

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th April, 1996

The House met at 2.30 p.m.

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

PRAYERS

NOTICE OF MOTION

INTRODUCTION OF CONSTITUTIONAL AMENDMENT BILL

Dr. arap Toweett: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. As hon. Members, we have a responsibility to guard the procedures of this House. I am a Member of the Sessional Committee. As of this moment, there has not been any Motion brought before the Sessional Committee under the name of hon. Taita arap Toweett. Is it in order that he is about to give notice of a Motion before it has been balloted by the Sessional Committee?

The Temporary Deputy Speaker (Mr. Wetangula): Order! My information is that, the Speaker has approved the Motion whose notice is being given.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. All Motions are approved by Mr. Speaker before they come to the Sessional Committee. There is no debate about that. But no Motion is given notice of, after approval by the Speaker, before it has been balloted before the Sessional Committee. Yes, it has been approved, but it has not come to the Sessional Committee. Is it in order that the Motion is coming here, albeit being approved by the Speaker, without being balloted by the Sessional Committee?

(Several Members stood up in their places)

The Temporary Deputy Speaker (Mr. Wetangula): Order! One person at a time! Yes, hon. Nthenge!

Mr. Nthenge: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am a Member of the Sessional Committee and under "Any Other Business," I brought up that issue and it was discussed and agreed upon and because of its urgency, the Member can be given the right to give a notice of it, and it was only a single Motion.

(Several Members stood up in their places)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order! Hon. Toweett, carry on.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. We seek guidance from the Chair.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Kituyi! You have rightly said that we are guided by the rules. I want you to cite me a Standing Order that would require that such a Motion, after approval by the Speaker, must as a matter of law and rules of this House, come to the Sessional Committee. Then, I will be properly guided by the law and I will make my ruling.

Dr. Kituyi: Yes, Mr. Temporary Deputy Speaker, Sir. The conduct of this House is governed by the rules and practices as, precedents and practice become custom of this House. All Motions are approved by the Speaker. Are you suggesting that if a Member has seen the Speaker and orders that his Motion has been approved, he can come here and give notice before the Sessional Committee has been seized by the matter? Urgency notwithstanding, I believe the Chair has not been notified about any collective decision by the Sessional Committee contrary to the practice of the House. That, a Motion is being brought here without being balloted.

Mr. Farah: Mr. Temporary Deputy Speaker, Sir, Standing Order No.145 (2) says:-

"It shall be a function of the Sessional Committee to consider such matters as may arise from time to time in connection with the Business of the House."

My understanding of this, is that any Business that has got to come to this House in the name of a Motion, should go through the Sessional Committee and be balloted and accepted.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Members! The Chair has heard two conflicting statements from Members of the Sessional Committee, one from Dr. Kituyi, the other one from hon. Nthenge. I have not heard the Motion whose notice is about to be given. I do not even know anything about it. In the absence of any express rules and any evidence to the contrary, I will allow hon. Toweett to give his notice.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am a Member of the Sessional Committee but I was not in the Sessional Committee yesterday. If I draw your attention to Standing Order No.40, on page 18, it gives the procedure of how one drafts a Motion, submits it to the Clerk, the Clerk forwards it to the Speaker, the Speaker approves, submits it to the Sessional Committee, it is balloted and then notice is given by that Member. Was that procedure followed?

The Temporary Deputy Speaker (Mr. Wetangula): You heard what hon. Nthenge told us. Hon. , carry on!

(Several Members stood up in their places)

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Kituyi! I have already made a ruling and hon. will proceed to give notice of his Motion.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Orengo! You are out of order. Proceed, hon. Toweett!

Dr. arap Toweett: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the profound importance of adequate Parliamentary representation by elected Members of both Parliament and the Local Authorities, throughout the country and taking into account the limiting factor of the number of constituencies as contained under section 42 of the Constitution of Kenya; this House calls upon the Government to:-

- (i) introduce a Bill to amend the said section 42 so that the maximum number of constituencies is more than 210; and,
- (ii) to ensure that any additional increase of constituencies be incorporated in the current reviewing exercise of the Electoral Commission.

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek guidance from the Chair because the Business of the House is guided by the Sessional Committee. If the Business of the House was not guided by the Sessional Committee, all that I will have to do is to get the Speaker, and possibly the Clerk, to approve a Motion before I give notice. Throughout last year, I tried to give notices of Motions before this House on matters which had been approved by the Speaker. But because they had not been balloted by the Sessional Committee, I was instructed that I could not give notices of those Motions.

Practices, traditions and conventions are just as important as written rules and, if today you are telling us that somebody can go to the Speaker and persuade him to approve a Motion without the approval of the Sessional Committee, that would mean that we are surrendering a very important duty of a Committee of this House to the Speaker. The Speaker has to control and manage this House, in accordance with the desires of the Members of this House. The Speaker is not really part of this House. If a Committee of the House has a function which it plays, the Speaker should not take away those powers from the Committee of the House. So, what I wanted to know from the Chair is whether the Speaker can remove any powers of a Committee of this House, because the Sessional Committee is the one with the powers.

The Temporary Deputy Speaker (Mr. Wetangula): Indeed, Mr. Orengo, you are right that the Speaker and the Chair cannot usurp the powers of the Sessional Committee. We have been told by a Member of the Sessional Committee that indeed this matter has found its way here via the Sessional Committee. And that is the basis upon which I allowed hon. Toweett to give notice of the Motion. If I was satisfied that the Motion whose Notice hon. Toweett was giving has not reached the Sessional Committee, and hon. Nthenge is old enough has been in this House long enough to tell the House the truth, it does not really matter. The Chair believes hon. Nthenge. I do believe that the matter went to the Sessional Committee and I do believe that the matter has been properly brought before the House. I am not, in anyway, saying that I disbelieve Dr. Kituyi, at all at all. Thank you.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Kituyi! We shall have no more of that.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order Dr. Kituyi! We cannot be on our feet together. Any persistent points of order will be construed to amount to gross misconduct.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Orengo! I gave you an opportunity and you made your point, hon. Orengo. What is it again?

Mr. Orengo: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are violating the Standing Orders.

The Temporary Deputy Speaker (Mr. Wetangula): Order! I have even gone through Standing Order No.40 which hon. Shikuku cited and it has no relevance to what he said. Let us move on to the next Order.

(Several hon. Members stood up in their places)

Order! Can we have some order in the House?

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, it is difficult to accept that we are a Parliament any more.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Orengo! We are on Questions now. Mr. Muite's Question.

ORAL ANSWERS TO QUESTIONS

Question No.029

INSECURITY IN MAI MAHIU

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

(a) whether he is aware that over 4,000 people, previously settled in Utheri wa Lari and Kiambu Nyakinyua farms both in Mai Mahiu area, were displaced following tribal clashes in the area in 1995 during which 11 people and a number of livestock were killed and Houses burnt, have not been able to go back because all their farms were taken by some members of the Maasai community; and,

(b) when the Government will provide enough security and drive out these intruders who have appropriated farms which are not theirs.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! You cannot insist to have audience, hon. Orengo! I have already given you an opportunity to speak on this matter and you have already spoken.

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

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Orengo, your status in this House does not allow you to conduct yourself in the manner you are conducting yourself.

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

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Orengo!

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

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

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Orengo, you are one Member in this House that I have a lot of respect for but, I am afraid, I will have to ask you to leave. I will exclude you from the remainder of the proceedings of this House for persistent points of order against the ruling to the Chair.

(Mr. Orengo withdrew from the Chamber)

You may now answer the Question, Mr. Awori.

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

(a) What I am aware of is that, some people temporarily left Mai Mahiu---

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Dr. Otieno-Kopiyo! You will have to follow hon. Orenge for persisting on frivolous points of order. You must have to leave the Chamber now!

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order! You are now a stranger in this House and you must leave.

(Dr. Otieno-Kopiyo withdrew from the Chamber)

An hon. Member: But the Clerk is misleading the Chair!

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

(a) What I am aware of is that some people temporarily left Mai Mahiu area following skirmishes between some members of the Maasai community and residents of that area on 10th January, 1995. As a result of the skirmishes, ten and not eleven people were killed. All the people who had left the area returned as the Government swiftly intervened and restored law and order.

(b) There is enough security in Mai Mahiu at the moment and, moreover, there are no intruders in that areas since the attackers retreated back to their home district on the same day and have never returned.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, this matter of Kenyans who have been displaced as a result of tribal clashes is a very serious one. It is not just in Mai Mahiu. Even in places like Bungoma and Mt. Elgon, there were Kenyans who were displaced. It is not true that these people have returned to Mai Mahiu. Half of them came from Kikuyu and the other half from Lari Constituency and they are still being housed by relatives. Since actions speak louder than words, as the white people including hon. Criticos and Philip Leakey will confirm, is this Assistant Minister prepared to show by actions that these people have returned, by agreeing to hold a joint rally? Is he prepared to have a joint rally with the Member for Kikuyu and the Member for Lari at Mai Mahiu where we are going to call these 4,000 people?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, the Ministry has got the officers responsible for the area and to date we have no reason to believe that those officers have failed in their duties. There is no reason whatsoever why I should go and act as a district commissioner or officer in the area when those officers are carrying out their duties very effectively.

Mr. Gitonga: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is misleading this House because I come from the adjacent constituency, Lari. Many of those people who are settled there are people from Lari.

Is the Assistant Minister aware that condoning of takeover of land owned by victims of tribal clashes violates the sanctity of the title deeds and the Constitution?

Mr. Awori: If indeed that happens, yes. No Government can condone lawlessness and, as far as I am concerned, nothing of the sort has happened.

Mr. Mwaura: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister clarify two issues here. The Questioner has indicated that the reason for these people being displaced was due to tribal clashes. The Assistant Minister has said that this happened because of skirmishes between some members of the Maasai community and the residents of that area. What is the difference between the words "skirmishes" and "tribal clashes"? What does he understand by these words?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I still stand by the answer that there were skirmishes, and I have mentioned that here, between people from the Maasai community and the permanent residents of Mai Mahiu.

Mr. Maore: Mr. Temporary Deputy Speaker, Sir, now that the Assistant Minister is abdicating the Government's responsibility in restoring order in this situation would he now accept that the aggrieved victims regroup themselves and eject those Maasai's from their farms as is legally allowed?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, all the Maasais that were involved returned to their district and none of them remained in Mai Mahiu.

Question No. 015

APPOINTED POLICE STATIONS AND POSTS

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

- (a) which are the appointed police stations and posts in Dagoretti Constituency; and,
- (b) whether he could give a detailed breakdown of specific areas served by each of these police stations and posts.

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

(a) Riruta and Mutuini Police Posts are situated within Dagoretti Constituency. However, there are three police stations which have jurisdiction over parts of Dagoretti Constituency although they are situated outside the Constituency. These are Karen, Kabete and Kilimani Police Stations.

(b) Riruta Police Post serves parts of Waithaka, Riruta East, Kitembe and Dagoretti Corner. Mutuini Police Post covers Dagoretti Market, parts of Waithaka, Kabiria and Kirigo areas. Karen Police Station, although it is in Langata Constituency, covers Ngong, Race Course, Lenana and Ngando areas in Dagoretti Constituency. Kabete Police Station in Westlands Constituency covers Uthiru, Gachui Trading Centre, Ruthimitu Trading Centre and parts of Waithaka in Dagoretti Constituency. Finally, Kilimani Police Station covers parts of Dagoretti Corner and Uthiru in Dagoretti Constituency.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, can the Assistant Minister explain why three separate police stations with three separate OCPDs have been imposed in Dagoretti when for the past 30 years only Kabete has been serving Dagoretti Constituency? If somebody is arrested, Dagoretti residents have to go through all these police stations looking for their people. What is the reason for this rather maddening situation where Dagoretti people cannot know who to answer to because the boundaries are not even known? When you talk about Dagoretti Corner, which point of Dagoretti Corner are you referring to? These are very vague answers.

Alternatively, can you give us back Kabete and expand it? Kabete Police Post has six acres of land and there is a lot of room for expansion instead of "throwing" us all over the town and in some cases five kilometres from the nearest police post.

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, as the stability of this country continues to grow, sufficient funds are going to be made available so that the police posts within the Dagoretti area could be updated or upgraded into police stations. As of now, we will continue to use the police stations that I have enumerated. Our Constitution does not restrict the area a police station should cover in its endeavour to look after the security of its people.

Mr. Mulusya: Mr. Temporary Deputy Speaker, Sir, can the hon. Assistant Minister tell this House why his Government deems it fit not to properly demarcate the areas in this City where police divisions are supposed to cover and give those demarcations to residents of that area so that they know where they can rush to for assistance in case of problems? Why have they left an area like Dagoretti with no police station and yet it has a population of not less 500,000 people?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, there is Central Police Station in the middle of Nairobi. So, I do not understand the purpose of that Question.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is evading my question. I am talking, in particular about Dagoretti where, according to his answer, there is no clear definition of the area which the Police Station covers. The people of that area, according to his answer, cannot understand which areas are covered by these Police Stations. Why is he not demarcating specifically the areas that fall under each police station so that the people can know where they fall under?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, those areas are covered by police posts which have been properly demarcated and any citizen from Dagoretti Constituency, who is looking for a relative who could have been arrested, would go to a police post in his area, where he would be told to go to a specific police station where he could find his relative.

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that policemen from Kilimani, Karen, Kabete and Msongari Police Stations invade Kawangware at different times to get bribes? Instead of the residents of Kawangware bribing policemen from one police station, they have to bribe policemen from four police stations. Can they put us under Kabete Police Station once more so that people can be bribing policemen from one police station?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, if the intention right from the beginning was to bring out the question of bribery and corruption, I would like to remind the hon. Member that, that crime cannot be committed by one person. There must be two people.

Therefore, if the people of Dagoretti are prone to giving bribes, then we intend to prosecute them.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Shame on them!

Question No. 009

DE-LINKING OF KTDA

Mr. P.N. Ndwiga, on behalf of **Mr. Mbui,** asked the Minister for Agriculture, Livestock Development and Marketing when the Kenya Tea Development Authority (KTDA) will de-link itself from the management of tea factories owned by small scale tea farmers.

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

Allow me first to emphasise that the 44 small-holder tea factories now under KTDA management are all private companies. In fact, KTDA has sold all its shares except for only 100 shares with a nominal value of Kshs500. On the average, each company has an authorised share capital amounting to Kshs15 million.

On the issue of management, the on-going liberalisation of the small-holder tea sub-sector will allow individual companies to decide whether to engage the services of KTDA or not.

These liberalisation measures will be implemented, as soon as the necessary legislation and commercial arrangements have been finalised.

However, we believe that the transfer of responsibility to farmers should be gradual and systematic to avoid disruption of services and to ensure a smooth transition from the current KTDA management to the more liberalised situation.

Mr. P.N. Ndwiga: Mr. Temporary Deputy Speaker, Sir, I do not think the Assistant Minister understood the Question. The Question is this: When will KTDA de-link itself from the management of factories owned by small scale farmers? We know that the individual tea factories are actually tea companies. We want to know when KTDA will de-link itself from the management of these companies? This is because there is massive corruption and embezzlement from tea farmers by KTDA. This year alone, KTDA has misappropriated farmers money to the tune of Kshs620 million. Can the Assistant Minister tell us when KTDA will de-link itself from the management of these factories? That is the simple question. When?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, that is a very important point. I have said that as soon as all arrangements have been finalised---

An hon. Member: What arrangement?

Dr. Misoi: That separation will be effected.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Mr. Anyona, the Floor is yours.

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

The Temporary Deputy Speaker (Mr. Wetangula): I have given the Floor to hon. Anyona. I know you want to ask a question under the guise of raising a point of order.

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. I cannot leave the Floor. I will not leave the Floor until you grant me a point of order!

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Gatabaki! That is not the priority upon which you are picked to ask a question. Carry on, hon. Anyona.

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, were are told that KTDA was one of the specific parastatals that will not be sold, but will be restructured. Now, what I would like the Assistant Minister to tell us is this: What does that process of restructuring mean? What programme do you have and who are involved in that programme? Is it something just in the minds of the Ministry of Agriculture, Livestock Development and Marketing or it is a process which is going on, on the ground where farmers and other people are involved? Can the Assistant Minister clarify that to us because some of us do not know?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, I hope the hon. Member did follow what I said when I emphasised the fact that during the process of liberalisation, and as soon as the necessary legislation and commercial arrangements have been finalised, this transfer of responsibility will be effected. I have already said that. I cannot simply say that this has to be done today. Arrangements have to be made. We cannot make

abrupt decisions which could jeopardise the management of our tea factories.

Mr. Gatabaki: Thank you, Mr. Temporary Deputy Speaker, Sir. In view of the fact that President Moi authorised or directed the Ministry of Agriculture, Livestock Development and Marketing to start liberalising the tea sector in 1993 and in view of that fact that there exists a clause which gives a monopoly to KTDA as the only buyer of tea, and the fact that KTDA has stolen colossal amounts of money from the farmers, when will KTDA cease managing small scale tea farmers? The tea factories are ready and prepared to operate on their own. When is KTDA going to end this monopoly? When? That is what the farmers want to know.

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, let me say that the current arrangement between KTDA and the other factories is that they have undertaken a contract agreement of ten years. That contract is also subject to modification or it can also be reversed. But the issue here is simple and that is what the Government is doing. We have got to prepare well before we simply hand over the management of these tea companies to the farmers. We cannot simply decide out of the blue that KTDA should de-link itself from the management of small scale tea factories.

Question No. 034

IMPROVEMENT OF TEA ROADS

Mr. Mwaura asked the Minister for Agriculture, Livestock Development and Marketing:-

- (a) whether he is aware that owing to bad roads tea which is harvested in Kinyona Location, Murang'a District, is wasted;
- (b) whether he can explain how the money deducted from the farmers is used since a number of roads in this area have never been repaired; and,
- (c) when Gacharage Tea Factory will be constructed, since money for the same has already been voted for.

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

(a) I am aware that tea roads in Kinyona Location of Murang'a District are in poor condition, especially during the rainy season. I am, however, not aware of any tea being wasted. Indeed, the tea factories in the area have adequate lorries, including two new ones in each of the factories serving the area.

(b) The tea proceeds from this area are administered by a committee chaired by the District Commissioner (DC). While it is true that some tea roads require urgent repairs, the tea cess committee has undertaken some repair work in the area.

(c) A feasibility study for a new factory to be located at Gacharage has been concluded. However, the project is still at the preliminary stages and will be constructed once the source of funds is identified.

Mr. Mwaura: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister agree with me that until 14 years ago each tea factory was responsible for maintenance of its tea roads, and as a result of that those roads were properly maintained and well tarmacked? But since the cess money management was shifted to the DC most of the roads, as he says, are in a bad state. Could he, therefore, agree to revert the management of the tea cess to the tea factories, instead of having the DC manage it?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, at the moment the tea cess money, which is under the DC, can effectively be put into good use. The hon. Members of Parliament from the areas concerned could also contribute and assist in that process.

Mr. Kareng'e: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister said earlier in his reply that some of the cess money that is deducted from the farmers' payments went to repair some of the roads in that area. If he is not deliberately misleading this House, could he name the particular roads this cess was used to repair in that area?

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, the hon. Member knows that there are several feeder roads to the tea factories in those areas. Some of the roads are minor and unclassified ones. That information is public and so the hon. Member for the area should get it from his area.

Mr. Kareng'e: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to deliberately evade my question? I asked that, if he was not deliberately misleading this House, he should identify the road, even if it a feeder one, as the one from point A to point B. Even if roads are not classified, the Assistant Minister should know that they are identified as running from point A to point B. Could he name any of the feeder roads that the cess money has been used to repair?

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Karenga, you are repeating the same question!

Mr. Karenga: Yes, Mr. Temporary Deputy Speaker, Sir, I am asking whether he is in order to evade my question. Could you direct him to answer my question?

Dr. Misoi: First of all, Mr. Temporary Deputy Speaker, Sir, my answer cannot be conditional or misleading to the House. This was an honest answer and I have replied to the Question.

Mr. P.N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am rather disturbed. The Assistant Minister says that tea cess money can be effectively managed by DCs, while we know that the current system is open to corruption and misuse of cess money. Last year alone---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Ndwiga! Definitely, that is not a point of order! If you wanted to ask a question you should have come up in the normal manner.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says that some of this cess money is administered by DCs. We know that the DCs retain 80 per cent of the one per cent cess that they receive. Can the Assistant Minister tell this House for what specific purpose the DC has to keep tea farmers's money? He keeps it in his safe while the roads are becoming worse from year to year.

Dr. Misoi: Mr. Temporary Deputy Speaker, Sir, I am not aware of that. That is not a serious question.

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Lwali-Oyondi's Question.

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Ndicho, we are on the next Question. You asked a question and it was answered. The Assistant Minister said he was not aware of what you had asked.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I did not ask the Assistant Minister whether he was aware of anything.

The Temporary Deputy Speaker (Wetangula): Order, Mr. Ndicho! Dr. Lwali-Oyondi, ask your question.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I did not ask him whether he was aware---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Ndicho! You know the consequences of defying the Chair!

Mr. Ndicho: Why are you protecting him today?

The Temporary Deputy Speaker (Mr. Wetangula): The Chair has no vested interest in any question in this House. The quality of the answer reflects directly on the quality of the question.

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

The Temporary Deputy speaker (Mr. Wetangula): Order, hon. Ndicho! I have called for the next Question. Dr. Lwali-Oyondi.

Question No. 038

WATER FOR NAKURU RESIDENTS

Dr. Lwali-Oyondi asked the Minister for Local Government whether he could explain why Nakuru Town residents cannot get water despite the fact that the Japanese Government spent a lot of money on the Greater Nakuru Water Scheme.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am on a different point of order.

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Ndicho! I believe you are not spiritedly soliciting for an expulsion. Are you?

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think today you are treating us very unfairly today. I did not ever ask the Assistant Minister whether he was aware---

The Temporary Deputy Speaker (Mr. Wetangula): Order, Mr. Ndicho! Continue, Dr. Wameyo.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

It is true that the current water supply to Nakuru Town does not meet the town's needs. But the estimated water requirement for the town is 48,000 cubic metres per day. The National Water Conservation and Pipeline Corporation, through the Greater Nakuru Water Project, only supplies the Council with an average of between 10,000 and 13,000 cubic metres per day. The Council sources yield 28,000 cubic metres per day, leaving an estimated deficit of 10,000 cubic metres per day. Due to the deficit, the Council has to ration the commodity

to ensure equitable distribution.

The Council, in collaboration with the Government, is trying to solve the problem once the on-going feasibility study is completed, and funds are identified to implement a project which will satisfy the water needs of the Town.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, that is a very strange answer in that the facts are completely inaccurate. First, the Greater Nakuru Water Scheme, which was brought in by the Japanese Government to our town because of shortage of water had so much water that the Government had to stop it because the sewerage system could not handle it. Therefore, they asked the Japanese Government to make a sewerage that could handle the water. Then the Japanese have already put up a sewerage which cost about Kshs.800 million, and now we have no water. The Town was receiving 18 million litres per day, not the 48 million litres as stated by the Assistant Minister. Therefore, we have more than enough water. Out of these 18 million litres, about 4.1 million litres goes to Gilgil and the rest, 13.7 million litres goes to Nakuru Town.

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Lwali-Oyondi, what is your question?

Dr. Lwali-Oyondi: Is the Assistant Minister aware that this water is no longer going to Nakuru Town, but is going outside Nakuru where it is being used for irrigation?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I am not aware.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, somebody taught some hon. Members here on the other side the words "not aware", and they feel nice and sit back. Is the Assistant Minister aware that the people of Nakuru, taxpayers of this nation, are suffering from shortage of water? Can he dispute the fact that 18 million litres of water is not going to Nakuru, but going outside Nakuru? If he cannot dispute that, and if he disputes it, is he ready to accompany Dr. Lwali-Oyondi to Nakuru and see for himself, from a close range, so that he can give a logical reply to this House?

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, I learnt from my friend, the hon. Shikuku the statement "I am not aware" when he was on this side of the House.

(Laughter)

I will still answer that, I am not aware that 18 million litres of water are going somewhere not on this earth.

Mr. Kamuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the hon. Assistant Minister has been made aware, that 18 million cubic litres of water is going somewhere else, can he now comment? He has now been educated and he is now aware. He is a fresh Dr. Wameyo, who has now been made aware. Can he comment on the facts because the hon. Member is the person on the ground and he is telling the truth, the whole truth and nothing but the truth. So, help you God.

An. hon. Member: Help you, Dr. Wameyo!

Dr. Wameyo: Mr. Temporary Deputy Speaker, Sir, there is a new term which is not in my vocabulary and that is cubic litres. How do you calculate cubic litres?

An. hon. Member: Tell him!

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

The Temporary Deputy Speaker (Mr. Wetangula): Order! The Chair is not aware of any questions from you, Mr. Kamuyu. You stood up on a point of order and went completely astray, there was no question you stood up to ask.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, arising from the answer in which the hon. Assistant Minister said that the Council is collaborating with the Government in trying to solve the water problem in Nakuru Town, is he aware that no other than the Town Clerk of Nakuru Town, together with the Mayor and a relative of an hon. Minister here, have already sold two water boreholes next to State House despite the water shortage? Is the Assistant Minister aware of that?

An. hon. Member: He is never aware of anything!

Dr. Wameyo: Certainly, Mr. Temporary Deputy Speaker, Sir, I am not aware because I would not know if it is true, but I will find out something about three boreholes.

Mr. Mulusya: On a point of order, Mr. Temporary Speaker, Sir. Dr. Lwali Oyondi said that the Town Clerk, the Mayor, and a relative of an hon. Minister here have sold two boreholes next to State House in Nakuru. Can he substantiate who that relative of the Minister is, and who that Minister is? Can he mention him?

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, according to the information I have here in this file which I can bring out any time now, the Town Clerk, together with the Mayor of Nakuru Town have sold these boreholes to one of the oil companies here. The third person is no other than the daughter of the Minister

for Local Government, and this is written here in black and white by the Councillors of Nakuru Town.

Hon. Members: Hear! Hear!

Dr. Lwali-Oyondi: I can substantiate it here by laying the original documents already signed here on the Table.

The Temporary Deputy Speaker (Mr. Wetangula): Next Question!

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member for Nakuru Town has quoted a document. Would it not be fair for him to lay it on this Table?

The Temporary Deputy Speaker (Mr. Wetangula): Yes, Dr. Lwali-Oyondi.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, I will do so.

(Dr. Lwali-Oyondi laid the document on the Table)

The Temporary Deputy Speaker (Mr. Wetangula): Next Question!

(Hon. Ntimama stood up)

Order, hon. Ntimama! I have already called the next Question.

An. hon. Member: Let him defend himself.

The Temporary Deputy Speaker (Mr. Wetangula): Order! There has been no allegation made against hon. Ntimama here.

Mr. Kamuyu: He sold the boreholes!

The Temporary Deputy Speaker (Mr. Wetangula): Next Question! Mr. Mak'Onyango.

Question No.047

CONSTRUCTION OF SIAYA WATER PROJECT

Mr. Mak'Onyango asked the Minister for Land Reclamation, Regional and Water Development:-

(a) what became of the studies on the Siaya Water Project Supply; and,

(b) how much money was set aside for this project and when work on the project would start.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The studies on Siaya Water Supply Project were completed in January, 1996 and are being used to produce an engineering design to this project. The design is in the final stages and expected to be ready any time now.

(b)(i) A package of US\$1.2 million has been set aside for the studies on this project (Siaya) together with others including Kandara, Kahuti and Litein Water Supply Projects. However, due to the colossal sum of money that will be required for the implementation work on these four projects, the World Bank has agreed to use its influence to look for donors for financing.

(ii) In view of b(i) above, it is not possible at the moment to say when the implementation work on the project will start because it will all depend on the willingness of the donors to participate in the World Bank co-ordinated joint-financing venture.

Mr. Mak'Onyango: Mr. Temporary Deputy Speaker, Sir, while I have no quarrel with parts (a) and (b) of the answer. I take issue with b(ii) in which the Assistant Minister says that he cannot say when work on this project is going to start. Water is life, as we have been told, and as it is life elsewhere, it is life for the people of Siaya too. Can the Assistant Minister tell this House when the Government of Kenya--- Yes, I agree that the World Bank and its associates are doing whatever they can. What is the Kenya Government on its part doing because it is to the Kenya Government that the people of Siaya pay taxes and people of Siaya need this water to live? One cannot leave the people of Siaya at the mercy of the World Bank alone because the people of Siaya do not pay taxes to the World Bank. Can the Assistant Minister tell this House what the Government itself is doing to ensure that this water is there because the available--

The Temporary Deputy Speaker (Mr. Wetangula): You are now making a speech instead of asking a question.

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, the fact that the World Bank is co-ordinating this exercise does not mean that the Government is doing nothing. The Government of Kenya is the one that has approached the World Bank to co-ordinate the exercise and we are pushing as hard as possible. I am hoping that we may get funding in the near future.

Mr. Karengi: On a point of order, Mr. Temporary Deputy Speaker, Sir. In the reply of the Assistant Minister, he mentioned that this is one of the projects that also includes Kandara Water Project in my constituency. Now, is he not misleading this House? He has been misinformed by his officers or something else because our information is that the World Bank has given 90 per cent of the funding that is required of this project, but the Government has not met its contribution of 10 per cent that is required. Can the Assistant Minister clarify that or confirm that or even deny that?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I do not know what I am being asked to deny or confirm or clarify. I have said that these four projects are being funded through a joint venture co-ordinated by the World Bank. And as soon as the funding package has been put together, implementation work will start.

Mr. Mak'Onyango: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell this House whether the project, as entailed in this particular study, is part of Sidindi-Malanga Water Supply? Besides that, could he also tell the House what temporary measures the Government is taking to ensure that there is, at least, some water in Siaya because the available facilities was meant for only 3,000 people? Now, the population of the town has gone up to 20,000, thus outstripping the supply. What temporary measures is the Government taking to ensure that there is some water in Siaya, at least?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, on part (a) of his question, no, it is not part of Sidindi-Malanga Water Supply, it is supply for Siaya town alone.

(b) Given that we have to fetch this water from a considerable distance and we do not have readily available source close to the town, it is not possible to have any short-term remedial measures.

Question No.043

REHABILITATION OF BOKOLI WATER SUPPLY

Mr. Busolo asked the Minister for Land Reclamation, Regional and Water Development what rehabilitation programme(s) the Ministry has for the Bokoli Water Supply scheme in Webuye Division.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

My Ministry has two programmes to improve the services rendered by Bokoli Water Supply System. The first one will be a short-term measure intended to increase the current water production capacity of 144m³ per day to its design production capacity of 1691m³.

The second one and which I expect will meet the prevailing water demand for the residents of the area, will increase the Bokoli Water Supply capacity to over 4191m³ per day.

These two measures are estimated to cost a total of Kshs131 million which is under consideration alongside other requests from all over the country.

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, being aware that provision of water will save us a lot of deaths in hospitals due to water-borne diseases, could the Assistant Minister tell us when these programmes would be implemented?

Mr. Ligale: Mr. Temporary Deputy Speaker, the short-term measures I expect to be implemented fairly shortly because these have partly been accommodated in the current estimates, but the longer-term solution will have to wait for additional funding for which we are sourcing.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, we have got a lot of problems in this country concerning water. What is the Ministry's policy on rehabilitation of very many water projects which have stalled all over the constituencies that are represented in this Parliament?

For example, in Juja constituency; Juja Water Project, Gatuanyaga Water Project and Ruiru Water Project have all stalled. What is the Ministry's policy because even in the Minister's own constituency there is a stalled water project?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, I suggest that the hon. Member speaks for himself and I will speak for my own constituency.

However, the policy of the Ministry is, funds permitting, to ensure that all water projects are rehabilitated

and to ensure that any new ones that have been designed are implemented. But hon. Members will appreciate that we do have a shortage of funds and that it is not possible to implement or rehabilitate the whole lot.

Mr. Anyona: On a point of order, Mr. Temporary Deputy Speaker, Sir. There was once upon a time a Government policy to supply all homes in this country with water by the year 2000, and we are only four years away from the year 2000. Can the Assistant Minister tell us whether that policy is still in existence or what happened to it or is there a new policy and, if so, when is that target going to be met?

Mr. Ligale: Mr. Temporary Deputy Speaker, Sir, that was a target that was set some 30 years ago, in the hope that resources would be available to meet that target. Unfortunately, it may not be possible to meet it by the year 2000, but obviously, we will continue to review our programmes and projects to ensure that ultimately all Kenyans have access to portable water supply.

Mr. Busolo: I thank the Assistant Minister for that answer. The second aspect of the answer is that 41,191 cubic metres are pumped per day---This constitutes the current demand. However, due to the way the answer has been given the project has a futuristic aspect. I fear that by the time the Ministry comes to it, the demand will be higher than this. So, I request that they expedite the process so that the residents can have access to water. Could the Assistant Minister assure this House that, that will be done?

Mr. Ligale: I have given the undertaking that we shall ensure that the short-term measures are implemented as soon as possible and the long-term measures, subject to funds being available, will also be put in place. But those long-term measures were obviously estimated on the basis of a future population projection.

Question No. 018

GRADING OF KAHAINI-KIRANGA ROAD

Mr. Karenga asked the Minister for Public Works and Housing:-

(a) whether he is aware that Kahaini-Kabungi-Kiranga Road in Muruka Location of Kandara Division is in a very bad state; and

(b) what he is doing to upgrade it.

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

(a) I am aware that Kahaini-Kabungi-Kiranga Road in Muruka Location of Kandara Division is in a very bad state.

(b) The road has not yet been approved by the Murang'a DDC for upgrading, but the Ministry will maintain it to motorable condition by grading it during this financial year.

Mr. Karenga: I thank the Assistant Minister for admitting that he is aware that Kahaini-Kabungi-Kiranga Road is in a very bad state. It is not true that the DDC has not considered this as a priority for upgrading. In fact, when you see hon. Members bringing these Questions here, it is due to the fact that the local community have brought these problems to us. Therefore, it is not true to say that it has not been considered as a priority. Can the Assistant Minister tell this House when this road will be graded?

Mr. Mwamzandi: When the rains subside we will start work on this road because there is a sloppy and a slippery section which is one kilometre long. So, immediately the rains subside we will do the necessary work.

Mr. Kamuyu: Since the Assistant Minister is aware that Kahaini-Kabungi-Kiranga Road is indeed in an extremely bad state, and in view of the fact that he has said that he is going to ensure that his Ministry tackles this problem the next financial year, could he tell us how much money has been set aside for this project?

Mr. Mwamzandi: In my reply, I did not talk about the next financial year. I said that this work is going to be done during this financial year and not during the next financial year. We anticipate to spend about Kshs30,000 on this road---

The Temporary Deputy Speaker (Mr. Wetangula): Order! The question was so simple, how much money have you set aside for it?

Mr. Mwamzandi: We will spend Kshs30,000.

Mr. Kamuyu: On a point of order, Mr. Temporary Deputy Speaker, Sir. He has not given the total amount of money that they intend to spend on that road.

The Temporary Deputy Speaker (Mr. Wetangula): He said Kshs30,000.

Mr. Mwaura: This Parliament sometimes back did pass a Bill related to the Ministry of Public Works and Housing. This empowered the Ministry to raise money through petroleum levy which was going to improve our roads. Can the Assistant Minister tell this House how much of that money is going to improve the roads

particularly in rural areas?

Mr. Mwamzandi: I cannot give that reply right away.

Mr. Karege: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that he is going to upgrade this road and several others bearing in mind that he has told us that the amount of money available to do all that work is only Kshs30,000 when it is common knowledge that, that amount of money cannot do that work?

Mr. Mwamzandi: We intend to gravel it and roughly spend that much.

The Temporary Deputy Speaker (Mr. Wetangula): That brings us to the end of Question Time. Order, hon. Members!

POINTS OF ORDER

LAYING OF FALSE DOCUMENTS ON THE TABLE

The Minister for Local Government (Mr. ole Ntimama): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Dr. Lwali-Oyondi misled this House maliciously and malignantly by laying on the Table a document that I consider fake because it has been concocted. This document shows that only one pen was used by one individual to write down the names of these councillors. This document does not belong to the council. If it was a document of the council, I would probably know the minutes related to the allocation, the development plan and so on. I think the hon. Member has misled this House totally out of malice and he should have named my daughter who was involved in this. I have many daughters---

An hon. Member: Who does not have? How old are yours?

The Minister for Local Government (Mr. ole Ntimama): Well, some are young and some are old. So, he should have named that particular daughter of mine because I have many. I put it to this House that this is false and wrong. The document has been forged and the hon. Member has no any political agenda because he is bankrupt. His work is only to malign other people

The Temporary Deputy Speaker (Mr. Wetangula): Order! I have also seen that document and although I have my own doubts about it, it has certain names and signatures against it. I will ask the Office of the Clerk to verify the contents and then we will come back to it.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Dr. Lwali-Oyondi, I am not opening debate on that at all. Order, Dr. Lwali-Oyondi! When we verify the document, you will have an opportunity to talk about it.

MINISTERIAL STATEMENT

LICENCES FOR PUBLIC MEETINGS

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, yesterday, the hon. Member for Kangundo, hon. Joseph Mulusya, made a statement to the effect that he had applied for many licences to hold public meetings and that none had been granted to him since he was elected.

Mr. Temporary Deputy Speaker, Sir, the correct position is that in the whole of 1995 to-date, hon. Mulusya has only made one application for a public meeting. He applied for a licence to hold a meeting at Tala Market on 17th December, 1995. This application was received by the Machakos District Commissioner on 15th November, 1995, and a licence was issued on 17th November, 1995. Hon. Mulusya never bothered to collect the licence and neither held the meeting.

The allegation, therefore, by hon. Mulusya that he has been denied permits for public meeting is misleading to the House. The House may also wish to know that hon. Mulusya never attends public forums in his District, which is part of his obligations as an elected Member of Parliament. He never attends the District Development Committee (DDC) meetings or leaders meetings and all these forums are part of his duties as hon. Member.

POINTS OF ORDER

MINISTERIAL STATEMENT: PROCUREMENT OF

GOODS AND SERVICES FOR GOVERNMENT

Mr. Anyona: Mr. Temporary Deputy Speaker, Sir, I rise to seek an urgent Ministerial Statement on a matter which, like many others, seems to be-devil this Government, and this is a matter of procurement of goods and services for Government. I have a document here which is 67 pages long. It is a tender document entitled: Ministry of Agriculture, Livestock Development and Marketing of the Republic of Kenya, tender documents for the increase of food production REF/KR/2/1995.

I would like the Minister concerned to make an urgent Ministerial Statement on the following facts:-

On the 28th August, 1995, the Government of Kenya and Japanese Government exchanged notes on grants to the Government of Kenya to the tune, I believe, of Kshs 100 million. This matter was supposed to go through tendering procedure and under Clause 6.81 of the Government of Kenya Supply Manual, the notice of tender is supposed to be six weeks. As it is, apparently, the Ministry has given a notice of four weeks only and the tenders are closing this Friday, after four weeks, which is already an irregularity.

The point, therefore, I would like the Minister to clarify in his statement is whether he is aware of those facts and to tell us whether the Ministry has complied with that Clause 6.81 that I have just talked about. He should also tell us the conditions and terms of that contract and how that money would be used in the process of increasing food production for Kenyans.

Mr. Temporary Deputy Speaker, Sir, what this amounts to is that since that notice is irregular, the Government, through the Ministry, should cancel and extend the notice for six weeks as required by the Government of Kenya Supply Manual.

The Temporary Deputy Speaker (Mr. Wetangula): Dr. Misoi, are you ready to respond now or you need more time?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Temporary Deputy Speaker, Sir, I would not be able to respond to that request as of now.

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Gatabaki.

Mr. Gatabaki: Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Members! Order, Gatabaki, and sorry for interrupting you. For the guidance of the House, points of order after Question Time are normally for Members to raise issues such as the one hon. Anyona, hon. Ntimama and hon. Sunkuli have raised and the practice is that, out of courtesy, you notify the Chair in advance that you have an issue you would like to raise. Then, after Question Time, you can be given an opportunity to do so. It is not a free for all where everybody just shoots up on a point of order because the Chair needs, at least, to know how many such points of order are there, so that we can allocate some time for them.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been ambushed!

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Gatabaki!

(Laughter)

MINISTERIAL STATEMENT: SPEED GOVERNORS

Mr. Gatabaki: Mr. Temporary Deputy Speaker, Sir, sometime last week I requested for a Ministerial Statement on the various programmes which this Government has initiated for the last 10 years. One of them concerns speed governors for public service vehicles which was first mooted 10 years ago by the Minister for Transport and Communications. The issue was revisited last year, but it was revoked the last minute by President Moi. In view of the increasing road carnage on our roads and the danger posed to thousands of commuters, what is the policy of the Government on road safety and speed control? That Ministerial Statement has not been issued to-date. I am asking for a Ministerial Statement on Government policy on the nightmare of road carnage.

The Temporary Deputy Speaker (Mr. Wetangula): Is there anybody from the Ministry of Transport and Communications?

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Kamuyu!

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will convey that message to the Minister for Transport and Communications, and a statement will be made.

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

Mr. Temporary Deputy Speaker (Mr. Wetangula): Yes, hon. Kamuyu.

OFFICIAL LEADER OF THE OPPOSITION

Mr. Kamuyu: Mr. Temporary Deputy Speaker, Sir, I rise on a point of order in reference to Standing Order No. 2 of this House, and in particular, regarding the Opposition party leadership in the House.

Mr. Temporary Deputy Speaker, Sir, if you go outside right now, you will see about 200 or 300 young Kenyans waiting at the gate to enter Public Gallery and in the same vein, there is hardly anybody in the Public Gallery. It looks to me like the *bona fide* Kenyans who want to get into the Public Gallery are not being given a chance. I request for a Communication from the Chair, as a matter of urgency, regarding the following issues: One, who should occupy the seat of the Leader of the Official Opposition in this House? Two, who should occupy the Office of the Official Leader of the Opposition in this Parliament?

Hon. Members: Hon. Raila!

Mr. Kamuyu: It is very clear that unless this issue is resolved by the Chair in a very clear-cut manner to clear the air, both the members of the public and Members of Parliament are not safe when they are coming into Parliament because they are being surrounded by police. I believe the police are still guarding the office of the Leader of the Official Opposition in Parliament. It is not enough just to be general about this matter. We have to zero-down to the specifics and say who should occupy what because if we do not do that immediately, there is going to be confusion and especially in the Public Gallery here. I still, therefore, request you not to worry too much about the Registrar of Societies because he may take his time to register the two factions of FORD-(K) like he has done with the registration of SAFINA. So, we cannot relegate this matter to the Registrar of Societies. It is a matter of this House and indeed, it is a matter for The Temporary Deputy Speaker to resolve *per se*.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: Mr. Temporary Deputy Speaker, Sir, whereas I have listened very carefully to the hon. Member who has just spoken, if we look at this Standing Order No. 2 it says:-

"Provided that where there are two or more political parties with more than 30 hon. Members, the party with the highest number of seats in the House shall be deemed to be the Official Opposition Party."

I thought this ruling was made yesterday, but if we talk of leadership here, we must read this Standing Order. It talks of 30 Members or more. Therefore, those who are shouting Raila, should tell us how many Members of Parliament he has got in this House.

(Laughter)

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Members! We all know that among the many political parties represented in this House, there is no party called Raila. So, it is unfair to hon. Raila to keep on referring to him as if he is a political party. I made a ruling yesterday on the issue of the seat of the Leader of the Official Opposition. It is provided for under Standing Order Number 2. If we care to read it, we will find what it says this: On the question of the Public Gallery being empty, as I said yesterday, there is no member of the public who has an automatic right of access to the Public Gallery. Members of the public come to the precincts of Parliament and the gallery at the total pleasure of the Speaker and that pleasure can be withdrawn any time and the Speaker is not obliged to give any reasons for such a withdrawal.

The Temporary Deputy Speaker (Mr. Wetangula): The last point of order, hon. Busolo.

STATEMENT ON THE EFFICACY
OF THE AIDS DRUG 'PEARL OMEGA'

Mr. Busolo: Mr. Temporary Deputy Speaker, Sir, I rise to request for a Ministerial Statement from the Ministry of Health regarding the drug "Pearl Omega". This drug or concoction, has been in the newspapers for quite some time. At one time the self-confessed discoverer of this drug gave a talk at the Medical School, University of Nairobi, where he claimed that the drug is an AIDS cure, but the Medical School seems to have a problem with the professor. The professor has since then gone to Moi University, Eldoret and given a lecture about the same drug and still there is an on-going debate about this drug. In view of the AIDS scourge currently facing

this country, could the Ministry of Health issue a definite statement on this drug because at one time the Government said that this drug is not an AIDS, but the professor says that he is the Chief Government Scientist. I understand that we do not have a Chief Government Scientist, but only the Chief Government Chemist. This a matter of the Ministry of Health and I think the Ministry of Health should clear the air over this matter.

The Assistant Minister for Health (Mr. Criticos): Mr. Temporary Deputy Speaker, Sir, we will give a Ministerial Statement next week, although we have already issued a statement.

The Temporary Deputy Speaker (Mr. Wetangula): When next week?

The Assistant Minister for Health (Mr. Criticos): On Wednesday next week.

BILL

Second Reading

THE KENYA INSTITUTE OF ADMINISTRATION BILL

*(The Minister of State, Office of
the President (Mr. Kones) on 11.4.96)*

(Resumption of Debate interrupted on 16.4.96)

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Osogo was contributing.

The Assistant Minister for Commerce and Industry (Mr. Osogo): Mr. Temporary Deputy Speaker, Sir, when the House adjourned yesterday, I was on the Floor explaining to the House how Parliaments of other countries regard a Bill like this one very seriously.

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

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

I was giving an example of the Parliament of Mauritius which had at one time three-quarters of its Members being learned gentlemen, who took an opportunity to debate one Bill for one year. The learned gentlemen analyzed clause by clause, of a Bill that had been published for a long time. I was saying that this House, although it consists of very learned gentlemen, has not regarded Bills published by this Government very seriously.

I say so because if it can be remembered that this morning, the Motion that was passed by this House this morning would not, in the first place, have come to this House. If the Bill on Narcotic Drugs had been studied thoroughly, then the Mover of the Motion that was passed this morning would have proposed an amendment to the Schedule of Narcotic Drugs Act by inserting "miraa" instead of discussing the Motion which we passed this morning in the House on miraa.

Mr. Temporary Deputy Speaker, Sir, it is very important that when a Bill has been published it should be read properly by Members rather than Members of Parliament coming here to debate very irrelevant matters on a Bill as we were treated yesterday by the hon. member for Kangundo.

Mr. Temporary Deputy Speaker, Sir, Clause 5(4) on the appointment of the Council, the Bill says:- "An appointment of a Member of the Council shall cease if he serves the Minister with resignation". and it goes on enumerating (a), (b), (c) (d) and (e). But in Clause 5 before it, it says in (g) that:- "Not less than six and not more than ten persons would not hold office in the Public Service or who are not Members of the National Assembly".

Mr. Temporary Deputy Speaker, Sir, it might come that a member of the Council is nominated to the National Assembly or is elected to the National Assembly after he has been appointed a member of the Council. In that case, the Bill does not clarify what will happen to such a person. I am suggesting, although I cannot see the Minister concerned with this Bill, that there should be an (f) to state that:-

"If he is appointed to a public office, then he should cease to be Member of the Council or if he is elected or nominated to the National Assembly".

If that is included, then it makes it very clear that provisions of Clause (5) are adhered to, but if that is not included then one could argue that I was a member of the Council before I was elected to the House and now that I have been elected to the House, I will continue being a Member and serve my term. He could literally argue that in a court of law and win. So, I am proposing that the Minister concerned with this Bill should be able to cover that one up so that it does not cause the courts difficulties in interpreting what this House meant or what this House was up to in passing the Bill.

Mr. Temporary Deputy Speaker, Sir, before I end, I would refer to the Memorandum of Objects and Reasons on page 9 of the Bill, paragraph 2 which gives the functions of the Kenya Institute of Administration. One of the functions, as stated there, is to conduct examinations and award diplomas and give other forms of suitable awards. I said yesterday when I began my speech on this Bill that it is not given anywhere in this Bill, as to where the Institute will get its syllabus from. It is important that an Institute which is going to give examinations and award certificates or diplomas must state where the examinations are going to come from. They are not going to be prepared by the Kenya National Examinations Council and if the syllabus is going to be prepared by any other institute in the country, then it should be specified here. Otherwise, as I said yesterday, the functions of the Institute as stipulated in Clause 4 should specify one of the functions as to prepare suitable syllabus for courses being offered by the Institute. Now, if such provisions are left loosely, as they are in this Bill, the courts will find it difficult to interpret an Act like this one.

Some of us have put some of these suggestions for amendments to the Ministers concerned and they are never taken seriously. At the Committee Stage, when it is time to discuss the Bill, Ministers brush aside some of these suggestions as not being important. But when such Acts are consented by the President and are taken to courts of law, judges have always blamed those who passed the law by not having looked at clauses of the Bill. So, it is my submission that the Ministers concerned, particularly the one concerned with this Bill, which is a very important Bill, should take note of our suggestions put them forward. If he cannot satisfy us by explaining during the Committee Stage, he should bring amendments to take care of the proposals that some of us have made to this Bill; particularly the ones I have made.

With these remarks, I beg to support the Bill.

Mr. Kiliku: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami nitoe maoni yangu kuhusu Mswada huu. Serikali hii inajua kwamba Bunge hili lina uwezo wa kugeuza Idara ya Serikali ikawa shirika la Serikali. Lakini Serikali hii haijui kama Bunge hili limekasirishwa na kitendo cha kuuza mashirika ya Serikali bila idhini ya Bunge hili. Kwa kutengeneza, Bunge hushauriwa, lakini ufikapo wakati wa kuyauza mashirika hayo, Bunge hili haliulizwi. Sijui ni kwa nini tunaongeza mashirika na huku tunauza mengine. Imekuwa ni kama biashara. Huku tunaaidhinisha shirika liundwe na kesho yake wataanza kuuza. Ni hakikisho gani Waziri atapatia Bunge hili kwamba, Mswada huu ukipita ili chuo hiki kiwe Shirika la Serikali, basi halitauzwa? Maanake hapa, tunaambiwa katika ukurasa wa pili, kwamba, hili likiwa shirika, basi watakuwa na uwezo wa kupata mali na wanaweza hata kuuza.

Tunajua KIA ina mashamba, ama ardhi kubwa, na tena mahali pazuri sana. Na huenda wakijua kwamba chuo hiki kitakuwa shirika, wataanza kuuza ardhi ambayo iko kule kama vile wanavyofanya na ile nyingine. Tunataka hakikisho kutoka kwa Waziri kwamba, hili likiwa Shirika, hawatuza kama vile walivyofanya mashirika mengine kama Kenya Salt, huko Mombasa, Associated Motor Assemblers (AVA) na Brollo Kenya Limited ambako Serikali ina hisa karibu 40 asilimia. Wakaiuzia Mhindi na ikawa sasa Serikali haiko tena. Hiyo Kampuni ya Brollo imechukuliwa na Mhindi. Kampuni hiyo ilikuwa shirika ambalo lilipitishwa na Bunge hili, lakini Bunge hili halikuulizwa. Je, tunaifanya KIA iwe shirika ili waende wakauze kwa Wahindi kama vile walivyofanya? Kuna hakikisho gani?

Mr. Shikuku: Hiyo ndiyo nia yao!

Mr. Kiliku: Bw. Naibu Spika wa Muda, ukiangalia ukurasa wa tano, maanake sitazungumza sana. Wanasema,

"After consultation with the Chairman of the Council, they will engage temporary employees at daily rates of pay."

Tena wanasema watakuwa wanalipa kila siku. Bunge hili linatarajiwa kupitisha Mswada huu vile ulivyo, yaani badala ya shirika kuandika watu kazi, wawe ni watu wa kulipwa kila mwisho wa mwezi, wawe na house allowance, leave allowance, medical allowance, travelling allowance na mahitaji mengine kama ilivyo desturi, mnataka Bunge hili lipitisha shirika hilo liwe linaajiri watu kama vibarua. Yaani, ufanye kazi leo asubuhi na jioni ulipwe pesa yako na utokomee. Sikubaliani na kifungu hicho. Sikiungi mkono kamwe. Sitaki Bunge hili litumike kama muhuri. Hatuwezi kupitisha kifungu hicho. Hili ni jambo baya sana, na sisi tumekuja katika Bunge hili kwa sababu ya raia wa nchi hii. Tumekuja katika Bunge hili kwa sababu ya wananchi. Hatuwezi, na hasa mimi, kuunga mkono chochote; eti kwamba, mtu ataaajiriwa asubuhi na saa kumi afutwe kazi

mpaka kesho aje kuuliza tena. Hiyo ni dhahaka kubwa kwa Bunge hili na ni lazima kifungu hicho kibadilishwe. Kwanza, hii kazi ya kulipwa kila siku ni kazi gani? Ninataka Waziri aliambie Bunge hili, hii ni kazi gani itakayokuwa ikifanywa kila siku? Hata kama ni kukata nyasi, nyasi inakua kila siku. Hata kama ni kupika chai, wakubwa wanakunywa chai kila siku. Hii ni kazi gani ya shirika hili ya kuajiri mtu asubuhi na afutwe kazi jioni?

Baadaye, sheria zetu zinasema, ikiwa wewe unalipwa kila siku--- Ukiangalia Section 226, sub-section 6, of the Labour Laws of this country, utajua inasema nini. Ikiwa unafanya kazi kwa siku, wanasema "daily rates of pay", basi wewe utakuwa ukiumia kazini; hulipwi, ukienda likizo hulipwi, ukiacha kazi hupati malipo ya uzeeni, kwa sababu siku ikiisha, basi contract yako inakwisha. Hata ukiugua, hakuna atakayekuja kukuangalia hospitalini ukiwa umelazwa maanake wewe si mfanyakazi tena kwa sababu ulishalipwa. Na mnataka Bunge hili lipitisha Mswada wa kuruhusu shirika liwanyanyase wananchi na hali Serikali hii inasema tuangalie maslahi ya wengine. Huku ndiko kuangalia maslahi? Mnataka tupitisha ili mwananyanyase wananchi.

Nawaomba wakati wa Committee Stage, tafadhali sehemu hii igeuzwe, watu wasije wakaajiriwa kama vibarua. Huo ni mpango wa Wahindi. Mtindo wa "Temporary engagement" uko katika yale makampuni ya Wahindi na wananyanyasa Waafrika. Tumemwambia Waziri wa Wafanyakazi kila siku na hachukui hatua yoyote. Tumejitawala, na lazima watu walindwe vilivyo.

Ukiangalia ukarasa wa saba, wameandika hivi:-

"The Minister shall lay the report of the Council together with the audited balance sheet and accounts before the National Assembly as soon as practicable."

Yaani, ikiwa Waziri huyu hatoi ripoti yake kwa wakati unaofaa, yeye hata akikaa miaka kumi bila kuileta hiyo ripoti katika Bunge, haulizwi. Hilo ni jambo baya.

Ni lazima Waziri anayehusika awe akileta audited accounts katika Bunge hili kila mwaka na sio wakati unaofaa kwake. Mawaziri tulionao hapa ni wavivu; hawaleti ripoti zao hapa. Hii ndiyo sababu Public Accounts Committee na Public Investments Committee, mpaka leo, wanangojea ripoti nyingine kutoka kwa mashirika mengine, na hawapati. Hii ni kwa sababu hakuna sheria inayomlazimisha Mawaziri, baada ya siku fulani, kuleta ripoti hapa. Basi hiyo sehemu, pia yafaa ibadilishwe. Manaake, ikiwa maofisa wanaagizwa wawe wakitayarisha makadirio baada ya muda fulani ni kwa nini Waziri huyo hawezi kuambiwa alete ripoti hapa Bungeni? Na, ikiwa hawezi, Bunge hili linaweza kumuuliza; "je, ziko wapi ripoti za Kenya Institute of Administration?" Maanake Waziri anaweza kuteuliwa leo halafu aachishwe kazi baadaye kama vile Bw. Makau alifanyiwa. Aliteuliwa na akafutwa baada ya muda wa miezi tisa. Waziri mwingine akija, ni lazima aambiwe kila mwaka kuwa twataka hii ripoti. Haifai kusema "as soon as practicable", kwa sababu huu ni muda usiojulikana.

Bw. Naibu Spika wa Muda, naona hapa wamesema "on coming into operation of this Act, the bookshop is established under the Kenya Institute of Administration bookshop Fund---" Hii, ninaiunga mkono. Serikali hii ya KANU, yafaa ijue kwamba wazazi wengi wemeshindwa kupeleka watoto shule, kwa sababu vitabu vya kusoma havinunuliki. Na ikiwa mtoto hana vitabu hivyo, anaambiwa lazima arudi nyumbani alete vitabu hivyo. Nikiunga mkono sehemu hii, nauliza ni kwa nini hatuwezi kuwa na utaratibu huu katika shule za msingi na pia zile za upili? Kwamba, Serikali itanunua vitabu na kuviweka katika makitaba za shule ili watoto wawe wakisoma. Tukifanya hivyo tutawapunguzia wazazi mzigo, kwa sababu wazazi wengi wameshindwa kuwanunulia watoto wao vitabu vya kusoma. Hawa wanasema katika Mswada huu kwamba KIA itafanya kazi "on a commercial basis." Na kwamba kwa sababu chuo hicho kitakuwa shirika la Serikali kitaruhusiwa kukopa pesa, na Serikali hii itakuwa mdhamini wa mikopo hiyo. Lakini hawajasema kuwa wakikosa kulipa huo mkopo ambao wamepata, watachukuliwa hatua gani.

Mashirika mengi, Bw. Naibu Spika wa Muda, yanatumia Serikali kama mdhamini wa mikopo yao. Lakini wamekosa kulipa mikopo. Mashirika hayo yamefilisika na hakuna hatua ambayo imechukuliwa. Walipokodi ndio wanalipa mikopo hiyo.

Wanasema hapa kuhusu wanafanyakazi katika chuo cha Kenya Institute of Administration. Wanasema kuwa watoto hao watachukuliwa na KIA, wawe wafanyakazi. Lakini, masharti yao ya kazi, yataanza kufanya kazi lini baada ya kupitisha Mswada huu. Shirika la Kenya Airports Authority, lilibuniwa na Bunge hili kitambo lakini mpaka juzi ndipo wale wafanyakazi wameanza kupata marupurupu yao. Shirika hilo lilianzishwa miaka mitatu iliyopita. Wakati Waziri akipata nafasi yafaa atueleze Taasisi hii itakuwa katika kiwango gani, kwa sababu mashirika yote ya Serikali yamewekwa kiwango kama vile A, B na C. Taasisi hii itakuwa katika kiwango gani? Ni "A" au ni "B" ndio tujue hao wafanyakazi, watapata pesa ngapi? Je, watalipwa mishahara kama wafanyakazi wa Banki Kuu, au Kenya Commercial Bank? Je, shirika hili litakuwa katika kiwango gani? Yafaa Waziri aleze kabla hatujapitisha.

Bw. Naibu Spika wa Muda, mimi ninazungumza kuhusu "appointments by the Minister". Nyinyi mnasema eti hakuna ukabila, na wale wakubwa wa KANU wanasema "sisi hatutaki ukabila". Ingefaa orodha ya DCs, DOs na wale wakubwa wanaofanya katika Serikali iletwe hapa, tujue ni akina nani ambao kulingana na

elimu na ujuzi wao wamepata kazi katika Serikali hii Serikali kuchukua viongozi katika miaka hiyo iliyopita? Maanake kama kuna ukabila, na inaonekana viongozi wengi hawaoni haya wanapozungumza mbele ya watu. Wengine husema "mimi hata sitaki ukabila wala kusikia maneno hayo", lakini ukiangalia uteuzi kwenye nyadhifa mbali mbali katika Serikali, utashangaa. Je, kwani kuna watu ambao hawasomi?. Ni vizuri watu kuajiriwa kazi kulingana na ujuzi wao, elimu yao na vile walivyo. Ikiwa mnasema hakuna ukabila kwa sasa, siku itafika ambapo mtu atakuwa akiambiwa "ulikuwa ukisema hakuna ukabila, hebu angalia mambo yako, vile ulikuwa ukifanya". Hii ni kwa sababu nchi hii ni moja, na hatutakubali igawanywe na mtu. Lakini ukabila katika nchi hii hauko kwa wanasiasa, bali uko katika Serikali. Sisi watu wa Upinzani tunalaumiwa kwa kila kitu. Hata mtu akigombana na mjomba wake nyumbani, wanasema Upinzani. Upinzani hauajiri watumishi wa Serikali. Serikali ndiyo inaajiri watu kazi.

Bw. Naibu Spika wa Muda, kuhusu mashirika haya ya Serikali, na hasa Kenya Ports Authority, hivi sasa, Waziri wa Fedha, na Serikali kwa jumla wanataka kuchukua Bandari ya Mombasa na kuikabidhi kwa Singapore Ports Authority, ili waisimamie. Watu wa Kenya wako, ambao wamefunzwa katika usimamizi wa container terminal, lakini nyinyi mnachukua watu sita, ambapo kila mtu atakuwa akilipwa Kshs175,000 kila siku.

Dr. Lwali-Oyondi: Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Kiliku amesema kwamba bandari ya Mombasa itapatiwa Singapore Authority. Hayo ni mambo ya ajabu sana. Ningependa kumuuliza ayathibitisha.

Mr. Kiliku: Bw. Naibu Spika wa Muda, juzi nilisimama hapa nikamwambia Waziri kwamba, mapema mwezi huu, watu wa Singapore Authority walikuja katika bandari ya Mombasa wakiwa wameahidiwa kwamba watapeleka Container Terminal wawe wakiendesha biashara hapo, na watu wa Kenya ambao wamekuwa hapo kwa miaka ishirini hivi hawafai tena. Authority ya Singapore ndiyo inafaa. Waziri akasimama akasema kwamba alikubaliana na maelezo hayo lakini bado mazungumzo yanaendelea. Ninafikiri Waziri alikubali habari hiyo. Jambo hili lipo. Waziri akija hapa nitamchukua mhe. Mbunge huyu moja kwa moja hadi kwa Waziri wa Fedha ili ayasikie maneno haya. Lakini mimi ninalipinga jambo hili. Itakuwaje wale watu wa Kenya ambao wanafanya kazi katika Container Terminal baada ya kufanya kazi tangu mwaka wa 1975, hivi leo wanaletewa Singapore Authority? Mnatuambia hapa tupitisha huu Mswada ili mwende kwa Singapore Authority mwaambie kwamba mnataka mazungumzo nao?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Inaonekana kidogo mhe. Kiliku haelezi kikamilifu vile mambo yalivyo. Hali ilivyo ni kwamba, Serikali ya Kenya kweli imezungumza na watu wa Singapore Authority namna ya kuendesha Kenya Ports Authority lakini sio kusema kwamba wafanyakazi waliopo katika Kenya Ports Authority watafukuzwa ama kupeana Kenya Ports Authority kwa Singapore Authority. Kwa hivyo, ninafikiri mhe. Kiliku haelezi kikamilifu vile mambo yalivyo.

Mr. Kiliku: Ninashukuru, Bw. Naibu Spika wa Muda, kwa Makamu wa Rais kukubali kwamba mambo ya Singapore Authority yako. Amesema kwamba Serikali ya Kenya imezungumza na watu wa Singapore Authority lakini zile pesa zitalipwa wale watu ni nyingi sana na sijui hiyo bandari itazitoa wapi. Pesa za watu sita zinaweza kulipwa wafanyakazi katika Kenya nzima!

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Bw. Naibu Spika wa Muda, mhe. Kiliku amesema kwamba mimi nimekubali maneno anayosema lakini sijakubaliana naye. Nimesimama hapa ili kueleza kikamilifu mambo yalivyo kwa sababu mhe. Kiliku hasemi mambo yalivyo na hivyo si sawa. Mambo yalivyo ni kwamba; ni kweli Serikali ya Kenya imezungumza na watu wa Singapore Ports Authority lakini hakuna maafikiano yoyote imefanywa kuhusu fedha ambazo zitatozwa. Hivi sasa ni mazungumzo tu yanaendelea na wataalamu wa kuendesha Ports Authority kusudi Ports Authority yetu ifanye kazi nzuri ili tuweze kupata pesa lakini sio kwamba tutafukuza watu wetu ama kukubali watu wa Singapore walipwe pesa kuzidi kiasi kama mhe. Kiliku anavyosema. Kwa hivyo, sikubaliani naye. Mhe. Kiliku anajaribu kueleza mambo kwa njia nyingine ambayo si sawa kabisa.

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

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

Mr. Kiliku: Bw. Naibu Spika wa Muda, Bunge hili ndilo liliunda Kenya Ports Authority. Itakuwaje Serikali hii badala ya kupitia kwa Bunge hili inawaita watu wa Singapore kuzungumzia mambo ya Kenya Ports

Authority na kuipatia Serikali yetu gharama zingine bila ya kupitia katika Bunge hili? Itakuwaje hii bandari inatengeneza pesa nyingi namna hiyo na iwe si nzuri? Hii bandari ndiyo ilikuwa inalipa ile East African Community ambayo ilivunjika. Hivi sasa bandari ya Mombasa inafanya vizuri na inaleta pesa. Ni makosa gani ambayo imepatikana hapo hivi kwamba sasa Wakenya hawawezi kuchukuliwa wakayatatua? Hii kasumba ya Wazungu ni mbaya.

Kuna mambo mengine ambayo ni lazima tuende kwa Wazungu lakini mambo mengine ni ya kinyumbani ambayo wananchi wanaweza kuyatatua. Mpaka mkibie kwa Wazungu? Kuweka Mzungu mmoja hapa ni pesa nyingi sana. Ikiwa sio lazima tuwalete hawa Wazungu kwa nini tuwalete na Waafrika wako ambao wamefanya kazi zaidi ya miaka 30 katika hiyo bandari hadi kustaafu kwao? Kwa nini wale wamestaafu hawawezi kuitwa wakatengeneza mambo, mpaka Wazungu waitwe? Mpaka ngozi nyeupe iitwe? Kuna Waafrika wanajua kazi kuliko wale Wazungu? Wale Waafrika waliokuwa wakifanya kazi katika East African Shipping Line wamefunzwa kazi na wale Wazungu kwa muda wa zaidi ya miaka kumi. Manahodha wako katika bandari hiyo. Hata wamesoma zaidi ya hawa Wazungu. Kwani hatuwezi kuwatumia hawa watu, mpaka Mzungu atafutwe? Hata tukipata mikopo kiasi gani, ikiwa sisi wenyewe hatuwezi kujiamini na kuendesha kazi zetu sawasawa, hawa Wazungu hawatafanya tuendeleo kwa sababu kila chochote tukipata lazima kuwe na masharti fulani. Hawa Wazungu si wajomba zenu, siku moja watakuja kukataa kutusaidia.

Hivi sasa Afrika iko katika shida. Wazungu wote wanakimbilia huko East Germany, Europe na Waafrika wamewachwa. Tusifikirie kwamba tutategemea mikopo kutoka nchi za ng'ambo. Sio eti ninakataa vile mhe. Prof. Saitoti amesema, lakini nimesema kwamba amekubali kwamba mazungumzo yanaendelea baina ya Serikali ya Kenya na ya Singapore. Hivi leo wale watu ambao wameachishwa kazi na Serikali kupitia kwa retrenchment exercise ni wengi sana na hali wengi wana ujuzi mwingi. Watu wengi wamekwenda na "Golden Handshake". Ikiwa sisi hatuna njia ya kutengeneza kazi, wajue kwamba [Mr. Kiliku] watu wanaotafuta kazi sasa katika nchi hii ni wengi na siku ile watakasirika itakuwa vibaya sana. Unajua katika mto, huwezi kujua yule mnyama mkali mpaka uende uzuie maji ya mto. Ukizuia maji ya mto halafu wanyama kama chui, simba, ndovu na wanyama wengine waende kwa mto na wakute hakuna maji, watasema waende wakayatafute yale maji. Wakikupata njiani itakuwa wewe ndiye umeyazuia yale maji na mtapambana na wale wanyama wakali.

Hawa watu mnaowateza hawana kazi, maji mazuri ya kutumia au kitu kingine chochote. Kazi yetu ni kuwapa chakula wakati wa kuomba kura na baadaye kuwatupa kama vile Wakamba wanavyofanyiwa. Siku moja watakasirika na waseme kwamba wanataka kazi na maji kwa nguvu. Siku hiyo ndiyo mtajua yale makosa mnayoyafanya. Mambo yataharibika.

Ni vizuri mtengeneze mambo yote wakati huu. Waswahili husema kwamba ni vizuri kujenga ufa kuliko kujenga ukuta. Yale maendeleo tuliwahaidi watu mwaka wa 1992, kwamba wakitupitisha tutawaletea, bado wanakumbuka.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Kiliku, I am unable to follow you. Which clause are you debating on now?

Mr. Kiliku: Nazungumzia kuhusu uajiri. Hapa wamesema maneno kuhusu kuajiriwa kazi ya muda. Hii inaonyesha kwamba hawana haja na watu. Ndio maana wanataka watu wapewe kazi za muda. Hii ndiyo maana ninasema katika kule mitaani, kuna watu wengi ambao hawajapata kazi na matumaini yao yako katika Serikali. Ni vizuri Wizara inayohusika itueleze ni watu wangapi watakoajiriwa ili wale walioajiriwa kwa muda wafutwe.

Kwa hayo machache, naomba kuunga mkono.

Mr. Imana: Mr. Temporary Deputy Speaker, Sir, I stand to support this Bill because it aims to make KIA autonomous.

This Bill has been long overdue because KIA should have been a major corporate body earlier. Currently, KIA has the capacity to run many courses. If it is transformed into a corporate body, it would run smoothly simply because it will have capacity building especially like now when they are putting up two hostels which are going to increase the number of officers from 100 to 250. Mr. Temporary Deputy Speaker, Sir, with KIA becoming autonomous, it will be self-financing, hence the removal of these constraints and drainage of public funds held by the Treasury.

Presently, KIA is one of the best institutes and it is only East and South African Management Institute (ESAMI) in Tanzania that competes with KIA. But ESAMI is ahead of KIA because it is autonomous and gets direct funding from donors. On the same note, if KIA was made autonomous, it would be on the same level with ESAMI and we would not need to send any officers to be trained at ESAMI.

With regard to the courses run at KIA, which are based on the curriculum that has already been developed by KIA, I would like them to have demand-driven courses whereby the institution that intends to train

would also identify where they need to train the officers who are trained there. For example, if the Ministry of Agriculture, Livestock Development and Marketing or the Police Force identifies their courses for their officers, that need should be considered by KIA in the future.

Mr. Temporary Deputy Speaker, Sir, we also need to borrow a leaf from Civil Service College in the United Kingdom (UK) whereby they also train Parliamentarians on Standing Orders and legislation process. I think if this could also be done at KIA, it would assist the Parliamentarians here and long time politicians like hon. Shikuku could give lectures there.

If KIA becomes autonomous, it will receive funding and also charge fees from officers being trained there. This will alleviate the burden that Treasury is getting right now. Right now, KIA is putting up hostels and a kitchen at a cost of about K£44 million. If KIA becomes autonomous, it will get direct funding from donors and the fees, and it will be able to provide all the services it requires easily, rather than depending on the Treasury.

With those few remarks, I beg to support.

Mrs. Ngilu: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I wish to support this Bill in the strongest terms possible. I am a strong believer of effective management that can only be achieved through effective manpower training, re-training and enhancement of excellence. I believe in quality and not quantity.

As I stand in this August House, I am a proud product of KIA. It is through this institution that my talents were turned into skills. I am a good politician, mother, wife and a very good successful businesswoman.

Mr. Temporary Deputy Speaker, Sir, a course at the Kenya Institute of Administration (KIA) is always regarded as a crown in education. But over the years something has happened to the KIA. This is an institution where all those who qualified from universities went for their induction courses and training before they took up jobs. Over the last two years the KIA has been turned into a university, which is very good. I personally would like to see KIA being expanded to take in more people who would like to go through some form of manpower training, especially development training. The institute would then be able to train people right from the lowest cadres to the top levels of management.

I find Clause 5(1) on the composition of the Council fairly defective and wish it could be changed a little bit. We know that the President has been given the power to appoint a person with considerable experience in the executive management of a corporate body, to be the chairman of the Council. In many cases where the President has been given the mandate to make an appointment like this one, he has tended to appoint somebody who is very close to him politically and not necessarily one who is qualified. Some of the things we are seeing in our institutions can be done away with. This is because we have very qualified and competent people in this country.

I looked through all the members of the Board of Directors of the Kenya Power and Lighting Company and found that they are all very qualified. But I thought the President could remove one person from that Board. That person was a very good politician in this House when he was a nominated Member of Parliament. This is Mr. Mulu Mutisya. I really thought he would have been more effective in this House, instead of him being a director of Kenya Power and Lighting Company. For the same position in that Board, I would have proposed that it be filled by the best engineer in this country, who happens to be my husband. He cannot be put on that Board of Directors, because he is my husband and yet, he is one of the best electrical engineers in the country. Surely, why can appointment to some of these boards of directors not be done in a non-partisan manner?

Clause 5(1)(g) provides that the Council will have "not less than six and not more than 10 persons who do not hold office in the public sector or who are not Members of the National Assembly. I do not know whether the KIA is going to be different from other organisations. I know state corporations, like the Kenya Commercial Bank (KCB), which have directors who are also Members of the National Assembly. Hon. Bishop Tanui is a director of the National Bank of Kenya and hon. Arte is a director of the KCB. As a product of the KIA, I would like to be a role model by being appointed to the Council. I am proposing myself. I would have been happy to see some affirmative action being taken in the appointment of members of this Council. We should have on it six female members and six male members. This is because you might find a board of directors with only one woman director or none at all. I recommend that we see some affirmative action being taken in the appointment of this Council.

A place like KIA would be the area where some data base is built, so as to provide information of all the people who have gone through that institution, plus any other people who might wish to go through it. We now know that in this country, many organisations have set up quality training institutions which, of course, charge very prohibitive fees. I certainly wish to commend highly the initiative that has been taken by institutions like Kianda College, the School of Professional Studies, the British Council, Goethe Institute and many others. In fact, we could make KIA a bigger college for administration studies, where our people can go for training, especially in the area of political development. We have been having many organisations, especially foreign

bodies bringing into the country, civic education. This kind of education can also be undertaken at the KIA.

Mr. Temporary Deputy Speaker, Sir, we can train our people in capacity building. We have development conscious people at the grassroots, but they are not aware that their talents can be turned into skills. Here, I have in mind the kind of people I have been working with at the grassroots level. I think we could develop different working capacities of our people, especially those of women, who have been working every day on the development of their own projects. However, they lack certain skills like book-keeping and accountancy, as well as savings and credit schemes. I think here, we could come up with a society that has been well taken through training programmes.

We are also aware of certain countries that have trained their own manpower at all levels. Their people have very much supported development programmes in their countries. I have in mind, the manpower development that we can do from our own unskilled labour. In this country, we have plenty of what we call "house help assistants". We have many young boys and girls who are leaving school, but they are unable to get jobs. What would happen if they got good training and then we are able to send them out of this country to work in countries like Saudi Arabia? We have been hearing of, for instance, stowaways. These are boys who have gone through some formal education, who find their way to Saudi Arabia or the United States of America, or to other countries. They hide in ships in order to get out of this country because they cannot even be given passports. I wonder why they cannot be officially trained so that they can get jobs elsewhere. Surely, we are aware that most of the workers in the United States of America today--- When you go to certain hotels in the United States, you will find that those who are cleaning or serving there are people from the Philippines, Cuba or other developing countries. Why do we not in this country train our boys so that they do not find ways of getting out unofficially. I wish this could be done.

Mr. Temporary Deputy Speaker, Sir, the KIA should be used to train officers on how to make decisions. We know how many people we have in this country, who are occupying high offices, but they are certainly unable to make decisions. If they want to make a decision, they will first check whether they can make a certain decision or not. What is the point of putting a person in a decision making position if they cannot make a decision? I believe that some of these are really cosmetic decision making positions. If you are in a position, you are supposed to make a decision, but you cannot for fear of either being sacked or demoted. You cannot even say what is supposed to be said because you are afraid of what will happen to you. I think time has come for people to start learning and to know what they can do for themselves.

Mr. Temporary Deputy Speaker, Sir, I want to talk a little bit about the training of our Provincial Administration, although I am aware this has been said over and over again. I think one of the reasons why this country has failed to develop is mainly because of the Provincial Administration. I find chiefs totally unable to understand the concept of development, and I can say so with a very good example that I have known in my own constituency through positive involvement of the people themselves. First of all, the chief and the assistant chief play the role of a small "king" in our own areas, and they want to be involved in everything that is done. But more so, it is because they want to know how much money there is in any project that is being carried out by the people. Very recently last year, when we had two projects that we wanted to accomplish in my own Constituency, and we did not involve the administration and the Chief at the local level, I saw people committed to what they are doing. I saw people organise themselves into Committees and we had, in every Committee, a woman Chairperson, a woman Treasurer and only the post of a Secretary was given to a man. Those projects went on very well and were completed within the given time and the administration did not want to come and open them because they felt that they had been beaten at their own game because they were not given a chance to do some of the mischiefs that they do in projects.

For the grassroot level training, I would wish to see health programmes like those of Traditional Birth Attendants, who, at the local level, get training through the KIA, and even introduce full time training of trainers in this field. Traditional Birth Attendants (TBAs) in most villages today, have taken the place of gynaecologists because they do their work for free and they do it very well and they are readily available. I would recommend that we have full time training courses for the TBAs. The list of the courses that can be offered in this Institution would be endless. But, I think we should also have some training carried out there for public relations officers. If you want to serve people well, first you must understand the people you serve. I believe today most of us who serve people do not even know why and how we should serve the people. If, for instance, today, chiefs knew what service to the people meant, we would not have the problems that we are having today. We need to have training on attitude, at least we need to change the attitude. Today's chiefs are still people who act like the same old Colonial chiefs, who know that at the local level, their decision is final. They will take people's property, wives and even 50 per cent of proceeds from any local brews that is brewed by the people, and there is nowhere they can be reported. They cause a lot of hatred and annoyance to the people they serve. I wish something can be done

for their training in this area.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about the road carnage in this country, which I believe is as a result of indiscipline. There has never been an established code of ethics in this area. Who do we blame for this road carnage? Do we blame the police, the drivers, the pedestrians, the passengers, the roads, vehicles, touts, overloading or speed? What or who is to blame? We are losing lives every day. For me, I think the entire society is to blame for this. I wish, and I hope, there would be an established code of ethics on our roads. There should be training of drivers, people and even the police. The 'Black Box' which they recently tried to introduce in this country failed because, although the Minister made a decision, somebody else overruled that decision. If that "black box" cannot be used today, maybe, we should have a cheap way of making a noise in the vehicle when a certain speed is exceeded. I would, maybe, suggest a loud noise, a bell or something so that the passengers and the driver are alerted because we are losing too many lives on the roads. There also needs to be a continuous media education, creating awareness on road safety and the introduction of road safety education in our educational centres.

Finally, I would like to see, at least, affirmative action taken. I would like to see a Board or a Council formed that will be non-partisan, and if possible, it should be selected through this House and everybody should be involved. There should be training of all cadres of people in this country in all areas including education, civic education and even training of trainers. In this civic education, we need to train more women than men so that we can have more women taking up leadership positions in this country. In actual fact, if this country had more women leaders, some of the problems we are experiencing and the in-fighting in political parties would not be experienced.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: Bw. Naibu Spika wa Muda, asante sana kwa kunipa nafasi hii. Nimekuwa hapa tangu wakati uliopo hadi sasa.

Mswada huu umeletwa mwaka huu na ungeletwa hapo zamani. Hata hivyo, Waingereza husema, "Better late than never," naumekuwa. Lakini ninamshukru mhe. Ngilu ambaye amezungumza hapa. Alisema yeye ni Graduate wa KIA na pia nimewahi kukutana na watu ambao walipata masomo yao katika KIA. Hawa watu wa zamani ambao walipata mafunzo yao katika KIA wamekuwa wafanyikazi wema sana mpaka wakati ule mambo ya ufisadi yalipoanza. Sasa yule aliyefuzu katika KIA na yule ambaye hakufuzu huko, mambo na mtindo ni kwamba hatuna nidhamu. Hii ni kwa sababu katika KIA walikuwa wakifundishwa mambo mengi; code of ethics na mambo mengine muhimu, lakini siku hizi code of ethics ni moja tu "pesa," na jinsi ya kupata pesa mara moja. Kwa hivyo, nidhamu imepotea.

Kenya ni nchi ambayo imeshapotea, haifuati "reli" tena na iko mstuni. Imekosa nidhamu, aibu na kadhalika. Mtu akizaa mtoto ambaye hana aibu, ingekuwa heri kama mtu huyu hangepata mtoto. Hii ni kwa sababu aibu huwa kama breki kwa binadamu, aibu humfanya mtu aogope na aseme sitafanya hili kwa sababu watu pengine wataniona. Lakini katika Kenya hakuna aibu, mtu akiweza kuiba pesa hata Kshs60 bilioni, sasa yeye ndiye kiongozi wa kweli "apigiwa makofi ya kilo," aibu hakuna.

Mtu akiweza kuwa mwongo, basi yeye ni kiongozi. Leo unaambiwa mtu amekufa hapa, watu wamekufa, juzi tumeambiwa Askofu Mwana a' Nzeki amesema uwongo, lakini baadaye sasa wanaanza kukubaliana polepole.

Oh! Kulikuwa na nini? Ukiwa msema kweli katika Kenya hii, huna nafasi hata kidogo. Ikiwa wewe unafuata ukweli katika Kenya basi wewe ndiwe mbaya sana. Hivi karibuni nitasema maneno mengine nje ya Bunge hili, kwa sababu ukweli hautakiwi hata katika Bunge hili. Kanuni za usimamizi ziko lakini pia zinaweza kwenda kombo na mambo yapitishwe ovyo.

Tumekuwa na jamii ambayo inaamini katika utovu wa nidhamu. Lakini ustaarabu na nidhamu zingekuwa zikifundishwa katika - KIA. Siku hizi ukiwa mtovu wa nidhamu, wewe ndiwe mtu! Angalia dereva wa matatu; unapomfuata kwa utaratibu, lakini yeye anaweza kukanyanga breki wakati wowote na mahali popote barabarani na angojee wasafiri, hali wewe unangojewa nyuma yake. Kumpigia honi ni kama kumpaka mafuta kwa mgongo; yeye hakujali wewe ni nani. Ukiwa mtovu wa nidhamu katika nchi hii, wewe una maendeleo. Sasa jamii kama hii ni gonjwa. Wachana na maneno ya Mwalimu Nyerere; yale aliyokuwa akisema hapo zamani kuwa Kenya ni "society of man-eat-man." Hayo ni afadhali, wakati huu ni jamii ambayo ni mbovu kushinda ya "society of man-eat-man." Hii society imeza zaidi.

Bw. Naibu Spika wa Muda, sisi ambao tuko hapa tunaunga mkono Mswada huu si kwa sababu tuna haja nyingine, haja yetu ni kuweza kuona tunaweza kupata watu ambao wamepewa mafunzo ya kuwa watu wa haki na ukweli; wenye nidhamu, na watu ambao watakataa uwongo. Watu siku hizi wanasema uwongo hata katika televisheni. Utamwona mtu akisema uwongo vivi hivi na kesho atakataa alisema hivyo. Sisi wengine ambao tunatoka katika makabila yaliyo na honour--- Mimi ni Mluhya na pia nimetahiri. Nikisema nitakupa ng'ombe, sina haja ya kuandika popote. Hata ikiwa bibi atapinga na kusema ni mmoja, huyo ng'ombe atakwenda kwa mhe.

Spika. That honour is no longer there. Mtu mzima au mzee anasema uwongo na haoni aibu. Hilo ni jambo ambalo lingeweza kuwekwa katika hiki chuo, KIA.

Mhe. Ngilu amesema jambo moja. Alisema kwamba hata kule KIA watu wafundishwe siasa, lakini ni nani mwanasiasa ambaye atafundisha siasa katika chuo hicho? Ninajua katika vyuo vikuu kuna wale ambao wanafundisha "political science" pengine wao husema mambo fulani ya siasa. Lakini kumfundisha mtu siasa si kazi rahisi. Mtu anaweza kuwa na Ph.D katika siasa, lakini akija kule chini kwa "applied politics," akina mhe. Shikuku wanamshinda kabisa. Kwa hivyo, itategemea ni siasa gani mtu atafundishwa kuambatana na siasa ya nchi hiyo. Kuna ile siasa ya huko Uingereza ambayo wanaweza kufundisha utasema hivi, na ukifika jukwaa makofi yanapigwa. Hiyo haifanyi kazi katika Kenya. Sisi wengine tumeona wengi wa Ph.D; namkumbuka vizuri marehemu Tom Joseph Mboya ambaye tulikuwa tukipiga siasa naye katika nchi hii. Wengine walitoka Amerika na cheti cha Ph.D na wengine na vyeti vingine, lakini walipofika hapa, wakawa ni youthwingers wetu kwa sababu applied politics is very different from theoretical politics or campus politics.

Bw. Naibu Spika wa Muda, marehemu Mboya na mimi tulisoma hadi shule ya upili. Lakini tulijulikana na tungali tuko mpaka leo. Chuo hiki---

Mrs. Ngilu: On point of order, Mr. Temporary Deputy Speaker, Sir. I just want to correct hon. Shikuku. Is he in order to think that socio-political education cannot be taught in a place like KIA? The Government has virtually agreed to empower women politically. They are not going to be empowered in the kitchen. I talked about capacity-building and we cannot build capacity in somebody who is still in the kitchen. Therefore, KIA would be the right institute to teach political and economic capacity building, and especially to women.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mimi sina ugomvi na mhe. Ngilu. Ninawafahamu wanawake sana. Je, mtu akiwa na wanawake wanne, huyu ni mtu wa kuchezea?

(Laughter)

Mrs. Ngilu: On point of order, Mr. Temporary Deputy Speaker, Sir. I am sure women will not be amused by that kind of comment that is coming from hon. Shikuku, because we are not talking about the education you have to acquire four wives. Thank you.

Mr. Shikuku: Bw. Naibu Spika wa Muda, hilo halikuwa jambo la nidhamu. Nitamsamehe kwa sababu, yeye alipokuwa akizungumza ningeweza kutoa points of order nyingi sana, lakini sikufanya hivyo. Kwa hivyo, ni heri anipe nafasi ili niseme maoni yangu kwa sababu ninaweza kusema yale ambayo yatamuudhi sana. Ninajua mchezo huo sana.

Ninawafahamu wanawake, wanawake ni binadamu. Wanawake na wanaume ni kitu kimoja. Hii ndio sababu pale mlangoni mwa Bunge hili pameandikwa "For the Welfare of Society and the Just Government of Men." Neno hili "men" kuna wanawake ndani yake.

Kwa hivyo, sisi tuwapendana sana. Mimi siwezi kukaa bila bibi na bibi hawezi kukaa bila bwana.

Mrs. Ngilu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that hon. Shikuku has mentioned this, let me say something. I have actually been wondering whether, when that message was written on the entrance of this House, there was any female Member of Parliament in this House. That was way back in 1963. Now, that things have changed in this country, we would like that message changed. Is it in order to continue having that message on that door? It should be changed so that it reads as follows: "For the Just Government of men and women."

Mr. Achieng-Oneko: On a point of order, Mr. Temporary Deputy Speaker, Sir. The words "For the Just Government of men" is original and it has no discrimination whatsoever. It will remain like that because man was created first, and the man's ribs became part of a woman.

The Temporary Deputy Speaker (Mr. Wetangula): Order! Order, hon. Members!

Mr. Shikuku: Ningependa mhe. Ngilu anipe nafasi ni toe hotuba yangu. Mimi ni Mbunge wa Butere na nimekuwa katika Bunge hili baada ya kuchaguliwa miaka hii yote na sitateuliwa kama Mbunge kwa maisha yangu yote mpaka Yesu au Mohamed-Salah-wa Salam atakaporudi. Jambo ambalo ningetaka kusema ni kwamba hakuna tofauti baina yangu na mama. Mama ananihitaji na mimi namhitaji na sisi zote twapendana. Kwa hivyo, tukianza kuzungumzia mambo ya akina mama na akina baba hiyo haiwezekani kwa sababu hata kule kitandani hakuna mpaka. Na kumbuka mhe. Grace Onyango, aliyekuwa Mbunge mwanamke wa kwanza kuchaguliwa kwa kura na wananchi. Yeye alikuwa akisema kwamba yeye ni Mbunge wa a kina mama na a kina baba. Namshukuru kwa sababu yeye ni mwanamke ambaye alikuwa katika Bunge hili, na hotuba zake ambazo

ziko katika HANSARD hazawezi kusahaulika. Hata tulipokuwa katika ile kamati ya kuchunguza kifo cha J.M. Kariuki, yeye hakuzungumzia habari ya akina mama. Yeye alikuwa akiyazungumzia mambo ya wananchi na wala si kuhusu maswala ya akina mama. Yeye alitoa contribution kubwa sana kwa Ripoti ya J.M. Kariuki.

Kwa hivyo, sisi tunataka chuo kama hiki kiwe tawi la chuo kikuu kama vile Egerton College iliyoko kule Njoro imekuwa sasa chuo kikuu, ili iwe ikwafundisha watu wa tabaka mbali mbali. Hiki chuo kiliundwa kwa minajili ya kuwafundisha wafanyakazi wa Serikali. Kama mfanyakazi wa Serikali anataka kupandishwa cheo kama DC au DO, ni lazima apate masomo katika KIA. Mfanyakazi alikuwa anapatiwa cheo baada ya kupita mitihani katika KIA. Pia Public Service Commission ilikuwa inaangalia vile unavyoendelea katika masomo yako huko KIA. Lakini siku hizi ufisadi umeingia, na unapata kwamba mtu ambaye ameajiriwa juzi na, umemfundisha kazi, kwa sababu yeye anatoka kabila fulani ambalo linaongoza, anakuwa mkubwa wako. Wewe ndiwe utakuwa ukifanya kazi na yeye kazi yake itakuwa kutia sahihi halafu anapata mshahara. Hapo ndipo mambo yaliharibika kabisa. Sasa unapata mtu ambaye hajui lolote ndiye mkubwa na wale walio chini yake ambao wanajua kazi vizuri hawapati vyeo vyovyote. Ni kwa sababu hiyo tunakuja kuzungumza hapa.

Katika nchi yetu ya Kenya, ukisikia kiongozi akisema, "mimi sina ukabila", jua kwamba huyo ndiye ana ukabila mwingi. In Kenya today, no is yes, and yes is no. Mtu anasema hana ukabila lakini ukiangalia pale, utaona arap Tutut, arap Katat na wengine wengi. Hayo yote hufanyika na bado unaambiwa kwamba hakuna ukabila. Hayo ndiyo mambo ambayo sisi wengine lazima tuyaseme katika Bunge hili. Huwezi kuwadanganya watu kwamba wewe si namna hii na hali tunaweza kuona kwamba huyu ni mhe. Gen Mulinge na unamwita mhe. Too. Kutokuwa na aibu ya kusema uwongo na hali unajua kwamba watu wanaweza kujua unasema nini, ndiyo imeharibu Kenya. Leo asubuhi, tulimuuliza mhe. Gen. Mulinge kama ana habari kwamba ardhi imechukuliwa huku na kule, akasema hana habari. Ukweli ni kwamba mhe. Gen. Mulinge hana habari kwa sababu mambo mengine yanatoka mahali pengine, na barua nyingine mhe. Gen. Mulinge akithubutu kukataa, atakiona kilichomfanya punda asimee pembe. Haya ni mambo ambayo tunaweza kuzungumzia katika Bunge hili. Uzuri wa Bunge hili ni kwamba yale tunayosema huandikwa neno kwa neno. Siku itakuja ambapo jambo unalosema hapa sasa, kama silo la kweli, hutapata nafasi ya kilifuta kwa sababu limeandikwa, na wasomaji watasoma. Ni bahati mbaya kama wewe huna mtoto. Lakini kama uko na watoto kama mimi na mhe. Gen. Mulinge, basi uko taabani kwa sababu watoto wako na wajukuu wako na wengine wote watakuwa na taabu katika Kenya. Watakuwa wakiambiwa kwamba baba yao hakuwa mtu wa kusema ukweli au alikuwa mfisadi.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Jambo la nidhamu Bw. Naibu Spika wa Muda. Nimekuwa nikimsikiliza mhe. Shikuku, ambaye anazungumza kwa ukali hapa, kwa makini sana, lakini sioni kama yale anayozungumzia yanuhusu Mswada huu. Hii ni kwa sababu yale anayozungumzia ni kutusimlia mpaka sasa imekuwa kama vitimbi.

Mr. Shikuku: Mhe. Prof. Saitoti ndiye angeweza kufaa kuitwa mtu wa vitimbi. Yale ninayozungumzia ni kuhusu masomo. Nimesema kwamba Mswada ungeletwa ili KIA iwe tawi la chuo kikuu, na masomo ya kila aina yangetolewa. Kama hayo hayahusiani na Mswada huu, basi sijui ni kitu gani kinahusika nao. Sitaki kugombana na mhe. Prof. Saitoti kwa sababu nitampeleka kwa maneno mengine. Anakoroga nyuki na hujaa akumwa.

Bw. Naibu Spika wa Muda, nimesema kwamba Mswada huu ni kama university ama kitu ambacho kimechorewa sasa.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, you do not really have to intimidate your colleagues by issuing threats.

Mr. Shikuku: Bw. Naibu Spika wa Muda, I am not intimidating my colleague, lakini ninampa onyo tu la kirafiki kwa sababu unajua nina uwezo wa kumchafua mtu tena kwa ukweli, sio kwa uwongo.

Bw. Naibu Spika wa Muda, hili ni jambo la ajabu kwa sababu ile Kamati yake ambayo inaitwa Council itakuwa na wanakamati wengi ambao ni watumishi wa Serikali. Ninafikiria kuwa Mswada huu umekuwa kama Mswada ambao unaweza kutuletea kitu kingine kipya kama chuo kikuu, lakini ukiangalia katika Clause 5(1) of the Council, utaona kwamba the governing body of the institute shall be the Council which shall consist of:-

" A non-executive Chairman appointed by the President, who shall be a person with considerable experience in the executive management of the corporate body"

Sina matata na hiyo.

"The director of the Institute shall be the Permanent Secretary for the time being in charge of Directorate of Personnel Management, the Permanent Secretary, Treasury, the Permanent Secretary for the time being in charge of Provincial Administration."

Bw. Naibu Spika wa Muda, sina haja kuendelea na suala la uanachama wa kamati hii. Je, ni kweli inaweza kuwa corporate body ambayo itajitegemea huko ikiwafunza watu? Kwa nini wasiendelee na hii KIA yao ambayo wanaendelea nayo ili tujue tu kuwa hiyo ni ya Serikali na mfanyakazi wa Serikali anaambiwa kuwa akiwa

DO, DC ama PC, "wewe ni mkubwa na watu lazima wakusikie; polisi wa utawala atakuwa hapo kukuchunga na kunyima watu leseni na kuwanyang'anya wengine mali yao." Tena hawavai sare zao siku hizi. Hata ile nambari ya polisi ambayo inawekwa juu ya mavazi yao, hawaiweki tena. Unaona tundu tu mahali nambari ingekuwa ili wakifanya lolote, usijue nani amefanya jambo hilo.

(Hon. Manga stood up and shook his head)

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Manga. We do not have any provision for extra-verbal communication in this House. When you stand up and shake your head and walk towards the microphone, what does that mean?

The Assistant Minister, Office of the President (Mr. Manga): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: That is better now, under Standing Order No. 68.

The Assistant Minister, Office of the President (Mr. Manga): Bw. Naibu Spika wa Muda, kufuatana na Kanuni ya Bunge nambari 68, sitaki kumkatiza mhe. Shikuku kutoa maoni yake, lakini ningependa kumwuliza kama ni haki yeye kugeuza kusudi la Mswada huu. Kusudi la Mswada huu ni kuifanya KIA ijitegemee na sio kuwa chuo kikuu. Anasema kwamba KIA ingekuwa chuo kikuu. Hakuna mahali katika Mswada huu ambapo pamesemwa kwamba KIA itakuwa chuo kikuu.

The Temporary Deputy Speaker (Mr. Wetangula): Haya ni maoni yake, na yako sawa.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mheshimiwa huyu anafikiri yuko kule Kuria. Hapa ni Bunge na tumechaguliwa kutoa maoni yetu. Yeye angojee kutoa yale maoni yake mazuri na ukimpa nafasi, ayatoe yote ya kimalaika. Haya ni ya Butere. Tena anayezungumza ni Mbunge wa zamani anayejua habari ya Mswada.

Bw. Naibu Spika wa Muda, kuna taabu hapa. Kule katika House of Commons, mtu kama Callaghan anapozungumza, lazima Wabunge wote, wawe ni wa Serikali au wa Upinzani, wamsikilize kwa sababu ni mtu mwenye ujuzi. Hapa kwetu hatuna seniority na kila Mbunge, hata yule aliyekuja jana kama Sunkuli---

The Assistant Minister, Office of the President (Mr. Sunkuli): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ninaomba mwongozo wako kwa jambo hili ili unieleze ni umbali gani mhe. Mbunge anakubaliwa kupotoka kwenye jambo ambalo linajadiliwa kwa sababu sasa mhe. Shikuku anajadili mambo ya House of Commons wakati tunajadili juu ya Mswada wa KIA hapa Kenya.

Mr. Shikuku: Bw. Naibu Spika wa Muda, umeona kwamba hatuna heshima hapa?

(Laughter)

Hii ndiyo taabu ya Kenya; the society is sick. Hawana heshima kwa wazee wala kwa ujuzi wa mtu kwa sababu mimi ninaingia Bunge hili kwa kura na hakuna hata siku moja nimeingia hapa bila kupingwa. Na ikiwa ninaweza kuingia kila mwaka, nina akili, na yeye aliingia juzi. Sijui kama nitamwona tena baada ya uchaguzi ujao! Nimeona wengi wakiingia na kutoka.

The Assistant Minister, Office of the President (Mr. Sunkuli): Bw. Naibu Spika wa Muda, sheria hii ya heshima haimhusu mtu mkubwa kumheshimu mdogo wake kwa sababu mhe. Shikuku kazi yake ni kutumia Bunge hili kujisifu kuwa yeye ni mzee kana kwamba sisi hatustahili kuheshimiwa!

Mr. Shikuku: Bw. Naibu Spika wa Muda, nilipokuja Bunge hili mara ya kwanza niliwakuta watu wakubwa kama marehemu Gichuru, Kenyatta, Ngala na Muliro. Nilikuwa nikitoka heshima yangu kwao. Walipokuwa wanazungumza, nilikuwa ninajifunza kutoka kwao lakini taabu ya siku hizi ndio hii unaiona. Sisemi kuwa KIA iwe chuo kikuu, lakini ukimweka Katibu wa Kudumu for the time being in charge of Directorate of Personnel Management, the Permanent Secretary---

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

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, there is a point of order.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, hon. Shikuku is full of intimidation everytime he stands in this House to make his contribution.

Mr. Shikuku: What is your point of order?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, is it in order for hon. Shikuku to continuously remind us how long he has been in this House, and about how short a time some of the Members have been here? Is he in order to do so?

Mr. Shikuku: Bw. Naibu Spika wa Muda, kama huna adabu, utakumbushwa huna adabu, na hilo ni

jambo la muhimu. Kama wangukuwa na adabu ile nilikuwa nayo kwa watangulizi wangu--- Sikuwa nikiwaambia, lakini nilikuwa ninajifunza. Mimi bado ninajivuna kwa sababu hata baba wa mhe. Norman Nyagah alinifundisha Standing Orders na niko tayari kukubali hayo na ninafurahi kwa sababu nimesoma kutoka kwake. Lakini hawa wanajidai wanajua. Hata ninakumbuka wakati ule tulipoanza Bunge hili, walituambia kuwa hatuna haja kuwaambia mambo ya Standing Orders, wamejua! Halafu Mbunge mmoja akainua mkono juu, ndipo Spika akamwuliza ni wapi katika Standing Orders unaruhusiwa kuinua mkono juu? Na leo pia ulimwambia Mbunge mmoja hapa asiinue mkono juu. Hii ndiyo taabu; hawataki kusoma na kujifunza kwa sababu tunapata mshahara sawa.

(Laughter)

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Mr. Shikuku: Ah! Nini?

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Bw. Naibu Spika wa Muda, kwa kweli inaonekana mhe. Shikuku amezidi sana kwa sababu tunavyojua, utaratibu katika Bunge hili wakati tunapojadili Hoja mbalimbali, haitakiwi Mbunge yeyote kumsingizia mwingine mashtaka fulani bila kutoa ushahidi wa kutosha. You cannot--- Ninalewa Kiswahili barabara. Kwa hivyo, mhe. Shikuku sasa amefika pahali ambapo amevunja nidhamu kwa kusema kwamba yule mama ambaye ni Mbunge hapa hajui mambo yanayoendelea, na hiyo haikubaliwi katika Sheria za Bunge. Hata ingawa amekuwa hapa kwa muda mrefu, lakini hakubaliwi kumsingizia Mbunge mwingine; lazima tuheshimiane.

The Temporary Deputy Speaker (Mr. Wetangula): Mhe. Shikuku, ninakubaliana na Makamu wa Rais that you have imputed improper motive on a colleague by alleging that she does not know the Standing Orders.

Mr. Shikuku: Bw. Naibu Spika wa Muda, sijasema hivyo. Ameniingilia saa zote na nimekuuliza umzuie huyu mama kwa sababu anakuja mbio sana, na nikitoa kijembe changu mnasema, huyu mhe. mama---

Mrs. Ngilu: On a point of order, Mr. Temporary Deputy Speaker, Sir. All of us here are aware that we are not talking about "mamas" in this House; we are all hon. Members of Parliament and I am duly elected. Mr. Shikuku, I want you to know that I am the Member of Parliament for Kitui Central, and I am very much elected.

Mr. Shikuku: Asante sana, Bw. Naibu Spika wa muda. Ningependa unilinde ili wenzangu wanipe nafasi. Walipokuwa wakizungumza sikusimama kwa jambo la nidhamu, lakini wakitaka vijembe, nitawapa sana.

Lakini huyo ni mheshimiwa mama. Yeye ni mama. Hatakuwa bwana mpaka Yesu arudi. Ningependa kusema kwamba wanakamati wa hii Council inaonyesha wazi kwamba Council hii haitasimama kivyake. Itakuwa chini ya Serikali. Hio ndio pointi nasema.

The Temporary Deputy Speaker (Mr. Wetangula): You are taking too long to make it.

Mr. Shikuku: Ni kwa sababu ya kukatizwa mara kwa mara na Wabunge wenzangu. Haiwezakani kuwa hii Council itaweza kusaidia. Ukitazama pale chini kwa (f), wamesema:-

"A Member of the Public Service Commission to be appointed by the Public Service Commission".

Kwa hivyo hii sio parastatal bali ni Council ya Serkali. Itakuwaje isimame kivyake. Tungependa mageuzo yafanywe kwa hii Council ili kusiwe na Ambassador au katibu wa kudumu. Tuitengeze iwe kivyake na iendeshe kazi na kufundisha watu katika Serikali na katika nyanja nyingine za kuendesha Serikali. Hata katika nyanja hii ya Bunge, Wabunge wapewe elimu ya ubunge ili tukiwa katika Bunge hili, tuwe na Wabunge ambao wanajua wanafanya nini. Tulijaribu semina tulipofungua Bunge hili ya mvumo wa vyama vingi. Tulikuwa na semina moja na ikawa ya mwisho. Semina moja haiwezi kutupatia elimu ya kutosha. Inatakiwa chuo hiki kiwe na tawi la kuwafundisha Wabunge jinsi ya kuendesha siasa, kwa sababu hiyo ni elimu ambayo pia inahitajika. Nashukuru sana juu ya jambo kama hili. Nilipata moyo mpya niliposikia yule Rais wa Tanzania akisema, kwa mfano, kwamba anaunga Upinzani mkono na pia atatoa fedha ya Serkali kusaidia Upinzani kwa sababu anahitaji Upinzani kumkosoa ili aweze kuyarekebisha makosa yake. Kuwa Mbunge wa Upinzani sio eti wewe ni adui wa Serkali na kuwa katika Serikali sio kusema Wabunge wa Upinzani ni adui na ukiwapata basi malizana nao. Tunahitaji watu wote vile Mungu anahitaji shetani. Hiyo ndiyo sababu Mungu alimtuma shetani hapa duniani na akamuambia aendelee. Mungu ana uwezo wa kumuangamiza shetani kabisa lakini hajamuangamiza; anamwambia aendelee na kazi yake. Hii ndio demokrasia. Demokrasia haiwezi kupatikana kwa njia ya rungu.

The Assistant Minister for Commerce and Industry (Mr. Galgalo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Inaonekana kama Bw. Shikuku anafananisha Upinzani na shetani kwa sababu amesema Serikali

inahitaji Upinzani vile Mungu anahitaji shetani hapa duniani.

Mr. Shikuku: Bw. Naibu Spika wa Muda, nimempatia mfano tu. Ni akina nani katika Serikali ambao hawataki Upinzani? Mungu ndiye mwenye uwezo wa kuendelea mambo, ndiye aliyemuumba shetani na hataki kummaliza. Anamwambia aendelee na kazi yake. Basi shetani apewe nafasi ya kuendesha kazi yake. Serikali haitupatii leseni za mikutano na mkisimama mkiwa watu wawili machifu na wakuu wa tarafa wanamshika. Hata wengine katika Serikali hii hunyanganywa vyombo vya kupaasa sauti na maofisa wa utawala. Mbunge akitaka kuzungumza na apewe nafasi. Hayo ndiyo mambo tunataka yafanywe ili demokrasia iweko.

Bw. Naibu Spika wa Muda, ukitaka kuona Wabunge wa Upinzani ni kama shetani ni sawa lakini wanastahili wapewe nafasi vile Mungu anampatia shetani nafasi. Hapa tunazungumza kwa sababu sisi ni Wabunge na wewe Bw. Naibu Spika wa Muda si chifu au Mkuu wa Tarafa au wa Wilaya ili unyime watu nafasi ya kuzungumza hapa. Kwa hivyo ndani ya Bunge hii kuna uhuru wa kuzungumza ukilinganisha na kule nje ambapo hakuna uhuru.

Tunatoa kodi lakini redio haitangazi maoni yetu. Redio hutangaza mambo ya Mawaziri tu. Wanatangaza machache sana ya Wabunge, hasa wa Upinzani na sisi hutoa kodi zaidi. Waliopigia kura Serikali ni 1.9 million na wale waliopigia Upinzani ni 3.5 million. Sasa maoni ya wetu 3.5 million hayasikiki lakini maoni ya 1.9 million ndiyo yanasikika. Ukweli na haki sasa ziko wapi? Lakini ya Mungu ni mengi na mambo ni kangaja, huja yakaja kwa sababu Wazungu walikuwa hapa na wakati huu hawako. Tunaona nyuso nyeusi pekee isipokuwa kuna Mzungu moja tu hapa ambaye ni Mgriki. Hata Mhindi amekwenda. Hapo zamani hatukuweza kusadiki kwamba Wazungu watatoka katika Bunge hili. Hata nilipokuwa nikija katika ile Bunge ya zamani Wazungu walikuwa wengi sana. Wafrika walikuwa wanane peke yake akina Thomas Joseph Mboya, Argwings Kodhek na wengine. Mungu ni mkubwa na siku moja atatuondolea mzigo huu mweusi na utakuwa upande huu.

Bw. Naibu Spika wa Muda, ningependa tutazame ukurasa wa tatu katika ufungo wa tano ambapo wanasema:-

"The Members of the Council other than the Chairman shall be appointed by the Minister."

Waziri wa Serikali gani? Hata ikiwa ni Waziri wa FORD(A) ikija mamlakani, yeye bado ni Waziri. Tunataka chuo hiki kiwe kivyake, watu tofauti wachaguliwe bali isiwe ni Mawaziri pekee ndio wnachaguliwa. Hapa tena wanasema:-

"Provided that no Member appointed under this Section shall hold office for a period exceeding ten years in the aggregate".

Sasa miaka kumi ya nini? Inafaa iwe miaka mitano ili mwingine achukue. Miaka mitano inatosha na hata katika Mswada mingine ambayo tumepitisha hapo awali muda huu umekuwa wa miaka mitano. Kwa nini mtu akae mpaka afikishe miaka kumi? Wakati wa Kamati ya Bunge nzima, tutamuuliza Waziri atoe mageuzo hapa kwa kusema kwamba mtu atakaa pale kwa muda usiopungua miaka mitano na akijiweza basi muda wake unaweza ukaendelea. Akishamaliza miaka kumi basi anweza kwenda nyumbani. Hatutaki mtu akae mpaka apitishie miaka kumi. Akikaa miaka mitano anateuliwa tena, na akimaliza miaka kumi aende nyumbani. Huyu mhe. Waziri Msaidizi kutoka pande zile za Kuria anafanya mzaha, hajui sisi hapa tunatengeneza sheria.

The Assistant Minister, Office of the President (Mr. Manga): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ninaheshimu sana ujuzi wa mhe. Shikuku anayezungumza kuhusu mambo haya. Ninaheshimu ujuzi wake wa miaka mingi. Lakini, hawezi kusema kwamba, ninafanya mzaha ninapomwelezea lile jambo ambalo ni la ukweli. Na tena, tunamuomba azungumze juu ya mambo yanayolingana na Mswada huu. Lakini anatomia muda wake kufanya vitu vingine.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ningependa utumie uwezo wako kuwaadhibu Wabunge kama hao. Mimi nimekufanulia na nikasoma kifunngu kinachohusika. Mbona anasema mimi sizungumzi juu ya Mswada huu?

The Temporary Deputy Speaker (Mr. Wetangula): I am satisfied that you are very relevant, hon. Shikuku.

Mr. Shikuku: Bw. Naibu Spika wa Muda, ungemwambia mhe. Manga asikie. Huu ndio mzaha ninaona wanafanya na hiyo ndiyo nilisema kwamba, "when Callaghan is speaking, some junior Members should listen very well."

Kwa hivyo wakati ukifika itafaa Waziri ambaye anahusika alete amendment. Pia katika sehemu ya (iv), hapo chini utapata, wanasema hivi:-

"An appointment of a Member to the Council shall cease if---

Nimekubaliana na haya yote, lakini kuna sehemu ya; (b) "absence" Utaona watu wengine wanapenda kuchaguliwa kwenye bodi mbali mbali lakini hawaendi kwenye mikutano. Yafaa tuwe na rejista ya kuonyesha ni mara ngapi mtu amekosa mikutano---

The Temporary Deputy Speaker (Mr. Wetangula): Wamesema hapo.

Mr. Shikuku: Hapa wamesema, "in absence with written authority, will notify the Council" This is only three consecutive times. Lakini unaweza kuandika ukasema kuna harusi, kuna matanga safari ya tatu, nitaenda kuwaona wakwe kuangalia habari ya mahari na kadhalika. These excuses will always be there; writing is not a problem. Na hiyo itaendelea kwa mikutano mitatu mfululizo, na hali kazi inachelewa. Tunataka watu ambao wamejitolea kwa kazi yao, hata katika Bunge hili tunakaa kukaa hapa kutoka saa nane na nusu mpaka saa kumi na mbili na nusu. Ndio tukipata mshahara, uwe ni mshahara wa haki. Ukiweza kuja tu halafu unatoka na unapata mshahara, wewe huna haki. Na pia Yesu alisema, "Thou shall harvest what thou hast sown" Na ukija tu dakika mbili, unatoka na unapata mshahara wa mwezi mzima, wewe ni mwizi. Yule ambaye anavuna kile ambacho hakupanda, Yesu anamwita mwizi. Nafikiri pia Mtume Mohammed S.A.W anasema hivyo. Kwa hivyo, inatakiwa---

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Shikuku, are you alleging that we have Members in this House who are thieves?

Mr. Shikuku: Bw. Naibu Spika wa Muda, sikusema hivyo. Nimesema, ikiwa unatakiwa kukaa hapa kutoka saa nane na nusu mpaka saa kumi na mbili na nusu na unakaa dakika tatu, nne, tano halafu unaenda zako na unakula mshahara wa mwezi mzima, Yesu anasema, ukivuna kile hukupanda, huna jina lingine bali ni mwizi. Huyu ni Yesu, siyo Shikuku, sasa. Ukitaka kupambana na Yesu, haya endelea.

Mr. Ndilinge: Jambo la Nidhamu, Bw. Naibu Spika wa Muda. Mhe. Kenneth Matiba alikuja hapa na alikaa kwa muda wa dakika moja tu. Kwa hivyo, ingefaa mhe. Shikuku atufahamisha kama Mwenyekiti wake si mwizi mkubwa kwa sababu hawatumikii watu wake.

Mr. Shikuku: Bw. Naibu Spika wa Muda, mtu yeyote awe Mwenyekiti wa FORD(A), awe katika chama cha KANU, DP, FORD(K) au awe ameteuliwa, kama hakai hapa na analipwa mshahara wote---

Mr. Achieng-Oneko: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think It will be very unfair if we make reference to the appearance of the Chairman of FORD(A), because, in fact, according to the Standing Orders, there is no restrictions on how long one is supposed to sit in this House. Therefore, it is unfair to focus your attention on that one.

Mr. Shikuku: Asante sana mzee, na kijana amesikia vile ulivyosema. Lakini, hata kama vile umesema na kama vile mhe. Ndilinge alivyosema sisi tunataka kufanya kazi, kila mtu afanye kazi. Nakumbuka wakati tulipopata Uhuru, tulikuwa tukisema, "Uhuru na Kazi". Msemo huo umesahaulika kabisa. Mtu hataki kufanya kazi lakini anataka kunyakua. Ukimuuliza "ulipataje?" Anasema, "hakuna haja". Tabia hiyo imeiua nchi hii. Daktari afanye kazi yake, mwanasiasa afanye kazi yake, Mbunge afanye kazi yake, na kila mtu afanye kazi yake kwa bidii, na nchi hii, itastawi na hatutakuwa waombaji; ikiwa kila mtu anafanya kazi.

Wewe hujasikia kuwa kuna njaa huko China. Watu wa China ni bilioni moja na nusu, lakini hujasikia kuwa njaa iko huko. Huko China, kila mtu anafanya kazi. Hata akiwa na umri wa miaka 99, hawezi kula, mpaka afanye kazi kiasi fulani. Hata kama ni kwenda barabarani kusimamisha mtokaa watoto wapite, basi jioni utakula. Lakini hapa, wanasema, "mimi ni mzee, niletee nile". Hakuna cha uzee, mzee gani asiye na tumbo? Na huu ulaghai na uvivu, ndio unaua sisi katika nchi hii. Mtu hataki kufanya kazi, lakini anataka pesa. Tena, tumewazoresha watu pesa. Mtu yeyote kule nje, akiona Mbunge, anafikiri Mbunge ni roving bank, "saidia, saidia, saidia," for how long? Tufanye mpango watu wetu wapate kazi, na wafanye hiyo kazi kwa bidii. Tena, ukienda ng'ambo unasafiri kwenda kuomba na unapanda ndege kiwango cha first class. Mtu hataki kusafiri kwa meli, kama mtalii, akalie kiti cha kawaida. Atasafiri kwa ndege na alale katika Five Star Hotel, ilhali amenda kuomba. Mnafikiria hawatuoni? Na sisi hatuna uhusiano nao; katika ile mila yetu, hawakuwa babu zetu, hawakuwa ndugu zetu. Mbona tunaenda kila siku kuombaomba? Na Wazungu wanafanya kazi, enda Ujerumani na utajionea. Watu walifanya kazi baada ya Vita. Nchi hiyo iliharibiwa kabisa, lakini sasa wamefanya kazi kwa bidii, wamekuwa taifa lenye nguvu. Watu wa Japan vile vile, walipigwa mpaka wakaisha kabisa, lakini leo, wao ni Super Power. They are among the Great Seven. Sisi lazima tufanye bidii. Hatukupigwa kama Wajerumani, wakati wa Uhuru tuliuwawa, ndio, lakini hatukuuliwa kama Wajerumani au Wajapani. Why can we not stand on our own feet? Ni lazima tuanzie katika Bunge hili. Inafaa Wabunge wasizoe kuwapa watu pesa, tutafutie watu kazi, tuwafanyie mipango, ufisadi ukatwe. Juzi tu, tuliambiwa na Mtukufu Rais kuwa, tangu aanze kuchunguza mambo ya Kenya Ports Authority ili kumaliza ufisadi huko, tunapata kiasi cha Kshs 2 bilioni kila mwezi kama kodi kutoka KPA.

Bw. Naibu Spika wa Muda, mara ngapi nimesema hapa kwamba pesa zinaibiwa? Wazungu wamechoka na sisi sasa. Ukiangalia mashirika yetu kama vile Kenya Railways Corporation na Kenya Airways utapata kwamba yanakumbwa na matatizo mengi. Watu wetu wanaweza kupata small cottage industries wakapata kazi ili waache kuwa waombaji. Hakuna mtu mwingine anataka kutusaidia kutoka nje. Juzi nilikuwa Marekani na niliona

kwamba mambo yao yameelekezwa Eastern Bloc countries hawatuangalii sana sasa. Yafaa tuamke na hii ni kazi ya watu walio katika Serikali na wale ambao hawako katika Serikali. Ni wajibu wetu sisi kuketi chini na kufikiria tutafanya nini. Siasa imekwisha. Sasa ni miaka 33 tangu tupate Uhuru na bado tunaomba! Kuna kasoro kati yetu. Ukiwa mtoto ambaye ana umri wa 33 na hajui bibi atakula nini na watoto wake, basi huo ni mtoto ambaye akili yake si timamu. Baada ya miaka 33 bado anakuja kuuliza mama yake kama kuna chakula ale! That is wrong. Tunataka sisi kama viongozi pande zote mbili to face the realities. Realities ni kwamba hakuna mtu anataka kutusaidia tena na wakitaka kutusaidia wanachukua zile pesa wanatupa na kuweka kwao. Hiyo yote tunajua. Tumekuwa kama mtoto. Ukimpa mtoto peremende na kisha umwombe anaiweka nyumba ya mgongo wake akifikiria kwamba akifanya hivyo, hauwezi kuona kwa sababu tumbo iko mbele. This is what we are doing. Tumekuwa kama watoto. Hata sasa hii habari ya watu kunyakua ploti kila pahali ni mbaya sana. Tunaweza kunyunyizia mashamba maji kutoka Tana na Athi Rivers lakini tunataka tu kuendelea kuomba. Nina hakika kwamba Serikali hii ikiuliza Serikali ya Israel au yeyote katika dunia atusaidie kuweka lile tank katika Timboroa, kila pahali patapata maji. Kila mtu atapatiwa ekari ishirini za shamba. Nchi yetu haijajaa. Kutoka Embakasi kuelekea Mombasa utaona kwamba kila pahali pana nawiri. It is just a question of irrigation. This is virgin land. Watu wengine wanafikiria kwamba ukifanya harambee basi umetatua shida zote. La, si hivyo. Wacha kila mtu abebe mzigo wake. Hata katika Bunge hili kila mtu amebeba meno yake lakini ukiuliza Mbunge yeyote uzani wa meno yake hatajua. Ukiong'a meno hii yote ya Wabunge 200 na kuweka kwa ngunia basi utasikia huo mzigo ni mzito. Let everybody carry his or her own weight lakini sisi hatutaki hivyo kwa sababu hakuna mtu anaketi chini kuangalia atafanyia nini nchi hii. Ministerial Committee zote hazifanyi kazi. Kila mtu anaangalia atapata pesa namna gani ili aende anunue kila kitu. Hii ni njia mbovu, lakini bahati mbaya, hata kila Mbunge au Waziri katika Serikali ana taabu kama zile za Butere. Ukienda Butere utapata kwamba watu wamezaana sana. Hata ukitaka kukojoa ni shida. Ukifungua zip ya suruali yako unaona mtu anatokea, ukipinduka upande mwingine unaona mwingine anatokea. Where are these people going to live? Makundi ya vijana hawa wanafikiria nini? What is going to happen? Ninaona mhe. Sambu anauliza zip hii ni ya nini? Yeye akija kule Kakamega kwetu, aanzie hapo Kiboswa eti anataka kwenda haja ndogo, haitawezekana kwa sababu ya idadi kubwa ya watu. Ataona watu wengi ambao hawaendi mkutano wowote mbali wanatembea tu. That will show you the danger we are facing. The population of this country is too high and hawa watu wote sijui wataishi wapi na bado virgin land haijaguswa. Hiyo ndiyo hatari inakuja sio kwa Upinzani peke yao mbali kwa walio Serikalini na walio katika Serikalini watakiona. Sisi tunauliza Serikali ichukue jukumu hili. Basi wewe ukiwa Serikalini utakiona cha mtema kuni.

Hii ni kwa sababu tumekataa kufikiria na kufanya kazi kwa bidii sisi wenyewe. Kitu kilichoko sasa, ni kutafuta njia ya mkato ya kunyakua. Wale wananyakua, tena wanauza hata ikiwa ni shamba. Mhe. Gen Mulinge ako kwa taabu kubwa. Ikiwa kuna Waziri ambaye ako na taabu nyingi kati ya hawa wote, ni Mhe. Gen. Mulinge. Lazima asaidiwe. Atasaidiwa ufisadi ukipingua. Yeye ni Waziri juu lakini huko chini, mambo yanayofanyika huko, ni makubwa.

The Assistant Minister for Commerce and Industry (Mr. Galgalo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Dakika chache zilizopita, mhe. Shikuku alizungumzia mambo ya "zip zap", idadi ya watu na unyakuaji wa mashamba. Anaweza kutueleza vile mambo haya yanahusiana na KIA?

Mr. Shikuku: Yanahusika na KIA chini ya kifungu cha nne. Haya maneno ninayoyazungumza nayajua. Mhe. Galgalo alikuwa katika Serikali, halafu akatoka na kuingia tena. Siku moja, atatoka kabisa. Lakini, kule kwake, yaani katika eneo analoliwakilisha Bungeni, anapoendesha motokaa yake, anaona vikundi vya vijana ambao hawana matumaini ya kupata kazi. Hii siyo shinda ya Butere peke yake. Mimi ninazungumza kwa niaba ya Wakenya wote. Mimi najua Kenya yote.

Nilipokuwa ninatembelea sehemu ya mhe. Galgalo, yeye alikuwa bado shuleni. Nikienda kule, yeye hatakuwa na taabu ya kuwaambia watu wake mimi ni nani; watamwambia wanajua na wanafahamu.

Kwa hivyo, taabu hii iko katika sehemu zote za Jamhuri ya Kenya. Katika Bunge hili, ni kazi yetu kuangalia mambo kama hayo. Haya ni mambo ambayo tunatakiwa kuyajadili, na siyo kulaumiana hapa. Taabu inayotukabili ni hawa vijana ambao hawajaajiriwa na hawana matumaini ya kuajiriwa.

Katika Mswada huu, tunataka watu wafanye kazi kwa bidii. Ukitoa udhuru mara tatu, wewe uondolewe kwa sababu kuna wengine wanataka kuchukua kazi hiyo na si wewe peke yako. Na kama wewe huwezi kukaa katika Bunge hili, toka ili mwingine aingie. Kenya haina upungufu wa wafanyakazi sasa.

Katika ukurasa wa nne chini ya Clause 6, utaona vile Kamati itakavyokuwa ikikutana. Nambari ya saba, inasema hivi:-

"The Chairman shall preside over all the meetings of the Council, but in the absense of the Chairman, the

Members shall appoint one of the members under Section 5 to preside over the meeting".

Katika taratibu za mikutano yao, mimi nimeangalia na nikapata kwamba katibu wa Kamati atakuwa mfanyakazi

wa Serikali. Nafikiria atakuwa ni mkurugenzi wa KIA. Katika ukurasa wa tatu, imeandikwa kwamba mkurugenzi atakuwa akishikiria mamlaka ya katibu. Imeandikwa kama hivi:-

"The director shall act as a Secretary to the Council and any Committee which the Council may establish; and shall on the advice of the Chairman of the Council, or any such Committee, convene any meeting of the Council or the Committee".

Sasa, huyu mkurugenzi lazima awe mfanyakazi wa Serikali. Ikiwa Mwenyekiti atakuwa akitoa amri ili Mkurugenzi aitishie mkutano, basi huu mkutano utakuwa ni wa Mwenyekiti peke yake. Tunataka kifungu kiwekwe ili Kamati yenyewe ikae na kutengeneza utaratibu wa mikutano ya kila mwaka. Lazima waonyeshe ni mwezi gani watakutana na utaratibu huu uwe wa kila mwaka. Siyo ati ni wakati Mwenyekiti atafikiria na kumwambia Mkurugenzi aitishie mkutano.

Bw. Naibu Spika wa Muda, hii sheria haifai. Ingawa najua kwamba Mswada huu utapitishwa, haufai kama ulivyo. Inafaa Council yenyewe ikae na itengeneze orodha ya mikutano, na ikubaliane juu yake. Haifai kwa mwenyekiti awe na uwezo wa kuitisha mikutano kama anavyotaka. Pia inafaa kuwe na kipengele cha kuiwezesha idadi fulani ya wanachama wa Council, hii kuitisha mkutano kunapokuwa na jambo la dharura. Hapa naona tunampa mwenyekiti uwezo wote wa kuitisha mikutano. Wewe, Bw. Naibu Spika wa Muda, unajua kwamba Mwafrika kwa kawaida ni dikteta. Hapa tunampa mwenyekiti wa Council hii nafasi ya kuwa dikteta, ambapo atakuwa anaita mikutano kulingana na matakwa yake. Tunajua Waafrika ni madikteta kwa maumbile. Mimi ni Mwafrika na ujuzi wangu ni kwamba ukimpa Mwafrika nafasi ya nusu inchi, yeye atajichukulia nafasi ya inchi mbili. Kwa hivyo, naona kwamba kifungu cha Mswada huu kinachompa mwenyekiti uwezo wa kuita mikutano ni hatari.

Pia Kifungu 5(2) kinasema:-

"The powers conferred upon the Institute under subsection (1)(f) shall be exercised only with the prior written consent of the Minister and the Treasury, and the Institute shall not be required to obtain any further consent under Section 5(2) of the State Corporations Act".

Sasa kwa nini tunampa uwezo huu Waziri na pia Treasury? Council hii haitaweza kukutana mpaka Waziri na Treasury watoe kibali. Kuna maana gani ya kuitunga sheria hii? Ikiwa ni lazima Waziri na Treasury watoe kibali cha kuitisha mikutano, basi tungewaachia kuiendesha Taasisi hii! Ingawa baadhi yetu wengine si mawakili, tunaielewa Miswada. Naunga mkono maoni ya Mbunge aliyesema kwamba inafaa mawakili walio katika Bunge hili wawe wakiichunguza Miswada inayoletwa hapa, na kisha kutushauri sisi ikiwa Mswada ni mzuri au la. Ajabu ni kwamba sijawahi kuwaona mawakili walio katika Bunge hili wakileta marekebisho juu ya Miswada inaoletwa hapa, ili kuwasaidia Mawaziri. Kama hawatamii ujuzi wao wa sheria kutusaidia wakati huu, watatusaidia baada ya kifo? Sisi si mawakili, lakini ujuzi wetu unatuwezesha kuona kasoro yoyote katika Mswada wowote. Pengine Waziri sasa ananielewa sasa vizuri. Taasisi hii haitakuwa na autonomy, ikiwa kibali cha Waziri kitahitajika. Naona Waziri anakubaliana na mimi kwa sababu naona akitingiza kichwa chake.

Hata nyumbani kwangu mimi nina autonomy; baba yangu, Bw. Oyondi aliniwachia hiyo. Hata wakati alipokuwa hai, hakuyaingilia maamuzi yangu. Kama ningekuwa nikilazimika kumwomba baba yangu kibali cha maamuzi yangu, singekuwa na autonomy. Kwa hivyo, hicho Kifungu lazima kirekebishwe kwa sababu makubaliano yakiweko, basi haya mambo ya kujitawala wenyewe hayako tena.

Bw. Naibu Spika wa Muda, kama kuna Wabunge wanaotaka kuzumgumza kwa sababu mimi nimesoma huu Mswada sana na nina mengi ya kusema, naweza kuwachia waendeleo. Lakini---

Hon. Members: Endelea!

Mr. Shikuku: Mkishindwa, niko tayari kuendelea.

Bw. Naibu Spika wa Muda, sasa nakuleta kwa Clause 9, ukurasa wa tano, ambayo inasema hivi:

"There shall be a Director of the Institute, who shall be a person with experience in executive management and training, appointed by the Minister. The Director shall be the Chief Executive of the Institute and shall:

(a) subject to the direction of the Council, on matters of policy, be responsible to the Council for the administration and management of the Institute".

Ikiwa yeye atakuwa chini ya hao itakuwa ni sawa. Mkimwachia awe akifanya kazi hizi peke yake lakini anahudhuria mikutano ya hii Council, pia itakuwa ni sawa kwa sababu wataangalia jinsi anavyofanya kazi. Pia wanasesema kwamba:

(b) "be responsible for supervision and discipline of the staff of the Institute".

Lazima tuwe na Kamati ya wafanyakazi kuangalia habari ya maslahi yao. Kwa sababu ukimpatia uwezo yeye peke yake, na yeye ni binadamu kama mimi, anaweza kutumia haya mamlaka vibaya. Uamuzi wake kuhusu ni nani anaweza kuajiriwa kazi ama ni nani hawezi kuajiriwa kazi, utakuwa ni uamuzi wa Kamati hii pia, na yeye atatekeleza uamuzi wa Council. Lakini tukimpatia haya madaraka ya kusimamia uangalizi na nidhamu, kutiwa

nidhamu kwa wafanyakazi kunaweza kutokana pia na makosa ya Director kwa sababu yeye si Mungu, na akiachiwa hayo mamlaka atafuta watu kazi.

Kwa mfano, tulikuwa hapa na marehemu Humprey Slade, yeye alikuwa 'expert' katika Standing Orders na Parliamentary Procedures. Pili kwake, alikuwa John Marie Seroney na watatu ni mimi hapa ninayezungumza. Lakini nakumbuka mara mbili ama tatu, niliwahi kumsikia akizungumza akisema "Hon. Members, mnakumbuka nilitoa uamuzi wangu kwa jambo la nidhamu la mheshimiwa fulani, na nilisema hivi...", halafu anasoma. Baadaye akasema, "On reflection, I find I was wrong, and I apologise to the hon. Member and the House". Mara tatu nilimsikia akizungumza hivyo. Lakini tulipofanya 'Africanization', Spika moja alikalia hiki kiti mpaka akafa, na hakufanya kosa lolote.

An. hon. Member: Mpaka kufa?

Mr. Shikuku: Mpaka kufa, hakukosa. Uamuzi wake wote ulikuwa kamili. We have exceptional fellows. Halafu mwingine akaja, Bw. arap Keino, yeye siku moja alikubali alifanya makosa. Naye mwingine akaingia, hata akawacha kazi, sasa hivi ni Waziri, hakukosa kabisa. Sasa tuna wengine, miaka mitatu hawajakosa. Tunakutana miezi hii yote, miaka hii yote, hakuna moja amesimama na kusema "I have made a wrong ruling, and I apologise". Hapana, Mwafrika hakosi! Ndiyo maana mimi ninasema kwamba tukimwachia huyu mtu moja haya madaraka yote, na ni Mwafrika, watu wataona cha mtema kuni. Mimi ni Mwafrika--- Mwafrika mpatie nusu nchi na atachukua nchi nne. Hiyo ndiyo taabu ya Mwafrika. Kwa hivyo ninaona kuwe na Kamati ya watu wawili au watatu. Hata Yesu alisema kwamba vichwa viwili au vitatu vinashinda kichwa kimoja.

An. hon. Member: Lakini visiwe kwa mwili mmoja.

Mr. Shikuku: Lakini vile vichwa, visiwe kwa mwili moja, viwe vya watu watatu tofauti ili tukiketi pamoja watu watatu au wanne, tunaweza kufanya mambo mazuri. Lakini ukiwachia kichwa kimoja, na unajua kwamba Mwafrika hafanyi makosa, hata katika Bunge hili hatwoti wrong rulings, mtakiona.

Bw. Naibu Spika wa Muda, tuko katika [Mr. Shikuku] ukurasa wa 5 kuhusu chuo hiki, kuna kifungu ambacho kinasema:-

"After consultation with the Chairman of the Council, engage temporary employees at such daily rates of pay, not below minimum rates prescribed by any written law, as he may consider appropriate, and shall report such employment to the Council at its next meeting."

Bw. Naibu Spika wa Muda, unaona udikiteta tunaotoa hapa? Yeye "in consultation with the Chairman of the Council" wanaweza kufanya hii na tena wanaongea juu ya "temporary employees." Hatuwezi kuzungumza juu ya temporary employees wakati huu, temporary employees watakwenda ulaya, Tanzania na kwingineko. Imekuwaje temporary employees?

Siku moja kuliwa na swali hapa kumhusu naibu wa chifu kutoka Baringo ambaye alifanya kazi kwa miaka 26. Na mhe. Mbunge alipoleta swali katika Bunge hili akitaka kujua kwa nini chifu huyo hakupewa marupurupu ya kustaafu aliambiwa chifu alikuwa "temporary employed." He was not confirmed after working for 26 years as the assistant chief! Sasa hii ni Serikali gani? Hata Serikali ya Mbeberu haikuwa namna hii. Katika Serikali ya Mbeberu mtu aliweza kufanya kazi kwa muda wa miezi mitatu au sita hivi na anaajiriwa kikamilifu au anaielezwa aondoke haufai kufanya kazi hiyo. Lakini hii Serikali yetu inamweka mtu hadi miaka 26 kama kibarua? Ukiuliza upewe kitu kidogo ili mkeo na watoto wafurahie baada ya kustaafu, unaambiwa wewe huna chochote kwa sababu wewe ni "temporary employee." Hii ndiyo Serikali ya wananchi, Serikali tukufu ya umoja, mapenzi na yenye "kutingiza." Miaka 26 bado unaambiwa "tingiza tu" na hakuna lolote ambalo utapelekea bibi.

Bw. Naibu Spika wa Muda, hatuwezi kupitisha Mswada huo na hiki kifungu "temporary." Na mkipitisha, mimi nitapinga na sisi Waheshimiwa wa Upinzani tutapinga. Haya mhe. Lotodo anasema atapitisha na hii ni haki yake kwa sababu yuko Serikalini, lakini amesahau alitupwa nje ya Serikali, akakimbizwa kweli kweli mpaka jela!

The Minister for Home Affairs and National Heritage (Mr. F.P.L. Lotodo): On a point of order, Mr. Temporary Deputy, Sir. I remember very well hon. Shikuku was one time an Assistant Minister, Office of the President, just like hon. Manga here. Akatimuliwa na akarudi. So, what is wrong with that?

Mr. Shikuku: Bw. Naibu Spika wa Muda, mhe. Shikuku alitimuliwa mwaka 1983. Hakuna wakati wowote nilipokuwa katika Serikali hiyo ambayo niliacha kusema ukweli. Nilikuwa nikisema nikiwa huko mambo yote yanayowaumiza wananchi. Ninasema mpaka wakajua huyu, hata ukimpa uwaziri hawezi, kunyamaza. Na huyo mhe. Lotodo amenyamaza tangu apewe uwaziri baada ya tabu hizo zote.

The Minister for Home Affairs and National Heritage (Mr. F.P.L. Lotodo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Mhe. Shikuku analipotosha Bunge hili kwa kusema kwa wakati huo wote, sikusema chochote kuhusu sehemu ninayowakilisha kama vile yeye anawatetea watu wa Butere.

Mr. Shikuku: Mimi nilikuwa katika Bunge hili. Mhe. Lotodo alinipata hapa, akaondoka lakini akaniacha hapa Bungeni. Siswezi kukumbuka wakati mmoja--- Ijapokuwa kule nje nilisikia kulikuwa na warlike utterances. Lakini sikuwa nikimsikia hapa ndani lakini nilimsikia kwamba vitendo vyake vilikuwa warlike huko nje. Hawakumpa nafasi; walimchukua mbio sana mpaka wakamweka ndani. Nilisema: "Lotodo wangu amefanya nini" Hiyo ndiyo Serikali yetu. Ninazungumza juu ya hayo mambo kwa sababu nilikuwa katika Serikali hiyo na ninaifahamu. Serikali hiyo inaweza kukugeuka vibaya sana. Kulikuwa na Mbunge moja hapa ambaye alikuwa anaitwa Mohamed Jahazi. Aliniambia siku moja; "hujui wewe ni Waziri na ni lazima uiunge Serikali mkono?" Nilimwambia kwamba mimi naunga mkono watu wa Butere na watu wa Kenya lakini siiungi mkono Serikali. Nilitumwa hapa kuzungumzia shida zao. Halafu akaniambi; "Sasa unajua ukifanya hivyo huwezi kupendwa na Serikali." Nilimwambia; "Wewe pendwa na Serikali." Nilimwambia hatarudi ndipo alitolewa na mhe. Nassir. Mpaka leo hajaliaona Bunge hili. Alikuwa ameshika Serikali na mikono yake miwili. Mimi nimechaguliwa mara nyingi na bado ananizikiliza kwa redio yake. Kwa bahati mbaya maneno yetu hayasomwi kwa redio.

Kama si hivyo, angekuwa akisikia "Mhe. Mbunge wa Butere aliongeza na akasisitiza"

Kwa hivyo, tukizungumza katika Bunge hili, tunazungumza tukijua kwamba leo sisi ni Wabunge na kesho hatutakuwa Wabunge. Hilo ni jambo ambalo mimi sijasahau. Ninajua hizi sheria ambazo tunapitisha katika Bunge hili. Kama si nzuri zitanidhuru mimi na watoto wangu siku nitakapotoka Bunge.

Hivyo ndivyo maana ninasimulia kwa makini sana kifungu kwa kifungu na ninaweza kuzungumzia Mswada kwa siku tatu. Hii ni kwa sababu ninajua yakuwa tukitoka hapa Bungeni, tukienda nje polisi wanatungojea na wanatuambi "Lakini ujue kwamba wewe ndiye ulipitisha sheria hizi, ebu twende, utamalizia mambo yako kule police station." Ukifika katika kituo cha polisi, hurudi. Kwanza wanakuambia, "Toa tai, viatu na hata nguo zote." Halafu wanakuambia uiname wakuone uko mamna gani na hali baridi inakushika. Hayo yote mhe. Lotodo aliona na mimi pia niliona.

The Minister for Home Affairs and National Heritage (Mr. F.P.L. Lotodo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member for Butere tell us about what is contained in the Bill rather than telling about removing clothes na kwamba unangaliwa kule nyuma. That is not our business here.

The Temporary Deputy Speaker (Mr. Wetangula): Order, hon. Shikuku! I think this House is not interested in knowing about the prison experiences that you and hon. Lotodo had. We want to hear more about the Bill.

Mr. Shikuku: Asante sana. Nilikuwa na nasema kwamba huu Mswada ukipitishwa bila kufanyiwa mabadiliko uwe vizuri moja, utatoka Bunge hili na Mswada huu utakudhuru utaambiwa na askari wa polisi; "Wewe ndiye ulipitisha hii sheria" Ninawafundisha Wabunge wenzangu ambao hawajaenda kule gereza ili wajue ni nini inafanyika huko; wasije wakapata stroke mara moja kwa sababu wameingia jela. Yafaa wajue kwamba kuna kitu kama icho ambacho mtu anaweza kupata. Wakikaa hapa tu na kuchomosa vitambi na hawana habari kwamba kuna mambo kama haya wanaweza kuona cha mtema kuni.

The Assistant Minister for Commerce and Industry (Mr. Galgalo): Jambo la nidhamu, Bw. Naibu Spika wa Muda. Siku moja mhe. Shikuku alikuwa katika jela na alipata stroke na alipelekwa ng'ambo ili kutibiwa. Ugonjwa unaweza kumshika mtu yeyote. Je, ni kwa nini yeye anawaingilia wale waliopatwa na stroke?

Mr. Shikuku: Mimi nilikuwa mgonjwa huko jela. Mhe. Galgalo hana habari. Ninataka yeye ahakikishe kwamba sheria hizi ni nzuri. Juzi tulikuwa tunataka kuibadilisha ile sheria ya kupeleka watu detention without trial na yeye alipinga. Kwa vile yeye ni kijana, huja akaoja yale sisi tumelioja. Kwa sababu yeye ni kijana, atakiona kile kilichomfanya fisi asimee pembe. Kwa hivyo hili jambo ni la maana ambalo sisi kama Wabunge---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Members, it is now time for the interruption of business of the House is, therefore, adjourned until tomorrow, 18th April, 1996 at 2.30 p.m.

The House rose at 6.30 p.m.