

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 13th November, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No. 942

INSECURITY IN JARAJILLA DIVISION

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

(a) why the Government has withdrawn security and the District Officer from Amuma in Jarajilla Division, Garissa District; and

(b) whether he was aware that the primary schools in Rugaa and Amuma in the said division closed because of insecurity; and if so, what is he is doing about this serious situation.

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

(a) Neither the District Officer nor the Security Officer has been withdrawn from Jarajilla Division.

(B) The pupils of Rugaa primary school were transferred to Amuma primary school due to under enrolment and not insecurity. Arrangements are under way to revive the schools with the help of the community by encouraging parents to send their children to the two schools.

Mr. Farah: Mr. Speaker, Sir, to begin with; I had asked why the Government has withdrawn security and the District Officer from Amuma in Jarajilla Division. In the answer the Assistant Minister has said that the Government has not withdrawn the District Officer and security from Jarajilla. My question was specific on Amuma in Jarajilla Division which was the headquarters. Indeed, the District Officer who used to be in Amuma, the divisional headquarters was removed way back. The school in Rugaa closed due to insecurity and one in Amuma. Is the Assistant Minister aware that the Chief of Amuma, the late Mohammed Absalan was killed by bandits in his house in Amuma itself?

Mr. Awori: Mr. Speaker, Sir, the information I have, does not give me those facts. If I can get those facts from the hon. Member, I will investigate and deal with it.

Mr. Farah: Mr. Speaker, Sir, while appreciating the concern by the Assistant Minister to do further investigations, could he please investigate further and come back to this House and tell us why there is no police or administration police in Amuma and in Rugaa bearing in mind that the schools have closed?

Mr. Awori: Mr. Speaker, Sir, I will do that and bring back the correct information.

Mr. Nyagah: On a point of order, Mr. Speaker, Sir. You and I suffer from two general things in life; cold and heat. For some of us who suffer from arthritis and other diseases it is extremely cold. Since the Chair is very powerful and its powers unquestionable, could you, Sir, with all due respect, order that we be given a little heat in this House?

Mr. Speaker: I am afraid, Mr. Nyagah. I do share your sentiments. Occasionally, it is too hot or too cold. But, the thing is this: We have an air-conditioning system which is all mechanical. I cannot reduce it because there are no instruments for doing that. I wish I could.

Mr. Shikuku: On a point of Order, Mr. Speaker, Sir. Although I agree with you, could it not be switched off. It is getting rather colder. It can be switched off.

Mr. Speaker: Order! I suppose that the Chair always does everything in the interest of the House and if it is the wish of the House that it be turned off; fair enough!

Mr. Mwaura: Mr. Speaker, Sir, the state of insecurity in the country at present is very serious. Can the Assistant Minister tell the House if the Government is satisfied with the present security position in the country? What is the Government doing to combat insecurity in the country?

Mr. Awori: Mr. Speaker, Sir, the Government has beefed up the number of security officers; it has improved the equipment required by the security officers as evidenced by the fact that quite a few of the offenders who carried out the heinous crimes in Kiambu were arrested within the last 24 hours.

Mr. Manoti: Thank you, Mr. Speaker, Sir, while appreciating the Government's efforts in creating new divisions, would the Assistant Minister tell us why sometimes it takes so many years to give a DO a vehicle to operate in his division as was the case in Nyacheki Division in my constituency which was established in 1993 and the DO has no vehicle up to date?

Mr. Awori: Mr. Speaker, Sir, we can only supply vehicles depending on finances available at a given time.

Mr. Farah: Mr. Speaker, Sir, can the Assistant Minister tell us when he is going to give us this answer? After the Chief was killed, the local people had to run 100 kilometres to report because there was no vehicle available.

Mr. Awori: Mr. Speaker, Sir, I wish to give an undertaking that I will bring that information next week on Thursday. Unfortunately, I cannot give an undertaking as to when I can give a vehicle to the area.

Question No. 621

MOBILE BANK IN MAGARINI DIVISION

Mr. Ndzai, asked the Minister for Finance whether he could consider establishing a mobile bank for teachers and other employees in Magarini Division who have to travel long distances to Malindi to get their salaries.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I beg to reply.

The establishment of a mobile bank or any banking institution for that matter, especially in today's liberalised economy, is entirely at the discretion of the banking community. The bank takes profitability particularly into perspective as well as customer service when considering to establish a mobile or any other type of bank. It is, therefore, not possible for the Minister of Finance to consider establishing a bank for teachers and other employees in Magarini to get their salaries.

Mr. Ndzai: Mr. Speaker, Sir, most of the employees in Magarini Division have to leave their work places so that they can go and collect their salaries. Could the Assistant Minister do something so that these teachers do not have to leave their working places for one or two weeks in order to go and collect their salaries?

Mr. Keah: Mr. Speaker, Sir, while I am sympathetic with the Magarini situation, as indeed I am sympathetic with such similar situations throughout the Republic, I would like to state here that it would be up to the employers to make the necessary arrangements to have those salaries either paid in cash, by cheque or whatever other means in Magarini. But, for me to organise for the salaries to be paid there, you will appreciate that it is almost an impossibility. I was not aware that it takes two weeks for the employees to encash their cheques or collect salaries in Malindi. I find that strange.

Question No. 1124

INADEQUATE WATER SUPPLY IN LARI

Mr. Gitonga, asked the Minister for Land Reclamation, Regional and Water Development:-

(a) whether he is aware that the Bathi Water Supply does not reach all the people it is intended to serve;

(b) whether he is further aware that consumers go without water most of the time as a result of a faulty distribution systems and regular breakdowns of the equipment; and,

(c) if the answers to "a" and "b" above are in the affirmative, what immediate steps the Ministry is taking to solve the problem.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Mr. Speaker, Sir, I wish to reply.

(a) I am aware that Bathi Water Supply does not reach all the people meant to be served by it. This is because the demand for water has far outstripped the supply. As it is now, the demand from the whole of the intended zone is 13,842 cubic metres per day against a production of only 3,125 cubic metres per day; leaving a

shortfall of 10,717 cubic metres per day.

(b) I am aware that the consumers go without water most of the time due to low pumping capacity as a result of vandalism of the pumping unit and control panel and associated electrical accessories.

I would like the hon. Member to impress upon his constituents on the importance of protecting water installations so that they can stop vandalising the installations which are meant for their benefit.

(c) My Ministry intends to augment the shortfall of water supply by drilling more boreholes and rehabilitating the vandalised installations. It is hoped that this will increase the current supply by some 3,000 cubic metres per day and hence ease the water shortage in the area. This year, the project has been allocated Kshs3 million for the purpose.

Mr. Gitonga: Mr. Speaker, Sir, I am glad that the Assistant Minister has admitted that this water does not reach all the people that it is meant to serve. The problem which I find in this water supply is that the people were advised by the Ministry to put up some water storage tanks but the fact is that these tanks have now cracked because they do not get any water and the people have already spent thousands of shillings to put up these tanks. Why is it, in the first place, did the Ministry advise the people to spend so much money in putting up these storage tanks while they knew that there was not enough water in the area to be supplied to these storage tanks?

Mr. Mokku: Mr. Speaker, Sir, the issue of the storage tanks is not included in the hon. Member's Question and I am not aware that the Ministry advised the people that way.

Mr. Mwiraria: Mr. Speaker, Sir, there are many water projects under the Ministry which suffer the same fate as the Bathi Water Supply. The question that I want to put to the Assistant Minister is: What steps is the Ministry taking to rehabilitate most of these water projects because many of them do not face any other problem but clogged pipes due to water shortage? What steps is the Ministry taking to rehabilitate all of them?

Mr. Mokku: Mr. Speaker, Sir, in some water projects, it is true that there could have been some mechanical problems and also each project will actually be looked into separately. We cannot have a general solution for all the projects because their problems could be different.

Mr. Gitonga: Mr. Speaker, Sir, when will this new project start since the Assistant Minister has told us that he is expecting Kshs3 million to be spent on it?

Mr. Mokku: Mr. Speaker, Sir, the Kshs3 million that has been set aside for this financial year is being utilised.

Mr. Speaker: Mr. Njeru's question.

Question No. 1112

CONSTRUCTION OF SEWERAGE SYSTEM

Mr. Speaker: Bishop Njeru not here? Next Question.

Question No. 282

UP-GRADING OF SLUM AREAS

Mr. Ruhiiu, asked the Minister for Local Government what plans his Ministry has to up-grade the following slum areas in the City of Nairobi:- Soweto, Canan Village; Gitari Marigu; Maili Saba; Kinyago; Mathare and Kibera.

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

There is no comprehensive Government programme for up-grading the entire slum areas in the City of Nairobi. However, my Ministry, in conjunction with the Nairobi City Council, has acknowledged the role the slums and informal settlements within the City play in the provision of shelter. Currently donor agencies and non-governmental organisations, in collaboration with the City Council, are assisting in the improvement of slums. In the case of Kibera Slum Settlement, for example, the City Council and the United Nations Fund for Population Activities (UNFPA) in collaboration with the various NGOs, is undertaking improvements in the Kibera under the Urban Slum Improvement Programme. This programme entails improvement of the environment and sanitation, provisions of access to family planning services and primary health care services as well as minimal physical improvements.

Secondly, as concerns the Gitari Marigu, Canan and Kinyago slum settlements, the City Council, the Government of Kenya through the Ministry of Local Government and the Dutch Government have worked out a

five year improvement programme covering the above settlements. The programme is funded by the Dutch Government and it entails physical improvements, economic regeneration and provision of social amenities.

The Programme implementation is to be commenced immediately, once the Dutch Government provides technical assistance.

(iii) Maili Saba

The Council has no plans for improvement as this is a squatter settlement built on private land. Once appropriate alternative public land is found, residents of the settlement will be relocated.

(iv) Soweto Village Slum Settlement

In Soweto village, the City Council approached up-grading the Settlement by providing the occupants with land tenure on plots they occupy.

The provisions of land tenure to the residents is meant to stimulate the residents in investments and improvements. Since 1992, after provision of security of tenure, significant physical improvements have been realised.

Other NGOs and donor agencies have also complimented the improvement strategy by offering financial and technical assistance to various community groups to facilitate implementation of various economic and social projects.

(v) Mathare Slum Settlements

The Government, in liaison with the City Council, is supporting the Mathare 4A Slum Up-grading Programme, being undertaken on land formally owned by the Government and is now leased to the Catholic Diocese of Nairobi which is the implementing agency. The programme entails improvement of physical structures, infrastructural services, economic regeneration and provision of social amenities.

Thank you, Mr. Speaker, Sir.

Mr. Ruhiu: Mr. Speaker, Sir, I thank the Assistant Minister for that very comprehensive answer to my Question. I am going to ask a very short supplementary question without any preamble, because it will be lengthy.

Mr. Speaker, Sir, now that the Assistant Minister has said in his answer that there is no comprehensive Government programme for up-grading the entire slum areas in the City of Nairobi, and he further says: "However, my Ministry in conjunction with the Nairobi City Council have acknowledged the role the slums and informal settlement within the City play in the provision of shelter."

Arising from that answer, could the Assistant Minister tell this House whether the incident of last month, where slum areas were demolished is consistent with that statement?

Mr. Kamuren: Mr. Speaker, Sir, that is not consistent at all.

Mr. Mbeo: Thank you, Mr. Speaker, Sir. I would like to know if the Assistant Minister is aware that the Kenya Government is a subscriber to the Habitat Agenda where the slum areas are being given prominence, because they have also recognized the fact that people living in the slum areas must be accorded the best there is in shelter. Why is it that the Kenya Government has no comprehensive programme, yet they are subscribing to Habitat Agenda? In Kenya, I am the President of the Global Parliamentarians to Habitat and, therefore, you better give me a better answer than that.

Mr. Kamuren: Mr. Speaker, Sir, slum areas will be given prominent recognition in this country.

Mr. Mwaura: Mr. Speaker, Sir, while talking about Maili Saba, the Assistant Minister said that the Government will not be involved in resettlement of slum dwellers there because it is private land. Is the Government aware that habitation of private land by people without land can cause security problems when these people are eventually evicted by the land owner if the Government cannot resettle them? Would it not be better for the Government to initiate the resettlement of these people on Government land instead of saying it is private land where the owner can come and evict them and then they become homeless.

Mr. Kamuren: Mr. Speaker, Sir, I tend to agree with my colleague on the other side of the House. The Government will always look for better settlement and make sure that the slum dwellers are settled in a proper manner, instead of being left on land that is privately owned.

Mr. Speaker: Next Question! Mr. Nthenge!

Question No.678

PAYMENT OF TERMINAL DUES TO EMPLOYEES

Sorry. Mr. Michuki's Question is deferred to Tuesday next week.

Question No.938

TELEPHONE SERVICES IN KANGEMA

(Question deferred)

Mr. Nthenge: Mr. Speaker, Sir, I have agreed with the Ministry that they can answer it later, because they got the wrong answer.

Mr. Speaker: Very well! Question deferred!

Question No.678

PAYMENT OF TERMINAL DUES TO EMPLOYEES

(Question deferred)

Next Question! Mr. Njenga Mungai!

Question No.676

REPAIR OF MOLO-NAKURU ROAD

Mr. J.N. Mungai asked the Minister for Public Works and Housing what steps he is taking to repair the Molo-Nakuru Road, especially the section through Elburgon Town.

The Assistant Minister for Public Works and Housing (Col. Kiluta): Mr. Speaker, Sir, I beg to give the following reply.

The Ministry is planning to include the repairs of the Molo-Nakuru Road into the implementation of a contract to repair Nakuru-Njoro-Mau Summit Road, and the necessary arrangements are at an advanced stage.

Mr. J.N. Mungai: Mr. Speaker, Sir, I thank the Assistant Minister because he has already realised that surely the road is in a terrible situation. When I hear that the road systems from Nakuru, Njoro, Elburgon, Turi, Molo and Mau Summit are going to be repaired, it pleases me, but I must ask one question. When is this work going to commence and how much is it going to cost?

Col. Kiluta: Mr. Speaker, Sir, we have already advertised the contracts for this road. The contracts were opened last month, the tenders have not been awarded and it will not be proper to give the names of the contractor at this stage because it has not been awarded. It is also not in order to disclose the amount of money involved before the contract is awarded.

Mr. J.N. Mungai: On a point of order, Mr. Speaker, Sir. My point of order included whether the Assistant Minister can tell---

Mr. Speaker: Your point of order, or your question?

Mr. J.N. Mungai: Mr. Speaker, Sir, the Assistant Minister should understand my question. Is it in order for the Assistant Minister to evade part of my question? I wanted the hon. Assistant Minister to tell the House when the contract is going to start. If he does not want to give us the figure of the amount of money going to be spent or even disclose the name of the contractor, let him tell us when the contract is going to begin because it is within the plan.

Col. Kiluta: Mr. Speaker, Sir, I said that the tenders were opened last month, the contractors were short-listed and it is only a question of giving the lowest tenderer, and the work will start any time now because the money is there.

Dr Lwali-Oyondi: Mr. Speaker, Sir, I was looking at the printed estimates for this financial year, but I did not see anything for this road. The Assistant Minister should elaborate on that.

Col. Kiluta: Mr. Speaker, Sir, the hon. Member approved a sum for the Road Maintenance Fund. Unless he has forgotten that, he should know that we have money that we can use on that road.

Mr. Speaker: Bishop Njeru's Question for the second time.

Question No.1112

CONSTRUCTION OF SEWERAGE SYSTEM

Mr. Speaker: Bishop Njeru is still not here? His Question is dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

ARMING OF HOME GUARDS

Mr. Mwiraria: Mr. Speaker, Sir, I beg to ask the Minister of State the following Question by Private Notice.

- (a) What is the current Government policy on arming of home guards in the country?
- (b) Could the Minister give a list of all the districts which have armed home guards at the moment?

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

(a) The Government has been arming home guards on the request of district and provincial security committees based on the need to supplement the efforts of security personnel in curbing crime. However, this policy has been put in abeyance pending further consultations.

(b) The following districts have armed home guards: Samburu, West Pokot, Trans Mara, Turkana, Trans Nzoia, Mount Elgon, Tana River, Lamu, Garissa, Wajir, Mandera, Isiolo, Mwingi, Marsabit, Moyale, Nyambene and Kitui.

Mr. Mwiraria: Mr. Speaker, Sir, I am glad to note that the Government arms home guards to supplement the efforts of security personnel in curbing crime. It so happens that Meru District is surrounded by districts which have got armed home guards. North Imenti, in particular, suffers a great deal from loss of livestock to armed home guards from other districts, namely Isiolo, Samburu and Nyambene. Could the Assistant Minister review this policy of giving home guards arms and include Meru District in the arming scheme so that the people of North Imenti can defend themselves? An obvious case would be Kiambu District, which seems to be gripped by insecurity, and elsewhere where it is obvious that Government security forces are unable to control thugs.

Mr. Awori: Mr. Speaker, Sir, if the hon. Member addresses himself to the security committee in his area and information comes to us then most certainly we will do as I said. We do arm these people on the request of the security committee.

Mr. Gitau: Mr. Speaker, Sir, due to the insecurity in our Kiambu and Thika Districts, will the Government consider providing arms to home guards and to all the prominent businessmen so that this can supplement the efforts of the police and Administration Police in the two districts?

Mr. Awori: At the moment, particularly in Kiambu District, we do believe that the security personnel we have got there is adequate. The only way we can accede to supplementing our security personnel is if the local people go to the security committees and put their case. If the security committees find that it is necessary, then home guards will be armed.

Dr. Kituyi: Mr. Speaker, Sir, will the Assistant Minister explain to this House why in Trans Nzoia District members of one ethnic community have home guards who are armed by the State, while members of the majority communities in the district have never had any armed home guards? Yet the main incursions by armed Pokots and Sebeis have been against communities which do not have armed home guards!

Mr. Awori: Mr. Speaker, Sir, in arming home guards, ethnicity is not a factor. I think the sooner we stop being obsessed with differences in ethnicity the easier things will be for us.

Mr. Nyagah: Mr. Speaker, Sir, I am sure that the Government must have seen the need to arm home guards in certain areas, as a deterrent measure. It is common sense that at the moment there is great insecurity in Kiambu District. One does not need to wait for the people of the area to contact the security personnel so as to advise the Government accordingly. What we have at the moment is a national problem. In view of that, would the Government consider at the moment arming home guards in Kiambu District?

Mr. Awori: Mr. Speaker, Sir, I answered a similar supplementary question from another hon. Member and said that as of now we believe that we have adequate security personnel within Kiambu District.

Mr. Icharia: Mr. Speaker, Sir, it is very unfortunate to hear the Assistant Minister saying that there is adequate security personnel in Kiambu District. The security personnel in Kiambu is not adequate and neither do they have adequate transport. In most cases, when you report cases of thuggery, the security personnel are unable to reach the place attacked by the thugs. How is the Assistant Minister going to seriously approach the problem

in Kiambu District, because we are losing many lives every week?

Mr. Awori: Mr. Speaker, Sir, the security officers take what is happening in Kiambu very seriously. I have demonstrated this fact by showing that quite a number of criminals have been arrested and continue to be arrested.

Mr. Mak'Onyango: Mr. Speaker, Sir, it is clear that the provision of armed home guards is selective even though we have problems of insecurity all over the country. Why is the Government selective when it comes to arming home guards?

Mr. Awori: Will he please repeat his question?

Mr. Mak'Onyango: Mr. Speaker, Sir, I have said that from the answer given by the Assistant Minister it is very clear that the Government is selective when it comes to arming the home guards. Insecurity is found all over the country. So, why is the Government selective? Why does it not arm home guards everywhere in the country to take care of the security problem, if the police cannot do it?

Mr. Awori: Mr. Speaker, Sir, I do not know why the hon. Member says that my reply implied that there is selectivity in arming the home guards. Alego/Usonga is so secure and peaceful that I do not see why we should have to give home guards there arms!

Mr. Kapten: Mr. Speaker, Sir, we have had problems of insecurity in Trans Nzoia District for many years. We have the Pokots on the western side and the Sebeis on the northern side. Every time people are being killed and their cattle stolen, and yet the Assistant Minister says he has home guards. The home guards he has armed come from only one ethnic group. Why has he not considered giving other tribes like the Luhyas, Kikuyus, Tesos and Luos, who are in Trans Nzoia, guns to protect themselves?

Mr. Awori: Mr. Speaker, Sir, I said earlier that the policy of arming home guards has been suspended. That is what I said in my answer. Wherever there is a need for arming of home guards people will have to make a request, which will be looked into on its own merit.

Mr. Mwiraria: Mr. Speaker, Sir, my concern is that the misuse of firearms given to the home-guards should be minimised. I have given clear instances where arms from neighbouring districts have been used to take away cattle, sheep and goats from the people of North Imenti. What is the Ministry doing while this policy is in abeyance, to make sure that the arms which are already given out are not used by those who have them to steal from fellow Kenyans, instead of providing people with security?

Mr. Awori: Mr. Speaker, Sir, our security officers do inspect all the areas where arms are in the hands of home-guards. If they do find indeed that those arms are being used in either harassing or terrorising another group, those arms will be withdrawn. In your case, they will certainly be withdrawn if we are convinced that, that is what is happening.

EXPLOITATION OF SUGAR-CANE FARMERS

Mr. Aluoch: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that for the last five years the sugar-cane farmers have been paid at the rate of Kshs1,553 per ton of raw cane?

(b) Is he further aware that this rate was fixed when the factories were selling sugar at the rate of Kshs29,000 per ton, but they are now selling the same at Kshs37,000 per ton, an increase of 27.58 per cent?

(c) Is the Minister also aware that farm inputs, that is fertilizers, fuel, oils, etcetera have correspondingly increased in prices and the farmer has not been compensated?

(d) If the answers to "a", "b" and "c" above are in the affirmative, what urgent measures is the Minister taking to correct this exploitation of farmers by the sugar factories, a situation that may lead to uprooting of sugar cane from the farmers?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that sugar-cane farmers have been paid at the rate of Kshs1,553 per ton of cane from February, 1994 to date, but not for the last five years.

(b) The prices of cane and sugar were decontrolled with effect from March, 1993. Since then, the price of cane paid to the farmers in "a" above represents a negotiated price between the Sugar Manufacturers Association and Cane Growers Organisation. The rate was fixed in February, 1994. It should also be noted that the ex-factory prices received by manufacturers after paying the Value Added Tax and sugar development levy have varied within the range of Kshs29,000 and Kshs31,000 per ton during the first two years. The sugar

development levy has been increased during the period to provide funds for cane development, rehabilitation of factories and farm machinery, research and road improvement.

(c) I am aware that prices of farm inputs have increased over the last few years following the liberalisation of many of these inputs. Further, my Ministry, through the Kenya Sugar Authority, reviews annually the cost of cane and sugar production. Currently, the annual review for 1996/97 is in progress. When finalised, it will form the basis for a negotiated incentive package between sugar manufacturers and cane growers.

With regard to agricultural inputs, whereas it is not within the domain of the Government to determine the cost of these inputs and also pricing of the same, the Government has taken steps in order to keep the cost of production low by developing appropriate production technologies. The Government has also helped to keep the cost of inputs as reasonably low as possible. In this regard, the Government has allowed the importation of fertilizers, chemicals and other inputs used for agricultural production duty-free and no VAT is imposed on them. We are also encouraging farmers to organise themselves into viable groups like, co-operatives or companies so that they can import them directly from the manufacturers to further reduce the cost to themselves. In addition, the manufacturers and cane farmers have established a workable mechanism for negotiating prices. These groups need support and encouragement in order to avoid confrontation and disruption in the production process.

Mr. Aluoch: Mr. Speaker, Sir, apart from giving me the answer that is not considered adequate for the benefit of the farmers, may I ask the Assistant Minister to let this nation know why the sugar-cane farmers are the ones to bear the increases of levies and other taxes and this cannot be passed to the consumers?

Dr. Misoi: Mr. Speaker, Sir, in a liberalised economic environment, all players are expected to carry their share in terms of prices. The Government does not have the mechanism to control, force or even increase prices. It is upon the players themselves to adjust the prices among themselves. Further, we realise that the cost of sugar-cane has increased whereas the payment to the farmers has stagnated for a long time. We suggest that the sugar manufacturers should increase the production, so as to encourage farmers to produce more sugar-cane for this nation.

Mr. Shikuku: Mr. Speaker, Sir, I appreciate the last reply by the Assistant Minister. But when you look at the rates, a farmer is paid Kshs1,553 per ton and the sugar manufacturers get Kshs37,000 per ton. Can he not see that disparity? When will the Assistant Minister make sure that the farmers get their fair share? All the taxes and levies hit the sugar-cane farmer. Can you imagine what will happen when the farmers will refuse to grow sugar-cane because they have been undercut? What will happen if those of us who come from the sugar-cane growing areas stopped growing sugar?

Dr. Misoi: Mr. Speaker, Sir, the Government takes seriously the comments made by hon. Shikuku. By so doing, we are asking the sugar manufacturers in this country to ensure that they do adjust the prices payable to the farmers to encourage them to produce more sugar-cane. At the same time, the Government, as you are all aware, as put in place stringent measures to ensure that sugar which is in transit to other countries does not enter the market and the same imported sugar attracts the necessary taxes stipulated by this House. It is a question of people being disciplined in doing their jobs and ensure that things are done the right way.

Mr. Ojode: Could the Assistant Minister confirm or deny that the district commissioners have been interfering with the prices of sugar-cane because they become automatic directors in these sugar industries? They are the negotiators of the prices paid to the Outgrowers. Could he confirm or deny that?

Dr. Misoi: Mr. Speaker, Sir, that is not true and I cannot confirm. The Outgrowers should be able to negotiate the prices on their own. They are free people and they have the right to negotiate.

Dr. Kituyi: Arising from the reply by the Assistant Minister, in the first place, any Government which acknowledges that the price of sugar has gone up by more than 27 per cent without any significant increase in the price of sugar-cane from the farmers cannot claim that there is any equitable sharing of the benefits or costs between manufactures and producers. But be that as it may, in his original reply, the Assistant Minister is claiming that part of the justification for the increases, is the facilitation of the Kenya Sugar Development Fund which is supposed to be assisting the sugar factories. Can he explain to this House whether there is such a facility for taking care of cash short-falls in the sugar companies? According to the interim audit report that was tabled here yesterday by hon. Busolo, the Chairman of Nzoia Sugar Company loaned the company Kshs32 million for one month and took a profit of more Kshs4 million from the company where he is the Chairman. Why did this money not come from the Sugar Development Fund, instead of coming from a company owned by the Chairman of Nzoia Sugar Company?

Dr. Misoi: Mr. Speaker, Sir, that is a different question and I would not like to get into it. If that happened, and it is illegal, then there are mechanisms to handle it and put it right.

Mr. Manoti: Thank you, Mr. Speaker, Sir. In view of the fact that the sugar-cane is too much and

some of the factories are unable to cope with the increase of sugar-cane, can the Assistant Minister consider expanding the sugar factories like Awendo which cannot cope with the sugar-cane from South Nyanza, or building new factories?

An hon. Member: Another one in Trans Mara!

Dr. Misoi: Mr. Speaker, Sir, first, where we have enormous growth of sugar-cane in this country which justifies construction of sugar processing plants, the Government will facilitate that development. Secondly, we know that Kenya has a deficit; we do not produce enough sugar for the nation. Therefore, at one time or another we have to import. Should we have surplus sugar, we should export it and earn foreign exchange. In the past, we even had a market in the European Union to export sugar. So, farmers should work hard and produce a lot of sugar-cane for this commodity.

Rev. Ommani: Thank you, Mr. Speaker, Sir. Since there is liberalisation of prices of sugar, would the Assistant Minister consider liberalising the cane industry so that the farmers will also work out their own prices in order to sell to the manufacturers? These farmers are going to get tired because they are highly taxed in this country. They have the transportation, all the cutting, all the taxes and VAT on them. Would you please consider the farmers so that they can come up with their own prices to the manufacturers?

Dr. Misoi: Yes, indeed, Mr. Speaker, Sir, the farmers are free to negotiate for the type of prices they want from the sugar manufacturers. The Government does not control them and we do not restrict them at all. They are free and it is the responsibility also of the hon. Members of Parliament to educate the farmers on how they should be able to fight for their rights.

Mr. Mak'Onyango: Mr. Speaker, Sir, Kenya sugar-cane farmers are being frustrated from two fronts one of which is through importation of sugar. Large quantities of sugar are imported into this country and that deprives the Kenyan sugar-cane farmer of a colossal part of the market. Then there is the question of price differential. What is the Government doing either by way of subsidising the farmers or coming up with incentives to make the Kenyan farmers grow more sugar than they are doing at present?

Dr. Misoi: Mr. Speaker, Sir, I have addressed the issue of excess imports. In terms of offering farmers prices, that should be left to the market forces. Regarding the incentives, I have already mentioned that we do not tax a lot of inputs going to the farms. That is the subsidy by the Government.

Mr. Aluoch: Mr. Speaker, Sir, in his answer, the Assistant Minister said that the Kenya Sugar Authority reviews the prices of sugar annually. This review has not taken place since 1993. Can the Assistant Minister now urge the Kenya Sugar Authority to carry out this review? They seem to be the stumbling block in this factor, and they are frustrating the farmers. If the farmers are continuously being frustrated, it only means to us that the importation of sugar will continue and the big "fish" will enrich themselves at the expense of the farmers, and this cannot be allowed to continue for ever.

Dr. Misoi: Mr. Speaker, Sir, let me use this opportunity to ask the Kenya Sugar Authority to take up that matter of reviewing the prices in order to adjust the same for the benefit of the farmers and Kenyans at large.

Mr. Speaker: Very well. That is the end of Question time.
Next Order!

POINTS OF ORDER

INCITING REMARKS BY HON. NYANJA

Mr. J.N. Mungai: Mr. Speaker, Sir, I am rising on a point of order in connection with a statement made on the Floor of this House by hon. Nyanja this morning.

(Loud consultations)

Mr. Speaker: Order!

Mr. J.N. Mungai: Mr. Speaker, Sir, the statement stated in part as follows that:-
"Should another Kikuyu be killed in Kiambu, the Kikuyus are going to rise up and begin killing the Kalenjins."
This was a very unfortunate statement, and it must be condemned by all peace-loving Kenyans.

(Applause)

It must also be treated with the contempt it deserves because there has never been a time when Kikuyus ever met

to decide against another tribe. There has never been a time when Kikuyus ever entertained killings in this country. This statement must be treated as a personal statement by hon. Nyanja himself. Should anything happen to anybody, because of such a statement, hon. Nyanja must be held responsible for it. Everybody, including the leaders in this House, know that all tribes in this country have a very wide geographical spread which includes the Kikuyus. Anybody trying to incite tribes to turn against one another, would be very misled. Such a person does not deserve to serve on the Floor of this House.

An hon. Member: Good!

(Applause)

Some of us in the Rift Valley had a very bad experience between 1992-1994, when we saw people die in large numbers. We saw property destroyed and, to this date, the wounds have not healed. Many of us are putting in a lot of time, talking to the tribes which live in such areas, asking them to co-exist peacefully because the loss is theirs. These tribes have already accepted to co-exist, to forget the past and begin afresh. These communities have accepted to share the blame, to forgive one another and never to repeat it.

(Applause)

Mr. Speaker, Sir, in conclusion, I would only call upon the Government to thoroughly investigate the incidents taking place in Kiambu. They should leave no stone unturned until they get whoever is involved in these incidents. No matter how powerful he may be in Government, or in the Opposition, such a person should be brought to book so that people of Kiambu can live again in peace.

Finally, I would call upon all the leaders in this country, including the wananchi out there, that when it comes to matters of security, we must cast aside our political interests and affiliations, and make sure that we join hands to assist the Government and the wananchi outside to investigate these matters and if possible, apprehend whoever is involved and bring them to book. Thank you, Sir.

(Applause)

Mr. Gitau: Mr. Speaker, Sir, I rise on a point of order on behalf of Members of Parliament from Kiambu and Thika District and all peace loving Kikuyu community in the Central Province and in the diaspora to disassociate ourselves from the statement which was made this morning by the Member of Parliament for Limuru.

The security problems in Kiambu have nothing to do with any particular tribe in this country. Our problem is with the administration and an element of local politics. We are calling upon the administration to be more vigilant. I am also calling upon all of us politicians to avoid making misplaced and careless statements. I am aware that there are some of us who are not in support of this statement. The statement I am making has been considered very seriously by a large cross-section of politicians, and those who are not with us, in condemning hon. Nyanja's statement. His statement is personal and he should be held responsible for what will happen. Our brothers, the Kalenjins, should feel safe wherever they are within the Kikuyu communities in Central Province and elsewhere.

Mr. Speaker: Well, hon. Members, I gave that latitude to those hon. Members because the Chair was perplexed as a matter of fact by a Member using the Floor of the House to invite members of the public to break the law. We all know that before you take your seat in this House, each one takes a Bible, a Koran or affirms to defend the Constitution and the laws that are right there. I, therefore, urge hon. Members to take very seriously the sentiments expressed by the hon. Member for Molo and the hon. Member for Gatundu and weigh their words very carefully on the Floor of this House before they ever invite either Members of this House or Kenyans generally to break the law. I now wish to be on record stating that any Member inviting either Members to break the law or the public generally is out of order. So, thank you very much.

Before I sit down, Members will see that in our next Order, that is Order No.7, we have written down "Committee of the Whole House" and below it "In the Committee". I have considered this issue and I have come to the conclusion that the best way to deal with this matter is to deal with it in the House rather than in the Committee. I, therefore, direct that the Order Paper be amended by deleting the words "Committee of the Whole House" and below it, "In the Committee". So, the Motion will proceed in the House. Next Order.

Mr. Salat: On a point of order, Mr. Speaker, Sir. I am rising on a point of order to follow up the statement given by hon. J.N. Mungai relating to a statement made in this House by hon. Nyanja which is a very serious national security issue. Will I be in order to propose that hon. Nyanja be named?

Mr. Speaker: First of all, he is not here and secondly, the Chair had made rulings this morning. I honestly think in my heart that the sentiment expressed by this House is strong enough to punish the hon. Member. I think the Chair will just let it go the way it has.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! This very morning when that issue arose, you completely refused to be orderly and you had to be sent out of the House by the Deputy Speaker. I am sure I am not going to send you out. So, can you please sit there because I am not going to send you out.

(Laughter)

(Hon. Gatabaki withdrew from the Chamber)

MOTION

ADOPTION OF SESSIONAL PAPER NO.2 OF 1996: STANDING ORDERS COMMITTEE REPORT

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, the Sessional Paper No.2 of 1996 on the Report of the Standing Orders Committee laid on the Table of the House on November 13,1996, be adopted and that the amendments to the Standing Orders recommended in the First Schedule be made, and are hereby made, with effect from the date of adoption of the said Paper.

Mr. Anyona: On a point order, Mr. Speaker, Sir. I wish to express my gratitude to the Chair for redeeming the procedure because the Motion as it was before, was unprocedural. Now, following the new procedure you have just discussed, which I believe is correct, I was just wondering whether in view of the fact that this Sessional Paper was only tabled this morning and that the Motion deals with crucial and momentous issues; and given the fact that this House should consider matters affecting the Standing Orders most carefully; and for it not to be seen as if the House is being ambushed, would it not be in order if the Government was to agree to adjourn debate on this Motion until Members have had some time to look at the proposed amendment so that when we come back, maybe next week if the matter is that urgent, we can pass this Motion without too much acrimony? As it is, it will appear as if something is sinister and I do not think we want to give that kind of impression.

Mr. Speaker: Order! Order Member! Mr. Anyona, there is really no Motion we would like to be adjourned right now because a motion only becomes a motion once it has been proposed from the Chair. I am sure that after the Motion has been introduced, seconded and proposed from the Chair, any Member in this House will be at liberty to move the Motion that Mr. Anyona has sought to move. Can we first of all have the Motion proposed from the Chair and then you can move your Motion if you so wish.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, the Standing Orders in question which have been deliberated on by the Standing Orders Committee, which is a Standing Committee of this House, are three. They are Standing Orders Nos.147, 148 and 172. The Standing Orders Committee deliberated on Standing Orders Nos.147 and 148. The main principle behind the amendments that have been recommended by the Standing Orders Committee is the principle of proportional representation.

Mr. Speaker, Sir, in all the Committees of this House, other than the Public Accounts Committee (PAC), the principle of proportional representation has been recognised. In the Standing Orders Committee itself, the party that has the majority in this House, does, in fact, have the majority in that particular Committee. In the other Committees like the Sessional Committee of this House, the same principle of proportional representation has been acknowledged.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. I have two issues. On the first one, I need the guidance of the Chair as to whether this matter is being brought here by the Standing Orders Committee, or by the Government.

Secondly, is the Assistant Minister in order to mislead this House that there is proportional representation in the Sessional Committee, when there is glaring overwhelming KANU majority?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, I want---

Mr. Speaker: Order, hon. Sunkuli. There are certain things which you obviously cannot answer for

the Chair. As to who has brought the Report, this House will recall that this morning, a Sessional Paper emanating from the Standing Orders Committee was tabled in this House. The Motion, as you can see, is from the Leader of Government Business. I invite the House to look at all the procedures that have been used in amending the Standing Orders, particularly, in June, 1964, July, 1964, 1979 and to a certain extent, 1992. The procedure has always been the same; that the Standing Orders Committee prepares its Report; it is introduced into the House as a Sessional Paper and somebody from the Government, or a member of that Committee may move the Motion. The reasons why the Chairman of that Committee cannot move that Motion is because the Chairman is the Speaker. The Speaker cannot move any Motion in this House. He only listens and arbitrates. So, I think, in my view, the procedure is absolutely in order.

Mr. Busolo: On a point of order, Mr. Speaker, Sir. In view of your ruling in which you have quoted instances that go back two decades ago, do you not think that it will be in order to adopt hon. Anyona's position, because we need time to read---

Mr. Speaker: Order! Order! If you and the House listened very carefully, what I said in reply to hon. Anyona is that, as far as we are concerned as a House, as of now, there is no issue before the House as yet. This is because unless a Motion has been moved, seconded and then proposed from the Chair, there is no issue in which we can adjourn. So, hon. Members must be patient until the Motion is introduced, seconded and proposed. From thereon, you can make as many Motions as you wish within the Standing Orders. So, can we then, first of all, have the issue put before the House? It is not yet before the House.

An hon. Member: You are right!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, the principle that we have dealt with in the Standing Orders Committee, is the principle of proportional representation.

When this House first convenes, there is the party that has the majority. There are other parties. It is, indeed, an anomaly that in the PAC and Public Investments Committee (PIC), that eventually, the parties that form the minority do, in fact, carry the day. I think this is a lop-sided idea. In every democracy and everywhere in the world, the majority must be seen to carry the day.

It is a small correction that we need to make in our Parliament because, nowhere else in the Commonwealth does the PAC and the PIC contain a majority of members who do not come from the ruling party. Every country in the Commonwealth has a majority of members coming from the ruling party. In the House of Commons, the majority of the members of the PAC and all the other Committees do come from the party that forms the Government of that day. In Australia, that is also the case. In countries like Zimbabwe and Zambia which are closer home, the same situation pertains. In some of them, the Chairmen of the PAC is, in fact, the Minister of Finance of that country. It is in order to bring our system in tandem and in consonance with the rest of the Commonwealth; that we in the Standing Orders Committee are urging the House to bring in the proper situation, so that the party that has the majority does, in fact, have the majority in all its other Committees. That is the principle that we are expounding.

Mr. Speaker, Sir, at this stage, I want to allay the fears of hon. Members who might think that there are other intentions other than that. The Government is committed to the principles of transparency and accountability. There is absolutely nothing wrong in having a majority of the members in the PAC coming from the Government. This is because the PAC is a Committee of this House that goes to deliberate on matters that it must bring to this House. The responsibility of watching over the Executive is not actually the responsibility of the PAC, but it is the responsibility of Parliament. The PAC is just one of the Committees that deliberate, makes no final ruling, but does, in fact, bring the ruling that it has made there, into the House for further deliberations. Therefore, Parliament is the arm of Government that checks the Executive in terms of financial expenditure. So, hon. Members should not think that anything has been taken away from Parliament. Parliament still has the duty to watch over the finances of the Executive.

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. I am getting increasingly concerned at the attempts of the hon. Member speaking to belittle the work of the PAC, and in fact, attempt to convey the notion that decisions are made by this House, when we know very well, that it is the Committees that do the nitty-gritty and bring resolutions only to be adopted by this House. Indeed, it is the trend elsewhere in the world now for more Parliamentary work to be done in Committees rather than in the plenary of the whole Parliament. Is he really in order to try and say that the Committees cannot do that much?

An hon. Member: He should withdraw and apologise!

The Assistant Minister, Office of the President (Mr. Sunkuli): But, Mr. Speaker, Sir, I was giving my explanation on the question of control of the Executive by Parliament. In fact, the PAC does its job on behalf of Parliament and, it eventually lays everything in Parliament.

It must also be noted that a lot of information that goes before the PAC is, in fact, presented by the Government officials. Nothing does change that. The Government presents information to the PAC; and the PAC makes its recommendations to Parliament, and Parliament must eventually resolve on its own, whether to accept or not to accept what the PAC recommends to it.

Mr. Speaker, Sir, the principles of transparency have not been tampered with. There is absolutely nothing to tamper with as far as the principles of transparency are concerned. The PAC will still act as a check against the misappropriation or otherwise, of the finances of the Government. That is the point which I do not want to be missed, with respect to the amendments that we are passing today. That also goes along with the amendments of the PIC.

Mr. Speaker, Sir, what we have deliberated on in the Standing Orders Committee is the Standing Order No.172. This is the Standing Order that deals with the sitting arrangements in this House.

As the Standing Order stands now, it states clearly that the Front Benches of the House shall be occupied by the Ministers except for a quarter of the seats which shall be occupied by other hon. Members from the Leaders of the Opposition or those hon. Members of the Opposition of who are in "Shadow Cabinet", if you would like to call it so.

We have amended Standing Orders No.172 in order to insert the words to the right of Mr. Speaker between the word "Chamber" and "Shall" and the proviso is deleted and a new proviso is inserted to read as follows:-

"Provided that the front seats on the left side of the Speaker shall be reserved for leaders of the Opposition parties and Members of the Opposition parties and Members of the Official Opposition parties designated as having responsibility for particular matters."

This Standing Order is in order to make it more certain as to who shall occupy what seats in this House because if the most ideal situation is that if this House was an oval House so that each hon. Member of Parliament could get a specific seat, but because that is not provided for, that it is not possible within our present set-up. Therefore, it was important to amend the Standing Orders so as to be more clear and to delete the provision that assumed that the House was only a one-party House so that it can properly take care of the situation where we now have more parties. And also to make sure that the position of the official Opposition is taken into account.

Mr. Speaker, Sir, those are the three Standing Orders that we have looked into and I wish to urge the hon. Members to, therefore, support the Standing Orders as amended so as to ensure that the principles of democracy are safeguarded, that the principles of the majority in all Committees of the House is also safeguarded so that the Government can become a Government that is in charge of the House and its Committees and everything becomes subject to the authority of Parliament because that is the essential principle. We want this House to exercise its power and we want the Government to be able to bring these things before the House in a proper and acceptable manner.

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

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I rise to second and support the Sessional Paper No.2 of 1996 by the Standing Orders Committee. In so doing, I want to take this opportunity to thank hon. Members of the Standing Orders Committee for the effort they have put in to draw up these amendments as shown in this Sessional Paper. The amendments should not be looked upon as "party amendments", but they are amendments affecting Committees of this House. Therefore, since these two amendments are affecting mainly the two Committees of the House; that is the PIC and PAC, these two Committees are very important Committees of the House and they are handled by the Members of Committees as hon. Members of this House. And whatever they decide is very important when they come to the conclusion and bring it to the Floor of the House for debate. I hope this will continue and with this, we do not have to have any fear as to what is likely to come out due to these amendments.

As it has been explained by the Mover of this Motion, it is a matter of rationalising position in relation to the numbers as represented here by the various parties. I would, therefore, urge the hon. Members to support the amendments as brought up by the Standing Orders Committee.

It is fair and I am happy with the way the Committee has---

(Loud consultations)

Mr. Achieng Oneko: On a point of order, Mr. Speaker, Sir. Consultations in the House are a bit too loud!

Mr. Speaker: Order, hon. Members! We are discussing a matter of your own practice and it is important that hon. Members are given a chance to hear what is going to be the practice of this House in future or what may not be the practice in the future. Proceed, hon. Masinde.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I was saying that I am quite happy with the wording the Committee has put forward as far as Standing Order No.172 is concerned.

It looks absurd and more so for a stranger or somebody who is not used to the House to come into the House and find hon. Members are being squeezed around as far as sitting arrangement is concerned and yet there is an empty full Bench in front.

I hope that the hon. Members will support and approve the decision arrived at by the Standing Orders Committee.

With those few remarks, I beg to second.

(Question proposed)

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF DEBATE ON MOTION

Mr. Shikuku: On point of order, Mr. Speaker, Sir. I wish to draw your attention to page 10 of our Standing Orders. I am also drawing your attention specifically to the Standing Order No.21 and taking into account your earlier ruling in respect of hon. Anyona who proposed that these matters, at least, should be shelved for a while for us to get time to look at them and discuss among ourselves before we debate on these matters in this House. And also taking into account the fact that this Sessional Paper was laid on this Table this morning, I got it personally when I came in for this afternoon Session because I was not here in the morning.

I wanted also to go through this document, I would like to look at all the minutes and the Standing Orders No.147, 148 and 172. For us to understand how they are arrived at this conclusion, we have to go through all the minutes to see why they came to the conclusion. Taking into account the fact that I do not see any very serious urgent move that will require us to amend this today, that if we do not, then probably the sun will come down. I am sure the sun will stay where it stays because if it comes down we shall all be burned and I do not see the point of hurrying up these matters. Mr. Speaker, Sir, I would like to invoke the Standing Order No.21(1) which states:-

A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move "That the debate be now adjourned", or, in the Committee of the whole House, "That the Chairman do report progress.

Mr. Speaker, Sir, we have got other businesses to discuss and this matter will give us time to look at it, discuss amongst ourselves and then maybe at a future date, probably next week, if it is very urgent, debate the matter. This is a very logical move and I have nothing against whatever they want to do now, but for heavenly sake give the hon. Members who would like to read the document some time to go through it, so that we will be capable of coming to make very substantial and logical discussions in this House.

I am sure that hon. Members from both sides of the House would agree with me that these Standing Orders when they are being amended, there should be a consensus of the whole House. You do not have to use your majority to bully other hon. Members, but you use your majority after trying to convince others to come along with you, because these Standing Orders belong to all of us here.

Mr. Speaker, Sir, I beg to move that the debate on this matter be now adjourned.

Mr. Anyona: Mr. Speaker, Sir, I realise that the Government under Standing Order No.33 and 103 has a right to place business on the Order Paper in such sequence as the Government may determine. I presume that it was in the exercise of that function that in the first place, we had the Government this afternoon place this Motion on the Order Paper under S.O.No. 33(a), the Committee of the whole House. As I said earlier on, I commend the Chair for having rescued this particular procedure because the matter was unprocedural. I had already indicated to the hon. Sunkuli that we are going to object to the procedure, because we cannot move into the Committee of the Whole House without invoking S.O.No.45 and 103. That had not been done. But that goes to indicate that the Government is not very serious about how they place business on the Order Paper. They do not take the House seriously, and they do not find out what the correct procedure is.

Mr. Speaker, Sir, if you had not rescued the House this afternoon, we would have been in an ugly situation.

Having said that, I would like to say that the two Committees that are affected by the Motion this afternoon are what is referred to as "Watchdog Committees". They "watch" over the Government on behalf of the people of Kenya regarding public expenditure. Given the notoriety of illegal expenditure of public funds in this country, even during this multi-party era, we do not require weaker watchdog Committees, but we require even stronger watchdog Committees so that we can "put our House in order" and thereafter things can run on their own.

We have not got that happy moment and I think that this House would be doing the country a disservice if we weaken the watchdog Committees more than they are at the moment.

Mr. Speaker, Sir, I have heard of this use of the principle of proportional representation. If this Government is serious about proportional representation, then they must accept the same principle when it comes to Parliamentary Constituencies.

(Applause)

Why do you selectively accept proportional representation when it comes to the Committee of the House, but when it comes to the larger and more important issue of national representation, you are against that principle? In fact, I, myself, am not quite sure that at this point in time I would agree with proportional representation entirely, because there are also other interests that must be effected.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. I have been listening to the hon. George Anyona, but I do not know whether he is now debating the real Motion, or is he pursuing what hon. Shikuku has moved?

Mr. Speaker: I think what the hon. Anyona is doing is giving reasons why discussion on this Motion should be adjourned. Proceed, Mr. Anyona.

Mr. Anyona: That is correct, Mr. Speaker, Sir. These matters are so serious that we need more time and we must show why we need more time. Otherwise why waste time to adjourn if we can do it now, unless there is a very good reason, and there is a good reason. I am standing to provide those reasons.

Mr. Speaker, Sir, ever since this matter came up, and I want to say without imputing improper motives, that what caused these amendments of the Standing Orders is not necessity, it is convenience. It is political expediency. Well, we had some problems in some of the Committees, which in a way is a normal problem, the Government decided that they wanted to control these Committees, and as far as I am concerned that is really the reason behind this move.

But, Mr. Speaker, Sir, I went through some research, and I have looked at the Standing Orders even during the colonial days under the LEGCO Parliament and if you look at those Standing Orders---

Mr. Speaker: Order! Order, Mr. Anyona! Please, refer to Standing Order No.21(2) on the debate on adjournment which states:-

"The debate on any such Motion shall be confined to the matter of the Motion".

The matter of the Motion is the reasons for adjournment. You are now going to the merits, or demerits of the matter already pending before the House. So, can you confine yourself as to why we should adjourn debate on the Motion?

Mr. Anyona: Yes, Mr. Speaker, Sir. I have indicated that there are many reasons why we must not pass these amendments in a hurry. Therefore, to cut the long story short, I would like to second the debate on this Motion to be adjourned until we have enough time, until we have consulted and until we have come to some amicable understanding because if we do not do that, we will be doing this country a big disservice.

Mr. Speaker, Sir, I beg to support.

(Applause)

(Question proposed)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I stand to take a position to oppose the Motion, because a properly constituted Committee of this House, namely, the Standing Orders Committee has met on a number of occasions, and this particular Committee does represent all the shades of the political parties in this House. They were mandated to look into the various Standing Orders, and it is not even that---

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Is hon. Prof. Saitoti in order to say that this was a recommendation by all parties when according to what is contained in the Sessional Paper, it is clear on

page 10, that five Members objected to this Motion?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I believe that the procedure of passing any Motion of peace in this House is a question of the majority. Therefore, that is the principle of democracy. So, this particular paper has been brought by the Standing Orders Committee which has met and it made a certain recommendation of a resolution and there is no doubt that the hon. Members from different political parties have consulted with their own colleagues.

(An uproar from the Opposition side)

I believe so, that is why they are there.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. One, the hon. Prof. Saitoti want this House to believe that all the party representatives in this Committee had agreed. It has been pointed out to him that five hon. Members did not agree. Secondly, he goes to say that these hon. Members had consulted with their various parties on the report, when we know that the report was being handed or given out today. Now for how long can we tolerate hon. Prof. Saitoti to continue misinforming the people? I got the report this afternoon because I was not in during the Morning Session. Indeed, copies were not even in the pigeon holes.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I do not think I am out of order. All I have said is that the Standing Orders Committee is there; the hon. Members represents all the shapes of the political parties represented in this House. Besides that, I want to go on to that one. I do remember that when this matter was first all discussed---

Mr. Speaker: Order! The only plea I make to the House is that, even if you disagree, please, give your colleague the benefit to say his bit. Unless, there is serious breach of order, but if the intention of any Member standing on a point of order, from either side of the House, is either to distract his colleague or generally to stop the Member from putting up an argument, I do not think that is what Parliament is all about. That is a general warning which may be taken seriously that I will not allow hon. Members to stand on flimsy points of order.

Mr. Akumu: On a point of order, Mr. Speaker, Sir. First of all, I will say that hon. Prof. Saitoti is saying that all shapes of political opinions are represented in that Committee but my friend hon. Anyona here was not represented and I would like him to correct that impression.

Mr. Speaker: That, by the way, is his opinion. Proceed.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, my other point that I want to make clear here is that; normally in the Standing Orders Committee or any committee, when they deliberate the issues, such issues are supposed to be held in camera. But in this case we do know quite vividly that when the issue was discussed by the Standing Orders Committee, for some reason, the issue was disclosed to the newspapers.

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. Hon. Prof. Saitoti is irrelevant to the Motion. The Motion before the House is whether to debate or to adjourn. We are not discussing the deliberations of that Standing Orders Committee. After all, it seem that he has not gone through this document.

Mr. Speaker: Order, you have now gone out of order. The minute you begin reminding people things, that is not a point of order! Proceed. Can we have order in the House?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, basically, what I am saying is that the matter is not entirely new. Hon. Members knew about it for a number of months and the issue is fairly clear. It has to do with the Standing Orders No.147 and 148. What is at stake is the principle of proportion representation.

So, I beg to oppose.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the Leader of Government Business in order to continue asking as if he does not know that this House is not informed of its Committee deliberations through the Press?

Mr. Kibaki: Mr. Speaker, Sir, the question is obvious. The question is more than anything else on the matter of goodwill in this House because this House has a right to propose that we be given more time to discuss this matter. The fundamental reason is that these two amendments have affected very basic Committees of this Parliament which are very fundamental in any Parliament anywhere in the world. Indeed, it has been known that the Government wanted to change the status of these two Committees and so, we should not be told that because we knew of the intention, therefore, we should debate immediately a report given to this House only this morning. For those of us who have been in this Parliament a little bit for a long time, we do know that the Government has not attempted to ambush Parliament. It is really tragic if we could begin now when we are

dealing with the amendments of Standing Orders, to ambush Parliament. These reports are not in the pigeon holes of the Members of Parliament. They were being handed in as we came in, and it is only a matter of common decency that we do not treat Parliament like any other petty committees. It is Parliament and we are making rules to govern our own order through the Standing Orders and we should take a little time and I sure that the Government stands to lose nothing. Your majority will not go there will be no rebellion, you do not have to worry, no one is defecting. There is nobody who is defecting from the Government. So, I cannot see possibly why the Leader of Government Business in the House is bothered about, because his majority is intact, he will be able to bulldoze, he shall be able to celebrate next week on Friday, and he shall indeed, celebrate! Perhaps---

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. Is the Leader of Democratic Party, hon. Kibaki in order to insinuate the fact that we going to bulldoze these things? We do not do that.

Mr. Kibaki: Mr. Speaker, Sir, we are very serious and we are talking about the same thing. To remind the Leader of Government Business, the Committee itself took very long time, about 152 days to discuss these matters and to go through the Committee. The minutes here show that they discussed those matters. We want to debate it as per the various meetings that they had.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. Is the hon. Member in order to mislead this House that the Committee met for 172 days.

Hon. Members: Fifty two!

Mr. Speaker: Order! Can I hear! I am the one to rule! Yes, proceed.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Speaker, Sir, the Committee only sat for three days to decide this matter.

Mr. Speaker: Order! Order! Can we be serious! As I have said in the past, please let us not detract. Of course the Committee was appointed on 16th May 1996. It did not meet at that time but it has met on several days. I have not counted the cumulative days between the time we first met and the time we last met. Maybe the hon. Kibaki has and, therefore, maybe it is his argument. I do not know. Proceed!

Mr. Kibaki: Mr. Speaker, Sir, you know it is so much a matter of statistics. What I know is that this Committee started work in July; around the 5th or 6th. And yesterday morning this Committee was still sitting. So, I am counting that from July until yesterday, there are 132 days. They were meeting yesterday. What I am saying is that the Committee knew that this was a serious matter. The Committee knew that this thing required us to compare what happens here with what happens in other Parliaments all over the world. The Committee knew that what they were going to write down is going to matter for this nation. This is why they took deliberate time and they took their own time.

Mr. Speaker, Sir, it is only being fair even to the Committee not to pretend that this does not matter and you can pass it in one day because although we cannot impute any improper motive, the number of those who have read this report from the time it has been made available here, and I have analysed it, is a very small number; negligible. And, I am sure I am speaking honestly. So, we need time. I do not see any reason for the rush. I do not see any reason why this Parliament should be treated with contempt by people who want to use only the fact that they can whip a substantial proportion of this Parliament to force it to go through this Bill quickly. We are merely asking for an adjournment for a few days; say to Tuesday next week. So, I personally do not see any reason why we cannot adjourn this debate in order to give ourselves time to read this report and to come out with whatever proposals that we may have and then we shall debate it. But as I said, I do not see why there is fear and I do not see why anyone would have given any ultimatum as to why the thing must be dealt with, within the same day as if there is an emergency. There is no emergency.

Mr. Speaker, Sir, may I plead, therefore, that as a House, we concede to this adjournment and we debate this issue next year.

Mr. Biwott: Mr. Speaker, Sir, I do agree with the hon. Member who has just spoken that this is a matter of goodwill. It is a goodwill of this House. And, I think, all Members here are honourable Members and are also very intelligent and able to cope with the work in this House. It is true that when we first met, as a Committee, some of our Members objected to some aspects of our deliberations at that particular moment. But we put it to vote and we defeated them and we managed to continue. So, it is not quite true to say that there was an objection which is recorded. It is recorded but it is recorded as they were overruled by the majority vote. But, we continued with that goodwill and we deliberated on it. We took time, not because there was any other reason other than the fact that we were in recess, but that some of us wanted to travel elsewhere. Some Members could not make it whenever we were going to meet. But if you look at the subject matter, it is very simple. It relates to a principle which is applied elsewhere by---

Dr. Kituyi: On a point of order Mr. Speaker, Sir. In line with your own ruling, that the conditions of Standing Order Number 21 (2) require that we do not discuss the substance of the Motion other than the Motion of adjournment, is it in order for the hon. Biwott to start lecturing us about the principle of proportional representation? What has that to do with whether to adjourn now or not?

Mr. Biwott: Mr. Speaker, Sir, I do not want to indulge much in the actual substance. But I just wanted to bring that point as a main reason why we should not be suspicious. In fact, I think, it is about time the Opposition learned to trust their colleagues on the Government side and to accept that they have an honourable Government which is looking after them very, very nicely. It is a matter of goodwill. There is really no reason why we should rush it and there is no reason why we should not continue if everything is done normally and then we see how far it goes. And while we debate, we learn more and more about what the subject is all about until we have exhausted the subject. And then we would decide accordingly. This is because, this is nothing more than discussing the rules that will regulate our conduct in this particular House whether we should be proportional or not. And, I think, proportion has already been determined by wananchi who brought us to this House. So, we are actually reminding ourselves. So, we took a bit of time because we were also drafting the subject which in fact, is before us. So, I do not really think that there is any reason why we should adjourn. I think we should continue to debate and debate until we are satisfied.

With these few remarks, I beg to oppose.

Mr. Wamalwa: Mr. Speaker, Sir, it really amazes me and I cannot find any explanation for it to see why a self-respecting Government should be so determined to hold itself upto ridicule in the sense that before any changes are made, usually there is a situation that whatever changing authority is concerned, is attempting to remedy--- Before a law is changed, it is because it is offending against certain societal values and, therefore, it needs to be changed. We have to look at that. Yet here is a Government that is in control and that has an overwhelming majority and yet, it is attempting to behave as if there is something so terribly urgent that needs to be corrected. In law, we say that sometimes demeanour speaks louder than words. The behaviour of a party before the law can speak louder than the words that the party is uttering. So, it leaves one wondering what is so urgent that the Government is trying to remedy? Who is the Government trying to save or protect by this rush measure? This is bound to leave a lot of question marks. If I were on the other side and I wanted these changes effected, I would go about them very nonchalantly and very casually. Let the other side of the House take their time to study what I am proposing, because I know that I have the ultimate deterrence, which is my voting majority.

Mr. Speaker, Sir, what merit is there in bullying somebody who is smaller than you; whom everybody can see you are stronger than? We always say, if you want to impress me, pick on a man your size, but if you pick somebody who is smaller than you; weaker than you and you knock him out and you prance around saying you are the strongest, you are really proving nothing. I would like to see the Government behave with some dignity. They may have an argument, but let the Government not hold itself up to all kinds of speculation. Let the Parliament be given time to study this Bill, nobody is opposing it yet, because we do not even know the implication of what is being proposed. It was said that the Committee was seized of this matter for 132 days, in fact, I think we should have said, it was seized of this matter for 132 days in the sense that, it was before the Committee, whether the Committee met five times or 10 times, it was in their minds, they were thinking about it and talking about it among themselves. So, it was seized of this matter for not less than 132 days and why should Parliament not also be seized of this matter for at least one week to read the report, discuss it and decide whether we are going to support it for reasons or oppose it for reasons? The way it appears, if it is going to be put to the vote today, it is going to be carried by sheer brute force of numbers and not reason.

Mr. Speaker, Sir, I do not know whether this Government wants to earn the label of a Government that bulldozes everything because it has superiority of numbers? I would rather it was respected as a Government of reason that uses persuasion to convince those who do not agree with it to come along. To me, this would represent a civilised Government. But to simply bulldoze everything like was done way back when this Parliament passed a Bill making Kenya a *de jure* one-party State without debate--- In 1982, the Motion turning Kenya into a *de jure* one-party State was passed without debate. It was moved, seconded and somebody stood up to say, we call upon the mover to reply. And it was such a gigantic step that the country was taking. I thought we had moved a long way from those dark days. We are now enjoying multi-party democracy.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Wamalwa to impute that while this Motion is being discussed, it is going to be passed without debate? Is he in order to impute that motive?

Mr. Speaker: Order! Order! Patience Members! Patience! It pays! Listen! Proceed!

Mr. Wamalwa: Thank you, Mr. Speaker, Sir, I respect the hon. Dr. Misoi very much and I do not wish

to comment on that rather rush act by him.

Mr. Speaker, Sir, we are in the Opposition, but the current Government is also our Government and we do not want to see it ridiculed in the eyes of those who can see or even read into what the Government is trying to do. Let the Government give Parliament time to look at this Bill. Even if it is two weeks, let Members study it; let us discuss it, then come and pass it because you have a superiority of numbers. You will always pass it as the hon. Kibaki told you very clearly. So, I am simply appealing that we need time to read this Bill; I am quite sure Members of the party opposite have also not read it and they should not be used as a voting machine. They should also contribute their views on this Motion.

With those few words, I beg to oppose.

The Minister for Health (Mr. Angatia): Mr. Speaker, Sir.

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. This document is not valid before the House. As a Member of the Committee, we have not approved yesterday's minutes.

(Applause)

Mr. Speaker, Sir, I say it is not valid before the House because, on Minute No.46, draft proposals were made to Standing Order No.72. It is on page 3, Minute No.46.

Mr. Speaker: What Minute are you talking about?

Mr. Kiliku: I am talking about Minutes Nos.44 to 47, about the Standing Order No.142. The draft proposal was introduced to the Committee yesterday, we deliberated on that draft proposal and we have not met to confirm the minutes. Therefore, this document is not valid before this House.

(Applause)

Therefore, the question of whether to adjourn or not or debate it, does not arise. It is irrelevant.

Mr. Speaker: Order! Order! In a way, I am specially pleased, although I do not get myself involved in debates. But in a way, I am pleased to let the House know the correct position as far as the Sessional Paper is concerned.

As the Chairman of that Committee, yesterday the Committee met and as a matter of fact, the hon. Kiliku, as well knows the time he came, I do not want to say when, but he knows. But the thing is this: The Committee met, approved all other Motions, then there was another presentation that was subsequently presented by Mr. Henry Obwocha, to the Committee yesterday and it was his wish and the wish of the Committee that, that little presentation by him should also come to the House together with the amendments to Standing Orders No.147 and No.148. The Committee specifically instructed the Clerk to the Committee. They gave the Clerk to the Committee the exact wording of the amendment to be preferred to Standing Order No.172 and the Clerks were mandated by the Committee to incorporate intended amendments to Standing Order No.172, to any future proposals to amend Standing Orders No.147 and No.148.

Therefore, although the Committee did not meet to confirm, its agreements to amendments of Standing Order No.172 alone, because the amendments to Standing Orders No.147 and No.148, the minutes have been confirmed; they were confirmed yesterday. So, it was the decision and direction of the Committee that if Standing Orders No.147 and No.148 were ever to find their way to the House, it should incorporate the intended amendment to Standing Order No.172, whose language and import the Committee fully agreed. So that is the position.

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

Mr. Speaker: Order, Mr. Obwocha! I will recognize you after him as a Member of the Committee.

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. While I do not want to argue with the Chair, if you look at the Sessional Paper which contains the minutes of that Committee yesterday, on Minute No.47, it states clearly the submission of what we have discussed in the Committee and how we will handle it when we want to bring it to this House. It reads:-

"Calling for submission to the sub-committee, the issue of when and how the House should be informed of the need to present submissions to the sub-committee dealing with the review of Standing Orders was raised. The Chairman informed the Committee that the sub-committee will in due course decide on the modalities most appropriate to facilitate the presentation of submissions by Members."

In the Committee we would not have presented the request that I made to the Committee because that Committee has not agreed on the actual draft which was to go to the draughtsmen.

Mr. Speaker: Order! Order! This is quite easy. First of all, hon. Obwocha is talking about a presentation to a sub-committee that was created, but that has not even met. It is going to travel abroad to study other things. But if hon. Obwocha thinks for any reason that - I am now talking as the Chairman of that Committee - his proposal on Standing Order 172 should not have come here, I think the House can deal with that.

In fact, the whole document can be amended by being rejected. The House can also amend or throw the whole document out! The whole position is that, I as the Speaker would not--- You see, as the Speaker, I have even told the Committee on record that I do not participate in debate nor vote. It does appear that there is an intention to divert this issue to the Chair, but I do not want to be involved. It is for this House to decide the way it wants. You can adjourn or refuse to adopt the document, but the Chair refuses to take sides in this debate. Continue, Mr. Angatia.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, Dr. Kituyi! First of all there must be order, whatever you are doing. You see, I want hon. Members to be quite honest to the House. Even when they read documents, they should not be selective as to where they read and where they do not read. If you look at page 4 of that Sessional Paper, which I leave to hon. Members to deal with--- I was just going to explain something, which put me in a very awkward position. Standing Order 172 is about "Sitting in the Chamber". Under (g) the Sessional Paper says:-

"The Chairman put the question for the adoption of the draft amendments to Standing Order 172. The Committee adopted the draft amendments unanimously".

If you want to argue about this document, I do not think that argument should ever come to the Chair. I will leave this debate completely to the House. I should be completely out of it, and I wish that no hon. Member should draw me into it. It is really up to yourselves to decide.

Mr. Murungi: On a point of order, Mr. Speaker, Sir. I am not a member of that Committee, but it appears that the members of that Committee who are in this House have not agreed on the contents of the document which they want to table here. Is it not in order for this Committee to go back, confirm their final minutes and agree on the document which is to come to us?

Mr. Speaker: Order, hon. Murungi! The position in which the House is in at this moment is whether or not we should proceed with the debate on the original document or adjourn. I do not make that decision. If, as it does appear, hon. Murungi is of the view that we should adjourn, let him catch my eye and I will give him the opportunity to talk. Meanwhile, I have given hon. Angatia the opportunity.

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

Mr. Speaker: Order! Overruled. Proceed, Mr. Angatia.

The Minister for Health (Mr. Angatia): Thank you very much, Mr. Speaker, Sir, for giving me the opportunity so that I also contribute to this important Motion. We have some very good debaters on both sides: There are very good debaters on the Opposition and Government side. Nobody is insisting that the debate on this document be concluded today. The way we are going, we could debate this document for even the next one month. Nothing stops us from debating it for the next one month. During that period we shall have plenty of time to read whatever verses we want, and make whatever presentations we want, without necessarily holding the House to ransom during the time for debate.

Even now, as we are debating, we could argue on the adjournment for the whole of today and tomorrow without touching on the document before us. So, I do not know why hon. Members are apprehensive.

An Hon. Member: It is you who want to hurry us up!

The Minister for Health (Mr. Angatia): We are not hurrying anybody up! That is why I am taking my time to talk, and I am going to talk for the next one hour. Meanwhile, you will be thinking of what to say next, but only on the adjournment Motion and not on the Motion on the document. I will not touch on the document today because I want us to debate the adjournment Motion until tomorrow. From what I can see, I do not see any reason why we should be hurried, whether on the adjournment Motion or on the Motion on the document itself.

I would like to correct the statement by the Leader of the Opposition that this Government, or the KANU side, bulldozes anything. This House does not bulldoze anything. In the language of National Assembly, there is nothing like "bulldozing". Everything is debated and agreed to. We are going to debate and agree on this Motion. If we do not agree nothing will pass. So, with due respect to the Leader of the Opposition, who is a very well versed debater, I think it is wrong for him to use a language which is supposed to intimidate the Government

and threaten us. He should not talk about bulldozing and a big brother. There is no big or small brother in this House: We are all equal, and are here to debate and pass the affairs of this nation in the interests of Kenyans.

Therefore, I would like to put my colleagues on the Opposition side at ease. Let them sit down and think about what to debate on the adjournment Motion. Let us debate the adjournment Motion until 6.30 pm. tonight and then tomorrow---

Mr. Maore: On a point of order, Mr. Speaker, Sir. Is the hon. Minister in order to take so much time trying to debate about time when the debate should go on? Can he state whether he is supporting the adjournment Motion or not and sit down, because he is saying nothing?

Mr. Speaker: Order, Mr. Maore! By what gauge have you determined that the Minister is saying nothing? And who gave you the right to decide that?

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I am sure you were consulting when the Minister said all that the Opposition hon. Members should do is to sit down and prepare for the debate. All the hon. Members on this side are seated! Is he in order to tell us to sit down when we are actually sitting? Or, does he want us to sit on the floor?

Mr. Speaker: Order, hon. Members! If he did say that, because I was consulting, he was wrong. The only authority that is entrusted with the power to order an hon. Member to sit down is the Chair. Proceed, Mr. Angatia.

While I was contributing, the Leader of the Opposition came to consult with you. I said that you do not think properly when you are standing. You think properly when you are seated.

It is interesting that hon. Members from the Opposition side normally think we curtail their time to speak. Now that we are inviting them to speak, hon. Maore wants to curtail my contribution. That is completely out of order and irregular. Hon. Maore, just prepare yourself to speak when I complete my contribution.

As other hon. Members have already said, the proposed amendments have been looked at in very great detail and now that we have been presented with the documents for debate today, we are going to examine it in even greater detail. On my part, I am sure I will have a chance to contribute on the amendments next week. So, I am going to prepare myself sufficiently, as to whether I accept the proposed amendments or I do not accept them.

Nobody has any right to determine how I am going to vote in the end. The Leader of Government Business was wrong.

This document is before us and the proposed amendments are before us, so that we can scrutinise them and when the time comes to vote, nobody, should determine how I am going to vote even before I go to vote. So, let the Members from the Opposition take their time and convince me to vote the way they would like me to vote. I will take my time to convince them to vote the way I would like them to vote. This is the spirit of reconciliation under which we intend to work together because the rules which we pass here will be applying to both the Government side and those on the Opposition side. Therefore, we do not want to be rushed and we are not rushing anybody. We are merely debating and let us debate until we adjourn the House at the end of the year on the same amendment. This is a very fat document and I do not think there is anybody in the House who is going to rush other people here. I will also refuse to be rushed.

The amendments which have been proposed are the ones which all of us have been calling for. We have been calling for this since the year begun, which means hon. Members have been thinking about certain amendments that were due. The Sessional Committee sat and deliberated on the amendments and recommended them to us because hon. Members have been calling for these amendments from time to time. At the time when hon. Members were calling for these amendments, I am sure they were thinking about them, they had decided which amendments needed to be passed and now that the amendments are before us, let us not shy away from discussing them.

Mr. Speaker, Sir, the adjournment is not necessary. Let us get to the business of debating the amendments which have been proposed to us and deal with one amendment at a time. When the time comes to approve this, all of us will have been convinced one way or the other. It may be next week or next month and we shall vote duly. So, let me put the fears of my colleagues on the Opposition side at rest, so that we can talk as people who are going to be governed by the same document and the same amendments and there are no hostilities between the two sides of the House.

With those few remarks, I beg to oppose the proposal for adjournment.

Mr. Orenge: Mr. Speaker, Sir, I wish to make few observations on this Sessional Paper that was laid on the Table this morning, regarding the issue of adjournment.

Mr. Speaker, Sir, this is an honourable House and I am very proud that you, and the Deputy Speaker, belong to one profession with me. There is another institution that we call the honourable court. Whenever you

go to the court and you do not give the other party adequate notice, you will find it very difficult to get yourself heard. This being an august House, I think we would be taking this---

The Assistant Minister for Information and Broadcasting (Mr. Nassir): On a point of order, Mr. Speaker, Sir.

An hon. Member: Huyo anasema nini? Kaa chini Bw. Nassir!

Mr. Speaker: Order! What is it Mr. Nassir?

The Assistant Minister for Information and Broadcasting (Mr. Nassir): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Orengo to say that in the courts, there is democracy? In a court of law, there is no democracy. They go as per the rules in the books! There is democracy only in Parliament.

(Laughter)

Mr. Orengo: Mr. Speaker, Sir, a few years ago, when I first came into this House, there were many illiterate Members in this House. It was understandable if we came to debate matters that they did not understand. Right now, it is too late to have an hon. Member like hon. Nassir, who cannot understand what I am saying.

What I wish to say is---

The Assistant Minister for Information and Broadcasting (Mr. Nassir): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order, means you sit down the two of you. Order, hon. Nassir! Hon. Orengo proceed!

Mr. Orengo: Mr. Speaker, Sir, I want to plead with the Government, that if they are sure that there is no ulterior motive in rushing this Motion, then they should give us some accommodation. But if they refuse to give us some accommodation as an Opposition, then, the reasonable conclusion that we are going to make is that the Government side is being rushed by some forces which are only known to themselves. These two Committees are the most important in this House. In consideration to matters that relate to these two Committees, we should take a little time to make considerations as to whether or not we should change the constitution and the provisions of the Standing Orders relating to these two Standing Orders. I want to remind this House that since 1952, upto now, Standing Orders No.147 and 148 have never been changed. They have never changed, including the prayer we pray when the Speaker comes to this House. This is the same prayer which Governor Owens read in this House---

Mr. Speaker: That sounds very nice, Mr. Orengo, but at the moment, we are debating whether we should adjourn or we should not. When we come to the main Motion, if ever, then, you will give all that background. I will give you an opportunity to do so.

Mr. Orengo: I am trying to say that this is a grave matter. I will come to that and I have a lot of reference which I shall bring before this House. This is a grave matter and nobody should say that the issue of proportional representation is a simple matter. It goes to the roots of our Constitution; whether or not our system of Government is based on proportional representation or some other systems which my learned friends on the Opposite side do not seem to understand. You do not know what system of Government you are running. It is not based on proportional representation! So, they need a little bit of time to know what proportional representation is and at what instance it starts and ends. I plead with the Leader of Government Business to take sometime, since he was a lecturer at the university, to have a tutorial for the hon. Members on the opposite side so that they can look at this matter more critically.

(Applause)

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Speaker, Sir. Is it in order for hon. Orengo, who is a Member of this House to belittle other hon. Members of this National Assembly sitting on this side of the House, that they need tutorials from the Leader of Government Business?

Mr. Speaker: Order! Order, hon. Orengo! Hon. Members, please, can we debate these matters in a non-personal manner? All hon. Members in this House, as far as the Chair is concerned have all passed their exams to come in here. Proceed Mr. Orengo!

(Applause)

Mr. Orengo: Mr. Speaker, Sir, in any case, tutorials take place in higher places of learning. They do not take place in Standard Three. What I am saying is that he should understand.

Mr. Biwott: Mr. Speaker, Sir, is he in order?

Hon. Members: Who?

Mr. Biwott: Mr. Speaker, Sir, is hon. Orengo in order to insult these people about simple political principles like proportional representation and preferential system of governance? It is simple and effective.

Mr. Speaker: Order now! We are having all this because hon. Members are not strictly following the rules of debate. The rule here is, under Standing Order No.21 (2); when you are debating the Motion that debate be now adjourned, you are restricted by Standing Order No.21(2) to reasons why that debate should be adjourned. For the moment, you forget about the merits or demerits of the original topic because you are saying: "we are not ready for it." How can you not be ready for it if you are already going to the merits or demerits? So, can we strictly go to the reasons why we should adjourn?

Mr. Orengo: Mr. Speaker, Sir, that is my reasoning. I am not going to the merits of whether or not we should have proportional representation, but I am saying it is a grave matter. I also wish to remind the House that going by the history of the past, whenever we have rushed matters of this nature, the House has come back to regret it. I can understand in 1966 when a Constitutional amendment was brought before this House because the House was faced with a major defection from the ruling party to Kenya People's Union (KPU), and the House sat until 1 o'clock in the morning. We do not have a similar situation like the one this Government experienced in 1966. But be that as it may, subsequently, all the legislation on the Motions that have come to this House on this Floor, this Government has always gone back and regretted and, in fact, brought Bills to repeal or amend positions that they took. I want to remind this House that Standing Orders No.147 and No.148 came into effect around 1992 after we came to multi-party. If you look at the Standing Orders, right from Mzee Kenyatta's time up to the time that we became a *de jure* multi-party State, there was no change of the Standing Orders. It was a KANU House of Parliament that brought Standing Orders No.147 and 148, the Opposition was not there. You are the ones who brought Standing Orders No. 147 and 148. Now, within two or three years---

Mr. Speaker: Hon. Orengo, are you sure you are not going to the merits?

Mr. Orengo: No, Mr. Speaker, Sir, I am not going to the merits. I am saying that the way they are rushing, probably next year when we are in Government, they will change their position.

(Applause)

They will want to change their position. This Government should commend these two Committees for the work they have done in the past four years. The only thing you can do is to allow us sufficient time to study these proposals. Personally, I got a copy of the Sessional Paper as I came into the House this afternoon.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): On a point of order, Mr. Speaker, Sir. Would it be in order to call upon the mover to reply because hon. Members are repeating themselves. Let us have democracy in Parliament. Let us vote.

Mr. Speaker: Order!. I am afraid you have not put any Motion. Proceed!

Mr. Orengo: Mr. Speaker, Sir, probably those views are not hon.Nassir's, but they are the views of the speaker next to him.

(Laughter)

We should not be rushed at all in consideration of this Sessional Paper. Some of us have done a little bit of work.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Speaker, Sir. The hon. Member for Ugenya is not telling us anything new. Could I be in order to ask the Chair to put the Question?

Mr. Speaker: Order! Hon. Members must learn their rules. Hon. Sunkuli, you have contributed and once you have contributed you are debarred from moving a closure.

(Applause)

(The Clerk consulted with the Speaker)

Order, I think I have also made a mistake. Hon. Sunkuli contributed to the main debate, not to the one of adjournment. But because I have made a mistake, I will not accede to it until I have heard from hon. Orengo.

Mr. Orengo: Mr. Speaker, Sir, I am pleading with the opposite side to give us consideration so that we can look at this document thoroughly. This matter has been with the Committee as has been mentioned, for the last 132 days and we are required from this morning, to commence debate on a document that took them quite a bit of time to consider the merits and demerits of the proposals that they have brought before us. I would urge the House that this time round, we should say "no" to a proposal or to a Sessional Paper that is forcing this House to make major amendments which touch on the root of the Constitution.

With those remarks, I beg to oppose.

The Minister for Commerce and Industry (Mr. M'Mukindia): Thank you, Mr. Speaker, Sir. I beg to oppose this Motion on the basis of two points. First of all, I believe the case of the hon. Members of the Opposition should be looked at from the point of view of whether the Government is lacking goodwill, as was alleged by hon. Kibaki, and that the Government is trying to ambush the Opposition. Secondly, we should consider whether, in fact, it makes any difference if we continue debate or not. The first thing is this: We on the Government side are not curtailing the debate on the main document, which is Sessional Paper No.2 of 1996. We have not curtailed the debate as a Government and, therefore, the hon. Members of the Opposition, really, have no cause to worry as to whether the Government has got goodwill or not. Secondly, we cannot be accused of ambushing this honourable House. Again, while the document has been raised or the Motion has been moved in this House, we have not curtailed debate on it. It is up to the hon. Members of this House to speak on this amendment for as long as they wish and we are not curtailing it. For that reason, I believe the hon. Members of the Opposition have nothing to worry about.

My other point is, if I may be allowed---

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is the hon. Minister in order to mislead the House that we are allowed to debate on this amendment as long as we like when the Government is already trying to stop the debate?

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, I think hon. Dr. Lwali-Oyondi was not quite listening to me.

Mr. Kiliku: Mr. Speaker, Sir, the hon. Minister came into the House late. He does not know that we are discussing Motion on adjournment, not the amendment. So, he should have consulted with his colleagues.

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, I am well aware of what I am talking about. I am talking about the Motion of adjournment and I am saying, that I am totally opposed to it because, really, the Opposition has no case to ask for adjournment. My second reason---

Mr. Speaker: Order, hon. Minister!

Mr. Shikuku: Mr. Speaker, Sir, I am sure you heard the hon. Minister talking of Motion on adjournment. There is a lot of difference between a Motion on adjournment and an adjournment of the debate. He is talking of the Motion on adjournment. There is no Motion on adjournment on the Floor of the House.

The Minister for Commerce and Industry (Mr. M'Mukindia): The second point I wanted to raise is on the question of whether the issue of proportional representation as raised in this document goes further than this document. We shall be debating a specific document; Sessional Paper No.2 of 1996 and it does not go beyond that. There are some people in the Opposition who may wish to extend debate to cover other areas. We are being specific on Sessional Paper No.2 of 1996 and to that extent, debate should be limited to that document and, therefore, the question that hon. Orengo is worried about that, perhaps, some of us in this House do not understand the implications of this document, is not valid. For that reason, those two points are the ones that will determine whether we need to have an adjournment or not and there is no need to have the adjournment.

With those few remarks, I beg to oppose the Motion.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Speaker, Sir. Since this Motion has been debated fully, would I be in order to call for the Question to be put?

Mr. Speaker: Order! Hon. Members you must know which Motions you are proposing and do so. You cannot stand up and ask me whether you are in order that the Question be put. Either you decide that the Question be put and if you are undecided, you keep quiet.

Mr. Gitonga: Mr. Speaker, Sir, some of the speakers on the other side are trying to evade the issue. The issue here is that we are asking for the adjournment of this debate because all of us here on this side had not had

time to study this document, and I believe those members sitting on the other side, and are quiet have not had time to study this document. It is because of this that we are saying that there will be no debate because we will not be able to discuss these amendments without really knowing what transpired in this Committee when these matters were discussed.

What we are asking is that we should be given time to study the documents so that we understand fully the implications before these matters are discussed by this House. It is because of this that I support the adjournment of the debate.

The Assistant Minister for Finance (Mr. Keah): Mr. Speaker, Sir, I thank you for giving me this opportunity to also contribute to this debate to adjourn the debate on the Sessional Paper.

I oppose the adjournment and my reasons are as follows---

Mr. Ndotto: On a point of order, I think we have heard enough arguments from both sides of the House. May I move that the Question be put to the House.

Mr. Obwocha: That is out of order!

Mr. Speaker: Order! Order, Mr. Obwocha. You are not the one being asked. I think we have given time to ventilate as to whether or not we should---

(Hon. Obwocha interrupted the Speaker)

Mr. Speaker: Order! Mr. Henry Obwocha! You are behaving in a most disorderly manner and for that reason, you are excluded from this House for the balance of the day.

Just before you go, Mr. Obwocha, it is on the records of this House that on several occasions - I have pointed out to you - you have deliberately misled this House. You are not going to be allowed by the Chair to take to the Chair a problem that is your own or that of the House. You must respect the Chair. I stand here on the authority of this House. You must leave the House.

(Hon. Obwocha withdrew from the Chamber)

DIVISION

(Question put and the House divided)

(Question defeated by 74 votes to 42)

AYES: Messrs. Achieng-Oneko, Achola, Akumu, Anyona, Busolo, Farah, Gitau, Gitonga, Icharia, Kapten, Karan, Karengge, Khalif, Kibaki, Kiliku, Dr. Kituyi, Dr. Lwali-Oyondi, Messrs. Mak'Onyango, Maore, Mbeo, Mulusya, Munyasia, Murungi, Mutahi, Mutere, Mwangi W.G., Mwangi Githiomi, Mwiraria, Ndwiga P.N., Nthenge, Nyanja, Nyagah, Obure, Dr. Odinga, Messrs. Ogeka, Ojode, Onyango, Dr. Opere, Messrs. Orenge, Ruhui, Shikuku, Wamalwa.

Tellers of the Ayes: Messrs. Falana and Nyagah

NOES: Messrs. Abdi, Abdullahi, Ali, Angatia, Awori, Badawy, Barmasai, Biwott, Boy, Chebelyon, Criticos, Falana, Dr. Godana, Messrs. Gumo, Kalweo, Kamotho, Kamuren, Kariuki, Keah, Khalif A.M., Khaniri, Kirima, Kisiero, Kochalle, Koech, Komen, Komora, Lenges, Leshore, Ligale, Lotodo F.P.L., Magwaga, Manga, Manoti, Masinde, Maundu, Mbela D.D., Mcharo, Dr. Misoi, Messrs. Mohamed Abu, Moiben, Mokku, Dr. Momanyi, Messrs. Morogo W.C., Mudavadi, Mulinge, M'Mukindia, Mutinda, Muoki, Munyi, Musyoki, Mrs. Mwendwa, Messrs. Nang'ole, Nassir, Mrs. Ndetei, Messrs. Ndilinge, Ndotto, Ntimama, Mrs. Nyamato, Messrs. Otieno D.A, Oyondi, Rai, Rotino, Prof. Saitoti, Messrs. Sambu, Shabaan, Shamalla, Sing'aru, Sumbeiywo, Sunkuli, Titi, Dr. Wako, Messrs. Wawire, Wetangula. Tellers of the Noes: Messrs. Gitau and Khaniri.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for us to interrupt our Business. The House is adjourned until tomorrow, Thursday, the 14th of November, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.