are sure that very soon the other gangsters will be apprehended.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** Mr. Munya, I thought you said you were going to deal with the Kitale incident.

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, about the Kitale incident, I said that out of the six gangsters, who were actually suspected to have attacked

both villages, three have already been gunned down by the police. Three escaped but they are being pursued. We are sure that they are going to be arrested very soon.

**Mr. Speaker:** That is not where I was!

**Mr. Sirma:** On a point of order, Mr. Speaker, Sir. Mr. Munya said that he was going to respond to the issue that Mr. Raila raised about the utterances of the three Cabinet Ministers, who issued inflammatory statements.

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, I said that I would respond to that issue. We have reports that politicians may be involved in inciting people in that region. We are investigating that information. If we establish that any one of them is involved, we will act accordingly.

**Mr. Speaker:** Who raised this issue? I will do a similar thing. I will begin with Capt. Nakitare, who will be followed by Messrs. Kariuki and Omingo in that order. Mr. Raila, I may be tempted to come back to you, just to ensure that we give events to whatever it is.

So, shall I begin with you, Capt. Nakitare? This is not Question Time. You are seeking clarification on the Ministerial Statement issued by the Assistant Minister.

**Capt. Nakitare:** Mr. Speaker, Sir, thank you for giving me this chance to underscore what the Assistant Minister has said. However, there are loopholes which the Assistant Minister has not given us on the Floor of this House. The leaflets were circulated immediately after the upheaval in Mount Elgon District. The local Provincial Administration - the Sub-Chiefs, Chiefs, District Officers (DOs) and the District Commissioner (DC) - got this information. The District Criminal Investigations Officer (DCIO) of Kitale knew very well what was going to happen the next time. We depend very much on the National Security Intelligence Service on political grounds. Politics has been cited in the murders in Trans Nzoia. The people who were killed were the people who were displaced in 1992. I stand here to get clarification from the Assistant Minister. What action has he taken for failure of transmission of information from the Chief of the area, the DO of Saboti and the DCIO of Kitale? To back up that, there were five---

**Mr. Speaker:** Are you now debating the matter?

**Capt. Nakitare:** Mr. Speaker, Sir, there were nine culprits, who were in remand. They ran away from the law court---

**Mr. Speaker:** Order! Order! This was a Ministerial Statement. I gave you the opportunity to seek clarification, and not to improve on, or disprove, the Ministerial Statement issued by the Assistant Minister. So, please, seek clarification. Mind you, we have other colleagues who want to do the same. So, please, do it as precisely as possible.

**Capt. Nakitare:** Mr. Speaker, Sir, the Assistant Minister said that the culprits who were gunned down had uniforms. Could he tell us whether that uniform is Kenyan military uniform or from the neighbouring country? As the DC said, those uniforms were similar to the ones used by Uganda National Defence Force.

**Mr. Speaker:** Mr. Mirugi!

**Mr. Mirugi:** Thank you, Mr. Speaker, Sir. I want the Assistant Minister to clarify one point. We know that the incidents of violence that have rocked the country, starting with that in Mount Elgon District, are politically-motivated. However, up to now, we have not heard of any politician who has been arrested because of that violence. Could he tell this House whether they are going to pursue a shoot-to-kill type of mechanism, where they shoot the criminals - the little fish - and let the big fish get away, which means that this violence will not come to an end, unless the big fish are arrested? Can the Assistant Minister assure this House that they are going to pursue the people who use young men to kill our people? They are supposed to be the culprits in these acts, and not the youths. The youths are just instruments of the politicians involved. Could he clarify that?

**Mr. Speaker:** Mr. Omingo!

**Mr. Omingo:** Thank you, Mr. Speaker, Sir. While we appreciate the fact that the Ministry is doing all it can to curb insecurity, I want the Assistant Minister to make a clarification: Is it only through fire-fighting that this Ministry--- We give the Ministry a lot of money, but they wait for commission of offences for them to run around. We know very well that it is not only in Mount Elgon where such incidents are happening. There are so many similar reported cases countrywide. Can the Assistant Minister clarify and confirm whether insecurity in this country is containable? What deliberate moves - not only targeting the problem areas but the whole country generally - have been instituted? What is the deliberate policy of this Ministry to curb insecurity countrywide? Can they confirm that they are unable to do it? Can the President appoint other Ministers to do it, if they are unable to do it themselves?

**Mr. Raila:** Mr. Speaker, Sir, extrajudicial killing in this country is so rampant. Almost everyday we read in the newspapers that the police have gunned down some of the most wanted criminals in the country. But it is so unfortunate that the Assistant Minister should stand before this august House and glorify this extrajudicial killing, by saying that three of the criminals have been gunned down. Where is the evidence to prove that the people who were gunned down are the actual criminals? There is no evidence!

*(Applause)*

*(Mr. Serut stood up  
in his place)*

**Mr. Speaker:** Order! Order! Will you sit down? When an hon. Member is on a point of order, he will have to finish what he has to say. Secondly, there is a Minister who is in charge of this issue. I believe and trust that, that Minister has the ability and capacity to answer him! I hope other hon. Members, particularly the ones who come from regions that are actually in trouble - and according to the Assistant Minister - because of the involvement of politicians, will keep cool!

*(Applause)*

**Mr. Raila:** Mr. Speaker, Sir, it is unfortunate that you have to actually teach some of the hon. Members, after they have lived and slept here for five years without learning the Standing Orders!

*(Laughter)*

Mr. Speaker, Sir, the point I am raising is---

**Mr. Speaker:** Order, hon. Raila! No hon. Member sleeps here. The contents of the Standing Orders may have slipped his attention!  
Proceed!

*(Laughter)*

**Mr. Raila:** Mr. Speaker, Sir, he might have been dozing and the media did not expose him.  
Mr. Speaker, Sir, the issue of extrajudicial killing of innocent people in this country must end. In civilised societies, it is usually the responsibility of the police to apprehend criminals and the due process must be followed before somebody is executed. What we are seeing is a

glorification of extrajudicial execution by the police. Where is the evidence to show that the people who were gunned down by the police were the actual criminals? The people who are actually arrested are made to hold peace for one year. They are ordinary politicians, who are not the kind of criminals that we are talking about. Is this Government politicising this very heinous crime that is being committed against innocent people of this country?

**Mr. Speaker:** Very well! That is the end!

Yes, Mr. Assistant Minister!

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, I will start with the issues raised by hon. Raila.

Anybody living in Kenya will know that if a criminal is armed with an AK-47 rifle, you are not likely to arrest him before he shoots you dead. So, it is a question of who fires first. During the incidents that I have cited here, those people were gunned down in exchange of fire. They were firing at the police officers. We all know that the police are not made of stone; a bullet will get the police officers. Bullets have killed police officers in this country many times. So, when we talk about human rights, we must care about our policemen who have been losing their lives at the hands of heinous criminals.

*(Applause)*

I do not think that any politician, who may try to glorify criminals, who are making this country dangerous and unsafe to live in, lives in this country. The police have to be hard on criminals.

Mr. Speaker, Sir, hon. Raila also asked: "How do we know that these were criminals?" Guns were recovered from them! In fact, investigations showed that the AK-47 rifle that was recovered had been used in Mt. Elgon, Kinyoro village and the other village in Kitale. So, this is the same gun that has been terrorising the entire area. The police are now closing in on the criminals.

Mr. Speaker, Sir, I want to assure the hon. Members that these gangsters have nowhere to hide. They have messed this country a lot, but we are now zeroing in, on them. I want to assure the citizens that we will manage.

But I also want to ask the politicians, especially from the affected areas, not to try to use these kinds of situations to gain political capital. This is because when a Kenyan citizen loses his or her life, even if you get one vote out of it, what do you gain at the end?

Mr. Speaker, Sir, the information that we have about the involvement of politicians is still under investigation. We have not yet concluded the investigation and found that anybody is involved. If we find out that any politician is involved, there will be no execution. We will arrest him or her.

We do not have any information also that some Ministers made any inflammatory statements, because we do not rely on newspaper reports. If hon. Raila has that information about any inflammatory statements being made, let him report to us, and then we will deal with it.

Mr. Speaker, Sir, Capt. Nakitare raised the issue of the uniforms. Again, that was in a newspaper report. The information we have is that these were fake uniforms that resemble those of security officers. There is no information anywhere---

**Capt. Nakitare:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House that this was a newspaper report and, yet, it was a report from the District Commissioner (DC) of my new district?

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, I said that the newspaper alleged that the DC said that. I am now giving the official position; that these were not uniforms of any particular military wing, either of this Government or any other

government. These were fake---

**Capt. Nakitare:** I was in the meeting with the---

**Mr. Speaker:** Order! Order! If this can happen in this House, imagine what would happen in a *baraza*! What would happen in a *baraza*, if we, leaders, cannot control ourselves? I think we must control ourselves. I want to plead with all the leadership of this House - all hon. Members - irrespective of your status and political affiliation, that the Kenyan people deserve better than this. We must give them the opportunity to live in peace, without us inciting violence to be inflicted upon them by any group, whether in the Opposition or Government; in the Front Bench or Back Bench. Let us begin by not making inflammatory statements in this House!

Proceed, Mr. Munya!

**The Assistant Minister, Office of the President** (Mr. Munya): Mr. Speaker, Sir, Sir, I just wanted to really underline--- You have underlined what we have been asking all along. The society reflects its leaders, and the leaders also reflect their society. If the leaders behave well and do not incite citizens, our society will be better off. We are asking our leaders to also take the responsibility of preaching peace and telling Kenyans to live peacefully together. But I wanted to underline that the Government is up to the job and we will deal with those criminals. The situation is already improving and as I have already told you, certain suspects are already in custody, apart from those who have been killed and we have useful information that is assisting the police to arrest the rest.

Thank you, Mr. Speaker, Sir.

**Mr. Speaker:** That is the end of matters other than Business! Shall we now come to Business?

Next Order!

## BILLS

### *First Reading*

#### THE SUPPLEMENTARY APPROPRIATION BILL

*(Order for First Reading read -  
Read the First Time - Ordered to  
be read the Second Time today)*

**Mr. Speaker:** Next Order!

Mr. Assistant Minister, I understand from the Minister that there are actually two typographical mistakes or omissions in the Bill and the Minister would like to point them out straightaway and have them inserted before he moves it. Could you, please, go ahead and tell us what was omitted?

### *Second Reading*

#### THE SUPPLEMENTARY APPROPRIATION BILL

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Speaker, Sir, I beg to move:- THAT, the Bill be amended by inserting the word "First" before the word "Schedule" at the

top of page 1094 to read "First Schedule".

THAT, the Bill be amended by inserting the words "Second Schedule" right above the words "Recurrent Expenditure" at the centre of page 1104.

**Mr. Speaker:** Have the hon. Members got all that correction?

*(Loud consultations)*

Order, hon. Members! Please, be attentive! I will ask the Assistant Minister to go over it again and do it slowly, in slow motion.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Speaker, Sir, I beg to move:-

THAT, the Bill be amended by inserting the word "First" before the word "Schedule" at the top of page 1094 to read "First Schedule".

**Mr. Speaker:** Have the hon. Members got all that correction?

**Hon. Members:** Yes.

**Mr. Speaker:** All right. I want the Assistant to take it slowly because it is so important that I want the whole House to have it right.

Okay, we got that right. Go to the next one!

*(Question of the  
amendment proposed)*

*(Question, that the word to be  
inserted be inserted,  
put and agreed to)*

*(First Schedule as amended  
agreed to)*

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Speaker, Sir, I beg to move:-  
THAT, the Bill be amended by inserting the words "Second Schedule" right above the words "Recurrent Expenditure" at the centre of page 1104.

**Mr. Speaker:** Have the hon. Members got all that correction?

**Hon. Members:** Yes.

*(Question of the amendment  
proposed)*

*(Question, that the words to  
be inserted be inserted,  
put and agreed to)*

*(Second Schedule as amended  
agreed to)*

**Mr. Speaker:** Okay. Now that we have everything right--- Is there anything else, Mr. Kenneth?

**The Assistant Minister for Finance** (Mr. Kenneth): No, Mr. Speaker, Sir. That is all.

**Mr. Speaker:** Okay, then you will move the Bill as amended.

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Speaker, Sir, I beg to move that

the Supplementary Appropriation Bill (2007) as amended, be read a Second Time.

Mr. Speaker, Sir, His Excellency, the President, has signified his consent to this Bill.

Mr. Speaker, Sir, while moving the Motion for this Financial Year's Supplementary Estimates on 24th April, 2007, we appraised this House of the factors that formed the basis of the Revised Estimates. Briefly, these are:-

(i) A slight decline in revenue.

(ii) Additional financial requirements to cater for expenditures related to the Consolidated Fund Services; and,

(iii) Requests for additional funds by Ministries and Departments.

Mr. Speaker, Sir, another important aspect we mentioned is that, the approval of this Bill will not result in any additional borrowing. In order, therefore, to adhere to the broad fiscal framework that was tabled and approved by this House, requests by Ministries were adjusted downwards from Kshs33 billion to Kshs19.5 billion to only cater for unavoidable expenditures.

Mr. Speaker, Sir, the need to maintain macro-fiscal stability was one of our major considerations in preparation of the Revised Estimates. Therefore, despite the numerous requests by Ministries and Departments for additional funding, our revised Budget proposals have been limited to the level that will enable us finance without resorting to additional borrowing. The influence of these factors have also been partly dealt with through adjustments in some votes. In this regard, we wish to thank those Ministries that exercised prudence and economy that has generated savings of amounts indicated in the Second Schedule.

Mr. Speaker, Sir, the Supplementary Appropriation Bill (2007) seeks approval for a further issue from the Consolidated Fund of Kshs19.5 billion. The Bill also seeks approval for proposed reallocation and adjustments of Appropriations-in-Aid (A-i-A). The Votes for which we have requested for additional funds are listed in the First Schedule, while those that we have proposed reductions are listed in the Second Schedule.

Mr. Speaker, Sir, if you allow me, I will now give short briefs for the votes that have relatively substantial allocations. Under Vote 01, Office of the President, the amounts sought for Recurrent Expenditure is to cater for operations and maintenance, salaries and allowances of staff in the Police and Provincial Administration Departments. The increase is also partly due to deficiency of A-i-A. Under Vote 05, Office of the Vice-President and Ministry of Home Affairs requires funds to set off pending bills related to utilities and for procurement of inmates' uniforms. Under Vote 07, Ministry of Finance, funds sought for the Development Vote is for equity participation in the African Development Bank (ADB). Under Vote 10, which is the Ministry of Agriculture, funds requested for this Vote are mainly for extension services and land developments. Funds have been earmarked for crop development and research.

Mr. Speaker, Sir, under Vote 11, which is the Ministry of Health, additional funds are required for arrears and salaries for promoted medical workers and to pay salaries for newly appointed doctors. Under Vote 13, Ministry of Roads and Public Works, funds are required to carry on with ongoing programmes of road construction works. Under Vote 16, which is the Ministry of Trade and Industry, the funds sought for this Vote are related to a loan issued to the Uchumi Supermarkets to bail it out from near-collapse. The strategy has worked well and we expect the organisation to commence the repayments soon.

Mr. Speaker, Sir, under Vote 19, Ministry of Livestock and Fisheries Development, funds are required for ongoing programmes on disease and pest control. Hon. Members are aware of the livestock disease identified as the "Rift Valley Fever" that threatened both life and livelihood of our people. A bulk of the funds sought for this vote will be utilized for control of this very dangerous disease.

Mr. Speaker, Sir, under Vote 20, Ministry of Water and Irrigation, funds allocated for this Vote are for running water boards and purchase of water meters. Development funds will be used for rehabilitation of water supply infrastructure, including rehabilitation of pipes and other water

systems countrywide. Under Vote 23, which is the Cabinet Office, the bulk of these funds requested for this Vote will be spent on survey, mapping and data collection for 200 nautical miles of our continental shelf.

Mr. Speaker, Sir, the mapping and marking out of our continental ocean shelf is of great national interest due to its security aspect. It is, therefore, long overdue.

Vote 29 - National Assembly; funds requested for this Vote are for payment of salaries and running of constituency offices.

Under Vote 30 - Ministry of Energy, funds requested for this Vote are for rural electrification and to compensate the Kenya Power and Lighting Company (KPLC)/KenGen for subsidised power to Kenyan consumers.

On Vote 31 - Ministry of Education, funds allocated to this Vote are to cater for adjustment of teachers' salaries.

Vote 33 - The Electoral Commission (ECK); the funds allocated to this Vote are to enable the ECK to issue voters' cards to eligible Kenyans after they have received their national identity cards.

Vote 35 - Ministry of Special Programmes; we have in the recent past experienced a number of natural disasters. There is also need to raise our strategic grain reserves in order to lock up good harvest to avoid food shortages in the future. Funds passed under this Vote, therefore, are to enable us to extend emergency relief assistance to those adversely affected by these occurrences and to raise our grain reserve over the statutory requirement by one million bags.

Mr. Speaker, Sir, under Vote 40 - Ministry of Immigration and Registration of Persons; funds allocated to this Vote are to cater for expenditure related to issuance of national identity cards to eligible persons.

There are some Votes that I have not mentioned. I want to assure hon. Members that all allocations indicated for each Vote have been scrutinised and analyzed so that the allocations are for only those services that cannot be postponed. This Bill is, therefore, critical and once approved, it will enable the Government to continue with provision of essential services to our citizens. I, therefore, seek approval for Supplementary Appropriation Bill (2007) as amended, that will authorise withdrawal of funds from the Consolidated Fund to meet the services of the remaining period of the Financial Year, 2006/2007. The Bill also seeks approval for application of the Appropriations-in-Aid towards services and purposes outlined therein.

Once again, allow me to thank hon. Members for the constructive and very helpful contributions they gave during the debate; and subsequent approval of the Motion on this Bill. We embrace the spirit of working together for development of our beloved nation.

Mr. Speaker, Sir, with these very few remarks, I beg to move.

**Mr. Speaker:** Is there anybody likely to second?

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Speaker, Sir, the Supplementary Estimates, which are before us, represent what has now become an annual event. This is because 12 months ahead, it is not easy to foresee the future. Some of the expenditure that is being sought, arises from the vital decisions required, that have been made during the year. For example, what the Assistant Minister has just mentioned here regarding the survey in the ocean of our continental shelf under conventions signed by the United Nations (UN). This means the agreements entered into by the international community are a part of Kenya; where there has been that shelf originating from Kenya that has stretched beyond the 200 nautical miles. It is important that we secure that part of Kenya, which is ours by right, as quickly as possible. It happens that the procedure to reach a decision where the kind of commissioning that is envisaged in these Estimates takes place, happened during this Financial Year and not when the Estimates were being prepared; hence the need to take a Supplementary Estimate.

Mr. Speaker, Sir, I give this as an example because every bit of money that has been sought for has very good reasons. As you know, the money will go to serve Kenyans throughout this



country. It is important, therefore, as we discuss these Supplementary Estimates that we also touch on policies which are being pursued and which necessitate in their implementation, for the search for additional funds.

Fortunately, what is being sought for here is monies that arise from revenue at existing rates of taxation so that in a way, the information disclosed in the Supplementary Estimates shows how efficiently the revenue has been managed to the extent that it has yielded more money to the extent of Kshs9 billion, in relation to which we do not have to take any taxation measures. Therefore, credit should go to this Government. I think it is time hon. Members in this House, from time to time, expressed their gratitude. There could be no better opportunity than this for hon. Members on the other side of the House to express their gratitude for the good services this Government continues to render to this country.

Mr. Speaker, Sir, I said that it is on occasions like this where we can also talk about policies. This is because figures of this kind do not get treated separately from the policy because estimates of expenditure represent or are the interpretation of the policies in terms of money. The statistics contained here are interpretations of policies that have arisen out of decisions that have already been made.

**Mr. Speaker:** I have only one problem with that, Mr. Michuki, as the Chair. The ruling by the Chair on Appropriation Bills or Supplementary Appropriation Bills is that you deal with the figures as they are and not policies. Good reason being that there is very little time for Appropriation Bills or Supplementary Appropriation Bills. These are the only Bills that you can deal with in one day; all the three stages, First Reading, Second Reading, Committee Stage and the Third Reading. You can deal with all at the same time, the rationale being that you have done your Budget. You have explained your principles and you are just putting figures to those principles. Therefore, I am afraid, I do not agree with you. You will have to--- I will allow you a little latitude. However, if I went the way you are saying, then this Supplementary Appropriation Bill can last forever.

**The Minister of State for Administration and National Security (Mr. Michuki):** Mr. Speaker, Sir, I was actually, if you would allow me, exhorting the other side of the House to say thank you for good management of finances which at the existing rates of taxation have yielded an additional Kshs19 billion to assist in the services.

**Mr. Kipchumba:** On a point of information, Mr. Speaker, Sir.

**The Minister of State for Administration and National Security (Mr. Michuki):** Mr. Speaker, Sir, I do not need to be informed by the hon. Member. However, I agree with you Mr. Speaker, Sir, that policies were enunciated at the Budget stage, June, 2006, and that we do not need to elaborate on this matter. However, where a policy has been made between that time and now, it needs to be explained in the way that I have explained the issue of the continental shelf.

Mr. Speaker, Sir, with those few remarks, I beg to second.

**Mr. Speaker:** Can I have a copy of the Bill?

*(Question proposed)*

**Mr. Kipchumba:** Thank you, Mr. Speaker, Sir. I wish to support this Bill which is really ceremonial because we have already discussed the substance of the matter. Therefore, we are merely looking at the figures. I initially wanted to inform the hon. Minister that it is not that an additional Kshs19 billion has been raised as revenue, but, indeed, the Minister for Finance requires an additional Kshs19.5 billion to finance extra services. He will have to borrow that money because he does not have it.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took*

*the Chair]*

Mr. Deputy Speaker, Sir, I just wanted to raise a few issues. The pending bills that the Minister talked about are issues that should have been dealt with by the various Ministries. There is really no reason for us to budget for bills which are expected and yet every Ministry is supposed to operate within its means. Therefore, it is not justified that this House will continue to approve additional expenditure for pending bills, and especially for utilities for various Ministries. They are supposed to ensure that services rendered, say, electricity and water are within the budget. Therefore, controls must be put in place to ensure that these additional expenditures are not incurred in future.

Mr. Deputy Speaker, Sir, there are also additional expenses for extension services. If you go to all our rural areas, you will realise that there are no extension services, especially in the Ministry of Agriculture. To the extent that we are being told now that we are giving them additional funds for extension services is, indeed, not justified. We would like the Minister, in future, to look into how the money for extension services is being expended. This is because there is no justifiable reason as to why they should give additional funds to the Ministry of Agriculture when, indeed, there are no extension services anywhere in this country - They are not in my constituency. I have asked a few hon. Members and they have told me that they are not there too. I do not know where extension services exist in this country.

Mr. Deputy Speaker, Sir, with regard to the Rift Valley Fever, we are grateful that it was contained. The job was professionally done and we must laud the Minister for Livestock and Fisheries Development. He did a very good job to the extent that the disease was contained before it reached my constituency. Even if we give more funds to that Ministry, it is justified. They did a very good job.

With regard to water boards, I think they are a mockery of what we call reforms in this country. Everyday, many hon. Members ask Questions in this House about what water boards have done in their various constituencies. The Lake Victoria Water Services Board - one of the hon. Members asked a Question this afternoon about it - has done nothing in the western part of this country and parts of North Rift. I do not understand what it does. I would like the Minister for Finance to tell us why he is giving additional funds to these water boards when they are, indeed, not functional. We would like to revert to the old system where funds were directly sent to the various districts. There is no reason why a water board for North Rift is located in Kakamega and yet we are the people who ensure that water actually flows to that region. We are the catchment area of that region. Therefore, these water boards need to be looked into afresh. These reforms were misguided. If nothing is done, I do not see Kenyans getting water in the foreseeable future.

Mr. Deputy Speaker, Sir, the additional funds for the Rural Electrification Programme (REP) are justified. Nobody has any issue with the Ministry of Energy. Hon. Members are very happy and we wish that they could even be given more money because they are doing a very good job.

Mr. Deputy Speaker, Sir, with regard to Strategic Grain Reserves (SGR), as much as the President said that we should increase the SGR to about four million bags, we want payment to be made upfront. Now that we are giving the Ministry additional money--- Most of the time, payment to farmers is delayed to the extent that middlemen take advantage and pay farmers less. Farmers are people who require money quickly because they want to pay school fees and for other services. I would like to urge the Minister to be releasing money to the National Cereals and Produce Board (NCPB) quickly so that farmers are not exploited by middlemen.

Finally, I would like to talk about the issue of identity cards. In as much as we would like more money to go to the Ministry of State for Immigration and Registration of Persons, the Government needs to buy them more vehicles. There is no reason why this Ministry should not have enough vehicles. Many of us, many a time have had to buy these fellows fuel or give them our

vehicles so that they can do a job that needs to be finalised quickly. So, in addition to issuance of identity cards, they must be given vehicles so that they can move quickly to all areas and perform their duties.

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

**Mr. Khamasi:** Thank you, Mr. Deputy Speaker, Sir, for giving me a chance to support this Bill. While I do so, I think that I have a few comments to make with regard to several Ministries. As I can see in this Bill, the Minister is seeking an additional Kshs19 billion to be authorised by this House.

Mr. Deputy Speaker, Sir, I would like to start with Vote R11, Ministry of Health. The Ministry is requiring more money, but we still lack personnel in most of the facilities that are available.

Mr. Deputy Speaker, Sir, this is a Ministry that requires much more money. Recently, we learnt that the Minister for Health was looking forward to providing free maternity services, and yet, the facilities that are available in health centres like the maternity wards that have been built using the Constituencies Development Fund (CDF) are not manned. One wonders why we should not look at a situation where we can have more personnel in those facilities so that we could provide the necessary services that are required.

Recently, we had a Question here regarding the identity cards (IDs) being held by referral hospitals. We got an unsatisfactory answer and there was a Motion raised on it later on and it ended up without any reasonable conclusion. One wonders why the Government has allowed ID cards of citizens of this country to be held as a security by the hospitals. Some ID cards have been held for several years. It is a matter that this Ministry needs to address very fast so that ID cards are released as they serve no purpose being held by the Ministry.

Mr. Deputy Speaker, Sir, I also want to speak about the Ministry of Water and Irrigation. We must control our waters. First of all, there is very little harvesting of water that is done in this country, if there is any. There is very little harvesting of water and when there is plenty, there is no reasonable control and that is why down the stream, like in Budalangi there is a lot of damage being caused due to heavy rainfall. We need a very firm policy where the waters are controlled and harvested for irrigation. We have a lot of land in this country and if all that water was harvested and properly nurtured, we could get a reasonable harvest to produce enough food so that we do not beg for food during the time of shortage.

Mr. Deputy Speaker, Sir, regarding the co-operative societies - I have seen that it is among the issues in the Supplementary Estimates - they play a very major role in our economy. I believe that it is the responsibility of this Ministry to make sure that the wealth spreads all over the country. These co-operative societies are concentrated more in one place. If you go outside Central Province, very little is spoken of co-operative societies and I think it is the responsibility of that Ministry, as much as they are asking for more money, to think of how they could spread and help people to form more co-operative societies to help them economically.

Mr. Deputy Speaker, Sir, I will continue praising the Ministry of Energy and encouraging them on the strategies that they have put in place. This is a Ministry that is being seen virtually in every constituency. I also want to congratulate the Ministry of Energy. We would like to see much more of you in many other places where you have not reached.

Regarding the Ministry of Education, again, it is the only Ministry asking for more money than all the other Ministries, and the reasons are very well understood. They are asking for close to Kshs2 billion. This is because we are increasing the salaries of teachers. This is a promise we made and I think that it is good that we must fulfil it and I must congratulate the Government for doing that. In the same vein, I must also request the teachers to appreciate what the Government has done. Let us get a pay-back for this particular gesture from the Government. Having said that, there is a lot of shortage of teachers and it is worrying. We must plan on how to increase teachers in our schools. We are now going to embark on free tuition in secondary schools and, therefore, the

enrolment will definitely increase. Are we getting ready for that enrolment? Most of the primary schools will now become secondary schools because the cost of taking a child to secondary school will be reduced. Are we really getting ready for it or are we just waiting to cross the bridge when we reach there? We should not be talking about crossing the bridge when we reach it. We should be planning. We want to see a policy paper here to tell us exactly what the Government will put in place to cope with the increased enrolment in secondary schools.

Mr. Deputy Speaker, Sir, this is your own "baby" about the certificates that are being held in secondary schools. It does not help at all and you have continuously stated so. I do not know how much revenue the certificates which are held in secondary schools by head teachers are giving those schools. Some certificates have been held for over ten to 15 years. It is high time the Government came up and told the head teachers to release those certificates.

I want to comment on the Ministry of Information and Communications. I do not know whether the Minister is here, but I think this message can reach him. There is an abuse of our national radio, particularly on programmes being managed by some of the radio announcers. They are just promoting political figures on the radio. It is high time this was checked because the taxpayers money is being used in promoting certain individual candidates in certain areas. That is not being done for nothing. I think there is exchange of money for this to be done. We need a check on this. I do believe that the Minister will do something about it.

Mr. Deputy Speaker, Sir, regarding the Kenya Anti-Corruption Commission (KACC), I do not know why they are asking for more money. There is conflict between KACC and the Office of the Attorney-General. We do not know who is who. We do not know who is doing what. We do not know who is serving who and that is why we have seen very few prosecutions in this country, and if there is any, it drags on for ages until we forget about it. So, it is very important that KACC and the Office of the Attorney-General get their acts right so that they can work together for us to reduce corrupt practices in this country.

The Ministry of State for Special Programmes which is responsible for funds that come in for aid is a forgotten issue. I do hope that I still have a few minutes.

The Constituency AIDS Committees (CACs), which were started some years back, are almost dead, because the monies which were supposed to go through them are no longer coming in, and the little that came in was done on a discriminatory basis, because not all constituencies actually benefited from those funds.

Mr. Deputy Speaker, Sir, I believe that my colleagues will want to comment on other issues, but on the Ministry of State for Youth Affairs, I think we have started wrongly. I think they want more money, and it is high time they got their act right, because in very many areas even the policy or procedure to be followed by those youth out there is not very clear. Officers have been posted to the field and nobody knows where they are. They are not actually communicating with the public. So, it is necessary that this Ministry, which looks after the youth, and is availing funds for the youth, ensures that this money gets to the right people, in the right manner and in a fair manner, so that it is properly distributed to every person. We should not have only a few agencies concentrated in one place to deal with these funds. These funds must be available to everybody everywhere in this country.

With those few remarks, I beg to support.

*(Mr. Muturi stood up  
in his place)*

**Mr. Deputy Speaker:** The mood of the House is to terminate this debate, but if you wish, you can still go on, but I had got that impression, at least. Can you make it quick, Mr. Muturi and then I go to Mr. Mungatana?

**Mr. Muturi:** Mr. Deputy Speaker, Sir, I also want to take a little time in engaging in the

usual ritual that we have to engage in. But I just wish to point out a few issues. We have already discussed the policy issues and, therefore, this is a matter of formality.

Mr. Deputy Speaker, Sir, I feel it is important that when we come to Supplementary Estimates, we should deal with the areas that spur growth in the country. It is those areas which should be asking for additional funds towards the tail-end of a financial year. Those areas, in my view, should include the area of roads. We need to address our infrastructure. Therefore, if we are talking of additional funds in those Ministries, it is something that is understandable. The other area is that of health. Through the CDF, we have put up numerous health facilities. It is those type of Ministries that we expect, in the future, to be coming here to ask us to approve additional expenditure towards the tail-end of a financial year. We do not want to be told that there are salary increases and things like those. Those are populist pronouncements for which we should not be, on a yearly basis, asked to approve additional expenditure.

Mr. Deputy Speaker, Sir, I would want the Minister to confirm, because it was said, that, actually, the extra funds that he is asking for towards the Electoral Commission of Kenya (ECK) are to enable the ECK to undertake fresh registration of voters in the intervening period between now and the time of the general election. I think it is very important that, that message comes out from the Minister for Finance. He has told us that part of the additional money he is applying for is to enable the ECK to do voter registration. It is important that we are told that in no uncertain terms.

Mr. Deputy Speaker, Sir, we have not heard whether part of the additional expenditure---

**Prof. Olweny:** On a point of order, Mr. Deputy Speaker, Sir. Would I be in order to ask that the Mover be now called upon to reply since the House is in agreement?

*(Applause)*

**Mr. Deputy Speaker:** Mr. Muturi, you may resume.

**Mr. Muturi:** Mr. Deputy Speaker, Sir, I was just about to conclude, but it is important that the point I was making is addressed by the Minister, because he did raise it while moving this Bill. None of us is opposed, and I appreciate the urgency with which the House requires this Bill to be passed.

Mr. Deputy Speaker, Sir, finally, I would want to appeal to the Minister that in the near future, funds should be provided to go to individual secondary schools to enable them to discharge certificates of students that left schools many years ago and cannot access employment because they are denied those certificates on account of owing those schools fees. I know that the schools are caught between a rock and a hard place. But I would want to appeal to the Minister to consider this issue because it is very painful.

With those few remarks, I beg to support.

**Mr. Deputy Speaker:** I had asked the hon. Mungatana to contribute, but I when the matter of whether we can ask the Mover to reply, I saw him applaud and, therefore, I think he will not take it that the Chair has not granted the promise that it made.

Before I put the question, I want to thank Mr. Muturi for bringing the point of the certificates home. I think it is a matter that the Government needs to look into very seriously.

*(Question put and agreed to)*

*(The Bill was read a Second Time and  
committed to a Committee of  
the whole House today)*

**COMMITTEE OF THE**

**WHOLE HOUSE**

*(Order for Committee read)*

*(Mr. Deputy Speaker left the Chair)*

**IN THE COMMITTEE**

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

**The Temporary Deputy Chairman** (Mr. Muturi): Hon. Members, we are now in the Committee of the Whole House.

**THE SUPPLEMENTARY  
APPROPRIATION BILL**

*(Clauses 2, 3, 4 and 5  
agreed to)*

*(First Schedule agreed to)*

*(Second Schedule agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation Bill and its approval thereof without amendment.

*(Question proposed)*

*(Question put and  
agreed to)*

*(The House resumed)*

*[The Temporary Deputy Speaker  
(Mr. Sungu) in the Chair]*

**REPORT AND THIRD READING****THE SUPPLEMENTARY  
APPROPRIATION BILL**

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, I beg to move that a Committee of the whole House has considered the Supplementary Appropriation Bill and approved the same without amendment.

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

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Mungatana) seconded.

*(Question proposed)*

*(Question put and  
agreed to)*

**The Assistant Minister for Finance** (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read the Third Time.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto) seconded.

*(Question proposed)*

**The Assistant Minister for Planning and National Development** (Mr. Ethuro): Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister, the whole House and, particularly, the Opposition, for showing a sense of unity in matters that are important to this country.

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

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

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

**Mr. Angwenyi:** Mr. Temporary Deputy Speaker, Sir, now that we have approved the Supplementary Appropriation Bill, could the Assistant Minister move with speed and make sure that the Budget is implemented fully? This year, for the first time, the Budget has been implemented 100 per cent!

Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has now known how to operate with hon. Members, if he wants his Bills to be passed fast enough.

With those few remarks, I beg to support.

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, as I congratulate the Assistant Minister for successfully moving this Bill, I would like to appeal to him that institutions in this Ministry must bear a national outlook.

The Assistant Minister has said that there is a decline in the collection of revenue. The Kenya Revenue Authority (KRA), of which I am a very good friend, is now dominated by one ethnic community at the top. If somebody else takes over, those people can, one day, turn off the taps and we will never have enough revenue.

With those few remarks, I beg to support.

**The Assistant Minister for Justice and Constitutional Affairs** (Mr. Mungatana): Mr. Temporary Deputy Speaker, Sir, I also want to join other hon. Members in congratulating the Assistant Minister. There is just one point that I would like to make. If you look at the Supplementary Estimates, you will notice that we gave the Electoral Commission of Kenya (ECK)

Kshs1.3 billion. You will also notice that we also allocated the Ministry of State for Immigration and Registration of Persons, that is in charge of printing national identity cards, an extra Kshs148 million. My humble request to the Assistant Minister is that time has come to sincerely look at the possibility of having one card that will be used for purposes of voting and identification. That way, we will not have to spend so much money.

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

**Mr. Arungah:** Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the Assistant Minister. I would like to raise two issues.

First, the Ministry of Education is taking a big chunk of this money. We have been told that there is a serious shortage of teachers. Could the Ministry of Education take a census of all the teachers and students and establish whether we need the 60,000 teachers that we are talking about? The problem might be that we have teachers, but the distribution is the problem.

Secondly, we know that a lot of money has been set aside for our primary schools. Is there a mechanism to ensure that, that money is used for the intended purpose?

With those few remarks, I beg to support.

**Mr. Oloo-Aringo:** Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the Assistant Minister. But he should not take our co-operation for granted. Indeed, I indicated to him, because he has very good public relations that, if it was not for him, he was going to run into problems. But because of him and his public relations, we agreed to co-operate. He was not going to be very happy.

I want to say this to your boss: Indeed, he must cultivate good public relations with hon. Members.

*(Applause)*

The Minister is ultimately arrogant and has no respect for hon. Members. We are not answerable to the Minister. It is the Minister who is answerable to Parliament. I have persuaded him on many occasions - and he is a youthful Minister - to cultivate goodwill. That arrogance will not pay. We have seen others fail before him because of arrogance. I only want to mention that we are supporting this Bill in good faith, and because of the public relations of the Assistant Minister. But persuade your boss---But persuade the substantive Minister that this House is not very happy with him. He is very lucky to get this, this time, but not again!

**The Temporary Deputy Speaker** (Mr. Khamasi): Very well! I will now put the question, which is that the Supplementary---

*(Messrs. Angwenyi and Manoti  
consulted loudly)*

Order Mr. Angwenyi and your company! Let us have some order!

*(Question put and agreed to)  
(The Bill was accordingly read  
the Third Time and passed)  
Second Reading*

THE FISCAL MANAGEMENT BILL

*(Mr. Oloo-Aringo on 10.5.2007)*



*(Resumption of Debate  
interrupted on 10.5.2007)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Oloo-Aringo was on the Floor! Please, proceed!

**Mr. Oloo-Aringo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to continue to move this Bill. Last time, I explained that this particular Bill is divided into nine parts. I explained what is contained in the first three parts.

Mr. Temporary Deputy Speaker, Sir, Part IV is on Laying, Review, Debate and Approval of the Estimates in the House. This part, for example, sets the date by which the various Estimates must be laid before the House.

It also requires the Government of Kenya to comply with, and report the steps it has taken to implement audit recommendations. It certifies the contents of the Fiscal Strategy Report.

Lastly, it lays down the procedure by which the National Assembly debates and reviews Estimates.

Mr. Temporary Deputy Speaker, Sir, as we all know, the Draft Annual Estimates, Supplementary Estimates and the Annual Estimates and the accompanying financial statement are mandatory and must be laid in this House. This Bill specifies when this must be done. In addition, we shall now demand that there be Treasury reports accompanying every statement and Estimate that is laid before this House. This Treasury report will show us the steps that have been taken to implement the audit recommendations. It is no longer going to be a free-for-all. It will not just be making the report, but the Ministry must show how they have complied with the audit report of the National Assembly.

There will also be need for Fiscal Strategy Report. These reports are available, but they have never been brought to this House. This Bill, once enacted, will compel that these reports be laid before this House.

Mr. Temporary Deputy Speaker, Sir, the most important thing is that this Bill will alter the procedure for bringing Estimates to this House. For example, once the Estimates are ready, they will be apportioned to the various Departmental Committees of this House. In other words, we will abolish the Committee of Ways and Means and the Committee of Supply. As we know, these committees have remained as toothless rituals and do not add any value to the debate on the Budget. The Estimates will go directly to Departmental Committees which will scrutinise them and consult with the Permanent Secretary of each portfolio. This also means that the guillotine procedure will be scrapped. The guillotine procedure is the most ridiculous thing in our history. The other day, the Minister himself stated in this House that this year, out of more than 35 Ministries, we were only able to scrutinise seven. Obviously, this is a very low figure in a non-performing or poorly-performing economy such as ours.

Mr. Temporary Deputy Speaker, Sir, most Ministries escaped scrutiny. To seal this loophole, we shall make sure that the Estimates go to the portfolio committees of various Ministries. Therefore, no department or Ministry, not even the National Assembly, will escape scrutiny. Even constitutional offices will come under scrutiny!

Mr. Temporary Deputy Speaker, Sir, Part V is about the Budget Committee. Its composition is well known because it is already in place. It has four or five functions, among them are:

- (i) Coordinate and review all reports of the select committees on the Budget.
- (ii) To examine all money deals.
- (iii) To exercise general over-sight of the budget.

Before the Budget Committee, we did not have any one committee that could coordinate the

interrogation of the budget. Now, we have in place a committee that will coordinate the interrogation of the Budget.

Similarly, we have the office of fiscal analysis which is the same as the budget office with technical and professional staff who will support Parliament. We have already appointed people of high calibre in this office. They will interact with our colleagues at the Treasury. That will give us the technical backup that we need in order to make our contribution more meaningful.

Mr. Temporary Deputy Speaker, Sir, the functions of this committee are specified. They include.

(i) Support the Budget Committee.

(ii) Support the select committee in their budget mandate. In other words, all Departmental Committees should approach this office of fiscal analysis for advice and assistance in specialised areas.

(iii) To prepare studies of specific subjects.

(iv) Provide advice and expertise on budget policies and activities.

(v) Synthesize technical financial data and studies into user-friendly briefs for Members of Parliament. In other words, it is this committee that will coordinate our work. It will also assist other committees in arranging, as it were, our working relationships with all civil society groups.

In Part VII of this Bill we have introduced Budget Impoundments. It is very significant. Clause 21(1) introduces new definitions. The most important of these is the term "impounding." This is the power of the National Assembly to withhold money from departments that have wilfully and persistently failed to implement all audit recommendations of the National Assembly. In other words, we know that year in, year out, the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) do a superb job. However, their reports are just put on shelves. Now, there will be a sanction. This will be impoundment. The Bill also explains how this impoundment will work.

Mr. Temporary Deputy Speaker, Sir, Clause 21(2) allows the National Assembly to impound the withdrawal of specific line items as a vote on account. Section 101 of the Constitution allows departments and Ministries to ask the National Assembly for up to 50 per cent of the amount in the estimates for their operations before the Appropriation Act comes into being. However, most decisions to authorise a vote on account and percentage is at the discretion of the National Assembly. We are saying that Ministries have taken it for granted that they will automatically get 50 per cent of the votes. I want to give a notice now that, in future, this will not be taken for granted. We will scrutinise every Ministry. A Ministry which will wilfully fail to comply with audit reports will not get the 50 per cent. In fact, we can impound their whole vote. We can even give them ten per cent of the vote until they change. This is the sanction that has been lacking. That is what explains why some Ministers have been very arrogant and get away with it. This will not be so, in future. We will pin them down. As I said earlier, it is not Parliament that is answerable to Ministers; it is Ministers who are answerable to Parliament. This is an indication that we will now punish those who do not comply with audit reports.

Mr. Temporary Deputy Speaker, Sir, Clause 21(3) allows for the impounding of an item or items in a vote for the financial year when the final supply Motions are being voted in the House. However, money impounded can be released if the Minister reports that the errant department has subsequently complied with the necessary audit and proper financial practices. There is now a sanction. They will not get away with it. There is a day I listened to a Minister saying boldly here that he will not even report to the Committee. That will not be the case in the future. We shall deny him. I know that any good President will punish a Minister who does not co-operate with Parliament. No President wants a Minister who cannot pass his Votes in the House.

Mr. Temporary Deputy Speaker, Sir, there is another side which is of significance to me

and I think it is an improvement. Under Clause 22(2) of the Bill, if the National Assembly determines that persistent failure of the department to comply with proper financial management is directly linked to the wilful and persistent conduct of a particular officer, it may impound the salary or benefits of such an officer. We have taken that move because many people squander public resources and leave office, and you cannot trace them anywhere. Now, such people, when they are still in employment, we shall impound their salaries, so that they can feel the pinch. I think that is what civil servants will usually feel most, their salaries.

Mr. Temporary Deputy Speaker, Sir, what is the significance of these changes? These provisions will seal current loopholes in the Budget process, whereby audits are not linked to the Budget process, of which they are an integral part. This has created a situation in which the Government of Kenya can, recklessly, be wasteful, often enriching a few people in the Government, and yet you cannot pin them down. We shall now punish them. This House must lay that sanction. I am saying that it is long overdue.

In Part VIII, the Bill is mainly facilitative. It proposes to oblige public officers to provide information needed by Committees, failure of which they will go to jail. I have seen arrogant Ministers in this country telling us that they will not appear before the Committee as if the House is answerable to a Minister. They are just drunk with power! They, really, get drunk with power. Ministers talking so arrogantly! In future, they will be punished. They will go to jail. So, this House must assert itself.

Mr. Temporary Deputy Speaker, Sir, I am giving a warning here, that Ministers who have been talking about Parliament contemptuously must know that this will not happen again. We have listened to arrogance for long enough. We are representatives of the people. We shall now punish those people. Particularly, officers will be surcharged a fine of Kshs1 million or two years imprisonment. This to me, is something we have been patient with for all this time.

What about Part X? The final part of this Bill has two main elements. It provides a link between fiscal management Acts and other financial legislations. It mandates the Minister for Finance, on the recommendation of the Budget Committee, to make subsidiary legislation for the better carrying out of the purposes of this Act. So, clearly, we want regulations to be made by the Minister, but it will be at the request of the Committee, so that the Minister cannot just ignore what the House has passed. It is the Committee which will prepare the regulations for the Minister to gazette, so that we can be able to take this country forward.

Mr. Temporary Deputy Speaker, Sir, the Fiscal Analysis and Appropriations Committee was created by a resolution of this House. The Office of Fiscal Analysis has been created in the Parliamentary Service. It was created by a resolution of the House. This Bill will, however, fortify it in law. There are good reasons for this. We already had, at one time, the Estimates Committee. I was a Member of that Committee for 15 years, but we did not meet even once. When we met once and censured the Government, we were abolished by a telephone call from State House. That is how devastatingly the imperial presidency has destroyed institutions. Just by one telephone call from State House, the Estimates Committee was abolished.

That is why this time round, we are fortifying it in an Act of Parliament. Now, to abolish it, the Government will have to come back to this House and convince us why they want it abolished. That is why we are now moving away from the tyranny of the imperial presidency to this more democratic approach, where the Act of Parliament will protect the Committee. The Estimates Committee, therefore, in 1977, was summarily dismissed by the President with no recourse or explanation to this House.

Mr. Temporary Deputy Speaker, Sir, secondly, when the Fiscal Management Bill becomes law, it will abolish the guillotine procedure and compel the scrutiny of every Ministry and Government Department by the National Assembly. There is no Department or branch that will

escape; not even the National Assembly. The Estimates of Revenue and Expenditure, therefore, will be apportioned directly to the Departmental Committees, which are now going to be called "Select Committees", according to their mandates. The Departmental Committees, therefore, will debate and review the portfolio Estimates of Revenue and Expenditure and submit their Reports to the Budget Committee.

The Budget Committee shall debate and review the Reports of the Departmental Committees, harmonise them and submit comments and recommendations to the National Assembly. The Fiscal Management Act, therefore, will impose new Budget procedures that will compel negotiation and reconciliation. This will make the Budget a negotiated document between the Government on one hand and the National Assembly and Members of the public on the other. So, the arrogance of those mandarins in the Treasury will come to an end. The Budget will be a political process, and not something for control by civil servants.

Mr. Temporary Deputy Speaker, Sir, the Committee of Ways and Means, and the Committee of Supply, will be abolished to be replaced by new appropriation procedures that will encourage the contestation of policies tabled by the Government, to establish funding priorities that have been discussed by the representatives of the people in Parliament. In other words, it is not the figures of the Budget that are important, but rather the policies. It is this House which must "panel-beat" these policies and legislations, and find what is good for the people of Kenya.

It is for that reason, therefore, that we are saying, we do not need the Committee of Ways and Means, and the Committee of Supply. The Departmental Committees will do the job, and there is no one Ministry, or Department, that will escape scrutiny. So, we are killing the guillotine procedure once and for all - nor will such power to allocate resources be the monopoly of select members of the kitchen cabinet surrounding the imperial president. What is the tragedy of roads in this country? It was allocated to a few constituencies, which belong to members of the Kitchen Cabinet of the President. They have taken us back many years again.

Mr. Temporary Deputy Speaker, Sir, the Kitchen Cabinet is awful in this country. During the late President Kenyatta's time, it was there. It was re-created during former President Moi's tenure. It has been re-created during President Kibaki's tenure. Therefore, resources are going to the homes of those who are privileged and who are well placed. We, who represent the rest of Kenya, do not get a share, a just and fair share, of our resources in this country.

Power will shift from the civil servants to politicians, who will be the kingpins in the allocation of national resources. This will make the Budget a political process at macro and micro-levels. Therefore, hon. Members have an obligation to inform the Government, as accurately as possible, about priorities as demanded by the people they represent in Parliament.

I want to conclude by saying as follows. It is also a challenge to Members of Parliament because, it will be a lot more work for Members of the Committees. They will have to spend more time in their Committee work.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Oloo-Aringo! I thought, the hon. Members seated in that area would contribute much more sensibly if you listen to what Mr. Oloo-Aringo is saying. You are consulting so loudly that he is even trying to shout, so that we can hear him. If you want to consult loudly, then, perhaps, you could take leave.

**Mr. Oloo-Aringo:** Mr. Temporary Deputy Speaker, Sir, I understand that there are some people who are afraid of reforms, and they are doing everything possible, so that this Bill does not go through. They are like people who want to block River Nile from reaching the Mediterranean Sea. If anybody tries to block River Nile from reaching the Mediterranean Sea, he would,

obviously, be very foolish, because it is not possible. It is trying to stop River Yala from reaching Lake Victoria. Reforms have come to stay and reforms, indeed, will take place.

With those remarks, I want to end there and ask my good friend, Mr. Arungah, the Member of Parliament for Khwisero, to second this debate.

I beg to move.

**Mr. Arungah:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. It gives me great pleasure to get this opportunity to second this Bill.

Mr. Temporary Deputy Speaker, Sir, to me, the passage or enactment of this Bill into law, will be one of the greatest milestones in the history of the 9th Parliament. This is my fifth year in this House and I have watched helplessly as hon. Members assemble in this House every June to spend seven days--- If you calculate the man hours that we spend discussing the budget speeches and, yet, at the end of it all, we cannot change a comma, you will consider that a total waste of time. The passage of this Bill will change all that. We should be able to use those seven days to do the work that we are supposed to do, that is, making laws.

Mr. Temporary Deputy Speaker, Sir, it has been said that civil wars in most countries have been occasioned by the uneven or unfair distribution of national resources. This Bill, amongst other things, attempts to address that issue. If it is, indeed, passed and implemented, the country will be on course to avoid those kinds of pitfalls.

Mr. Temporary Deputy Speaker, Sir, the Mover of this Motion has done a great job, by going through the nine Parts of this Bill. He has covered them adequately and explained what each section provides. So, I will not attempt to repeat what he has said. The reason why I said that the passage of this Bill will be a milestone is because, over the years - not just in our country, but internationally - there has been rivalry between the Executive and parliaments, in terms of the budget-making process. Therefore, if the Executive does enact this Bill into law, it will represent a sense of maturity, and that will portend very well for the future of this country.

Mr. Temporary Deputy Speaker, Sir, trust is a very rare commodity in our country. As we all know, there have been fears between the Executive and Parliament. On one hand, Parliament has its fears in leaving this process exclusively to the Treasury. One reason for that scenario, which we have observed, is that the allocations have tended to favour the incumbent Government. Secondly, when these allocations are made, hon. Members of Parliament are never involved in the various projects and, therefore, they have difficulties in owning these projects when it comes to the time of implementation. Because hon. Members are not involved, what happens is that we do not understand what is going on. We see big volumes--- No wonder, when the budgets are being read, some hon. Members actually doze, because, really, they do not understand what is going on.

On the other hand, the Treasury has certain fears which, actually, can be legitimate, in the sense that the hon. Members will tend to actually encourage or increase expenditure on the one hand, and because it is populist, they will not attempt to propose the raising of taxes, because that will be against the people. There is a danger that the hon. Members will play what is called the pork-barrel politics. We will have a situation where the hon. Members of Parliament will tend to hold the budget hostage for their local interest. These concerns are legitimate on the part of the Treasury. But I think, in addressing or formulating this Bill, care has been taken to ensure that there is a balance. Therefore, if it is passed, we will go a long way.

So, even with those arguments on both sides, there are certain facts that we can see. History is replete with partisan allocation of natural resources. That is there for everyone to see. Secondly, in the allocations by the Treasury we have had situations where mischievous projects have been quietly sneaked into these budgets. All of us remember the Anglo Leasing scandal. Because of those volumes, we could not have the capacity to scrutinize the Budget. As a result, those projects were sneaked in, and we know what followed.

Thirdly and more important, we need to involve Parliament, because the process of approving the budget is more or less a ritual. Like I said earlier on, there is very little that we can do to change even a comma. But the other more important reason why we need to involve Parliament is as follows: We know that for many years, our budget support came from outside the country. It was the International Monetary Fund (IMF) and the World Bank which were actually giving us the budget support, because a large portion of it was being financed by them. The consequence was that the oversight responsibility fell on their shoulders. Because they were giving us money, they compelled the Treasury to submit certain documents to them, in order to satisfy them before they could give it money. But we all know now, as a country, that we are able to finance 95 per cent of our budget from internal sources. Therefore, that means that the onus or responsibility of exercising the oversight role must revert back to this House. That is why it is important that Parliament should be more involved in this process.

Mr. Temporary Deputy Speaker, Sir, the Budget process, in my view, is the Government's key device for converting its obligations, promises and policies into concrete and integrated plans. That is: What actions the Government has undertaken, what results are expected to be achieved, at what cost and who will pay how much. The budget process connects the Government's aspirations with its analysis of affordability. It is a process that is significant in the sense that it gives the Government the opportunity to make choices between the available options that will fast-track or hasten the advancement or accelerate economic growth.

When preparing the budgets, the Government tries to capture all the complementaries, amongst its programmes in achieving its overall objectives. Budgets, ultimately, must choose amongst social and economic groups, regions, and between today and tomorrow.

Mr. Temporary Deputy Speaker, Sir, so, where do hon. Members of Parliament come in? As the representative of the people, Parliament is the appropriate place to ensure that a budget best matches the nation's needs with the available resources. This is specifically critical, considering the current challenge to prioritise between the various sectors. In the process of investing, for example, we will want to know how much the Government is investing in the various sectors. It will make sense, for example, if agriculture is contributing 50 per cent, to ensure, as Parliament, that the budgetary allocation matches the significance of that particular sector.

By engaging the hon. Members in the budget process, we will provide a conduit, where they will be able to channel the needs of their people, because the officers working at the Treasury do not understand what the people on the ground actually want. By involving the Members of Parliament, who, hopefully, will have consulted the people that they represent, or for that matter, other sector players, they will be able to gather the information and bring it forth, so that their feelings or views can be taken into account.

So, what then will be the mandate of this House?

Mr. Temporary Deputy Speaker, Sir, it is my view that as Parliament looks at the Budget process, there are three key areas that we will be particularly interested in: The first one is the fiscal responsibility in the promulgation or formulation of this process. Secondly, we will look in detail at resource allocation; and, thirdly, the issue of accountability is very important. For example, in the area of fiscal responsibility, we shall be looking into the issue of taxation. How equitable is this taxation? How sustainable is it? What are the deficits? Are they necessary? Are they responsible? Can we afford it? Are they transparent? We have to ensure that we live within our means as a country.

Mr. Temporary Deputy Speaker, Sir, when it comes to, for example, resource allocation, we will be looking at issues as a mix, like I said. That, you give a sector commensurate allocation, depending on what they contribute towards Government revenue.

On the issue of accountability, we will be looking at things like financial accountability and

compliance. For example, if some money has been allocated, to what extent has that Ministry implemented the project for which it was allocated money?

Mr. Temporary Deputy Speaker, Sir, like I said earlier, hon. Aringo, the Mover of this Motion, has taken us through the Bill and has covered most of the provisions, and I do not want to repeat them. Above all, as our President would say, I am happy that, as the Bill seeks to empower Parliament to be more assertive, care has been taken so as not to infringe on the existing constitutional provisions which give the Executive the right to initiate the Budget-making process.

Mr. Temporary Deputy Speaker, Sir, I am a Member of the Fiscal Analysis and Appropriation Committee. I have had the opportunity to look at this Bill in detail and I would urge hon. Members to support this Bill so that we can put it into law, so that the country can move forward.

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

*(Question proposed)*

**The Temporary Deputy Speaker** (Mr. Khamasi): The Government, let us have your official response now. Yes, Mr. Michuki, let us hear from you!

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I wish to thank you very much for giving me this opportunity to express my views on this Bill. For the first time from hon. Arungah, I have been able to understand what reference to the word "fiscal" means in the context of this Bill. In trying to go through the Bill, my experience and knowledge on these matters are at variance with the meaning assigned in this Bill to the word "fiscal". It is issues that relate to taxation. Issues that relate to what you have. Strictly speaking, it does not cover the expenditure side. Hon. Arungah has been able to clarify this more than it is clarified in this Bill.

In short, Mr. Temporary Deputy Speaker, Sir, I am saying that I have a problem in understanding this Bill because the interpretations of the words used are at variance with common usage as currently applied to financial matters in this country. This Bill, first of all, is an Act of Parliament to provide for the regulation and oversight of the national Budget process. The Act is meant to provide an oversight of the national Budget process. I have a problem in understanding what the word "process" in this context, really means. In my opinion, a budget is a financial statement that contains figures that represent the interpretation of policy already made. In order to arrive at the compilation--- Let me call it compilation rather than anything that goes through the process. In compiling that budget, you start compiling a budget almost immediately after you conclude the other one. During that period, decisions on policy that will be interpreted in terms of figures in the subsequent Budget continue to be made on a daily basis. If you like, that is what you might call a "process"; a process that leads to a decision that culminates into the creation of a budget. Therefore, when you have an oversight--- When you say that you are passing a law in order to have an oversight on the process, what exactly are you telling us?

Are you saying that you are going to sit in Ministries where that process is taking place where a project, for example, to start an irrigation project is being discussed? You start the process from the moment you begin discussing that project. It does not become a part of the Budget; maybe two, three or four years later, when the policy decision has been made, that decision having been reached by going through the process of creation of project called irrigation. You can call it Tana River, Kano areas or wherever. Therefore, if we say that an Act of Parliament is needed to regulate and play an oversight over that process, what exactly are we saying? Are we saying that this House is now going to take it upon itself to control the thinking process that takes place immediately after one Budget head to the other so that it creates a budget at the end of the day when the Minister

presents the Budget here, or what is it? It is not clear!

Mr. Temporary Deputy Speaker, Sir, in my opinion, this heading raises very fundamental misunderstandings and is exactly what it is, that we are going to control. The heading itself, also talks about establishment of a Parliamentary Office for Fiscal Analysis for the oversight of the national budget. I do not know whether this is intended to control taxation. If it is referring to both sides of the Budget; that is to say that taxation side; the supply side, it might be right. However, if it means---

**Mr. Arungah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether the Minister would mind some information.

**The Temporary Deputy Speaker** (Mr. Khamasi): No! You stood on a point of order, Mr. Arungah!

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I do not need any information from Mr. Arungah. I already have acknowledged the clarification he gave me during his speech. I think that is enough for the time being. I think I can paddle my own canoe in the rest of this stormy Fiscal Management debate.

Therefore, I am trying to say that when you begin analyzing the taxation proposals, which the Government has in [**The Minister of State for Administration and National Security**] a Committee of this Parliament, involving people who have no responsibility, what exactly are you saying?

*(Mr. Sungu stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Michuki!

**The Minister of State for Administration and National Security** (Mr. Michuki): I am talking about the fiscal---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Michuki! What is it, Mr. Sungu?

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With due cognisance of the Standing Orders, particularly the one on relevance, would the Minister tell us whether he has read this Bill? The things he is questioning are in this Bill! They are explained properly.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Sungu! The Minister is perfectly in order! The Heading of the Bill; the Title, is part of the Bill. I think that is why the Minister is taking all that time. He is telling us that he is not understanding what it is all about. So, listen and when it is your time, you make him understand!

Proceed, Mr. Minister!

**The Minister of State for Administration and National Security** (Mr. Michuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I am glad for your intervention because with all these years in this Parliament, I think patience is a virtue. I might dare say that patience is a gift because some people do not have it.

Mr. Temporary Deputy Speaker, Sir, all I am trying to say is this: Supposing this Committee is formed, there is a likelihood that it will be breathing on the necks of the analysts and questioning the research that is being done in order to see whether the taxation proposals by the Government are correct or not. This is, especially, with regard to Excise Duty on these cheap goods that come in from various countries. What guarantee do you have that even if you pass that tax measure, Mr. Michuki and others, due to your exposure of what is essentially a very serious matter, will have imported those goods and flooded this market? It takes only 60 days to move goods from any part of the world to Kenya. They will come here with your taxation and you will end up with nothing because, as they say, you will have let the cat out the bag.



Mr. Temporary Deputy Speaker, Sir, therefore, when you say that you will analyse the fiscal proposals of Government, what kind of Government are you looking for? Is this the Government that was being discussed at the World Social Forum in Kasarani, which invades other people's properties and appropriates? So, we must be clear on what we are going to pass here. If this is the kind of thing that we are going to pass, it is going to ruin this country. This is because you cannot disclose your taxation measures. No country has ever survived on disclosure of its own fiscal taxation. You might give direction and say, for instance, the intention of this Government, as a matter of policy, is that we shall abolish direct taxation because it impinges on people who try to make a living out of whatever they do. So, when you impose your taxation measures, you only state your general policy, for example, you can say that there will be indirect taxation; and we shall double the taxation on *Tusker*. Those who want to take *Tusker* will pay the tax, but those who do not want to pay the taxes will not take the *Tusker*. That is a general policy. However, you cannot discuss, in July, when the financial year begins, that come June, the following year, you will impose a tax of Kshs10 for every bottle of *Tusker*. That way, you risk ruining your only taxation policy! Indeed, what kind of taxation will you have put in place? Those who want to store their beer, they will have bought and stored it for quite a number of years until they leave you bankrupt as a Government.

Mr. Temporary Deputy Speaker, Sir, therefore, let us not play around with words simply because they sound good. Let us not play with words because we are bitter about the way the Budget in this country is being run. Even the word "Budget" itself, we need to understand exactly what we are talking about.

"This Act may be cited as the Fiscal Management Act, 2007 and shall come into operation not later than 90 days from the day of enactment."

My comment is that if the Act is going to be into effect, it should then control taxation but not expenditure. So, anything that is talking about expenditure, even the impounding, which we have heard here, will be illegal according to this heading. If you withhold, then you are withholding expenditure which is not covered by the heading of this Bill. The definition of the Budget means the process by which estimates of Government revenue and expenditure, assets and they include physical priority setting. I do not quite understand; "physical priority setting." These are words which, in terms of taxation, or law must be clear. The sense of any taxation is that, it is clearly stated. It should be so clear that nobody can avoid it by using other definitions. Here in this Bill, I find that this is a new definition of a Budget. Simply put, a Budget is a financial statement; a statement of revenue and expenditure. This statement is presented to this House every year.

May be the promoter of this Bill is not aware that the Budget is not complete until the financial statement has been tabled here. In fact, at the point at which the Minister tables the financial statement, he at the same time, gives notice that, that financial statement should be taken as a notice of a Motion to be placed before the committee of ways and means.

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

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Michuki!

**Mr. Midiwo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to portray this well-intentioned Bill in bad light, knowing that he is misinforming the House and the country of the intentions? The mischief this Bill intends to cure is not what he is talking about. It is that we need to know---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Mr. Midiwo, I know you want to put the Minister straight. But what he is doing is to try to show that there is something wrong with what is contained in this Bill. He is not in agreement. Let him say his bit. You will also say your bit

when you catch my eye. Until that time---

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, thank you for reminding the hon. Member that he has an obligation to protect my right to say what I am saying.

A new definition has come in about the Budget. This has come about because it must suit certain pre-conceived philosophies that must be introduced into the budgeting system in Kenya. I have already given my understanding of the Budget, and I want to add another way of looking at it, that is that it is a plan. A Budget is a plan of systematic spending. It is not a process, because a process is what leads you to form a Budget. Therefore, it cannot be the Budget.

Mr. Temporary Deputy Speaker, Sir, why is it necessary, under this Clause, that this Bill, if it is passed, and I hope it will not be--- I like being very candid when I speak about public affairs. What is it that is so serious that even the President has to be forced to sign this Bill within 90 days, as if it was a constitutional obligation? He must be made to sign within 90 days! Is there anything that we do not see out of these proposals? The proposer will obviously tell us, because we need to be educated about this. Our own experience and knowledge is at variance with the provisions of this Bill.

Mr. Temporary Deputy Speaker, Sir, if you look at Clause 4 of the Bill, it says: "In pursuit of its policy objectives, the Government shall adhere to the following principles of prudent fiscal management". Unless we are talking about something else other than the Budget, if we are talking about semantics, that is another thing altogether. But if we are talking about a Budget, what exactly do you put in the Budget, so that you are prudent? How do you interpret the word "prudent" within that budgetary provision?

**Mr. Arungah:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I do not need any information. I think I am well informed, that is why I am standing here.

**The Temporary Deputy Speaker** (Mr. Khamasi): Address the Chair; don't worry!

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, "prudent fiscal management", someone will have to give us the definition of the word "prudent", because it so relative that it will mean different things to different people, and the law should not be ambiguous. The law must be clear and straight to the point, otherwise it will be wrongly interpreted.

Let me tell you what this document says is prudent. Clause 4(a) reads: "reduction of total debt to sustainable levels by ensuring that Recurrent Expenditure is less than the recurrent revenue in the same financial year". Did you hear that, Mr. Temporary Deputy Speaker, Sir? That is the budgeting process which is directed towards the Recurrent Expenditure. The Recurrent Expenditure meets the salaries of civil servants and pensions of pensioners. Pensioners are people who have retired and have no other source of income. The Bill says that Recurrent Expenditure must produce surplus, despite many obligations, some of which are constitutional; like the payment of pension. That is what prudent management or fiscal policy means. Incidentally, if that was the case, even if we assumed that the proposed reduction will take place and people will be denied their salaries and dues in order to meet that obligation---

Mr. Temporary Deputy Speaker, Sir, Clause 6(2)(e) of the Bill says:-

"The Budget Statement of Intent and objectives shall state the broad strategic objectives and priorities that will guide the Government in preparing the Budget for that financial year, including-

(e) proposal for financing any deficits for the financial year;"

One of the items that the Minister for Finance will report to the House is the proposal for

financing any deficits for the fiscal year. The Bill accepts a deficit and yet, it does not allow expenditure to balance with the estimated revenue because we have to reduce expenditure in order to produce surplus under the other clause that I had referred to earlier. So, there is a contradiction. We either have a balanced budget or a budget with a deficit. In that case, the Minister will give the House his proposals of how he intends to cover that deficit, either by borrowing or by raising taxes.

Mr. Temporary Deputy Speaker, Sir, this afternoon, we went through the Supplementary Estimates. All of us, particularly the opposite side, should thank the Government for being able to produce a Supplementary Estimate of over Kshs19 billion from revenues at existing rates of taxation. That is to say, without increasing tax at all. That reflects the ability and capability of the Government to control expenditure and collect revenue.

Mr. Temporary Deputy Speaker, Sir, our total Budget this year---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Michuki! Your time is up!

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I thought this debate was not timed! I have not even gone one quarter-way!

**The Temporary Deputy Speaker** (Mr. Khamasi): The debate is timed!

Yes, Mr. Muturi!

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, I would like to begin by congratulating the Mover of this very timely Bill. I would also like to thank the Parliamentary Service Commission (PSC) for supporting it.

Mr. Temporary Deputy Speaker, Sir, in the Memorandum of Objects and Reasons, it is clearly stated that:

"The principal object of this Bill is to provide for effective regulation and oversight of the national budget process and establishment of the Office of Fiscal Analysis and a concomitant Budget Committee to revitalize the involvement and participation of the National Assembly, its committees and its members in the formulation and regulation of the national budget."

Mr. Temporary Deputy Speaker, Sir, this House must and should at all times be involved in the formulation of the national budget. This is not anything new. The sole reason why Parliament exists is *inter alia* to represent. This House comprises of the people's representatives. It is a cardinal rule that there shall be no taxation without representation!

(Applause)

Therefore, I find it obnoxious and pedestrian for anybody to suggest that this House should not be involved in the process that will ensure equitable distribution of national resources. Mr. Temporary Deputy Speaker, Sir, this Bill is so well framed. In Clause 4, the Minister and the Government is being told that they will state their objectives which will have to be within stated parameters. All these are clearly laid out.

Mr. Temporary Deputy Speaker, Sir, Clause 5 says:

"The Government may deviate from the principles of prudent fiscal management, if:

(1) The deviation from those principles is temporary;

(2) The Minister states the reasons for departure, plan of action and duration within which the Government will revert to those principles and that such reasons shall be tabled in the House before such fiscal management policies are implemented".

Mr. Temporary Deputy Speaker, Sir, what can be more rational than this kind of provision? This does not require a lot of experience. We have been told that somebody has a lot of experience.

I do not know whether this is in budgeting or other exercises like juggling of liver and other such things.

We are saying that today's Parliament should be involved in ensuring that the taxation policies that the Government comes up with are prudent. They should not be oppressive. Indeed, even what happens here traditionally that the Minister comes here with the Finance Bill which contains taxation proposals. What we are saying is that by enacting this Bill, this House or its committees must be involved in the formulation and originating of those proposals.

Mr. Temporary Deputy Speaker, Sir, there is nothing new, but we want this House to be involved because we have seen the dangers emanating from the way the Budget has been formulated and treated in this House. We are told that we can only reduce the allocation of a Ministry or Department by a pound. Even for very offending Ministries and Departments, in respect of which the whole House has agreed that there has been under-performance, there is nothing we can do about them other than reduce their budgets by a pound. Therefore, I, humbly, support this Bill because of the introduction of the idea of impounding, so that those who are given responsibility in Government will be people who are agile in both body and mind.

*(Laughter)*

That is very important so that, at all times, they expect that when they come to this House, they will be meeting people who have serious information, which will have come from the Office that is hoped to be created. The Parliamentary Service Commission has already done its part by actually beginning to recruit the officers who will sit in that Office. Parliament will be richer with information, knowledge and expertise that will be provided by the Budget Office, once it is created and operational.

Therefore, I would want to appeal to my colleagues on the Government side, who claim not to understand merely because of the use of the word "prudent"--- I find it very strange. Our own Standing Orders - Standing Order No.148, which creates the Public Investments Committee - in terms of the provisions of the State Corporations Act, Chapter 446, Laws of Kenya, says that the Committee shall ensure that public resources in State corporations are managed in accordance with "prudent", commercial practices. So, the usage of the word "prudent" is not new. Even for those who claim that they think that they see---

**Mr. Angwenyi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It looks like the House is in agreement. So, would I be in order to ask that the Mover be now called upon to reply?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order! Mr. Angwenyi, I am presiding over the House, and I believe that this is a serious Bill, which should be given time. Let people air their views.

So, proceed, Mr. Muturi.

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, it is important to observe also, looking at the Memorandum of Objects and Reasons, that the Bill endeavours to achieve its objectives within the existing constitutional arrangement, which vests the Budget-making initiative solely in the Executive. So, what we are saying is that this Bill does not, in any way, deviate from what is already provided for within our current Constitution.

Mr. Temporary Deputy Speaker, Sir, indeed, it is not seeking to take away from the Government its constitutional responsibility. We, in this Bill, are told that all that Parliament is asking now is that it be involved in that process.

With those few remarks, I beg to support.

**The Assistant Minister, Office of the President** (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, may I, first of all, begin by thanking the Mover of this Bill for bringing it to the

House. For a very long time, Parliament has tried to do its job, to ensure that there is equitable disbursement of resources.

*(Applause)*

Going by the contents of this Bill, I do realise that the proposals made here are well-intended. The Bill seeks to ensure that in any planning, the expenditure does not exceed the revenue. We always say that we must balance our budgets. I think this Bill seeks to ensure that we do not burden the people of Kenya with deficit financing.

I stand here, having read this Bill, to say that I do support it.

With those few remarks, I beg to support.

*(Applause)*

**Mr. Kipchumba:** On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that the House unanimously supports the Bill, will I be in order to ask the Chair to call upon the Mover to reply?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Khamasi): I have just made a ruling about three minutes ago on the same application. We have not even heard what the Government wants to say about the Bill.

*(Loud consultations)*

Order! Let us be magnanimous! What is the rush for? I believe that the Government wants to say something about this Bill. We want to know its position.

**Mr. Sungu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to the Chair---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Who has given you the permission to address the Chair? You know that I have already made a ruling about that application. So, if you want to contest my ruling, that is a different matter.

Mr. Sungu, if you are not contesting my ruling, I would like to hear you!

**Mr. Sungu:** Mr. Temporary Deputy Speaker, Sir, I will not contest your ruling, because I respect the Chair tremendously. But about one hour ago, we approved Kshs19 million, because of the mood that was prevailing in the House. So, I want to appeal for your magnanimity and, if it is necessary, to put the Question, so that the House can decide. We know very well that this is a matter of importance to the House, and we are the ones to decide.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Khamasi): If there is no more interest, I will call upon the Mover to reply.

*(Applause)*

**Mr. Oloo-Aringo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the House for the unanimous support of this very important Bill.

It will liberate this country from skewed allocation of resources. It will also give us dignity, as a House, and make our people to have a say in the national budget, because the budget is their money and resources.

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

*(Applause)*

*(Question put and agreed to)*

*(The Bill was read a Second Time  
and committed to a Committee of the  
whole House tomorrow)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Next order!

### MOTIONS

#### ADOPTION OF REPORT ON SIXTH SESSION OF PAN AFRICAN PARLIAMENT

THAT, this House adopts the Report of the 6th Ordinary Session of the Pan African Parliament held in Gallagher Estate, Midrand, South Africa from 13th to 24th November, 2006, laid on the Table of the House on Wednesday 18th April, 2007.

**The Temporary Deputy Speaker** (Mr. Khamasi): Leader of the delegation! Who is it? He is absent.

*(Motion deferred)*

So, next order!

#### ADOPTION OF FOURTEENTH PIC REPORT

**Mr. Muturi:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, this House adopts the Fourteenth Report of the Public Investments Committee on the Accounts of State Corporations Vol.1 and the Treasury Memorandum on the Implementation Status of the Thirteenth Report of the Public Investments Committee on the Accounts of State Corporations Vol.II laid on the Table of the House on Tuesday, 8th May, 2007.

Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to move this Motion. As you know, the Public Investments Committee (PIC), I believe, is a Select Committee established under Standing Order No.148. I do not need to read or reproduce the functions, but it is important, in light of what we have just been discussing, for me to state that those functions include; first, the examination of reports and accounts of public investments.

Secondly, the examination of reports, if any, of the Controller and Auditor-General on public investments. Thirdly, the examination in the context of the autonomy and efficiency of public investments, whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices.

Mr. Temporary Deputy Speaker, Sir, I took the liberty to deliberately read that aspect because in the course of our examination of reports on the management of the affairs of State

Corporations, we are mostly guided by that consideration.

Mr. Temporary Deputy Speaker, Sir, the current Committee comprised of the following hon. Members: Hon. J.B.N. Muturi, M.P, as the Chairman, hon. Wamunyinyi, hon. Dr. Rutto, hon. Angwenyi, hon. Munya, hon. Sang, hon. Muchiri, hon. Gitau, hon. Abdirahman, hon. Bahari and hon. Dr. Kibunguchy. It is noted for record that hon. Abdirahman ceased being a Member of the Committee in December, 2005, upon being appointed as an Assistant Minister. Hon. Dr. Kibunguchy also ceased to be a Member of the Committee in December, 2005, upon being also appointed as an Assistant Minister.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! All arise! Hon. Muturi, you will continue contribution to the Motion when Debate resumes.

Hon. Members, it is now time to interrupt our Business and the House is, therefore, adjourned until tomorrow, Wednesday, 16th May, 2007, at 9.00 a.m.

The House rose at 6.30 p.m.