

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 2nd October, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

WELCOME: UK CPA MEMBERS

Mr. Speaker: Order! Hon. Members, it is with great pleasure that I welcome our distinguished guests who are Members of Parliamentary delegation from the United Kingdom Branch of the Commonwealth Parliamentary Association.

The delegation is led by Sir Jerry Wiggin, MP accompanied by his wife. Others are:-

Mr. Jack Aspinwall, MP and his wife;

Mr. Ian Bruce, MP and his wife;

Mr. Denis Canavan, MP and his wife;

Mr. Nigel Jones, MP and his wife.

They are accompanied by the officials from the British High Commission, Nairobi.

The delegation arrived in the country on Tuesday, 1st October, 1996, and will be with us until 8th October, 1996. They are the guests of the Kenya National Assembly.

We wish them a happy, enjoyable and fruitful stay in our country. Thank you.

(Applause)

ORAL ANSWERS TO QUESTIONS

Question No.970

COMPENSATION TO WOMEN GROUP

Ms. Wanjiru asked the Minister of State, Office of the President:-

(a) if he is aware that the Women's Group of Magumu and Matches Sub-location in Kinangop Constituency collected about Kshs200,000 to buy a bus and that the money was deposited with the local District Commissioner and the District KANU Branch Chairman in 1987;

(b) if he is further aware that the money was used to buy a beer distributing truck operated since then by the KANU Chairman; and,

(c) if the answers to "a" and "b" above are in the affirmative, what plans does he have to compensate the women's group.

Mr. Speaker: What is happening, Mr. Kalweo?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I brought a wrong answer to this Question, but I will get the right one.

Mr. Speaker: Very well, Mr. Kalweo. Next Question, Rev. Omani.

Question No.366

VEHICLE FOR NAVAKHOLO DISTRICT OFFICER

Rev. Omani asked the Minister of State, Office of the President:-

(a) if he is aware that Navakholo Division, which is far from Kakamega District Headquarters, has

no vehicle for use by the District Officer and the Police Officers attached to the nearby police post; and,

(b) when he will supply a vehicle to the District Officer.

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

(a) Yes, I am aware.

(b) The arrangements are being done because the services from the former existing posts are not most adequate. There are arrangements being done to service that station.

Rev. Omani: Mr. Speaker, Sir, arising from the answer given by the Minister, is he serious in answering my question taking into consideration that Navakholo Division is far away from the divisional police headquarters and away from the Provincial Police headquarters? What steps is he taking to ensure that Navakholo DO gets a vehicle? When is he going to give this DO a vehicle for supervision and to oversee development of Navakholo and also to curb the criminology in that area?

Mr. Kalweo: Mr. Speaker, Sir, I am very serious because I know it is about 20 kilometres from the headquarters. I have said that arrangements are being carried out so that we can really do exactly what the hon. Member is asking.

Mr. Ojode: Mr. Speaker, Sir, the Minister is fond of giving misleading answers to this House, I believe you can recall when I asked a similar question for Nyarongi Divisional Officer and he answered exactly the same way he has answered hon. Rev. Omani. Could the Minister come up with a better arrangement of allocation of vehicles so that he can actually tell us when exactly the vehicles will be given to the DOs? Nyarongi Division in my constituency does not have got a Land-Rover and up to this moment, the DO is still using a donkey, and yet the same Minister promised that he would deliver this Land-Rover last year? Could he tell us when exactly we will get this Land-Rover?

Mr. Kalweo: Mr. Speaker, Sir, I am doing everything possible to see to it that vehicles are given to the DOs in the country although the hon. Member is saying that I am repeating the same answer I had given last year. The House knows that I have got a budget here which I hope will be approved. I have said that we are doing all what is possible to see that our officers in the rural areas are adequately serviced.

Mr. Magagwa: Mr. Speaker, Sir, I am surprised to hear that answer. He does not tell the House the registration number of the vehicle he is giving to Navakholo division so that we can be sure that he is going to do what he is telling us.

Mr. Kalweo: Mr. Speaker, Sir, let the hon. Member know that vehicles are not bicycles. Vehicles cost enormous amount of money and it is not something that somebody can arrange to have overnight.

Mr. Ndicho: Mr. Speaker, Sir, are you satisfied with the answer given by the Minister that vehicles are not bicycles since they cost enormous amount of money? Even bicycles cost money, but Kenyans pay taxes?

Mr. Speaker: Order, Mr. Ndicho! That is really frivolous. Of course, bicycles are not vehicles and vehicles are not bicycles.

Question No.349

PREFERENTIAL TREATMENT FOR LOCAL SUGAR

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

(a) how many tons of sugar were stored by Mumias Sugar Company by 30th September, 1995, which could not be sold due to saturation of the local market by imported sugar; and,

(b) what measures the Ministry has taken to ensure that locally produced sugar gets preferential treatment.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr. Speaker, Sir, I would like to apologise for not having the answer to this Question, but I have sent for it. The reason why I did not have it in time is I have just come from the show. I am waiting for the answer, and in due course, I will answer it.

Mr. Shikuku: Mr. Speaker, Sir, I have got the answer here with me, can I lend it to him?

Mr. Anyona: On a point of order, Mr. Speaker, Sir. This is a very serious matter. The whole of the sugar industry in this country is in a complete mess at the moment. This Assistant Minister knew the Question was on the Order Paper and came here empty-handed and now he tells you that he is going to look for the answer. Are you satisfied that this is the way we want to conduct the business of this House?

Mr. Shikuku: The answer is here!

Mr. Speaker: Order! Order, hon. Shikuku! I am not satisfied. I think the business of the House takes

precedence over any other issue. Anyway, we will see whether he gets the answer. We will come back to it, Mr. Shikuku.

Question No.976

ILLEGAL ACQUISITION OF PARKING BAYS

Mr. R.K. Mungai asked the Minister for Local Government:-

(a) whether he is aware that all the parking zone space along Kimathi Lane in Nairobi has been illegally converted into permanent parking bays which have been allocated or sold to certain individuals contrary to public interest; and,

(b) whether he could provide a list of all the names of the individuals who now own or have rented the parking bays, stating the price per bay and the duration of each.

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

I am aware of only three parking bays that are allocated to Old Mutual Building as a loading bay for one year at the rate of Kshs24,000 per day.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Did I hear the hon. Member right; did he say Kshs24,000 per day or per year?

Dr. Wameyo: Mr Speaker, Sir, I apologise for that. It is Kshs24,000 per bay.

Mr. R.K. Mungai: Can the Assistant Minister tell this House, apart from the Old Mutual Building, how many others have not been demarcated as parking bays, but are being used as individual private parking bays?

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

Mr. Mwaura: Mr. Speaker, Sir, the Questioner alleges some of these bays have been sold to certain individuals, can the Assistant Minister confirm or deny that?

Dr. Wameyo: Mr. Speaker, Sir, as I have already said, I am not aware.

Mr. Nthenge: Mr. Speaker, Sir, arising from his reply where he said that some of these bays are paid for at the rate of Kshs24,000 per bay, can he tell us what the Council and the Ministry expects to happen to the other motorists who need these car parks for a short period of time?

Dr. Wameyo: Mr. Speaker, Sir, may I plead with the hon. Member to repeat his question.

Mr. Nthenge: Mr. Speaker, Sir, if we monopolise the car parks which are meant for people who park their cars for a short period time, to shop, take a cup of tea, pick a husband and so on, where are they expected to park their cars?

Dr. Wameyo: Mr. Speaker, Sir, it is only three bays that have been allocated to Old Mutual Building and not all of them. So, there is still room for anybody who wants to park his car.

Mr. G.I. Ndwigwa: Mr. Speaker, Sir, we know that there is no parking in the City of Nairobi. Would the Assistant, therefore, instruct the City Council to stop towing away people's cars from the so-called yellow lines that are even not visible? If you have allocated some parking bays to some individuals, could the City Council stop towing away people's cars?

Dr. Wameyo: Mr. Speaker, Sir, as I have already said, the parking bays have not been allocated to individuals except three bays allocated to Old Mutual Building.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. Do you realise that part "b" of the Question has not been replied to? The Assistant Minister is required to provide a list of names of individuals who now own or have rented the parking bays. He has not given us these names. Who are they?

Dr. Wameyo: Mr. Speaker, Sir, I have already given the name of Old Mutual Building that has been allocated a loading bay for one year. This is the only one that I know of. For the others, if I am given specific names, I will find out.

Question No.291

CONSTRUCTION OF HEALTH CENTRE AT SIRARE

Mr. Munyasia asked the Minister for Health:-

(a) whether he is aware that the Bungoma District Development Committee recommended the construction of a health centre at Sirare in Sirisia Constituency as a priority project for 1995; and,

(b) what plans the Ministry has to effect this recommendation.

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

(a) My Ministry is aware that Bungoma DDC recommended a health centre to be put up at Sirare. This project was ranked number seven in the priority list of the DDC for the 1994/96 plan period.

(b) The project has been accorded priority number seven in the plan of implementation. Due to financial constraints, it has not been able to attract funding in the 1994/95 plan period.

Mr. Munyasia: Mr. Speaker, Sir, that is a very disappointing answer from this Assistant Minister. The Assistant Minister says that the project has not been able to attract any funding and we are asking him about sharing out these monies fairly to the district. From 1993 to date Bungoma District has been given only one health centre; Milo, for which they are giving us K£20,000 a year against other districts that are getting four, five or six health centre in a year. Can the Assistant Minister tell us why he thinks in Bungoma District we should not have anything more than Milo Dispensary? If he wants the figures to show that he is unfair to us, I will give him the figures for all the districts that I have here.

Mr. Criticos: Mr. Speaker, Sir, I must appreciate the hon. Member's comments. However, since he is a member of the DDC he should have aired these comments during the DDC meeting and this project would have been ranked as number one in the priority list instead of the current number seven.

Mr. Munyasia: Mr. Speaker, Sir, the truth of the matter is that this project was voted number two in the whole district. My complaint is that this particular Ministry is not building any other health centres. We only have one in Bungoma when other districts have more than four health centres. If the Assistant Minister wants some proof, I can give him three or four examples; Bomet has five dispensaries and health centres, Baringo has four, Keiyo has three and they are getting a lot of money from the Government of Kenya. Since Sirare is the second in the priority list can this Assistant Minister now be fair to us and promise that in the next financial year, it is going to be funded?

Mr. Criticos: Mr. Speaker, Sir, I have said time and again that in Kenya, we do not discriminate according to districts, locations or divisions. The problem here has always been lack of funding for my Ministry. I cannot promise the hon. Member that it will be done, but if funds will be available, I will point this issue to my Permanent Secretary tomorrow morning and see what he has to tell me.

Mr. Munyasia: In the next Budget, Mr. Speaker, Sir.

Mr. Speaker: Very well.

Question No. 981

OPENING OF SAGANTE DISPENSARY

Mr. Falana asked the Minister for Health:-

(a) when Sagante Dispensary in Central Division of Saku constituency will be operational; and,

(b) why it has taken the Church of Province of Kenya (CPK) over ten years to hand over to the Government, their church sponsored dispensary of Dub Goba in Sagante.

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

(a) The Ministry will open Sagante dispensary in Central Division of Saku Constituency when medical equipment and furniture are purchased and installed. The funds for this project will be made available in the Financial Year of 1997/98, and they have already been earmarked.

(b) Although the construction of the church sponsored the dispensary of Dub Goba in Sagante was completed ten years ago, the CPK has not requested the Ministry to take it over. However, the Ministry will consider the request once submitted by the CPK.

Mr. Falana: Thank you, Mr. Speaker, Sir. It is funny because there is no truth in the answer given by the Assistant Minister. Still, he has been told that the residents of Sagante will have to wait another extra year until 1997/98, thus making it 11 more years. In the first place, that dispensary is now the living quarters of administration policemen. It is no longer a dispensary as it was meant to be. Secondly, I want to inform the Assistant Minister that the DDC in Marsabit district has very many times endorsed that the Government should take over the dispensary.

If, as stated, it is not true that the Government has not taken it over, can the Assistant Minister tell this House why the Government has already pumped over Kshs2 million into that dispensary and yet the answer given by the executives in the Ministry is that the Government has not taken over the dispensary? Why did the Ministry pump Kshs2 million into a dispensary that it has not taken over?

Mr. Criticos: Mr. Speaker, Sir, I would like to inform the hon. Member that it was not Kshs2 million but Kshs1.1 million. We took the letter as goodwill because the project is assisting the hon. Member's constituents. So, the Ministry put the money in after deliberating with CPK that the letter will be forthcoming. Basically, what I am trying to say here is that we have a technical hitch. I will pursue the matter and also thank my colleague for informing me that the dispensary is being used as living quarters for administration police. Therefore, I will take immediate

action to rectify this situation.

Mr. Falana: Mr. Speaker, Sir, I thank the Assistant Minister for that positive answer which he has given now. The equipment we need to operate the dispensary is minimal and can be borrowed from the district hospital very comfortably because the furniture is already there and all that we need is the equipment to operate. The project has stalled for ten years. Could the Assistant Minister instruct the Medical Officer of Health in Marsabit district to give the minimal equipment to that dispensary so that it can be operational?

Mr. Criticos: Mr. Speaker, Sir, I am willing to do one thing. I am willing to look for equipment so that we can equip the dispensary with the basic essentials for the time being. This is because what we require as medical equipment is worth Kshs500,000. Therefore, the hon. Member can have my assurance that I will look for a few things to equip the dispensary.

Question No. 967

GRADING OF MOGONGA-KENYENYA-MAGENCHE ROAD

Mr. Obwocha, on behalf of **Mr. Obure**, asked the Minister for Public Works and Housing:-

(a) whether he is aware that Mogonga-Kenyenya-Magenche Road is almost impassable during the rainy season; and,

(b) what immediate plans he has to grade the road so that the transportation of tea and other agricultural commodities to the markets, especially tea leaves to factories, is expedited.

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

(a) Some sections totalling approximately 2 kilometres along Mogonga-Kenyenya-Magenche Road were murramed and pot-gravelled in June this year. However, I am aware that a section approximately 200 meters between Magenche and Kenyenia becomes difficult to drive on during wet seasons. This section will be raised, gravelled and the culverts installed from mid this month and will be completed by mid November this year. After this improvement, the road will be fairly motorable.

(b) The section between Mogonga and Kenyenia will be graded in January next year, and this will improve the state of the road.

Mr. Obwocha: Mr. Speaker, Sir, I beg to correct the name of the road mentioned. It should read Mogonga-Kenyenya-Magenche and not Nageuche as it appears in the Order Paper.

Since the Assistant Minister has said that there are plans to gravel and murram the road between Mogonga and Kenyenia, which is a very important road, can he tell this House how much funds have been set aside for the gravelling and murraming of this road?

Col. Kiluta: Mr. Speaker, Sir, we have set aside Kshs250,000 for the murraming of that road.

Mr. Obwocha: Mr. Speaker, Sir, I think the Assistant Minister must be joking because he is new in the Ministry. How much does it cost to murram and gravel one kilometre of a road? The amount of Kshs250,000 is peanuts. How many kilometres will this amount of money cover?

Col. Kiluta: Mr. Speaker, Sir, I do not think the hon. Member is an expert in roads. Otherwise, he would be in the Ministry dealing with roads. He should take what we give him.

Mr. Anyona: Mr. Speaker, Sir, this is one of the main roads in the new district of Kisii that is still in the cold storage. In fact, it is one of the roads that leads to one of the would-be headquarters of the new district. The Assistant Minister has said that he is going to murram it. What state is it in now? In any case, is he in order to mislead this House by saying that he has set aside Kshs250,000 to murram that road, when in fact, in the Budget, his Vote was discussed the last before we went on recess, and in those estimates, there is only K£250,000 for the Kisii-Kilgoris Road. There is no other allocation in those estimates. Can he tell us where that money is? **Col.**

Kiluta: Mr. Speaker, Sir, we have got money from the Fuel Levy Fund, and as I said before, there is a section of 200 metres which is in terrible condition when it rains. I will concentrate on that one, and then we will review the situation during the rainy season.

Mr. Speaker: Very well! Next Question.

Question No 548

MAINTENANCE OF KANYUMBUNI ROAD

Mr. Rai asked the Minister for Public Works and Housing when Road Mu.E943, Kanyumbuni Road, will be repaired so that it can be passable.

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

The Ministry is planning to grade Kanyumbuni - Ada Road which is 12 kilometres long during the second half of the current financial year at a cost of Kshs84,000.

Mr. Rai: Mr. Speaker, Sir, the answer given by the Assistant Minister is just full of promises, and since a promise is not a debt, can we be told when this road was last repaid and how much was paid?

Col. Kiluta: Mr. Speaker, Sir, if I had known that he would have liked to know when we repaired that road last, I would have done research for that answer. But I have got a list of roads here which were done, and if he wants to know them, I will do so. But I do not have details of when that road was last done.

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. The hon. Assistant Minister is misleading the House, because the hon. Questioner asked: When was this road repaired and how much was spent on it? The hon. Member is specifically asking about this particular road, and not all other roads in his Constituency. Is he in order to refer to other roads?

Col. Kiluta: Mr. Speaker, Sir, I am not misleading the House. I have only said that I did not have details because that was not part of the Question.

Mr. Rai: Mr. Speaker, Sir, my Question is just very simple. I was just asking about Road Mu. E943, and I just want to know when it was last repaired and how much was paid.

Col. Kiluta: Mr. Speaker, Sir, that was not part of this Question.

Mr. Speaker: Order! Order! I am afraid Col. Kiluta, that question is what you would anticipate. If you are being asked to grade or repair a road, you would naturally be expected to know when you last repaired that road. Could you answer that question?

Col. Kiluta: Mr. Speaker, Sir, I will get the details and come back and report to the House about my findings.

Mr. Speaker: You can give the details tomorrow. Next Question, Mr. Mwaura.

Question No 768

GRAVELLING OF ROADS IN KIGUMO

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

(a) how many kilometres of roads have been tarmacked or gravelled in Kigumo Division during the last five years; and,

(b) whether he could consider gravelling the Saba Saba-Mugumoini-Kahumbu-Kigumo and Maragua-Gakoigo-Gathera-Kigumo roads.

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

(a) During the last five years, 3.4 kilometres of the road were tarmacked between Njiri's and Makomboki at a cost of Kshs9.1 million, while various other roads totalling to 63.4 kilometres were gravelled. The twelfth road which is six kilometres long is being gravelled at the moment. During the same period, additional 276 kilometres were graded and 75.3 kilometres improved respectively. This makes a total road network worked on over the five year period to be approximately 424.6 kilometres.

(b) The Ministry will consider gravelling Saba Saba-Mugumoini-Kahumbu-Kigumo and Maragua-Gakoigo-Gathera-Kigumo roads during 1997/98 financial year, subject to availability of funds. However, in the meantime, these roads will be adequately maintained by grading to keep them motorable.

Mr. Mwaura: Mr. Speaker, Sir, can the Assistant Minister tell this House whether he has a list of these roads that he is saying were gravelled worth 63.4 kilometres? Can he also tell the House which is this road which is being gravelled for six kilometres?

Col Kiluta: Mr. Speaker, Sir, I have got the list of the roads which were gravelled. Do I read the whole list or do I give it to him?

Mr. Speaker: You can table it.

Col Kiluta: Mr. Speaker, Sir, it is a long list which I can table here.

Mr. Gatabaki: Mr. Speaker, Sir, my question is: Since the Seventh Parliament commenced, there have been about two to three questions in every Sitting on roads, and up to the end of this Session, there will be several questions about roads. Is this Government serious about road infrastructure in this country? Why is it that from Baringo to Githunguri, all the roads have been completely destroyed? Is this Government serious about roads, and if it is, when is it going to repair the roads? If not, when is it going to resign?

(Applause)

Col. Kiluta: Mr. Speaker, Sir, this Government is not going to resign, but we are here to stay, and we are serious about maintaining our roads.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, in part "b", the Assistant Minister who used to be a good man before he became an Assistant Minister said that these roads will be tarmacked in the following financial year. How much money has been set aside for that exercise?

Col. Kiluta: Mr. Speaker, Sir, I have already given the amount spent on the roads, but the amount to be spent in the next financial year is not yet decided on, but we are still good friends.

Mr. P.N. Ndwiga: Thank you, Mr. Speaker, Sir. We are getting rather confused by this Ministry. This morning, we were told by this Ministry that it costs Kshs5 million to gravel six kilometres on Makutano-Kianjokoma Road, while this Assistant Minister is telling us that we spent Kshs9.1 million to tarmac 63.4 kilometres. What standards are being used here?

Col. Kiluta: Mr. Speaker, Sir, I think my colleague was not listening to me. I remember I told the House that we only tarmacked 3.4 kilometres.

Mr. Mbeo: On a point of order, Mr. Speaker, Sir. The Assistant Minister has just told us that he has gravelled and tarmacked 424.6 kilometres of the road. Could he tell this House how much money he has used to gravel and tarmac 424.6 kilometres?

Mr. Speaker: Mr. Mbeo, would you, please, sit down! That is not a point of order.

Mr. Mwaura: Mr. Speaker, Sir, the Assistant Minister has told the House that between Njiri's and Makomboki, they have tarmacked 3.4 kilometres of the road, and my information is that part of this road is very poorly tarmacked. Can he undertake to send his inspectors to verify the standard of the 3.4 kilometres whether it is up to standard, because there have been complaints that part of this road is not properly tarmacked? Can he undertake to do that?

Col. Kiluta: Mr. Speaker Sir, it seems we have road experts here. However, we will check and make sure that everything is done properly.

Mr. Speaker: Very well.

Question No. 271

RESTORATION OF NAIROBI/NANYUKI
PASSENGER TRAIN SERVICE

Mr. Ruhiu asked the Minister for Transport and Communications what constraints are involved in the restoration of Nairobi/Nanyuki passenger railway service.

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Speaker, Sir, I beg to reply.

There are two main constraints that would make the restoration of the Nairobi/Nanyuki passenger railway service difficult. One is that the Nairobi/Nanyuki railway passenger service would not be cost-effective and would need to be heavily subsidised. This would be contrary to the requirements of the structural adjustment programmes currently being implemented by the Corporation.

Secondly, due to the excellent motorway between Nairobi and Nanyuki and availability of road transport, passengers would still prefer to travel by road. This is because it takes about three hours to travel by road from Nanyuki to Nairobi as opposed to the train which would take a minimum of nine hours. The likely coach occupancy in this line would be 30 per cent which is not economically viable.

Mr. Ruhiu: Mr. Speaker, Sir, the Mount Kenya area in Kenya is a very important area for tourists in this country. It is important for the tourism industry and the Minister for Tourism and Wildlife is here and he can confirm that.

Mr. Speaker Sir, this service is so important that it needs to be reinstated. We used to have it many years ago. Now, the Assistant Minister talks about the requirements of the structural adjustment programmes currently being implemented by the Kenya Railways Corporation. Could the Assistant Minister tell this House how long the Government is going to subsidise the State Corporations that are making losses? Why not let them privatise? They should now be privatising State Corporations that are making losses. Why can they not be privatised in order to enable them to provide essential services?

Mr. Morogo: Mr. Speaker, Sir, the issue of privatising State Corporations that are not viably run is an issue that the Government is undertaking every now and then. Several of these parastatals have already been privatised. While that has no specific relevance to the question, I would like to advise the hon. Member that the Kenya Railways

Corporation will not run this line because it will not be economical. In any case, if we had anybody who would think that he would run this line economically, then we would consider privatising that line as we have done to other lines in the country.

Mr. Raila: Thank you Mr. Speaker Sir. Structural adjustment programme does not mean killing essential public services. This Government has neglected railway service completely since it took over while elsewhere in the world the railway transport system is the most efficient mode of transportation. Since the construction of the "Lunatic Express" at the beginning of the century, and since Independence, this Government has not added a single inch to the railway line that was constructed by the colonial regime.

Mr. Speaker, Sir, could the Assistant Minister tell this House why it is that way although they are privatising it, the railway system has completely been neglected and what plans the Government has to revive and make rail transport more efficient for utilisation by businessmen and passengers?

Mr. Morogo: Mr. Speaker, Sir, the Government has intentions to increase the railway lines but we cannot do that without the necessary funds to run or construct the railway lines. We cannot just say "because there is need therefore, let us just start a service". This is because all these things require money and, I am sure the hon. Member is quite aware of that. We cannot compare ourselves with other countries because we are not the same in terms of resources. We cannot equate ourselves, in terms of the amount of resources, with other countries. But it is the wish of the Government to provide this service where needed.

Mr. Ruhiu: Mr. Speaker, Sir, the second part of his answer says:-

"Due to the excellent motorway between Nairobi and Nanyuki and availability of railway transport, passengers would still prefer to travel by roads. This is because it takes about three hours to travel by road from Nanyuki to Nairobi as opposed to the train which would take a minimum of nine hours."

Mr. Speaker Sir, may I ask the Assistant Minister what research he has done because I would prefer railway transport due to the high rate of road carnage in this country where about ten people die everyday? I would prefer to travel by train rather than by road. What makes you think that the citizens of this country would prefer to travel to Nanyuki by road and not by train?

Mr. Morogo: Mr. Speaker, Sir, hon. Ruhiu might prefer to travel by train but he is one in thousands of travellers who travel to Nanyuki and who would prefer to travel by train. Secondly, we have undertaken studies and we know that many people prefer to travel by road because it is faster to travel by road. In any case, I said that when it becomes viable we will rehabilitate and provide this line.

Mr. Sankori: Mr. Speaker, Sir, with your permission before I ask my question, I would like to protest to the Press for they have been always referring to me as hon. Sunkuli instead of hon. Sankori or Member of Parliament for Kajiado South instead of Kajiado Central. So, I am protesting to the Press so that they can differentiate between us Sankori and Sunkuli.

Mr. Speaker: I suppose the difference between Sankori and Sunkuli is quite clear. Proceed!

Question No. 777

COMPENSATION TO WILDLIFE VICTIMS

Mr. Sankori asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that Messrs Mpaine Murunya, ID/No.0087025/63 and Sasaika ole Murunja, ID/No.0088724/63 of Kajiado District were attacked by a lion and one killed while the other was badly injured; and,

(b) if the answer to "a" above was in the affirmative, whether he could consider paying compensation to the affected families.

The Minister for Tourism and Wildlife (Mr. Ngala): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Mpaine Murunya, ID/No.0087025/63 was attacked by a lion and killed while Mr. Sasaika ole Murunja Munjoro ID/No. 0088724/63 was badly injured.

(b) The compensation to the affected families will be paid as soon as my Ministry receives the Minutes of Kajiado District Wildlife Compensation Committee recommending the payment.

Mr. Sankori: Mr. Speaker, Sir, could the Minister undertake to give an assurance to this House that if I bring the Minutes and the recommendations tomorrow, you will pay the family of the deceased together with that of the injured person?

Mr. Ngala: Mr. Speaker, Sir, we have no problem. I was saying that if the procedures are followed, we will act accordingly.

Mr. Anyona: Mr. Speaker, Sir part (b) of the question as framed implies that the payment of compensation

is something that is not mandatory and I thought that in fact the Ministry is under obligation to pay compensation when Kenyans are injured or killed by these animals. Could the Minister confirm that, that is the case and then tell us what the correct procedure is because we cannot just have things go by default. Could you tell us what the procedure is?

Mr. Ngala: Mr. Speaker, we are glad to pay people who are injured or killed by wildlife. That position is confirmed and the procedure is that the District Wildlife Compensation Committees (DWCC) meet, do the evaluation and make recommendations to the Ministry which, depending on availability of funds, makes the payment.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. That still begs the question. The Minister says that the DWCC meets and makes a recommendation. Is it a recommendation as to whether or not a person is dead, or is it a recommendation as to whether or not the case qualifies for compensation? What is he talking about?

Mr. Ngala: Mr. Speaker, Sir, the recommendations are made on the two issues. First of all, we have to establish through the laid down procedures if somebody is dead or injured. So, after we have confirmed death or injury we allow payment of compensation.

Mr. Ndicho: Mr. Speaker, Sir, could the Minister consider reducing the bureaucracy in the processing of compensation claims for people who are killed or injured by wildlife, so that if a chief confirms death or injury of somebody by wildlife his Ministry pays compensation without waiting for hon. Members to raise Questions here? Could he consider reducing the period it takes and the work in processing claims, so that people are paid compensation easily?

Mr. Ngala: Mr. Speaker, Sir, we do not intend to change the procedure. In fact, hon. Members ask Questions on behalf of their constituencies. If the laid down procedures are followed to the letter, we will take action without delay.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, the Minister is talking about confirmation of death as if the person was killed by an elephant or a lion. Here is somebody who was shot by---

Hon. Members: You are wrong!

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I am sorry that I am on the wrong side. I withdraw what I have said.

Mr. Speaker: Dr. Lwali-Oyondi, I am very happy that in the end, you found out that you had no question to ask. Mr. Ojode's Question.

Question No. 559

COMPENSATION TO THE FAMILY
OF THE LATE ADEK JUMA

Mr. Ojode asked the Minister for Tourism and Wildlife:

(a) whether he is aware that Mr. Adek Juma of Kachuth Sub-location, Kwabwai East Location was shot dead by Kenya Wildlife Service (KWS) security personnel in February, 1996; and,

(b) what action he is taking to compensate the family of the deceased.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of the death of Mr. Adek Juma in February, 1996. However, I am aware of the death of one John Adik of Kachuth, Kwabwai East Location, who was shot dead by KWS security personnel on 20.1.96.

(b) There are no plans to compensate the family of the deceased because he was shot dead in pursuance of Section 57 (a)(2) of the Wildlife Conservation and Management Act, Cap 376. This section empowers a member of the Service to use fire-arms when he believes on reasonable grounds that he or any other person is in danger of grievous bodily harm. Mr. Adik was killed when he attacked the ranger using a panga with the intention of causing grievous bodily harm to the ranger.

Mr. Ojode: Mr. Speaker, Sir, the late John Adik Juma resided at the border of Ruma National Park and Kwabwai East Location. Mr. Juma was clearing his farm in January, 1996. When he went to answer a call of nature, he trespassed into the Ruma National Park, where he was shot dead by a Mr. Kiplasoi. The Cap 376 the Assistant Minister is referring to is not part of the Kenyan law. Could he read out to us what it says before we go further?

Mr. Kisiero: Mr. Speaker, Sir, I am sure that my colleague is able to read the relevant section. It is section 57(a)(2).

Mr. Ojode: On a point of order, Mr. Speaker, Sir. I am aware that I am very able to read for myself. But the section 57(a)(2) is not in the law book I have here; nor is it in the revised edition of the book. Could the Assistant Minister read it out to us so that we know what it says?

Mr. Speaker: Order, Mr. Ojode! I do not think we need to read the various sections of the law. We are in the business of making law, policy and asking and replying to Questions. I do not know whether you are disputing the fact that an Act of Parliament does exist. If that is the case, maybe you can put your question.

Mr. Anyona: Mr. Speaker, Sir, here were people who had fire arms, shot somebody dead and then claimed to have done so under a certain provision of the law, and that was the end of the matter. Here is a life of a Kenyan which has been lost. Can the Assistant Minister tell us whether, in fact, proper investigations have been carried out to establish that that act was done in accordance with the law? In that case, can he also tell us whether an inquest was carried out to establish that? We cannot take it for granted!

Mr. Kisiero: Mr. Speaker, Sir, investigations were carried out after this incident by the police. It was established that the deceased was in the company of two other people when they were found by two rangers in the Ruma National Park. When they were found the two friends of the deceased ran away and were pursued by one of the rangers, because they were in the National Park illegally. The remaining person, Mr. John Adik, attacked the remaining ranger. It was in the process of repulsing the attack that Mr. Adik was shot dead. So, he was shot dead because he had a panga, a rungu and a spear.

Mr. Raila: Mr. Speaker, Sir, this is a very clear case of the Assistant Minister not properly answering the Question. He is saying that the shooting was done pursuant to section 57(a) of Cap 376. But there is only in the Act section 57 and not section 57(a). Section 57 says:-

"Where a corporation is guilty of an offence under this Act or the rules every director, secretary or officer of the corporation shall, unless he proves the offence was committed without his knowledge or consent, also be liable to be prosecuted, tried, convicted and punished for that offence".

This section does not talk about compensation or give game rangers power to shoot people for committing offences. Could the Assistant Minister be asked to go and prepare a proper answer to this Question?

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Speaker, Sir, I am talking of Section 57(a)(ii) which states:-

"A member of the service may use firearms to the extent necessary for efficient management and conservation of wildlife including, but without prejudice, to the generality of the foregoing:-

(a)(iii) Any person who by force rescues or attempts to prevent the lawful arrest of himself or any other person, provided that---"

Mr. Speaker: Order! Order, Minister! I am sorry, time is up. The following Questions, therefore, stand deferred.

Question No.671

NUMBER OF JOBLESS PERSONS IN NDIA

(Question Deferred)

Question No.970

COMPENSATION OF WOMEN GROUP

(Question Deferred)

Question No.349

PREFERENTIAL TREATMENT FOR LOCAL SUGAR

(Question Deferred)

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. The Minister was waiting for the reply to my question and he promised that immediately he gets the reply he will answer. Is it also deferred?

Mr. Speaker: I cannot hear you.

Mr. Shikuku: When I tried to be co-operative to the Assistant Minister, I gave him my answer which I had received and he said he was waiting for his reply from the Office and now he says he has got it. Is my question also deferred?

Mr. Speaker: It is deferred as well. Next Order!

COMMITTEE OF SUPPLY

*(Order for Committee read being
Eleventh Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 1 - Office of the President

*(The Minister of State, Office of
the President on 1.10.96)*

(Resumption of Debate interrupted on 1.10.96)

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Speaker, Sir, thank you very much. As I was saying yesterday before the House rose about the insecurity in the country and the importance of this House, that is, both the Government and the Opposition side supporting this vote.

Mr. Speaker, Sir, let me mention something on the security situation especially in Marakwet where we have lost many people despite police struggling to go to Kerio-Valley to save the Marakwets.

It takes between eight to ten hours for police officers to reach Kerio-Valley to save the Marakwets from cattle rustlers. There is a short road which, if constructed, will take around 30 to 45 minutes to reach that place. I am requesting the Office of the President to look into this issue seriously so that we do not only say that we are protecting people, but also to use part of this money for security to construct some roads, so that the police can easily reach these places and save Kenyans. There are several things which we see in the newspapers concerning security especially in North-Eastern Province and other areas.

People are going without food and yet, the Government is having plenty of food to supply to those people. It may only be the logistics, but we urge the Ministry to be very serious and to take it upon itself. There is somebody who may not be having food and someone is just in the office idling, having taken lunch whereas there is somebody somewhere who is without any food. It is very serious and it must be taken very seriously that even the officers who are seated in their offices must put themselves in the shoes of those people who are in those areas suffering, so that they can speed this exercise up and be aware that those Kenyans are also in problems and must be saved.

Mr. Speaker, Sir, regarding the allegations of hon. Muite who yesterday said that in Baringo, every grass-thatched houses - I think, Mr. Speaker, you heard it very well - that they have been supplied with electricity.

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. The consultations are so loud that we cannot hear the Member contributing.

Mr. Speaker: Order! Order, Members! I think, Members must be interested in the business of the House. We are drowned by your own private conversations. We can hardly hear the Member on the Floor. So, can we please consult in silence? Proceed!

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Speaker, Sir, hon. Muite yesterday said that some grass thatched houses in Baringo District have been supplied with electricity which is a very wrong and alarming statement from the hon. Member. I believe most of us who pass through Kikuyu area see even kiosks supplied with electricity. This is wrong. If hon. Muite has proof and, let us be serious in this House, because what we are speaking today in this House is going to make Kenyans believe that even grass thatched houses in remote areas are being supplied with electricity. There is only one centre in my District which has electricity.

Mr. Muite: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to misrepresent what I said yesterday. I did not say all grass thatched houses, I said, there are some grass thatched houses in Baringo with electricity. The proof, is that, I have seen them with my own eyes while touring Baringo.

Mr. Speaker: Order! Order! Is there anything wrong for a grass thatched house to have electricity?

Hon. Members: No!

Mr. Speaker: Proceed!

The Assistant Minister for Lands and Settlement (Mr. Kaino): Mr. Speaker, Sir, on the issue of parking boys in this City and not only here, is alarming that Kenyans and even this House must address itself very seriously to.

Mr. Speaker, Sir, there are disabled persons who have been dumped on the streets. We are running away from our commitments and responsibilities. We would like the Government and the families of the disabled to take care of those people. It is the State and the families' responsibility not to dump, but to protect those people. It is a

pity not only in our eyes but also in God's. Besides the disabled, the parking boys and girls should be taken for some purposeful and gainful training so as to be productive citizens of this land and not to loiter in the streets. I know there are so many researchers who have done research in the issue of parking boys. We need to look at it very seriously because if we leave it to continue happening in this City, Nakuru, Nyeri and other towns, in future there will be a very serious problem in those towns. It will not be an issue for a particular party, but for all parties and all Kenyans. So, we need to take care of it seriously, because the issue of parking boys in this Town and all other urban areas must be addressed very seriously so that there are homes to cater for these people and they should be given training, so that they can serve and promote this country economically.

Mr. Speaker, Sir, with those few remarks, I support the Motion.

Mr. Nyagah: Thank you, Mr. Speaker, Sir, for giving me this opportunity. Let me quote a great philosopher who started off yesterday by saying: "That our lives revolve around this Office of the President." In the name of hon. J.J. Kamotho. Having said so, certainly my life does not revolve around this Ministry and I will prove why it does not revolve around this Ministry. I will be very brief for five minutes and hon. Ndwiga has asked me to give him my other five minutes.

Mr. Speaker, Sir, I would like to talk about three items, the first one being registration of persons. We would urge the Ministry to ensure that there is no more police harassment to the young men who are above 18 and have not been given Identity Cards. There is no law which says, that every citizen above 18 should carry an Identity Card and this is how corruption has found its roots within the police force when they give it as an excuse.

Mr. Speaker, Sir, what the law says is very clear, that every person shall be registered and must have an ID card. This, unfortunately, has taken us too long and we appealed to the Government, particularly at this time which is leading to the general elections to ensure that we have enough mobile vehicles to be able to cater for a big section of this country that has not been registered.

The other issue I would like to revisit is one on security. One month ago, I wrote to the Provincial Commissioner, Eastern Province, complaining of looming danger in a place called Mwea Location, which falls squarely within Gachoka Constituency, where predominantly four tribes live; namely, Kambas, Kikiyus, Mberes and Embus. In Mwea, anybody who is not Kamba has had his shamba invaded. We have lived in great harmony, and the Minister for Culture and Social Services had better listen to what I have to say. Today, I received a letter from the Provincial Commissioner, Eastern Province, telling me that, he will, in due course, brief me on the security problems that are happening. So, this is factual. Communication has come from the residents of this area, where clashes have already started taking place. Names of the people, who are leading the clashes have been given and yet they are still roaming free. When you go for the District Development Committee (DDC) meetings, these are the people who are sitting next to us. I want them to understand that this is being led by the Chairman of the County Council, who also has brought in a lot of people from Yatta to register within Gachoka in the ranching scheme. This is serious because they want to get certain votes in this area. But I am very happy that the Minister has brought in the Permanent Secretary to listen to what we are saying about this.

An hon. Member: He is laughing at you, he is not listening to you!

Mr. Nyagah: Mr. Speaker, Sir, having said so, this area called Mwea has three locations: Makima, Karaba and Riakanao, which is a new location. We have a Mumbere chief in Makima, we have a Mkamba Chief in Riakanao.

Right now, we have interviews going on and I would like to make an appeal, as a Member of Parliament. I have no specific name or person that should take up this job. However, in order to harmonise all the four tribes living there, I would suggest that they either take a person from Embu or from Kirinyaga, who predominantly lives within Mwea. This will create a balance within this area.

Mr. Boy: Huo ni ukabila!

Mr. Nyagah: Mr. Speaker, Sir, hon. Juma Boy can give his own views of what he thinks. I am being mindful of the people who live there. As I have said before, if he cared to listen, I do not have anybody in mind. Time has come when this Parliament must have mature people and not "little babies".

An hon. Member: Nani?

Mr. Nyagah: Mr. Juma Boy. Let me advise the young man, he has many miles to go---

Mr. Speaker: Order, order! Can we address the Chair? I think it will help matters a lot, Mr. Nyagah, if you address the issues, not the persons. Proceed!

The Assistant Minister for Energy (Mr. Nang'ole): On a point of order, Mr. Speaker, Sir.

Hon. Members: Hapana!

Mr. Speaker: What is it, Mr. Nang'ole?

The Assistant Minister for Energy (Mr. Nang'ole): Mr. Speaker, Sir, my point of order regards a categorical statement that Mr. Nyagah has made, that it is time we have mature hon. Members in this House. Can he tell us who in this House is not mature?

Mr. Speaker: Order! I have already ruled on that. Proceed.

Mr. Nyagah: Thank you, very much, Mr. Speaker, Sir. Before I give my five minutes to hon. P.N. Ndwiga, I have this last point to say about Provincial Administration. Two years ago, a Chief in Kiambere was interdicted along with a District Officer in Gachoka. The DO has since then been transferred to another area. The case was taken to court and this particular Chief was not found guilty and hence, was reinstated. Since that happened, I have talked this over with the Minister in charge of Provincial Administration and he has assured me that this Chief will get all the protection that he needs so that he can go back to his own office and operate. But because of the great clanism that exists in this area, this Chief's office has been invaded by Administration Police (APs), the office has been blocked with stones and he has not been there for the last seven months since he went in. May I now appeal, once again, so that the people of this location can get fair justice from this Government? My appeal is, that, you either get rid of this Chief, if you do not need him or you give him the protection that he needs so that he is able to administer justice to the people that he has been appointed to look after.

Lastly, Mr. Speaker, Sir, because hon. P.N. Ndwiga has asked me to continue---

Hon. Members: No!

Mr. Speaker: Mr. Nyagah, you would rather use your two or three minutes.

Mr. Nyagah: That is precisely what I have said, hon. P.N. Ndwiga has asked me to continue. He does not need the five minutes. Now, I would like to address the question of famine relief. It is very difficult to speak to people who speak little English or understand very little English because this is what we go through. People who went to "bush schools". I have occasionally told them---

Mr. Speaker: Order, Mr. Nyagah! I have had occasion to ask you to address issues and the Chair. Why are you on a war-path today? Can you direct the issue to the Chair?

Mr. Nyagah: Mr. Speaker, Sir, I have no quarrel with the Chair; the Chair speaks extremely good English and does not interrupt. However, on the question of relief food, may I appeal to the Minister and his team, that since many parts of the country have missed rain for the last three years and Mbere District is among those areas, that the rations that have been given have not been enough. I know the Member of Parliament for Siakago has on many occasions made appeals through the DC and the PS so that we can get food. I do appeal this time that the number of bags of maize that have been given to us is not enough, and lastly, request that we get a balanced diet. If you go there, the most disadvantaged people that you see are little children with big tummies; children suffering from marasmus and kwashiorkor.

With those few remarks, I beg to support.

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, I do thank you very much for giving me this opportunity to contribute to this very important debate.

First, if this country has to develop, if we have to continue to attract both local and foreign investment, we need to continue to improve our security. We must thank the Office of the President for the sterling job they have done in the past and continue to do under very difficult circumstances.

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

An hon. Member: Kaa chini Bwana!

Mr. Speaker: What is your point of order, Mr. Muite?

The Minister for Commerce and Industry (Mr. M'Mukindia): Would you please give me time?

Mr. Muite: Mr. Speaker, Sir, I am waiting for the hon. Minister to sit down in accordance with the rules of this House. The business of this House is conducted in accordance with the Standing Orders, and we are all subject to the Standing Orders. The Standing Orders are made by this House, pursuant to Section 56 of the Kenya Constitution which gives this House the powers to make Standing Orders to regulate its own procedure.

It is my contention that provided a Member of this House brings himself within the provisions of a particular Standing Orders, that Member is entitled to be heard. I wish to bring myself within the provision of Standing Order No. 45 (b) which gives any Member of this House the right to move a Motion, without notice as long as that Motion is in accordance with Standing Order No. 45 (b).

Therefore, pursuant to Standing Order No. 45 (b), I now move the following Motion without any notice;

"That this House do now adjourn and the matter appearing on the Order Paper be adjourned as an expression of this House's outrage with the conduct of the Sessional Committee in taking out off today's Order Paper the Motion on KCC by hon. Kirwa and that this House remains adjourned and debate on any other matter remains adjourned until such time as the said Motion on KCC by hon. Kirwa is debated and disposed off".

Hon. Orengo will second the Motion.

(Mr. Orengo stood up in his place)

Mr. Speaker: Order, Mr. Orengo, sit down. I suppose hon. Members, first of all, must have acquainted themselves with the totality of the Standing Orders. I think the House is aware that on a Supply Day like today, the business of the House shall not be interrupted under any Standing Order. I therefore rule that the attempted Motion by the hon. Member for Kikuyu---

Hon. Members: He is the Member for Kabete!

Mr. Speaker: Any change of the constituencies shall take place upon dissolution of the House, not earlier. So, he still remains the Member for Kikuyu, until the House is dissolved. So, I now rule that, that Motion cannot be moved under the Standing Orders. So, we proceed.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I appreciate the ruling you have given, but I just want to make one clarification so that we are fairly clear in this House that the Sessional Committee in its meeting yesterday in no way did it remove the Motion from the Order Paper.

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

Mr. Speaker: Order! I cannot accept this disorderliness. Hon. Members know that when another Member has been given the Floor to raise a point of order, he shall not be interrupted. So, can we do that.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, the position was very clear that the Sessional Committee received an appeal to the effect that the two Ministries, Ministry of Agriculture, Livestock Development and Marketing and the Ministry for Co-operative Development needed to have consultations and that business after consultation it was going to be debated next Tuesday.

Mr. Speaker: Order! We are now going contrary to the Standing Orders; we are getting into business other than that under the Committee of Supply. Can we proceed?

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

Mr. Speaker: Order, Mr. Orengo! I suppose, Mr. Orengo, you must always obey the Chair. When you are called to order, take the order. I have said that we are getting into business other than that business under the Committee of Supply. Can we proceed?

The Minister for Commerce and Industry (Mr. M'Mkindia): Thank you, very much and I wish the hon. Member will give me time.

Mr. Speaker: Order! What is it?

Mr. Orengo: Mr. Speaker, Sir, this is a serious point of order in the sense that hon. Muite rose on the basis of Section 56 of the Constitution. As far as I am concerned, where the Constitution is in conflict with any law or with any order or regulation, the Constitution shall take precedence. As we sit now, we are sitting as Committee of the House. This is the Committee of Supply. If you read Section 26 of the Constitution, it reads as follow:-

"(1) Subject to this Constitution the National Assembly may make Standing Orders regulating the procedure of the Assembly including in particular orders from the orderly conduct of this institution"

and most important,

"Subject to Standing Orders made under paragraph (a), establish Committees in such manner as to serve general and special purpose as it is deemed fit to regulate the procedure of any committee so established."

Mr. Speaker, Sir, my position is this, that as we sit here as Committee, the House still has powers under the Constitution to regulate the procedures of this House as we sit as a Committee of Supply. If that is the position, if any Committee of the House including this one because we are sitting as a Committee, does not abide by the regulations of the House, then this House can still regulate the Committee, and for that reason I agree with hon. Muite that we should sustain---

Mr. Speaker: Order, Mr. Orengo! First of all, you are absolutely wrong. The House is not in Committee at this time. The Motion before the House is that, Mr. Speaker do leave the Chair. When that question is put and agreed to, the House goes into Committee. For now we are not in Committee, in any case it does not matter. Even if we were in Committee, the position is that the Section you have quoted of the Constitution does confer upon the House to decide on regulations to conduct if need be. It is through that Section that we got the Standing Orders of this House. Now, Standing Order No.141 of our Standing Orders, I believe state clearly that:-

"On an order of the day for the Committee of Supply being read, Mr. Speaker shall leave the Chair without question put unless a Minister moves that the Speaker doth now leave the Chair for the purpose of enabling the Minister to initiate debate on the policy implied and awarded for which he is responsible"

Standing Order No. 142(8) further states that:-

"On any day upon which the Chairman is under this order directed to put forthwith any question the consideration of the business of Supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall

not be interrupted under any Standing Order."

Now, that is the position. Proceed, Mr. Minister.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. I think it is important to get this matter clear. As far as I am concerned, the three positions that you have stated are correct;

(a) that the business now before the House cannot be interrupted in the manner you have said;

(b) that this matter has nothing to do, at this stage, with the Constitution, we are now operating under Standing Orders made under the Constitution. That is why hon. Muite was using Standing Order No.45; and,

(c) that we are not in the Committee yet.

But, Mr. Speaker, Sir, I think you do need to clarify one point, in view of the point raised by hon. Muite about a matter that transpired in the morning Sitting, which is a different Sitting from this one, which in any case was Private Members' Day and this is Government's Day is it possible, under our Standing Orders, to seek to stop the Business of this particular Sitting on the basis of some "miscarriage" which you said it was in another Sitting? I think it is important to make that clear so that we do not have this confusion in the future.

Mr. Speaker: As far as the Chair is concerned, I think a few things must be set clear. The Sessional Committee is a Committee of this House. I also believe that all the major political parties are represented in that Committee, and I also believe that hon. Members who have sent their representatives to that Committee are owed an explanation, if at all, either by the Sessional Committee as whole or their representatives in that organ. But I also believe that the business of this House cannot be interrupted because a particular hon. Member or a section of hon. Members are unhappy about what has transpired in a lawful Committee of this House. I think, in my opinion, to try to do so is really an abuse of the process of business of this House. I think hon. Members must be discouraged from doing that. Now, we have left that issue out, proceed.

The Minister for Commerce and Industry (Mr. M'Mukindia): Thank you, Mr. Speaker, Sir, for that very clear clarification, finally.

I was commending the Office of the President for ensuring that the security of this country has been maintained and continues to be maintained despite the very difficult financial environment in which we operate. There are some areas that need more emphasis. In the arid zones of Eastern and North-Eastern Provinces which form probably more than half the size of this country, it is not possible to attract investment of any form in those areas under the current environment because---

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

Mr. Speaker: Overruled! Order! I do not know what to do.

An hon. Member: Use a stick!

Mr. Speaker: I am not a headmaster of a primary school!

(Laughter)

The Minister for Commerce and Industry (Mr. M'Mukindia): Thank you, Mr. Speaker, Sir.

The issue of cattle rustling and general insecurity in the arid zones is really a matter of national importance that requires great emphasis than has been given, hitherto.

While I know that my colleague is working extremely hard to ensure that the problem of insecurity in this country is tackled, I would propose that we plan over a five-year period to totally eradicate the menace of cattle rustling and general insecurity in our arid and semi-arid areas. Those would call for increased financial budgeting to tackle this problem and open the whole country for development and investments.

The police force in this country operates under very difficult circumstances, as we all have seen in the newspapers today and yesterday. Therefore, we must commend them for the hard work they do again, despite the very difficult circumstances under which they operate. Nevertheless, perhaps, the time has come to look at the possibility to review and up date the Police Act in order to ensure that the police force operates under the current environment so that they can deal effectively with all kinds of crimes that are occurring in the country. They can deal with the situation as it is at the moment and also to ensure, perhaps, the possibility of deploying local police officers in their local areas. I have noticed with the deployment of even Government officers in their own localities there tends to be an improvement in the service by those officers. All too often now, when officers are transferred from one locality to another where they were not born, it will seem that some of them get a do-not-care attitude. Perhaps, a mixture between local police and national police may be a good thing to try, but I urge the Minister, the Office of the President, as well as the Police Commissioner to try to see how best to review the rules and regulations governing the police to see how best to operate at this point in time.

Mr. Speaker, Sir, we know that there have been a lot of accusations against the police of all kinds of things, but I think only a few officers, perhaps, maybe guilty of certain illegalities. It would not be fair to accuse the police

force, *en masse* either because of corruption or other things. Nevertheless, I, personally, have had occasion to urge that the Police Commissioner removes unnecessary bottlenecks from trade which hamper free trade either locally or internationally. Despite the good intentions of the road blocks, it is unfortunate that road blocks tend to hamper trade, they become tariff barriers.

Mr. Gatabaki: On a point of order, Mr. Speaker, Sir. The hon. Member is talking about investment and facilitating trade. Only recently, this Minister closed a billion shilling industry. Is he in order?

Mr. Speaker: Order! Order! I prefer hon. Members to have some patience. Hon. Gatabaki, I am sure, you just want to put your statements across. If you want to do so, "catch my eye."

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, if you allow me tomorrow, I will make a full statement on the whole Nakumatt affair so that Mr. Gatabaki can stop his speculations.

While I continue to look at the problem of hampering trade, I would urge my colleague in the Office of the President to see that he minimises the number of road blocks in our roads. Our neighbours have complained, Uganda and Tanzania and even local traders are complaining, and really it is not possible to link the minimization of crime in this country with the number of road blocks on our roads. All too often, they happen to be bottle-necks in trade.

Mr. Speaker, Sir, while we appreciate the difficult circumstances under which the police force operates, I think certain changes in a few regulations and an increase in training of our police force could actually increase their effectiveness. It is important to show the police new ways of doing their work, exposing them, perhaps to the practice in other countries, knowing how to deal with foreigners, locals and so on. There is a general decline in the image of police force in the eyes of the people. It is, therefore, important that this is taken seriously because it is affecting even the attitude of our wananchi towards the police force as a whole.

Finally, I would like to say that if we, in this House, flout our own regulations, how would we expect the wananchi in this country to respect the laws which the MPs themselves do not respect? Yesterday, a hon. Member of this House stood up and, without facts, besmirched somebody's name; somebody who was actually defenceless in this House. That is why I have humbly requested to be given a chance tomorrow to make a full statement on the whole of Nakumatt affair. It is absolutely important that we become responsible for our utterances and I do support that we change the rules of this House to ensure that any Member who deliberately besmirches the name of somebody who is defenceless in this House can actually be prosecuted or taken into a civil court. Only then are we going to be responsible as hon. Members of this House.

Too often, even outside this House, we challenge laws which have been passed in this House and we are the ones who pass them. How then do we expect the wananchi not to follow our very poor examples? Only by changing and ensuring that there is discipline in this House can we actually operate by the rules of this House, knowing that if we are taken to task, we are accountable and we are going to be accountable to those regulations and build a disciplined society outside this House. Several times we have heard of the poor performance of the sixth Parliament, but this seventh Parliament will go a long way---

Mr. Speaker: Mr. M'Mukindia, if I may ask, how relevant is this to the Motion on the Vote of the Office of the President?

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, it is really a fact that we tend to encourage illegal activities ourselves by our own bad examples. What kind of examples are we setting up? What kind of discipline are we setting up in this country? What can we expect the people who elected us to do when we tell them that they can challenge the laws that we ourselves are supposed to obey?

Mr. Mulusya: On a point of order, Mr. Speaker, Sir. Since the Minister has categorically stated that we encourage illegal activities, can he enumerate the illegal activities that Members of this Parliament are encouraging?

Mr. Speaker: Order! Will you keep off that subject? Can you contribute to the debate before you?

An hon. Member: Why are you protecting him?

The Minister for Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, I could enumerate a number of cases but I will abide by your rulings. I will say that if you want to ensure that we have security in this country, we must have some image that everybody in this country respects and is respected by the foreigners who will feel safe to come, live, work and invest in our country. We ought to be an example. Therefore, while not moving away from your ruling, I believe the privileges of this House ought to be reviewed in order to ensure that all of us are responsible for whatever we say in this hon. House. Therefore, we must respect the law and regulations.

With those few remarks, I beg to support.

Mr. Anyona: Mr. Speaker, Sir, I want to speak on the Motion on the Office of the President.

The role of the Office of the President in any country is a unique one. That is why today we are being asked to appropriate some Kshs15 billion because of that crucial role it is intended to play in the management of Government, but the point is: Is that expenditure justified? That is the only question this Parliament must ask. We have no problem in giving the mandate, but the question is: Is it justified? What is it used for and is it used effectively or is it

misused to mess up the country? As far as I am concerned, the Office of the President has three crucial roles. The first role is to create and project an overall favourable image of the Government and of the country. I do not get the impression that the Office of the President creates and promotes an overall image of this Government and of this country. That is point number one.

Second point; the Office of the President is intended to coordinate and control Government operations; the implementation of Government policies. My impression again is that this Office of the President does not do that at all.

Thirdly, the Office of the President is supposed to provide or to ensure that there is both internal and external security of the citizens and their property. Leaving the external aspect aside because it takes two to have an external war, let us deal with internal issues. Do you really get an impression when you listen to the radio, when you know what never gets to the radio and to the newspapers and if it ever gets there it is silenced, that this Office ensures that both security for the country and for the citizens is enjoined? We have two very important organs of Government in this Ministry, that is Provincial Administration and the Police Force. I know the Minister is there, but their role of these organs again is slightly different. Do you get the impression that these two serious organs of Government perform the role of ensuring security for the citizens and their property? I do not, myself. What I am saying is that the Office of the President, important as it is, has failed to provide the need to create an image of this nation. The Office of the President is identified with the President who is also the Head of State and that is supposed to be the embodiment of this nation, leave alone this Government. My impression is that the functions of the Office of the President, the powers of the Office of the President are being misused by various organs under that Ministry and I have no hesitation in stating categorically that the Provincial Administration has continued to act as an army of occupation, a foreign army that is here to oppress Kenyans instead of providing security.

The Provincial Administration is involved in acts of corruption and injustice. I know someone might dare to ask me to substantiate that, but without even being asked, I will offer to substantiate. You will remember that, before we went on recess, I stood up with a very heavy heart to recite some of the injustices; corruption, brutality, tortures and violations of human rights of Kenyans across the country and particularly in Kitutu Masaba, which I used as a study case. I did promise that I will prepare a dozier to prove that point. I want to say that, this afternoon, I have done exactly that and I am going to lay this document on the table. This document tells a sad story of the woes of violations of human rights of the people of Kitutu Masaba, but I am sure that it is even worse elsewhere because, at least, we in Kitutu Masaba stand up and fight. There are many areas where they do not even do that. I am going to lay the document on the table after a little while.

Secondly, I want to speak about Nyamira and Kisii in respect of Provincial Administration and I am going to zero-in on two officials; the PC for Nyanza and the DC for Nyamira District because these gentlemen are not officials of the Provincial Administration. They are pseudo-politicians who have come there to confuse people. There are pseudo-politicians who come there to confuse the politics of the area.

Mr. Speaker, Sir, I can say a lot of things on my own, but this afternoon, I would like to read to this House a document which goes through just what I have been saying. So, with your indulgence, Mr. Speaker, Sir, I will read this document. The document has a title, "The Disciple Who Would Be Prime Minister". It is talking about the Provincial Commissioner (PC) for Nyanza and a District Commissioner (DC) in Nyanza Province. If I may read a few paragraphs, it reads as follows:

If it was not for me, this Government would not last for a week. Such was the arrogance which came to characterise the late powerful Permanent Secretary, Mr. Hezekiah Oyugi.

I was not here that time. I was in jail so I do not know whether he ever said that.

He could say this with impunity as no person dared to whisper, even the Special Branch.

Mr. Speaker: Who is the author of that document?

Mr. Anyona: Mr. Speaker, Sir, this is a document which was mailed to me. I found it in my mail here. It is not signed but it gives certain facts which I would like this Government to investigate and find out, because it involves the security of this nation.

Mr. Speaker, Sir, it is for the Government---

Mr. Speaker: Order! Order! Order, hon. Members! I suppose that the only reason why I asked hon. Anyona to state the author of what he is reading, is to establish its authenticity. I think this House does agree with the ruling that unless a document is authenticated by a signature, then it is of absolutely no value as a document. If the hon. Member does agree that it is not signed, it, therefore, means that it is not a document. This is because, for it to become a document, there must be a signature. So, it is just a piece of paper.

Mr. Anyona: Mr. Speaker, Sir, I agree with you entirely. The matters raised in it are not in my competence to determine one way or the other. I do not know how I can do that, but I am saying that this Government has a responsibility of ensuring the security of the State and of Kenyans. There are some parts here which should be investigated. I want to make them available to the House.

Mr. Speaker: Very well, let us hear them.

Mr. Anyona: Mr. Speaker, Sir, it goes on to say:

His disciple and mentor, Mr. Joseph Kaguthi, current PC, Nyanza has not only followed his master's footsteps and intrigues, but aims at bigger stakes. While Mr. Oyugi was the architect of the formation and registration of the original FORD, with him as chief secretary, Mr. Kaguthi intends to lead a silent coup for the house of Mumbi, with him as the chief secretary. Mr. Oyugi created the special DOs in order to control the intelligence of the country. His disciples want to control the Government from the top. He is planning to abolish the posts of Permanent Secretaries, Directorate of Personnel Management and create a director who is answerable to the chief secretary.

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Speaker, Sir.

Mr. Anyona: In this way, he will control both training and promotion of personnel in the entire Civil Service.

Mr. Speaker: Order, hon. Anyona, there is a point of order.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I think the hon. Member is turning the House into a church. We do not know the author of the document that he is reading. Therefore, it has no relevance to my Ministry at all. So, should he not stop it?

Mr. Anyona: Mr. Speaker, Sir, I intend to lay this document on the Table.

Mr. Speaker: Your time is up. The Floor is now for, Dr. Towett.

(Mr. Anyona laid the papers on the Table)

Dr. Towett: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity to say a few words on this very important Vote of the Office of the President.

In the first place, Sir, I would like to thank the President for the work he is doing everyday. He is working full time all the time. At the same time, I would like to ask those officers in the Office of the President, not to let the President down. They should support him. Even those who are from Opposition areas and those who have got brothers in the Opposition should support the President. They are working for the time being. That is very important.

Mr. Speaker, Sir, I will say very few practical points. First of all, every DC in this technological age must have a fax machine. I am not selling fax machines but every DC must have one. This is because the speed in time is going very fast. So, no DC should say that he has not been given a fax machine. The Office of the President must ensure that every DC has a fax machine.

Secondly, there is a rule that when we apply for political or Harambee meetings, there is a requirement that you should apply and wait for 14 days. At the same time, we are now having closer administration to the people. Therefore, the Office of the President and the Attorney-General must reduce the requirement of 14 days to seven days. Seven days are enough now, with all the peace. This 14 days rule was necessary a long time ago when letters used to be posted from Kisumu to Nairobi, and then posted to Kisumu. Now, things are much quicker. So, I suggest that the requirement of 14 days to apply for a licence to hold a public meeting or Harambee must be reduced to seven days.

Thirdly, I want to talk about police officers who are also prosecutors in the courts. I suggest and maintain that it is wrong for a police officer who is a court prosecutor to prosecute his fellow clansman. He has got feelings as a human being. To pretend to prosecute his clansman is not good. He has got feelings and sympathy. So, he should not prosecute. He must be a gentleman or a gentle lady to say: "I am sorry, this one is my clansman and, therefore, I will not be a prosecutor in his case". This must be done by all police prosecutors.

The same thing applies to magistrates. They should not say: "Alright, I am a Kipsigis and the man in the dock is a Kipsigis and I am going to listen to his case". That is not good. If there is a Kipsigis and a Kisii or a Kipsigis and a Luo quarrelling, a Kipsigis magistrate must say: "Sorry, I am not going to sit and hear this case". The same applies to a Luo magistrate where there is a Luo and a Kipsigis quarrelling. It has to be practical and not the feelings of the people. So, magistrates who have done their best can say: "Okay, this is my best". But the people will say that was his brother or clansman. It is not a reality. It must be real and take into account the feelings of our people who are the ordinary men.

Mr. Speaker, Sir, my last point is about time. Our office hours end at 5 o'clock, but in some places in the districts, our meetings end late, because we politicians turn up late and even Government officers also do the same. There should be no meetings after 5 o'clock, whether licensed or unlicensed, because this is causing a lot of inconveniences to the information officers who are forced to wait and the meeting goes on up to 6 o'clock in the evening. Politicians should be punctual.

Again, Mr. Speaker, Sir, the DCs are criminals number one when it comes to time. I am saying so, because they start their meetings late, and when they say that their meeting will commence at 9 o'clock or 10 o'clock, they start the meeting at noon and goes on until 6 o'clock. It is inconceivable that others in the name of DCs do not go by the

time they have themselves set. The same applies to the chiefs and the police. Any meeting should start at 10.00 a.m. and end at 5 p.m, but then you will find them continuing up to 7 p.m. Those are rough things which we are supposed to correct. I am telling the officers in the Office of the President to ensure that when a licence is issued for 10 o'clock to 4 o'clock, the meeting must end by that time. But if you go against the time stipulated in the license, you are committing a crime against yourselves. Is that not stupidity? It is stupidity.

So, the DCs and the chiefs must ensure that public meetings with or without licenses must end by office time, 5 o'clock. But going beyond that is not fair for the participants, because some people go there in time, and then wait for two or three hours before the meeting takes off. If the meeting does not start after half an hour of convening it, then it should be written off and the license withdrawn to avoid wasting people's time.

Mr. Speaker, Sir, the chiefs are criminals number two, because of time. They call meetings at wrong times, turn up at the wrong times and end up at wrong times. I hope that the Office of the President will ensure that we adhere to punctuality, because adherence to punctuality is very important. I do not think I should add any more apart from those ones, but I also applaud the Minister who moved this Vote for his efforts and clarity in moving the Vote.

With those few remarks, I beg to support.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

Mr. Kamuyu: Thank you, Mr. Deputy Speaker, Sir. I stand to oppose this Motion. However, I begin by registering my disgust on the way Dagoreti Constituency has been divided into two, and not given two MPs. My main support area of Kangemi has gone to Westlands Constituency for which reason I intend to organise a major protest march, because we are not going to allow that kind of a thing to happen.

However, Mr. Deputy Speaker, Sir, my observation to this Motion will touch very briefly on the police, chiefs and general administration, because Kshs15 billion is a lot of money and it must be properly managed. I must emphasise that there are problems of the very basic level with our Police Force. Perhaps, the most poorly paid civil servants in this nation are the police, and it is no wonder that they usually have two jobs to do. They have one job of ensuring security and another job of ensuring insecurity. They are hired by criminals, because they are professionals to supplement their very, very little salary. "Usimangamange"!

The Assistant Minister, Office of the President (Mr. Manga): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is saying that the police are being hired. Can he substantiate those allegations?

Mr. Kamuyu: Mr. Deputy Speaker, Sir, there are so many of them in courts of law. Why should I bring matters which are before the courts of law here? There are more than 300 of them in court at the moment, and they have all been charged with robbery. If you look at the Embakasi Airport Police Station, they even stole their own salary! Have you forgotten so soon?

(Laughter)

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Whereas I wish to sympathise with my hon. colleague who is lamenting the "mutilation" of his Constituency, is he in order to allege that there are 300 policemen charged with being hired as criminals? That is untrue, unless he can substantiate.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, they are not hired, but they hired themselves to steal their own salary at Embakasi Airport Police Station.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, we have asked that this hon. Member do substantiate his outrageous claims, but he has not done so. Therefore, he should withdraw or go out of this House.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, you can see the kind of people we have. He is asking you to throw me out of the House. He does not even know that substantiation is not necessarily in writing or paper work. I have been in this House for 10 years, and he is a new-comer.

(Applause)

Mr. Deputy Speaker, Sir, may I continue.

The Minister of State, Office of the President (Mr. Kalweo): On a point of order, Mr. Deputy Speaker, Sir. The fact that an hon. Member has been in this House even for 100 years does not qualify him or her to run away

with facts of this House. Could he substantiate or withdraw those allegations, because those who are currently in court were arrested as thieves, and not as policemen?

Mr. Kamuyu: Thank you, Mr. Deputy Speaker, Sir. I will now turn to another subject, because I am not interested in engaging in an argument with friends like hon. Manga. Sometimes I wonder---

The Assistant Minister, Office of the President (Mr. Manga): Mr. Deputy Speaker, Sir, this hon. Member is ignoring the Standing Orders, because he has been asked to substantiate his allegations, and he continues to intimidate those asking for substantiation.

Mr. Kamuyu: Mr. Deputy Speaker, Sir, again, you can see what is happening here. They are trying to force you to do things which you are not used to. You are a very good Speaker.

(Applause)

Mr. Deputy Speaker, Sir, I will continue to say that when application of this Kshs 15 billion is looked at in a very serious manner, the Army, Intelligence, the Special Branch and the Director of CID are all headed by a group of people from the same village somewhere in the Rift Valley Province. I did not say Tugens; do not put words into my mouth. Are we really safe in this country when all this money, a great percentage of it goes to the Army management, Special Branch and Intelligence? In my view, the Intelligence should be scrapped, and there should be no Special Branch in this country at all, because all they do is to lock me up at the basement of Nyayo House and the dungeons there which they did for several weeks. They spend a lot of money and time just to make other people suffer. Do you know that I was there for 14 days without food?

Hon. Members: How did you survive?

Mr. Kamuyu: I depended on Jesus Christ! This Kshs15 billion must be properly managed. Who is the new head of the Army? Who is the new head of the Intelligence? Who is the new head of GSU and who is the Director of CID? I pose for that response. Are we safe? Are we spending our money properly? That is why there should be a constitutional change immediately so that we can have a Prime Minister in this nation. And then we have we can have a President who is a mzee, you know, an adviser, then one or two vice-presidents. Let us distribute power. Let us not be selfish. Everybody wants to have a share of the cake of leadership. Even people from North Eastern Province should be given a chance so that we can see what they can do, especially now that Mohammed is out.

Mr. Speaker Sir, the other day, just to demonstrate about the police again, there was a big accident near Dagoretti. I stopped to take an accident victim to hospital who died five minutes later in my car. Here I was alone alive, with a dead person in my car. I went to Kilimani Police Station and they would not give me any assistance because they were too drunk ; too disorderly and I had no *TKK*. I went to the mortuary and the attendants told me that I should be accompanied by a policeman. I went back to the police station and they had to look for the OCS (Officer Commanding Station). So, for three and a half hours, I was sitting there in the middle of the night dozing with a corpse in my car. Finally, I dropped the corpse outside the police station for them to take care of it because I was fed up. These are the kind of areas where we are talking about police management whereby we are putting too many novices in very important areas. We must be careful not to head quickly into anarchy.

Mr. Mulusya: You people, why can you not stand on a point of order?

Mr. Kamuyu: Mr. Speaker, Sir, the chiefs in this nation are more powerful than Opposition Members of Parliament. You have to kneel before a chief so that he can grant you a licence. Is KANU so scared of the Opposition that it cannot allow free speech for five minutes for a Member of the Opposition? If you give freedom of speech from this House up to the constituency level, there would be much more freedom in this nation. But the moment you muzzle our mouths, then we blow up. That is the only way we can speak. Let us have the freedom out there in the constituencies. Let the chiefs be told in no uncertain terms to respect Opposition Members of Parliament. There is no use for me to kneel in front of a chief. I would rather continue with my meetings without a licence and that is what I will do and that is what I do. Those are the chief areas that we must look at because if we do not receive co-operation from a simple person like a chief at constituency level then what are you supposed to do? You just revolt. And when that happens the biggest losers are KANU and not the Opposition. The Opposition gains. In fact, when you throw teargas at Opposition meetings, they become more popular for your information. If you allow them to speak freely then KANU will even gain out of that. When you go to Britain today, there is a young man called Tony Blair. If you go to USA now there is Bill Clinton. There is also Netanyahu and others. You see, the world today is now geared towards management by the younger generation like Chris Kamuyu here.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, yangu ni machache kwa sababu ukweli ni ukweli na propaganda ni propagnnda. Pesa zilizotajwa hapa kutolewa kwa Ofisi ya Mtukufu Rais ni chache. Hii ni kwa sababu katika Afrika ikiwa kuna Rais ambaye anazunguka kuhubiri amani kama Rais Moi, basi hatujamsikia katika televisheni, redio na hata katika magazeti. Yeye huzunguka kila pahali

akisema tulieni, sikizaneni, mpendane na hajapumzika hata siku moja. Na tena yafaa pesa ziongezwe. Baada ya Uhuru kupatikana katika Kenya, ulikuwa ule wizi wa kuvunja mabeki na kutumia silaha. Kwa hivyo, ningepesha hizi pesa zitolewe kwa polisi ili waweze kulinda amani iliyoko katika Kenya. Wizi wa kutumia nguvu unaifanya Kenya ifananane "A cowboys country". Yaani, kama kule Amerika ambapo watu wanapata taabu. Nasema pesa hizi ni chache kwa sababu ya amani tu. Watu wengine ambao hawajui nataka wajue. Mwendu Rais Moi anaokwenda kwa kuweka amani ni bora isipokuwa yeye anatukanwa. Watu wengine wanasema "Freedom of speech inside the Parliament and outside". Watu wakipewa leseni na Serikali ya KANU hufuliza moja kwa moja kusema "Mtukufu Rais alilala, Mtukufu Rais alifanya hivi ama alikwenda wapi". Hawana kitu cha kuwafanyia watu waliowachagua hata hawajajenga nyumba ya kuku. Watu wa Upinzani waseme kama washajenga nyumba ya kuku katika Kenya hii. Sisi tunapenda kufanya kazi na kufanya harambee na kuwasaidia watu---

Mr. Mulusya: On a point of order Mr. Deputy Speaker Sir. Is the Assistant Minister not crying wolf by saying that we are elected here to build chicken sheds? Were we brought here to build chicken sheds?

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa muda, nafikiria huyu Bwana hajui Kiswahili vizuri kwa sababu anaongea Kikamba nusu, Kikikuyu nusu na Kiingereza hajui. Kwa hivyo tumsamehe.

Mr. Mulusya: Bw. Naibu Spika wa Muda yangu ni kuuliza kama Bw. Shariff Nassir ana haki ya kuniita Kikuyu nusu na yeye alilia wakati alitwa na Maitha---

Mr. Deputy Speaker: Order! Mr. Mulusya! Continue Nassir.

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika wa Muda, kitu ambacho nilikuwa nikisema ni kwamba yafaa tuheshimiane katika Kenya. Yafaa tuheshimiane kama vile tulivyoheshimiana wakati wa Uhuru na tukamheshimu Rais wetu wa kwanza. Tunataka hivyo hivyo. Tena nasema kwamba katika Bunge hili haifai watu kutoa vitisho ati "We will bring chaos and we will do this". Hebu niseme kwamba hakuna mwanamume ambaye aliumbwa nusu mke na musu mume. Mkifanya fujo kwetu, tutawafanyia fujo kwenu pia. Hii ni kwa sababu watu wa Upinzani wanafikiria katika chama cha KANU kuna watu waoga. Ikiwa mtafanya hivi, pia sisi tutafanya hivi. Nawaambia leo kila mtu atakwenda kufanya fujo yake kwake nyumbani. Tunataka heshima iweko ndio tuweze kuendesha Serikali. Hatukuchaguliwa kuja kuonyeshana ni nani hodari sana kwa kumtukana mwenazake. Inafaa Ofisi ya Rais ipewe pesa nyingi kwa sababu ina kazi nyingi. Kwa kuwa sisi tunataka kuwa na amani, hata ukitutukana tutanyamaza. Amani ndicho kitu ambacho kinatakikana kuwa katika nchi hii. Hata tukiwa na pesa nyingi bila ya amani ni bure. Tunajua nchi zenye mafuta kama vile Kuwait, Saudia Arabia na Pakistan zina pesa nyingi, lakini sisi tuna amani hata kama hatuna pesa nyingi. Tunataka kuziidhinisha pesa hizi ili tumwezeshe Rais kutusaidia katika kudumisha amani humu nchini.

Wakati mtu anapoiomba leseni ya mkutano anaonyesha dhamira ya mkutano wake, ambayo inaweza kuwa ni kukusanya pesa, kutoa wito wa umoja au kutafuta wafuasi. Juzi watu fulani walikuwa na mkutano huko Mombasa, na haja yao ilikuwa ni kunishambulia mimi na Rais Moi. Watu wengine wataishia kupata watoto wanaofanana na mimi ama Rais Moi!

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Nassir to say that when we were in Mombasa we were mentioning his name? We never mentioned his name at all!

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika, mtu anapoitaja Shule ya Msingi ya Mvita huwa anamlenga nani? Kama siasa zetu hapa Kenya zingekuwa za kuwashambulia watu wengine tungepigana kwa mawe. Sisi tumemanyaza na tunaungojea uchaguzi mkuu wa 1997 ili tuwaonyeshe Wabunge wa Upinzani kivumbi.

Mimi naiunga mkono Hoja hii. Yule atakayeipinga atafanya hivyo kwa sababu ni mazoea yake kupinga. Kwa hayo machache naunga mkono.

Mr. Raila: Thank you, Mr. Deputy Speaker, Sir. I stand to oppose the Motion. As it has been said, the Office of the President is a very important one. The Office of the President, as hon. Anyona rightly said, gives the image of the State. However, when we talk about good governance some people in the Government misunderstand this to mean too much Government in the lives of the people. In fact, it is the reverse: It means that people want less government in their lives. That is really the meaning of good governance.

Recently, I talked about an exercise that is being carried out by the Office of the President. That is the issuance of the second generation identity cards. I said - and I have no reason to withdraw what I said - that this exercise is fraught with corruption, is being done in a very discriminative manner, it is too slow and certain areas are being favoured over others. I came back to this town from Nyanza Province two days ago, and I know for a fact that even up to now registration clerks are demanding bribes before---

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Jambo la nidhamu, Bw. Naibu Spika. Mhe. Raila amechaguliwa hapa Lang'ata au huko Kisumu?

Mr. Raila: Mr. Speaker, Sir, I have very limited time, and I think that is a frivolous point of order. I can go

to Mombasa - he has just been talking about people who had a meeting in Mombasa, Lamu or Mandera, because all those are parts of Kenya. Therefore, it is a fact, and no amount of denying will erase it, that registration clerks are demanding bribes. Two days ago, I went to Makadara where I confronted the officer in charge of the exercise. He, in fact, admitted that cases of corruption had been reported to him and said that he was going to take action.

Mr. Deputy Speaker, Sir, the Department of Immigration is demanding K£13,975,000. The Immigration Department has got a very important role to play in this country. I do not want to go into details of its work, but I want to raise a particular case of a Kenyan, who has been made stateless by an act of this Department. This is the case of Mr. Khalid Balala. I have a magazine here, which is written in Germany about Mr. Khalid Balala, and it makes a very chilling reading. There is a story here titled "Germany's Secret Prisoner: Khalid Balala". It states:-

"Kenya's Opposition leader, Sheikh Khalid Balala, who has campaigned for almost two years for the right to return to his homeland in the face of official obstruction, has committed no crime, and is free to walk the streets of Frankfurt. Yet, he says that he is effectively a prisoner and is subject to death threats".

Mr. Sankori: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for hon. Raila to read out to us a magazine which is about a foreigner like Mr. Balala?

Mr. Raila: Mr. Deputy Speaker, Sir, in fact, I will lay this magazine on the Table. The story continues:-

"Khalid Salim Ahmed Balala was born on 22.3.58 in Mombasa." So, in fact, Mr. Balala is a Kenyan by birth. He is not a Yemeni, a German or an Englishman.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. A man can be born in the United States of America and yet be a Kenyan. Is the hon. Member in order to mislead this House by saying that Mr. Balala is a citizen of Kenya when, in fact, he is a citizen of Yemen and he has never renounced his Yemen citizenship?

Mr. Raila: Mr. Deputy Speaker, Sir, I have here a photocopy of Mr. Balala's Kenyan passport. It was issued by Kenyan immigration officials, and it shows that Mr. Balala is a Kenyan. For 17 years Mr. Balala travelled on this Kenyan passport.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member is continuing to mislead this House. We are talking about dual citizenship. Mr. Balala has refused to renounce his Yemen citizenship and, therefore, we cannot treat him as a Kenyan citizen. He is a citizen of Yemen and not Kenya.

Mr. Raila: Mr. Deputy Speaker, Sir, German immigration officials have been unable to repatriate Mr. Balala to Yemen because Yemen has said he is not its citizen. This is a fact and this Government knows it. Mr. Balala has been made stateless by the Kenya Government. A Government that is not able to look after its citizens, that disowns its citizens and leaves them to be the responsibility of other states has no business ruling.

I would have talked about the question of security. When the Government talks about security it assumes security is its sole responsibility. In fact, security is the responsibility of all Kenyans. The reasons why we have enjoyed peace is not because we have guns in the hands of Government security forces. We have enjoyed it because Kenyans are peaceful people. The guns of the former apartheid regime in South Africa were not able to keep black South Africans peaceful. This was because those people were unhappy. So, it is the responsibility of all the Kenyans to keep peace. But we hear the language of jingoism from the Government. We hear people in the Government who use the language of war and warning all the time. When a Government goes to Nakuru and parades people who are supposed to have been in training in Uganda, so as to come and overthrow the Government, this is, indeed, a very serious matter. This is because these people are confessing to having been involved in a criminal offence and, because their names have been mentioned while being interrogated by security forces, the Government goes ahead to say: "We are now pardoning these people." This itself is a charade; it is a comedy which is very tragic. This is a very serious matter indeed, it is a treasonable matter. If these people have been involved in a treasonable offence, they should be brought before a court of law. The President does not have the power to pardon people who have not been convicted.

The Presidential Prerogative of Mercy only refers to persons who have been convicted of offenses and the law also says: "You are innocent until you are proved guilty by a court of law."

Mr. Deputy Speaker, Sir, with those few remarks, I oppose.

The Assistant Minister for Environment and Natural Resources (Mr. Lengees): Mr. Deputy Speaker, Sir, thank you very much for giving me the opportunity to air my views towards this important Vote of the Office of the President.

Mr. Deputy Speaker: Order! Order, hon. Lengees! I am really sorry about this, I apologise for the mistake which I have made. I think, it is time for the Minister to reply, unless the Minister will be so gracious as to give you five or 10 minutes out of his time. It is time for the Minister to reply.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I give him two

minutes.

The Assistant Minister for Environment and Natural Resources (Mr. Lengees): Mr. Deputy Speaker, Sir, thank you so much for this opportunity and also the Minister for giving me this time.

Mr. Deputy Speaker, Sir, as this vote is very important to the Kenyan society, I take this opportunity to congratulate the Office of the President for the wide coverage of security in this country. I am here to support the vote and state the fact that, I have seen the Office of the President has done a lot for this country on security matters.

Mr. Deputy Speaker, Sir, cattle rustling has been a major problem to this country. When I say so, we are already a target in Samburu District from the Eastern side and also the Western side of Samburu. As I am talking now, I wish to extend my condolences to some of my constituents who lost lives three to four days ago, one in Mount Jiro(?) Division and the two in Baragoi Sian (?) Location, killed by cattle rustlers from Turkana District. At the same time, the Government has done a lot because the security forces are there. Police officers are there, Administration Police are there and the only thing I want to say, is that those in the field should be supplied with radios.

With these few remarks, the Office of the President should do a lot in the area of security.

The Minister of State, Office of the President (Mr. Kalweo): Thank you, Mr. Deputy Speaker, Sir. I will be very brief, but right to the point. I brought the whole Office of the President so that contributions by Members of this House can be taken note of, because, we value what Members contribute here abundantly and we really follow the steps and activities that will satisfy this nation.

Mr. Deputy Speaker, Sir, I entirely agree with the contributors that the Office of the President should be the mirror type of Ministry to oversee other Ministries, to shine and to do many other things. We are doing exactly that. Thieves and other criminals in the country do not live in isolation. They live with other communities, they live in our villages and I do not believe that they are not known. So, those who come and talk very loudly criticising my forces should whisper to them that, Mr. X, Y and Z live in a certain village.

Mr. Deputy Speaker, Sir, the Government does not have a gadget like a thermometer whereby we can ex-ray which officer or clerk is a crook in his mind. But, because of collective responsibility of people to pursue issues of this nation, those who really care about this nation should come forward to assist the Police to identify these criminals and we shall route them out. Whether we have fast cars or slow cars, we are committed to safeguarding the lives and the wealth of this nation. My Office will route them out. What we require from the public and Members of this House is coordination whereby they report such issues to us.

Mr. Deputy Speaker, Sir, many issues have been raised here for example, the issuance of Identity Cards. To date, we have processed about 6.2 million IDs and over 4 million have been sent to the owners. We have added the equipment to process the IDs and we are now capable of producing about 42,000 per day and Members should know that it is a continuous process. For areas where people are scattered like in North Eastern Province and other areas, we are going to provide mobile units so that they can reach wananchi where they are.

Mr. Deputy Speaker, Sir, on the issue of immigration, no amount of noise or fuss will make the Office of the President or my Office to change the status of Balala. Mr. Balala is a citizen of Yemen, he is not a Kenyan and whether you bring documents to prove this, they are all illegal and we cannot discuss about foreigners in this land.

What I want also to say to the Members is, for example, famine relief and the rest is a commitment of this Government to see to it that non of the people of this land die because of hunger.

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. Did you hear hon. Kalweo refer to the statements that have been made here by hon. Raila regarding Khalid Balala as noise? Is it Parliamentary for hon. Kalweo to say that what hon. Raila was saying was noise? Should he not be asked to withdraw and apologise?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Deputy Speaker, Sir, I do not waste time on people who are not Kenyans. Balala is a Yemeni.

Thank you very much, Mr. Deputy Speaker Sir.

With these few remarks, I beg to move.

(Question put and agreed to)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

[Mr. Chairman took the Chair]

Vote 1 - Office of the President

The Minister of State, Office of the President (Mr. Kalweo): Mr. Chairman, I beg to move:- THAT, a sum not exceeding K£338,293,210 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 1997, in respect of:-

Vote 1 - Office of the President

(Question proposed)

VOTE R1 - RECURRENT EXPENDITURE

SUB-VOTE - 10 - GENERAL ADMINISTRATION AND PLANNING

Head 01 - Headquarters

Mr. Ojode: Thank you, Mr. Temporary Deputy Chairman, Sir. Last year, Head 01, Item 132 which refers to expenses of Presidential visits to provinces had K£7 million allocated to it. This time only K£1 million has been allocated. Does it mean that the President is not going to visit some Provinces?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Chairman, Sir, the figure is less this year because of budgetary ceilings.

Head 15 - Permanent Presidential Commission on Music

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I would like to refer to page 5, Head 15 - the Permanent Presidential Commission on Music. Can the Minister tell us how---

The Temporary Chairman (Mr. Ndotto): What Item?

Dr. Kituyi: If you listen to me, you will hear the Item now.

The Minister of State, Office of the President (Mr. Kalweo): You cannot argue with us. Tell us the Item.

The Temporary Chairman (Mr. Ndotto): Order, hon. Kalweo. Dr. Kituyi, you are on Head 105, but what Item?

Dr. Kituyi: Mr. Temporary Chairman, Sir, I said Head 15---

The Temporary Chairman (Mr. Ndotto): Item?

Dr. Kituyi: I am just coming to that.

An hon. Member: That is a Head!

Dr. Kituyi: I know that is a Head and I now want to tell you the Item. I said there are two issues. The first one is Item 260. Can the Minister explain why this "useless" Commission has to so overwhelmingly increase the cost of maintenance of buildings from K£27,000 to K£100,000 between last year and this financial year? Secondly, with regard to the net expenditure on that Head, why the need for that colossal expansion for a Commission that has no practical value to this country, whatsoever?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Chairman, Sir, the Commission is useful to the country and, of course, the rate of work of this nature is not balanced on a scale. It varies from house to house or from office to office.

Mr. Ojode: On a point of order, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Ndotto): Order, Mr. Ojode. Dr. Kituyi.

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, is the Minister in order to make a vague statement about varying costs of maintenance from house to house to explain the difference between K£27,000 as the maintenance of buildings and stations in 1995/96 and K£100,000 in 1996/97? What variation from house to house are you talking about?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, all I meant was that there is renovation and rehabilitation of the buildings. This does not refer to sweeping, but to rehabilitation and re-construction of a house or changing the structure of a house. So, these figures are valid.

Mr. Busolo: Thank you, Mr. Temporary Deputy Chairman, Sir. On page 3, Head 01, Items 191 - Security Operations and 197 - Confidential Expenditure, could we be told what these expenditures are for?

The Temporary Chairman (Mr. Ndotto): Hon. Kalweo, did you get the question?

The Minister of State, Office of the President (Mr. Kalweo): Yes, Mr. Temporary Chairman, Sir, I got it. They are in three portions because we have that type of fund in the Head Office and the rest is meant for police and DSI.

Mr. Ojode: Mr. Temporary Chairman, Sir, you are rushing.

The Temporary Chairman (Mr. Ndotto): Order, Ojode, I have given you a chance already.

Mr. Busolo: On a point of order, Mr. Temporary Deputy Chairman, Sir. You are rushing. This is money and we have to examine it. We are not even disputing it. All we want is to be given an explanation as to what this Vote we are passing is all about.

The Temporary Deputy Chairman (Mr. Ndotto): Mr. Busolo, we are in the Committee stage and if you understand what Committee stage means, you can only seek clarification on what you want, but it is not time for debate.

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, we have to be given a chance to seek clarification of what is on the Vote.

Hon. Members: Yes!

Dr. Kituyi: And that means that as long as there is any of us standing to seek clarification, we cannot go into voting.

Hon. Members: Right!

Head 377 - National Registration of Persons Bureau

Mr. Ojode: Mr. Temporary Chairman, Sir, Head 377, Item 150---

The Minister of State, Office of the President (Mr. Kalweo): What Head?

Mr. Ojode: Mr. Temporary Chairman, Sir, can you give us a Minister who can understand what we are asking?

The Minister of State, Office of the President (Mr. Kalweo): Wacha, sema Item.

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, Page 8, Head 150, Item 377. Here we are being asked to give K£2.5 million. Could the Minister explain to us what kind of supplies they are going to purchase for the production? What are these materials?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, the hon. Member should be aware that we have increased the number of districts and we also have other operations. So, this is the purpose for which we are asking for that money.

Mr. Nyagah: Mr. Temporary Deputy Chairman, Sir---

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, I am asking a very important question and he has not answered it.

The Temporary Deputy Chairman (Mr. Ndotto): Order, hon. Ojode, you can only contribute when I allow you to do so! Carry on, Mr. Nyagah.

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, he has not answered my question.

Mr. Nyagah: Mr. Temporary Deputy Chairman, Sir, I intend to ask the Minister a very simple question. It is again on page 8, Head 377, Item 210 - Purchase of Additional Vehicles. One of the problems we are experiencing is getting the materials on site and this is all over the country. There are outcries about this. We would like the Minister to tell us how many vehicles and what type will be bought with K£2.5 million?

The Temporary Deputy Chairman (Mr. Ndotto): Mr. Minister, did you get the question?

An hon. Member: We did not get the question.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker Sir, the number of vehicles are there and so it is a the question of the prices of the additional vehicles.

Mr. Nyagah: Mr. Acting Chairman, the Minister is saying that the number of vehicles is shown, but it is not there and it is not written anywhere and that is why I am asking this question.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, there are 53 vehicles.

The Temporary Deputy Chairman (Mr. Ndotto): Mr. Kalweo, you do not answer questions while you are sitting down.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, I have said while seated, that there were 53 vehicles.

Mr. Munyasia: Mr. Temporary Deputy Chairman, Head 938, item 000, we have Personal Emoluments on the Presidential Commission on Soil Conservation and Afforestation. On page 54, it is stated that, the Chairman earns the salary scale attached to Job Group "Q". So, I merely want to seek this clarification. The Chairman of the Presidential Commission on Soil Conservation is Mulu Mutisya. Can the Minister confirm that this is the Chairman referred to at salary scale under Job Group "Q". Is he on a full time basis to earn more than any other officer working in that Commission, in view of his education standards?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, the answer is that we pay the office and so, Mulu Mutisya is there as the Chairman like any other person.

Dr. Kituyi: Mr. Temporary Deputy Chairman, I wish to request that the Minister be accorded an opportunity to answer the questions and clarify them satisfactorily, but not just to stand up and pretend to answer and then we proceed. But having said that, on page 7, Head 249, the whole of it, we have an item - Social Dimension of Development. Since Social Dimension of Development is an investment phenomenon or a developmental activity, could the Minister explain why the entire Vote is in the Recurrent Estimates and not in the Development Estimates?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, the Questioner should know that this is distributed through the various Ministries, but not only through my Ministry.

The Temporary Deputy Chairman (Mr. Ndotto): Order, Dr. Kituyi! Mr. Kalweo, I think the Member wants to know why is it under Recurrent and not under Development?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, for example, bursaries which fall under the Ministry of Education, are distributed to other Ministries and then those Ministries decide on what to do with them.

Mr. Ojode: Mr. Temporary Deputy Chairman, this is just a request I am putting to you not because I hate the Minister, but maybe I did not hear properly. There is what we call collective responsibility. Why do we not get good clarification from other Ministers?

The Temporary Deputy Chairman (Mr. Ndotto): Order, Ojode! You are not in order. You cannot tell the Minister how to run his Ministry. Mr. Ojode, I thought you were an hon. Member of Parliament and you should behave accordingly.

Dr. Kituyi: Mr. Temporary Deputy Chairman, a Minister has even been assisted by the Chair to understand a very simple question. We have a Vote here; we have a whole Head, Social Dimensions of Development, under the Office of the President. The simple question was not whether it is spread through the other Ministries or not. If you say so then you do not know what you are talking about. It is here. Why is it under Recurrent Expenditure and not Development Expenditure?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, it is in Recurrent Expenditure. For example, if we give some funds to the Ministry in charge of water and they decide to dig a borehole somewhere, that falls under Development Expenditure. So, this is why I said that they are decided upon according to the purposes they have been requested for.

*(Heads 01, 004, 15, 18, 029, 030, 038, 249, 256,
377, 921, 931, 938, 952 and 963 agreed to)*

(Sub-Vote 10 agreed to)

SUB-VOTE 11 - FIELD ADMINISTRATION SERVICES.

(Heads 005, 006, 039 and 041 agreed to)

(Sub-Vote 11 agreed to)

SUB-VOTE 12 - ADMINISTRATION POLICE SERVICES.

Head 11 - Field Administration Police Services.

Mr. Munyasia: On item 065, on Medical allowance, I wish to find out from the Minister whether people like Lusiola who were first hospitalised in Nakuru and then later to Nairobi Hospital--- I do not know whether up to now they have been flown out of the country or not. Have their hospital fees paid out under particular item? Have their hospital expenses made under this item?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Mr. Lusiola is not a civil servant.

Mr. Nyagah: Mr. Temporary Deputy Chairman, on page 15, we have Head 11, Item No. 223, Purchase of Equipment - Coffins. Now, in 1995/96 we had a figure of K£38,000, but now the figure stands at K£70,000. How do you judge that you will have more deaths during this period contrary to what you had during the previous Financial Year?

The Minister for State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, it is a

difficult question to answer, but it is just an estimate because people must be born as others die.

The Temporary Deputy Speaker (Mr. Ndotto): I do not think hon. Nyagah is serious on that one.

(Heads 10, 11 and 12 agreed to)

(Sub-Vote 12 agreed to)

SUB-VOTE 13 - GOVERNMENT PRESS

Head 14 - Office of the Government Printer

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, Head 14 item 250, why is it that the Minister wants three times what he asked for last financial year and it is only for maintenance?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, the Government activities are expanding from year to year. For example, the additional districts, additional offices and so on and so forth.

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, on maintenance alone, he cannot ask for three times what he had asked for during the last financial year. Why can we not give him double what he asked for last year? Could he justify why he wants three times what we had allocated him last year for maintenance?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, we operate on budgets and planning. We do not just select things for payment or for the sake of it. So, the budget reflects what my office thought is more appropriate.

(Head 14 agreed to)

(Sub-Vote 13 agreed to)

SUB-VOTE 14 - NATIONAL YOUTH SERVICE

*(Heads 13, 16, 17, 036, 081, 090,
357, 358, 361 and 363 agreed to)*

(Sub-Vote 14 agreed to)

SUB-VOTE 15 - KENYA AIRPORTS AUTHORITY

(Head 770 agreed to)

(Sub-Vote 15 agreed to)

SUB-VOTE 16 - IMMIGRATION

(Heads 371, 373, 374, 393 and 395 agreed to)

(Sub-Vote 16 agreed to)

SUB-VOTE 17 - POLICE

Head 008 - CID Specialised Units

Mr. Busolo: Mr. Temporary Deputy Chairman, Sir, item 191 - Criminal Investigation Expenses. Last year, it was given K£450,000 and this year it is given K£400,000. Why is there reduction when we know that there is so much crime which needs to be investigated?

The Temporary Deputy Chairman (Mr. Ndotto): We are on page 28, Head 008, Item 191 - Criminal Investigation Expenses. He is asking why the reduction from K£450,000 to K£400,000?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, it was

the ceiling given by the Treasury.

Head 085 - Office of the Commissioner of Police

Mr. Ojode: Mr. Temporary Chairman, Sir, on Head 085, Items 220 and 240. Under Item 220, it shows the same thing as item 240. What could be the difference between the purchase of equipment and purchase of plant and equipment?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, some of these Items are for the accounting purposes because of the different areas where we are intending to apply the expenditure

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, I asked the Minister what kind of these equipment would be purchased for K£1.3 million and yet last year maybe it was purchased at K£300,000. What type of equipment are these?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, these are security equipment.

Head 091 - Provincial Administration Services

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, Head 091, item 121---

The Temporary Deputy Chairman (Mr. Ndotto): Ojode, we are on heads 11 to 112.

Head 108 - Force Quartermaster

Dr. Lwali-Oyondi: Mr. Temporary Deputy Chairman, Sir, I am drawing your attention to page 37, Head 108, Item 170, the purchase of uniforms. I would like to ask the Minister if he spent all this amount of money every year without reduction, why is that the police officers, some of them are wearing mended trousers, shoes and so on?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, this is not even adequate. We need more, and I do not believe that they are that poor.

Head 109 - Force Armourer

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, on Head 109, Item 220, in the previous answer, the figure that was provided for was for the purchase of the security equipment. What is the purchase of plant and equipment again under Head 109 Item 220 at K£4 million?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, sometimes we receive equipment to lift our machines, say in the printing press and other areas, and sometimes the department handles very heavy machines.

Head 106 - Motor Transport Branch

Mr. Mwiraria: Under Head 106, Item 210 - Purchase of Additional Vehicles, the figure has gone up from K£3.25 million to K£9.85 million, but looking at Item 100 - Transport Operating Expenses, there is no increase in the amount allocated for that purpose. How does the Minister propose to run the additional vehicles without transport money?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, I think more than a half of the Members who contributed here said that we should equip Police Force and our other forces. So, this amount of money is not even enough. Most of you own cars and you know how expensive it is to run your cars. Running the existing vehicles is very expensive because they are constantly getting worn out. So, we need that money and additional funds to buy more vehicles to equip our Police Force to the standards you expect.

Mr. Mwiraria: Mr. Temporary Deputy Chairman, I support the increase in funds to buy more vehicles, but the question I am asking is: Looking at Item 100 - Transport Operating Expenses, does it reflect a corresponding increase? So, how does the Minister propose to run the additional vehicles?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, the Member should know that we are required to replace some of these vehicles.

Mr. Nyagah: Mr. Temporary Deputy Chairman, on the same Head under the same Item, is the Minister happy with the services of Mahindra vehicles that have been running around this country? Every time you visit a

police station, you find those very new vehicles parked there.

The Minister of State, Office of the President (Mr. Kalweo): We know that Mahindra vehicles are not fast enough to chase crooks but they are there for mobility purposes. We are looking forward to getting fast moving cars for our Police Force.

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Chairman, arising from the Minister's reply that the operation cost does not go up because he is replacing vehicles, is he in order to mislead the House that vehicle replacement can be included as an item called purchase of additional vehicles? How can you call purchase of additional vehicles replacement of old vehicles?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Speaker, Sir, addition means to add to whatever number you have.

(Heads 003, 007, 008, 009, 085, 086, 091, 092, 093, 094, 095, 096, 097, 11, 104, 105, 106, 107, 108, 109, 110, 111 and 112 agreed to)

(Sub-Vote 17 agreed to)

SUB-VOTE 18 - GOVERNMENT CHEMIST

(Head 113 agreed to)

(Sub-Vote 18 agreed to)

SUB-VOTE 19 - GENERAL SERVICE UNIT

Head 103 - GSU Field Services

Mr. Obwocha: Mr. Temporary Deputy Chairman, under Head 103, Item 080 - Passage and Leave Expenses, the Minister is asking for passage and leave expenses. As we know, passage allowances is for expatriates. Do we still have expatriates running the GSU in this country or what is the amount of K£150,000 for?

The Minister of State, Office of the President (Mr. Kalweo): It is just as it reads here.

Mr. Obwocha: If the Minister has not understood my question it is good to consult. Passage allowance is normally paid to expatriate staff. You are asking this House to approve K£150,000. Do we have expatriate staff under the GSU?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, we do not have them, but we have technicians moving with their machines all over the country where we have placed these boys with their machines. So, where these machines are placed, there are expenses incurred.

Mr. Obwocha: Passage is not passing! I think the Minister has not understood my question and I request him kindly to consult. It cannot be passages; moving around the country!

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, you know we have some equipment from overseas and Members should know that GSU is not only situated in Ruaraka. We have equipment from overseas and it needs this type of money.

(Heads 088, 102 and 103 agreed to)

(Sub-Vote 19 agreed to)

Vote R1 agreed to)

VOTE D1 - DEVELOPMENT EXPENDITURE

SUB-VOTE 10 - GENERAL ADMINISTRATION AND PLANNING

Head 184 - State Corporations Relief and Corporations

Mr. Nyagah: Under Head 184, Item 296 - Youth Development Programme; could the Minister give out the

details of all the Youth Programmes that the Government intends to fund with the K£9 million and also give us a description on how the money will be distributed per district?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, I do not have the number of projects which will benefit. The country-wide fund raising exercise for youth development is still going on, to enhance the total figure. So, when the time comes, the Government will define a method of how the money will be given out. They should not forget that in the districts, we have the Social Service Departments where some of the groups have already been registered. The district commissioners will be the chairmen of each district, and Members of Parliament will also be included. So, when the time comes, each district will determine who will benefit.

Mr. Nyagah: On a point of order, Mr. Temporary Deputy Chairman, Sir. The Minister did not hear my question. It was very specific. I did not ask about the Harambees which are being conducted at the district level. For the Government to have brought it before this House, it must have thought of the programmes that are going to be initiated and helped. Since we have the operative bastions of this Ministry seated here, can the Minister consult with them so that he can give us the details of the programmes he will fund as per each district?

In the meantime, I suggest that we can go to other votes as we wait for an answer from him, if he does not have an answer now.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, in every district, there are Jua Kali groups. So, we shall get priorities from the districts.

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I have given notice of a Motion. So, I wish now to move the following Motion.

THAT, an amount of K£1 be reduced from the total sum of K£338,293,210 requested by the Office of the President, and this amount be reduced from Head 184, Item 296 of Vote D1 on page two.

Mr. Temporary Deputy Chairman, Sir, there are three critical considerations that inspire my statement.

First of all, a Government programme must be developed within the trajectory of institutional management. There has to be in place, a mechanism through which that programme is to be run. If we are being told that a programme is targeting self-help groups, we expect it to be run by the Ministry of Culture and Social Services and not the Office of the President. If we are told that a programme is to be managed by the DDC, we expect it to be under the Office of the Vice-President and Ministry of Planning and National Development and not the Office of the President.

Today, there exists an interim secretariat for the programme. Where is it located? It has the Treasury, Office of the President and the Ministry of Commerce and Industry. It excludes the Ministry in charge of DDCs and also the Ministry in charge of self-help programmes.

Mr. Temporary Deputy Chairman, Sir, how can a Government initiate a programme before this House has voted money for it? KANU operatives, rising to the call and help of hon. Kamotho, are running up and down the country, announcing who are the chairmen and vice-chairmen of youth development programmes in every district. They are also announcing that KANU areas are the ones which are going to benefit from these programmes and how the Opposition will not benefit. Yet, the Opposition is here in this House to vote for such money.

The Minister for Education (Mr. Kamotho): On a point of order, Mr. Temporary Deputy Chairman, Sir. Is the hon. Member in order, to impute improper motives by making a categorical statement that I have been going round the country announcing the names of chairmen and secretaries of youth programmes, and yet there is no such evidence that I have done that anywhere in this country?

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I will say two things to that question.

The first one is that you can check the HANSARD. I said: "fellows purporting to be chairmen and vice-chairmen are going round the country, rallying to the call from hon. Kamotho, about the 'KANUNESS' of this programme. The second thing that I want to clarify for hon. Kamotho is that when we were informed that there was going to be a national Harambee for youth development programmes, the Secretary-General of a political party told us that KANU was postponing that function. It ceased to be a national function and became a party function.

It is incumbent upon hon. Members of the National Assembly to express outrage at an attempt to fleece the taxpayers and use their money through Parliament to supplement funds that are being raised with dubious methods across the country, through harassment of businessmen, parastatals, intimidation of the citizens of this country, and calling it a youth development programme, when for all practical purposes, it is a mechanism for raising money for a political party.

With those few remarks---

The Minister for Co-operative Development (Mr. Munyi): On a point of order, Mr. Temporary Deputy Chairman, Sir. My point of order concerns what the hon. Member has said in his contribution. What he has said is completely and absolutely out of order and it is baseless.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): On a point of

order, Mr. Temporary Deputy Chairman, Sir. I thought Dr. Kituyi was moving a certain Motion. Given the fact that this Motion does not intend to open up a major debate, can he move it now so that we can vote on it, one way or the other?

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, as you remember, as I was about to say, "with those few remarks", an hon. Member stood up here, and with total disregard or total ignorance of the Standing Orders of this House, purported to claim a right to reply. Having said that, I am going to request the hon. Member of Parliament for Imenti North, hon. Mwiraria, to second my Motion, and very slowly, urge this House to vote with this conscience and to reduce this despicable attempt to fleece taxpayers of their money.

The Temporary Deputy Chairman (Mr. Ndotto): Dr. Kituyi, I will just propose the Motion. It is not necessary that it should be seconded. I am sorry Dr. Kituyi.

(Question of the reduction proposed)

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Chairman, Sir, in opposing that particular Motion, I would like to say that, it is actually consistent with the policies of my hon. colleague's party, to chose a particular Head and oppose it. This is because this particular Head looks deeply into the interests of the majority of Kenyans. The Opposition Members are not interested in that.

The only thing about it, is that there is nothing the Government is hiding on this matter. The Government intends to help young people and

[The Assistant Minister, Office of the President]

everybody in this country, including social groups, to develop.

The sentiments of the hon. Member, about Opposition people not being chosen is just propaganda. It is not true. This House is aware that the Government has set aside an amount of money for Social Dimension Fund. This Fund is only being coordinated by the Office of the President. Other Ministries are going to be asked to participate---

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Chairman, Sir. I have certain substantial respect for the hon. Member of Parliament on the Floor. But is he in order to start attempting to justify the social dimension development programme which is in the recurrent estimates and which we have already voted on, under a disguise of discussing the youth development programme, under Head 184, which is totally a very different matter? Can he be informed on what to talk about before he talks?

The Temporary Deputy Chairman (Mr. Ndotto): Hon. Sunkuli, please confine yourself to the youth development programme. I do not have much time for points of order. Hon. Sunkuli, can you wind up your contribution?

The Assistant Minister, Office of the President (Mr. Sunkuli): I have finished. I have opposed the Motion, Mr. Temporary Deputy Chairman, Sir.

Mr. Mwiraria: Mr. Temporary Deputy Chairman, Sir, I stand before this House, to support the Motion to reduce K£1 from Head 184, Item 296.

Let me first and foremost, say that it is an excellent---

The Temporary Deputy Chairman (Mr. Ndotto): Order, hon. Mwiraria! What is it hon. Kariuki?

Mr. Kariuki: Mr. Temporary Deputy Chairman, Sir, I think the intention of this Motion or the proposed amendment is clear, and every hon. Member of this House understands the reasons or the intention by the hon. Member. Could I, therefore, call for the Mover to reply?

Hon. Members: Yes!

The Temporary Deputy Chairman (Mr. Ndotto): Order! Order! I have not given a ruling on that one. I am afraid he has not got the right to reply. There is no question of the Mover being called upon to reply.

Mr. Mwiraria: Mr. Temporary Deputy Chairman, Sir, I have just one point I really want to make.

The Temporary Deputy Chairman (Mr. Ndotto): Order!

Order, hon. Members.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): On a point of order, Mr. Temporary Deputy Chairman, Sir. I beg to move that the question be put now, because we have deliberated on this debate for two days.

(Applause)

The Temporary Deputy Chairman (Mr. Ndotto): Order! Order, hon. Members. That is a different

question. Do you want me to put the question?

Hon. Members: Yes!

The Temporary Deputy Chairman (Mr. Ndotto): Order! Order! Mr. Mwiraria, I have given you one minute to conclude your speech.

Mr. Mwiraria: Mr. Temporary Deputy Chairman, Sir, the National Youth Development Fund is a good idea, but unfortunately, it is being abused out there in the districts.

In my Constituency, for instance, you can only register as a member of a group which is registered by the social services, if you have a KANU ticket.

This is not a debate, but I am asking that whoever is looking after these funds, should also ensure that all youths benefit irrespective of which party one belongs to.

(Question of the reduction put and negatived)

*(Heads 01, 004, 18, 19, 184, 185, 186,
377, 931, 932, 952 and 963 agreed to)*

(Sub-Vote 10 agreed to)

SUB-VOTE 11 - FIELD ADMINISTRATION SERVICES

Head 006 - District Administration

Mr. Mwiraria: Mr. Temporary Deputy Chairman, Sir, I want to speak about Head 006, Sub-head 408 - Construction of District Headquarters. I want to ask the Minister: Since 1996, we have seen, perhaps, the largest number of new districts created. Why is he asking us to approve less than half of the amount of money for the construction of new district Headquarters when we should be approving, perhaps, three or four times?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, I would like to do that very accurately, but because of financial constraints and budgetary ceilings, we were given this amount. But it is not the end of requesting for more money, because we shall continue requesting the House to give us more money as time comes.

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Chairman, Sir. Under Item 402 there is construction of Kibish Divisional Headquarters. I see there is a lot of money that has been voted for that item. I am just seeking clarification as to the location of Kibish. In which district is this divisional headquarters located?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, I think the hon. Member lives nearer this area than I do. It is in the northern part of Turkana.

Mr. Munyasia: Mr. Temporary Deputy Chairman, I asked specifically in which district is this division.

The Minister of State, Office of the President (Mr. Kalweo): Turkana!

(Heads 005 and 006 agreed to)

(Sub-Vote 11 agreed to)

SUB-VOTE 12 - ADMINISTRATION POLICE SERVICES

(Heads 10 and 11 agreed to)

(Sub-Vote 12 agreed to)

SUB-VOTE 13 - GOVERNMENT PRESS

(Head 14 agreed to)

(Sub-Vote 13 agreed to)

SUB-VOTE 14 - NATIONAL YOUTH SERVICE

(Heads 087,357,358 and 361 agreed to)

(Sub-Vote 14 agreed to)

SUB-VOTE 15 - KENYA AIRPORTS AUTHORITY

Mr. Mwiraria: Mr. Temporary Deputy Chairman, under Head 772, Item 221, could the Minister tell the House what the JKIA Crisis Communication and Centre is all about? What does the centre do?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, the Centre is a place where one can watch everything that might occur in the airport.

Mr. Mwiraria: Mr. Temporary Deputy Chairman, Sir, I did not quite get the answer. What is the function of this JKIA Crisis and Communication Centre? It reads as if it deals with crises but, what crisis is it supposed to sort out?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Temporary Deputy Chairman, Sir, this is the area whereby any information regarding any crisis that can occur to foreign or our aeroplanes can be obtained from.

(Heads 772, 773 and 779 agreed to)

(Sub-Vote 15 agreed to)

SUB-VOTE 16 - IMMIGRATION

(Heads 371 and 373 agreed to)

(Sub-Vote 16 agreed to)

SUB-VOTE 17 - POLICE

(Heads 003, 007, 009, 085, 086, 087, 091, 092, 093, 094 and 097 agreed to)

(Sub-vote 17 agreed to)

SUB-VOTE 18 - GOVERNMENT CHEMIST

(Head 113 agreed to)

(Sub-vote 18 agreed to)

SUB-VOTE 19 - GENERAL SERVICE UNIT

(Heads 088, 102 and 103 agreed to)

(Sub-vote 19 agreed to)

(Vote D1 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

[Mr. Speaker in the Chair]

REPORT

Vote 1 - Office of the President

Mr. Ndotto: Mr. Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£338,293,210 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1997, in respect of Vote 1 - Office of the President, and has approved the same without amendment.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister, Office of the President (Mr. Sunkuli) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for us to interrupt our business and the House stands adjourned until tomorrow, Thursday, 3rd October, 1996, at 2.30 p.m.

The House rose at 6.10 p.m.