

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 8th July, 2010

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.250

FAILURE TO ABSORB GIDEON KUVA AS PERMANENT
EMPLOYEE OF TELKOM KENYA

Mr. Deputy Speaker: Is Mr. C. Kilonzo not here?
Next Question by Dr. Otichilo!

Question No.053

NON-PAYMENT OF PENSION TO FORMER CIVIL SERVANTS

Dr. Otichilo asked the Deputy Prime Minister and Minister for Finance:-

(a) why hundreds of former civil servants, particularly teachers, who retired in the last two years, have not received their pension; and,

(b) when Charles Apeli (APN/PC/214087), John Susu (TSC No.64703), Sarah Ochieng' (APN/PC/50514), Reuben Onyango (APN/PC/2069207) and Symon Ingu (APN/PC/150055), all retirees from Emuhaya, will start receiving their pension.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I have not received a written answer to this Question.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Authorities (Mr. Nguyai): Mr. Deputy Speaker, Sir, I do have a written answer, but unfortunately I understand that the hon. Member has not received a copy of it. I would want him to oblige me to read the answer and he will be able to interrogate it.

Mr. Deputy Speaker: Do you prefer to have the Question answered later?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Authorities (Mr. Nguyai): No, Mr. Deputy Speaker, Sir. I would prefer to answer it now. I am sure the hon. Member will be satisfied with the answer.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The delay in the payment of pension benefits to former civil servants, including teachers have mainly been caused by late submission of fully supported pension claims and

documents to the Pensions Department and also closure of bank accounts through which the payments are supposed to be channeled.

(b) I wish to confirm to this House that the Pensions Department has proceeded and paid the retirement benefits in respect to Mr. Charles Samuel Apeli, Mr. Justus Festus Susu, Mrs. Sarah Indisa Ochieng and Mr. Simon George Ingu. As regards to Mr. Kwang'ati Rueben Onyango, the names and the pension numbers provided do not exist in the Pension Department's records and system. The claimant should, therefore, be advised to verify and provide to the department the correct details, upon which he will be accordingly informed of the status of the pension benefits.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I take this opportunity to thank the Assistant Minister for the good answer and particularly, for taking action to ensure that the people from Emuhaya who had not received their pension have actually now been paid. What action is he taking to ensure that other civil servants, particularly teachers, who still have not received their pension, receive their pension immediately they retire?

Mr. Nguyai: Mr. Deputy Speaker, Sir, the Pensions Department that usually processes these payments sometimes gets delayed by information not being forthcoming from other departments. That includes either the Teachers Service Commission (TSC) or within the civil service. We have ensured that the operationalization of IFMIS is connected to the payroll so that all these systems are automated, so that in future people can get the information accurately and correctly, particularly in terms of increment of salaries over the histological period. I am sure with time, automation and e-Government, this will happen.

Mr. Deputy Speaker: Dr. Otichillo, are you satisfied?

Dr. Otichilo: Yes, Mr. Deputy Speaker, Sir.

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

Question No.148

TAX WAIVER FOR LODGES/CAMPS AFFECTED BY FLOODS

Mr. Deputy Speaker: Is hon. Letimalo not here? We will revisit the Question. Next Question by hon. Lekuton!

Question No.067

STATISTICS ON MATERNAL DEATHS IN KENYA

Mr. Lekuton asked the Minister for Public Health and Sanitation:-

(a) whether she could provide the current statistics of maternal deaths in the country and state the steps the Government has taken towards achieving MDG 5; and,

(b) what achievements the Government has made so far in terms of improving maternal health.

Mr. Deputy Speaker: Is the Minister for Public Health and Sanitation not here? We will come back to this Question.

Next Question, hon. James Maina Kamau!

Question No.223

ALLOCATION OF FUNDS FOR NDAKAINI-GICHAGIINI
ROAD CONSTRUCTION

Mr. Maina Kamau asked the Minister for Roads:-

(a) how much money was allocated for the Ndaka-ini-Gichagi-ini Road construction and the circumstances under which Kabuitu Contractors abandoned the work after building only two of the total six and-a-half kilometers;

(b) how much money has been spent on the road against the total allocation and how was the balance spent; and,

(c) when the contractor will resume works on the road.

Mr. Deputy Speaker: Is the Minister for Roads also not here? We will come back to this Question.

Next Question by hon. Kaino!

Question No.143

PROVISION OF POLICE RESERVISTS TO ARROR/CHESUMAN

Mr. Deputy Speaker: Is hon. Kaino not here? We will come back to the Question.

Question No.204

DELAYED COMPLETION OF TRANS-NZOIA
WEST DISTRICT HEADQUARTERS

Mr. Deputy Speaker: Is hon. Wamalwa not here? We will come back to this Question.
Next Question, hon. Washiali!

Question No.226

DISBURSEMENT OF MONEY UNDER FAS FOR CANE DEVELOPMENT

Mr. Deputy Speaker: Is hon. Washiali not here? We will come back to this Question.
Next Question, hon. Olago!

Question No.252

ISSUANCE OF TITLE DEEDS TO KALOLENI/
MANYATTA-ARAB LAND OWNERS

Mr. Deputy Speaker: Is hon. Olago also not here? We will go back to the earlier Questions.

Next Question by hon. C. Kilonzo, for the second time!

Mr. C Kilonzo: Mr. Deputy Speaker Sir, I wish to apologize for having come in a little bit late

Question No.250

FAILURE TO ABSORB GIDEON KUVA AS
PERMANENT EMPLOYEE OF TELKOM- KENYA

Mr. C. Kilonzo asked the Minister for Labour:-

- (a) why Mr. Gideon Katila Kuva, the Club Manager at the Telkom Kenya-owned Ngong Road Sports Club, has been treated as a casual worker for 17 years without being absorbed as a permanent employee; and,
- (b) what action the Minister is taking against such Government corporations as the Telkom Kenya Ltd. which flout labour laws and also to ensure that Mr. Kuva is confirmed and paid proper remuneration for the period he has worked.

(Mr. C. Kilonzo asked his Question from the Dispatch Box)

Mr. Deputy Speaker: Order! Order! Are you on the Front Bench? Have you been appointed an Assistant Minister or a Minister?

Mr. C. Kilonzo: Those can only be good wishes. It will happen at one time.

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

This Question was answered last week, but according to the documents tabled by the hon. Member, there is nothing to justify that this employee of the welfare organization is even an employee of Telkom Kenya Ltd. So, he elected himself to serve as a casual for all that time and has not applied for a permanent job at Telkom.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, yesterday I tabled very many documents. This was an employee who worked with the Kenya Post and Telecommunications Corporation (KPTC). I tabled a document dated 7th July, 1993 when he was employed as a casual. I also further tabled very many letters which he has been writing asking to be employed as a permanent employee. I also tabled two letters from the then Minister for Foreign Affairs and also Minister for Education, none other than the current Vice-President, writing to the then Managing Director of Telkom Kenya in September, 1999 on the same issue. This Mr. Kuva has been writing very many letters to the KPTC and Telkom for over 15 years and nobody wants to assist him. There are other letters from people who have tried to assist him, including the Vice-President on two occasions. In part (b) of the Question, I asked what action the Ministry is taking against Government corporations which are flouting Government labour laws.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, you will find that Telkom Kenya did not flout any labour laws. Our Employment Act, 2007, is very clear on the rights of employees. Mr. Kuva can benefit if he read the Employment Act. However, as far as we are concerned, somebody referred him to do a casual job in a welfare association. The members were voluntarily contributing some money to pay him. So, when the Kenya Post and Telecommunications Corporation split into three entities, it collapsed. However, the man has remained there running

the club himself. So, there is no way he can be absorbed. He is running the business himself, courtesy of Telkom Kenya Limited.

Mr. Abdirahman: Thank you, Mr. Deputy Speaker, Sir. The Ministry of Labour is very insensitive to the plight of Kenyan workers. We expect the Ministry to play a proactive role. We have heard many times about people who work in Nairobi – in the private sector or even in the Government - complaining that the Ministry of Labour does not do any monitoring with regard to their welfare. What steps does the Ministry plan to take to ensure that people are not under-paid or made to work for many years as casuals? That is not the only case that we know.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, the Ministry of Labour has been very proactive. Already, we have enacted the labour laws. They are in place and they have been operationalized. As far as the low pay is concerned, every Labour Day, we have been revising the minimum wage. It has gone up to Kshs5,000 even in the rural areas. We have been very proactive. As far as---

Mr. Deputy Speaker: Mr. Assistant Minister, say what you will do to make sure that the employers conform to those laws. Maybe, that is what you should tell us, if you want to answer his question.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, every employer is supposed to inform every employee of his or her rights at the place of work. They should be told of their annual leave, payments and---

Mr. Abdirahman: On a point of order, Mr. Deputy Speaker, Sir. Having laws is one thing. Enforcing them is another. We do not have many labour offices in this country. I am asking the Assistant Minister: What practical steps he will take. I am giving an example of how best labour laws should be enforced. Is he in order to tell us that there are laws? We know that there are laws. But who is enforcing them?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, if you look at the budget of the Ministry of Labour, it is very little. The last time we recruited officers was almost 20 years back. In this country, we have a shortage of staff. That is a problem that is beyond us, as a Ministry, and the Government should be blamed for not providing us with enough resources to hire labour officers. However, we are trying with the officers that we have in the field to ensure that those labour laws are enforced. We are also trying to open up more industrial courts so that those laws can be enforced by the employers. We will be opening up one in Mombasa and another one in Kisumu. Those courts will facilitate the work that is being done by the one in Nairobi.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I wish to refer the Assistant Minister to a letter which was written by Mr. Gedion Kuva, himself, to the Managing Director on 25th June, 2005. For the benefit of this House, I want to read through the first two paragraphs to show clearly that the Assistant Minister is misleading the House. Mr. Kuva says:-

“I joined Telkom Kenya Limited, the then KPTC, in July 1993 as a casual laborer vide a memo which I have given in.” He further says that on joining Telkom Kenya, he was put in as a barman at the Ngong Road Club where he stayed for about five months before being moved to Extelcoms House as a cashier. Later on, he was brought back to the club. This was done by KPTC and later on by Telkom Kenya. The welfare group came up the other day. Why is the Assistant Minister misleading this House? Why can he not take responsibility as the Assistant Minister for Labour and take care of the small man as opposed to taking care of the big man - in this case, Telkom Kenya?

Mr. Deputy Speaker: Hon. Charles Kilonzo, how long has that period been?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, in this particular letter, which is dated June, 2005, he says that since he joined Telkom Kenya, it is now 12 years. If we add another five years, that gives us 17 years. There is enough correspondence addressed to him by Telkom Kenya, using Telkom letterheads, referring to him as the Manager, Telkom Club. The Assistant Minister has that document and I laid it on the Table yesterday.

Mr. Deputy Speaker: Could you bring the documents that you laid on the Table yesterday for the benefit of the Chair? That is, if you have them now? Do you have them, Charles?

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I laid them on the Table and the Assistant Minister is holding them right now as we talk.

Mr. Deputy Speaker: Hon. Assistant Minister, proceed! However, for benefit of the Chair, let me have a look at them.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I think the hon. Member is missing the point. Mr. Kuva was not an employee of Telkom Kenya. If he can produce a payslip, a letter of engagement or any record to show that he was employed by Telkom Kenya, that would assist us. That man was employed by members of a welfare and sports association. Those are employees of Telkom Kenya who had formed a welfare association. That man passed by one of the member's office and he was recommended to work as a casual. He has remained as a casual---

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister not misleading the House? We all know that a casual laborer can only remain as a casual for three months? That gentleman has been there for 17 years. Is the Assistant Minister not misleading the House?

Mr. Deputy Speaker: Mr. Assistant Minister, if my memory serves me right as the Chair here, there are certain time limits where somebody can work as a casual. Do you want to tell me that, that man has been a casual for 17 years?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, you can serve as a casual for a period of 24 hours. I know that. However, that man opted--- In fact, he is not even an employee. He is a volunteer.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that Mr. Kuva is a volunteer? He has written more than 10 letters over the last 10 years and Telkom Kenya has never bothered to respond to those letters. The Vice-President and Minister for Home Affairs, himself, when he was the Minister for Foreign Affairs, also wrote to Telkom Kenya. But Telkom Kenya did not respond. Is the Assistant Minister in order to purport that Mr. Kuva is a volunteer?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, I will give an example of our situation here at Parliament; our Bunge Sacco. We have a man there who works for us. He has been there for long. Can he compel Parliament to employ him? That man was a casual worker or a voluntary worker for a welfare and sports association. Since the Kenya Posts and Telecommunications split into three entities, those people were moved in different directions and the welfare association collapsed. The man has remained there running the club as his personal property, courtesy of Telkom Kenya. He is now managing the business himself.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House? One of the letters that I tabled yesterday is from the Kenya College of Communications Technology (KCCT) addressed to the Managing Director, Telkom (K), with a reference: Cutting of grass at Telkom House. On the second paragraph, KCCT says: "We are advised by the club Manager, Mr. Kuva, to obtain a written authority from your office".

This refers to the Telkom (K) office”. If, indeed, it was his property, he would not have needed any authority. He would have given authority himself. I have tabled enough letters here to show correspondence between him and Telkom (K). With regard to the other letter, it is Telkom writing to him as the Manager, Telkom Club, and not as the manager, welfare club. Is he in order to mislead the House?

Mr. Deputy Speaker: The Chair is in possession of copies of two letters. One is the letter that is addressed to the Managing Director, Telkom (K) for the Director, Mrs. J.B. Ntoyai, from the KCCT stating exactly as hon. C. Kilonzo has stated. It refers to Mr. Kuva as the manager of the club. There is another copy of handwritten letter from Telkom (K) Limited, in which he is referred to as the caretaker of the Ngong Club by none other than an officer in Telkom (K) by the name Theuri, in which he is instructed as follows: “This is to instruct you to allow the KCCT to cut grass for their animals at the school.” You do not give instructions to somebody who is not working in your organization. This is an organization whose precursor was the KCCT. It is common knowledge.

Mr. Assistant Minister, I suggest that you look at these things more thoroughly and do the necessary consultation because it is outrageous for somebody to claim that a fellow Kenyan can be a casual worker for 17 years or even go further and refer to him as a volunteer while negating your initial statement. That is a form of perjury, hon. Assistant Minister! You cannot call him a casual and then change your mind and call him a volunteer in the same spirit and this is carried in the HANSARD. It is only fair that you do your social responsibility as well as your mandated responsibility. Do the necessary consultation with the department, as a Ministry that is supposed to protect the welfare of the Kenyan workers and come back to this House with an appropriate answer. This Question is deferred and should appear on the Order Paper on Wednesday morning, next week.

(Question deferred)

Next Question!

Mr. Letimalo: Mr. Deputy Speaker, before I ask my Question, I wish to apologise for coming late.

Question No.148

TAX WAIVER FOR LODGES/CAMPS AFFECTED BY FLOODS

Mr. Letimalo asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he could grant a tax waiver to the proprietors of lodges and camps that were destroyed by the recent floods along Uaso Ngiro river in both Samburu East and Isiolo districts to enable them reconstruct the said lodges/camps; and,

(b) whether he could also ensure that insurance companies compensate the staff of the affected lodges for the property lost through floods.

The Assistant Minister, Office of Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Value Added Tax Act (VAT) provides tax waiver on capital equipment imported or purchased locally for new or expansion of existing investments. In addition, there exists

provisions in the VAT Act for zero-rating of all materials and equipment imported for the refurbishment of tourist hotels. The East African Community Customs Management Act further provides for waiver of duty on hotel equipment imported by a licensed hotel for its use. The construction of camps and lodges that were destroyed by the recent floods will, therefore, be granted waiver in accordance with the provisions of these Acts.

(b) Compensation of staff will be made on the scope of cover provided under the insurance policy issued to the affected lodges and camps. My Ministry will ensure that is done.

Mr. Letimalo: Mr. Deputy Speaker, Sir, I want to appreciate the answer given by the Assistant Minister. However, if you look at part “a” of his answer, he talks about tax waiver on imported hotel equipment. It is a fact that the county councils of Samburu and Isiolo entirely depend on these lodges and hotel camps to raise revenue for their operations. All the eight lodges on the Samburu side were swept away by the floods and up to now, none of them has been rebuilt. The two councils that rely on these lodges for their revenue are not able to pay their employees and cover other operations. Could he consider a total tax waiver to enable the owners of these lodges and camps to rebuild the lodges and the camps?

Mr. Nguyai: Mr. Deputy Speaker, Sir, obviously, tax waivers can only be given according to the VAT Act. The Eighth Schedule of the VAT Act provides for special goods that are zero-rated. Item 10 of the schedule provides for zero-rating of materials and equipment in use for construction and refurbishment of tourist hotels. I would like to quote it. It states that:-

“All materials and equipment, excluding motor vehicles and goods for repair and maintenance--- “bla bla bla” shall be exempt for duty”.

So, as far as construction equipment is concerned, the tax waiver is there.

Mr. Lekuton: On a point of order, Mr. Deputy Speaker, Sir. Is it not un-parliamentary language to use the word “bla bla bla” in this House?

Mr. Deputy Speaker: Hon. Assistant Minister, that is not a language befitting an hon. Member of this House. Can you apologize?

Mr. Nguyai: Mr. Deputy Speaker, Sir, I withdraw and apologise. I replaced the content of the whole excerpt with *et cetera*.

Mr. Deputy Speaker: Fair enough!

Mr. Letimalo: Mr. Deputy Speaker, Sir, I can see that the Assistant Minister is positive in compensating the staff. Could he expound as to who qualifies for this compensation? We have permanent and casual employees. Who qualifies for this compensation?

Mr. Nguyai: Mr. Deputy Speaker, Sir, I do not have the specific provisions of the cover provided to ensure that the staff get compensated. But I would like to assure the hon. Member that we will look into the provisions of the insurance cover and ensure that anybody who qualifies to be compensated will be compensated. However, if the Member would want to get information on the provisions of the Insurance Act, we will provide that information and then we can interrogate anything further on a different Question.

Question No. 067

STATISTICS ON MATERNAL DEATHS IN KENYA

Mr. Lekuton asked the Minister for Public Health and Sanitation:-

(a) whether she could provide the current statistics of maternal deaths in the country and state the steps the Government has taken towards achieving MDG 5; and,

(b) what achievements the Government has made so far in terms of improving maternal health.

Mr. Deputy Speaker: Minister for Public Health and Sanitation! She is not here. We will come back to this Question. I will give one more opportunity to the Minister to be present. Question No.223!

Question No.223

ALLOCATION OF FUNDS FOR NDAKAINI-GICHAGIINI
ROAD CONSTRUCTION

Mr. Maina Kamau asked the Minister for Roads:-

(a) how much money was allocated for the Ndaka-ini – Gichagi-ini road construction and the circumstances under which Kabuitu Contractors abandoned the work after building only two of the total six and-a-half kilometers;

(b) how much money has been spent on the road against the total allocation and how the balance was spent; and,

(c) when the contractor will resume works on the road.

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, first of all, I want to apologize for coming late.

Mr. Deputy Speaker, Sir, I beg to reply.

(a) The construction of the above mentioned section of the road from Kanunga Junction, which is commonly known as Ndaka-ini, through Gituru and Kiruga up to Gichagini was financed under addendum No.1 of an ongoing contract for the construction of Thika-Gatura-Kiarutara-Matara-Gakoe and Gatanga-Ndaka-ini-Kimandi roads.

The addendum was for Kshs186,319,446, which mainly catered for additional works on the existing contract. This included asphaltting of the road shoulders and junctions as well as costs related to variation of prices. The balance of Kshs30, 844,411 was used on the construction of Ndaka-ini-Gichagi-ini Road section, which is about two kilometres.

(2) The contractor did not abandon the works, but he left after completing the works on the main contract and exhausting the funds availed to him on the addendum.

(b) The contractor was paid Kshs30,844,411 for the works done on this section. The balance totalling Kshs152,475,035 was used for the payment of the above mentioned additional works and meeting costs occasioned by variation of prices.

(c) There are no plans for the contractor to resume work on the site since all the funds under the contract were exhausted. For this reason, the remaining works will need to be tendered afresh. My Ministry will source for funds in order to meet the retender for the remaining works on that section of the road.

Mr. Maina Kamau: Mr. Deputy Speaker, Sir, I would like to thank the Minister for attempting to answer this Question. You understand that this is a road that was started by a contractor called Kabuitu Contractors. It is about six-and-half kilometres, but the contractor did only two kilometres, leaving four kilometres un-done. Tea farmers in that area are very hostile. This is one area I cannot pass. They have threatened to stone me because they believe that I am

the one who has failed to take the contractor back to the site and complete the road. Could he tell this House why they brought the contractor in the first place, knowing very well that he would not finish the road?

Mr. Bett: Mr. Deputy Speaker, Sir, I sympathise with the situation the hon. Member is in. I wish to offer myself to help him get out of that situation. It was the request of the then Member of Parliament for that area that the road be done. Otherwise, the contract was on another road. That is why we were paying for it out of an addendum to the original contract. However, since we have already done two of the six kilometres, I want to give an undertaking that we will find a way of completing the remaining four kilometres so that we give comfort to the hon. Member.

Mr. Mwathi: Mr. Deputy Speaker, Sir, I sympathize with my colleague, hon. Maina Kamau. He is in the same predicament I am in with regard to Thogoto-Mutarakwa Road which has been under construction for almost two years without being completed, and I am not sure whether it will be completed. Is it the policy of the Ministry to do part of the road to the finish of tarmac or did they intend to make it passable, so that instead of doing the tarmac for only two kilometres, they would do the six kilometres to a certain level and complete the works after the second contract is awarded?

Mr. Bett: Mr. Deputy Speaker, Sir, it is the intention of my Ministry to provide to the people of this country good motorable roads, be they tarmacked or gravelled. I want to indicate once more that this particular section was being done on the request of the leadership of that area. It was hoped that it would be completed together with the main contract. It was not completed because funds were exhausted. That is why I am giving an undertaking to the hon. Member that I want to find a way of finishing that section of the road, most likely, this financial year.

Mr. Mwathi: On a point of order, Mr. Deputy Speaker, Sir. I just want to know whether it is in order for the Minister to tell this House that the roads are done as per the requests of Members of Parliament. Is what he has just told us in line with the Ministry's policy on road works across the country? Do they do what Members of Parliament ask them to do or do they follow the Ministry's policy?

Mr. Bett: Mr. Deputy Speaker, Sir, I want to believe that this was done in the spirit of consultation, and in the spirit of appreciating what Members of Parliament requested. I am urging my officers to give attention to Members of Parliament. If you want to change something and my officers do not listen to you, I will be rather hesitant to do that, because I want to involve the leadership as well as the public, so that we can all be together in the construction of our roads.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while I appreciate the answer that has been given by the Minister, could he be specific by giving an indication as to when he is likely to get funds and go back to that road for faster completion?

Mr. Bett: Mr. Deputy Speaker, Sir, I am aware of a road that is under construction in the neighbourhood, within a distance not far away from this road. I am going to discuss the matter of this particular road with my officers to see whether we can vary the construction on the ongoing project for the purposes of completing the project that was started earlier on.

Mr. Maina Kamau: Mr. Deputy Speaker, Sir, I continue to thank the Minister for the answers he is giving to this House. Can he assure me that he will avail himself to go with me to that area and explain the same to tea farmers, who are becoming hostile? I have tried to explain

to them, but they cannot understand why the contractor was on site in one minute and the next minute, he was not there.

Mr. Bett: Mr. Deputy Speaker, Sir, any time!

Mr. Deputy Speaker: Next Question, Mr. Kaino! Is Mr. Kaino not here?

(Mr. Kaino entered the Chamber)

Mr. Deputy Speaker: Order! Order! Mr. Boaz Kaino, your Question was called out way back. You have to apologise to the House before you proceed to ask the Question. You should be here on time all the time!

Mr. Kaino: Mr. Deputy Speaker, Sir, I apologise for coming late.

Mr. Deputy Speaker: Proceed!

Question No.143

PROVISION OF POLICE RESERVISTS TO AROR/CHESUMAN

Mr. Kaino asked the Minister of State for Provincial Administration and Internal Security when the Ministry will provide Aror and Chesuman locations with Police Reservists (KPR) to boost security in the area.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

The Minister has no intention of deploying KPR within Aror and Chesuman locations since the areas are adequately policed by police officers from Aror Police Post and Administration Police officers from the office of the District Officer in Aror.

Secondly, there are no known security threats in those two areas. However, if the Chairman of the Security Committee, who is the Provincial Commissioner requests for the deployment of extra security personnel, I have no problem with that.

Mr. Kaino: Mr. Deputy Speaker, Sir, I agree with the last statement from the Assistant Minister which says that we had a discussion with the PC, Rift Valley who is the Chairman of the Provincial Security Committee. However, to say that there is no insecurity in Aror is totally misleading the House because we have a serious problem of insecurity in that area. It is only my two locations in the valley which do not have the Kenya Police Reservists (KPR). The KPR have been deployed to Keiyo North, Baringo North and Marakwet East. It is only two areas which are central where cattle rustlers collect animals and go. The Assistant Minister should correct his statement that there is no insecurity. Otherwise, I agree with what the PC said.

Mr. Ojode: Mr. Deputy Speaker, Sir, we deploy security personnel in areas where there is insecurity. We do not deploy security personnel simply because your neighbouring district has the KPRs. As at now, there is no security threat at all. If there is any then the PC will write a letter requesting for additional security personnel in that area, and I am ready to do this.

Mr. Ethuro: Mr. Deputy Speaker, Sir, the Assistant Minister has said that all we need to do in order to get security personnel is to put a request. The security team in Turkana Central requested for additional KPRs in Lorengipi, Naipa and Lokiriama two years ago and he is yet to deploy them. When will he deploy the KPRs because we have already requested for them?

Mr. Ojode: Mr. Deputy Speaker, Sir, once we get a request from the Chairman of either the District or Provincial Security Committee, we normally act immediately. I will check on

whether, indeed, they have requested for additional security personnel and if so, I will act immediately.

Dr. Nuh: Mr. Deputy Speaker, Sir, from the Assistant Minister's statement if you want to get extra security personnel all you have to do is cause insecurity because they deploy security forces where there is insecurity. I thought security forces are to deter insecurity from happening. Since many guns which were used by people to protect themselves were returned from Tana River District, his Ministry has time and again promised us that it will do a review and head count of the KPRs. When will the head count end and when will we get additional security in return?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is a very valid question. We are fast-tracking the review of the whole area. In areas where we need to add security personnel, we will do it immediately the review is done.

Mr. Olago: Mr. Deputy Speaker, Sir, cattle-rustling in Marakwet has become a business and deployment of the KPRs is equivalent to deploying volunteers because reservists are basically volunteers. Why is it not possible, as a matter of policy for the Kenya Police to engage the Anti-Stock Theft Unit officers who are specially trained for cattle-rustling?

Mr. Ojode: Mr. Deputy Speaker, Sir, we normally deploy the Anti-Stock Theft unit if there is need. There are times where we use the Administration Police officers (APs) because the area is not prone to cattle-rustling.

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to go round my question when what I basically asked is: "Why can the police not deploy those officers who are specialized in this type of crime?"

Mr. Ojode: Mr. Deputy Speaker, Sir, if we get a request that the Anti-Stock Theft Unit personnel are required in a certain area, we have no choice other than deploying them. That depends on the security team.

Mr. Deputy Speaker: Order, Mr. Assistant Minister! It is public knowledge in this country that there is cattle rustling in Marakwet every other time. What more do you need for you to understand that, that it is a cattle-rustling prone area and that you need to put adequate measures in place?

Mr. Ojode: Mr. Deputy Speaker, I will consult with the PC who is the Chairman of the Provincial Security Committee. If they require the Anti-Stock Theft Unit officers, we have no choice other than deploying them.

Mr. Deputy Speaker: Mr. Kaino, could you ask the last Question?

Mr. Kaino: Mr. Deputy Speaker, Sir, since the Assistant Minister seems not to be informed, I just want to inform him that many people have been killed. Some people have been killed since the Government removed the KPRs from the neighbourhood. Since we talked to the PC who was prepared to give us the KPRs, I want the Assistant Minister to make a follow up and make sure that the four locations in Marakwet West get them.

Mr. Deputy Speaker: Mr. Assistant Minister, can you make a firm undertaking.

Mr. Ojode: Mr. Deputy Speaker, Sir, I want to assure the hon. Member that if there is a letter from the PC who is the chairman of the security team within that area requesting for additional KPR, I have no choice. I have to give them.

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

Question No.204

DELAYED COMPLETION OF TRANS-NZOIA
WEST DISTRICT HEADQUARTERS

Mr. Wamalwa asked the Minister for Public Works:-

(a) why the construction of the new District Headquarters for Trans-Nzoia West District has not been completed, 20 years after commencement; and,

(b) when the same will be completed and handed over officially.

The Minister for Public Works (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The construction of the new district headquarters for Trans Nzoia West District has not been completed as the project stalled due to lack of funds after a cost revision. This is among the stalled projects the Government is now in the process of completing.

(b) The project is currently at 96 per cent complete. The remaining work is expected to be completed by 30th September, 2010

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I am sure that the people of Kitale would be happy to know that this 20-year old project would finally be completed on 30th September, 2010. I just want the Minister to confirm if this was the only cost revision in 2005 or there have been others and to what extent the cost escalated over and above the original project cost.

Mr. Obure: Mr. Deputy Speaker, Sir, this was not the only time. The initial cost revision was carried out in 1994 raising the contractual amount from a figure of Kshs35,900,000 to a figure of Kshs201,356,464. Then there was a subsequent revision which included a justification for additional works by a further Kshs93 million.

Mr. Deputy Speaker: Mr. Wamalwa, are you satisfied?

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I think it is a matter of great concern. It is only the other day that we heard of a similar project in Kisumu which took over 20 years to complete. Looking at the escalation of the cost from the original Kshs35 million to over Kshs300 million really, is the Government not losing money in having these old projects being used for siphoning public funds? Could he confirm to the House?

Mr. Obure: Mr. Deputy Speaker, Sir, we all are aware that we have had serious challenges on some of the projects that stalled in 1980s and 1990s. This was one of those projects. I want to inform this House that we have since carried out policy reviews and we want to ensure that the Government projects must be implemented in a different way. First of all, we have adopted a policy that no project will commence unless funds are available to complete it. The second reason why these projects stalled was the fact that, for example, the building works would be awarded and then the associated works like electrical and mechanical would not be awarded at the same time.

We are now insisting under the current policy arrangement that all the work must be tendered and awarded at the same time. We have had serious challenges with the capacities of the contractors themselves, serious challenges with the attitude of the contractors and we are now coming up with the policy measures including a Bill that will regulate the conduct of contractors. I look forward to receiving the support of this House when this Bill is presented on the Floor of the House.

Mr. Deputy Speaker, Sir, I want to say that these are some of the challenges we have had to deal with but I think that we are now overcoming them. I am determined to ensure that such experiences are not part of our life as we go into the future. As I said, I want to assure the hon.

Member that this project will be handed over before or definitely not later than 30th September, 2010.

Mr. Deputy Speaker: Fair enough!

Next Question, hon. Washiali!

Mr. Washiali: Thank you, Mr. Deputy Speaker, Sir. I also wish to apologise to the House for having come late.

Question No. 226

DISBURSEMENT OF MONEY UNDER FAS FOR CANE DEVELOPMENT

Mr. Washiali asked the Minister for Agriculture:

(a) how the money under the Farmers Advance Scheme (FAS) through the Agricultural Finance Corporation (AFC) for cane development was disbursed; and,

(b) the number of farmers who benefited from the scheme.

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

(a) The money was disbursed to farmers who applied and met the conditions set under the Sugar Development Fund.

(b) A total of 1,052 farmers have so far benefited from the programme.

Mr. Washiali: Thank you, Mr. Deputy Speaker, Sir. I want to take this opportunity to thank the Assistant Minister for the answer. However, the answer is so sketchy and it does not bring out what the farmers are going through. There was Kshs1 billion that was allocated to lend farmers and only Kshs500 million was given in the year 2007/2008. The other Kshs500 million has not been released. This money is meant to assist farmers improve their crop. Will the Assistant Minister tell us when the other Kshs500 million will be given to the farmers?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, the Kenya Sugar Board is in the process of releasing these funds. There was a problem of identifying the institution which will lend the money because this was being done by AFC alone. They have been looking for other institutions to help them lend the money to farmers, especially those that can reach them easily and without a lot of costs. So the remaining Kshs500 million will be given as soon as possible.

Mr. Washiali: Mr. Deputy Speaker, Sir, I do not think the Assistant Minister is sensitive enough to the plight of the farmers, because from the Financial Year 2007/2008 upto to date, nothing has happened. It means that the Government has not been able ---

Mr. Deputy Speaker: You have made your point!

Mr. Washiali: Mr. Deputy Speaker, Sir, apart from giving us the date when he is going to remit that money, could the Assistant Minister, through the structures of the KSB, extend these loans to the farmers so that they improve their crop?

Mr. Deputy Speaker: Hon. Assistant Minister, how soon is as soon as possible?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, first, let me answer the question raised by the hon. Member and then come to yours. It took the farmers so long to exhaust the Kshs500 million and even now as we speak, we have Kshs10 million which has not been drawn from the first allocation of Kshs500 million.

Mr. Deputy Speaker: This other one that is coming now---

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. Is this Assistant Minister in order to mislead this House by saying that there is Kshs10 million remaining when they are actually in the process of replacing the financier, the AFC, because of some kind of misappropriation of funds? Is he in order to mislead this House?

Mr. Ndambuki: Mr. Deputy Speaker, Sir, I am not aware about the issue of misappropriation of funds. I am only saying that the money which we have given out as we speak now is Kshs480 million out of Kshs500 million. Even if we give this other half before the first allocation is exhausted, the money will be just lying there. We need to speed up this exercise. That is why we are also looking for another institution to assist AFC to lend this money to the farmers. This money purely is supposed to be used for irrigation of sugarcane and also assist farmers who are growing sugar cane for the first time. So the Kshs500 million will be with the AFC and these other financial institutions immediately they finalise signing the documentation.

Mr. Deputy Speaker: Hon. Washiali, can you ask the last supplementary question on the same?

Mr. Washiali: Mr. Deputy Speaker, Sir, now that they are thinking of even changing the financial institution that has been lending this money to the farmers, can the Assistant Minister tell us whether the KSB will come up with structures that are sensitive to the farmers and which understand the needs of the farmers and which can reach farmers wherever they are? Like the case of Mumias, the nearest AFC office is in Kakamega. Kakamega may not be as sensitive as if this office was opened in Mumias.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, KSB is not in the business of lending money to the farmers. That is why we are coming up with another financial institution to help the farmers and which is closer to the farmers more than the AFC.

Mr. Deputy Speaker: For the benefit of the Chair, is the absorption problem with the farmers or with the disbursing financial institution?

Mr. Ndambuki: Both; the farmers and also the institution.

Mr. Deputy Speaker: Fair enough! What is your point of order, hon. Chanzu?

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. There is an issue you raised which the Assistant Minister has not responded to about how long it will take. He is all the time saying, he is going to do it. When is he going to do it?

Mr. Deputy Speaker: Mr. Assistant Minister, AFC being a parastatal which falls under your Ministry, surely, you should have the information to be definitive here and tell the Members when that memorandum of understanding between the two financial institutions is going to be signed, and how soon the farmers can expect the money. Can you be very specific on the same?

Mr. Ndambuki: Yes, Mr. Deputy Speaker, Sir, it will be signed before the end of this month and all the money will be with AFC.

Mr. Deputy Speaker: Fair enough.

Next Question, hon. Olago!

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Before I ask my Question, I want to raise an issue that touches on the composition of the House as it is.

Mr. Deputy Speaker: Hon. Olago, you came late to ask this Question, and even before you apologize to this august House, you wish to transact business. Can you apologize to the House?

Mr. Olago: Mr. Deputy Speaker, Sir, I am sorry for having come late. It is not my practice. It was your speed, you went very fast through the Order Paper.

Mr. Deputy Speaker: Order, hon. Olago! Proceed to ask your Question!

Mr. Olago: Mr. Deputy Speaker, Sir, last week, you made a ruling in respect to the presence of Dr. Machage in the House. You said he can neither ask nor answer Questions. I note that Dr. Machage is seated here looking very humble. What type of hon. creature is this one in the House who can neither ask nor answer Questions?

Mr. Deputy Speaker: Order, hon. Olago! What is your point of order, Dr. Machage?

Dr. Machage: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive on the hon. Member of Parliament for Kuria Constituency, referring to him as a creature? What type of a creature am I? I am a homosapiens!

(Laughter)

Mr. Deputy Speaker: Hon. Olago Oluoch, indeed, you are out of order! You are neither the Chair of the House nor the Executive authority that gives responsibilities to Dr. Machage or takes away the responsibilities, and the ruling on this was very explicit.

Proceed and ask your question!

Dr. Machage: On a point of order, Mr. Deputy Speaker, Sir. Please, an apology would be appropriate.

Mr. Deputy Speaker: Can you apologize, hon. Olago Oluoch, for imputing improper motives?

Mr. Olago: Mr. Deputy Speaker, Sir, the hon. Member for Kuria, hon. Machage---

Mr. Deputy Speaker: Order!

Mr. Olago: I am sorry, Mr. Deputy Speaker, Sir. He is a creature of God, but I am sorry he is an hon. Member of Parliament. I am sorry!

Mr. Deputy Speaker: Proceed and ask your Question!

Question No. 252

ISSUANCE OF TITLE DEEDS TO KALOLENI/
MANYATTA-ARAB LANDOWNERS

Mr. Olago asked the Minister for Lands –

(a) why proprietors of parcels of land at Kaloleni and Manyatta –Arab in Kisumu Municipality have not been issued with title deeds since the 1930s; and,

(b) what steps the Ministry is taking to ensure a speedy and expeditious issuance of titles to the proprietors.

The Assistant Minister for Agriculture (Mr. Ndambuki): Mr. Deputy Speaker, Sir, hon. Gonzi Rai is bereaved and he has talked to you and the hon. Member.

Mr. Deputy Speaker: In line with your collective responsibility, do you have any indication when--- In the first place, the condolences of the Chair as well as the other hon. Members of Parliament to hon. Gonzi Rai for having lost a relative. Nonetheless, when do you think hon. Gonzi Rai, or the Minister, will be here to answer this Question?

The Assistant Minister for Agriculture (Mr. Ndambuki): Next week.

Mr. Deputy Speaker: That is fair enough; the Question is deferred to next week on Wednesday morning!

Order, hon. Members! For the last time, Question No. 67 by hon. Joseph Lekuton!

Question No. 067

STATISTICS ON MATERNAL DEATHS IN KENYA

Mr. Lekuton asked the Minister for Public Health and Sanitation -

(a) to provide the current statistics of maternal deaths in the country and state the steps the Government has taken towards achieving MDG 5; and,

(b) what achievements the Government has made so far in terms of improving maternal health?

Mr. Deputy Speaker: Is the Minister for Public Health and Sanitation here?

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. If you look at this Question, I am not sure whether the absence of the Minister has something to do with her inability to answer it, because the issue of Millennium Development Goals is rightly in the docket of the Minister of State for Planning, National Development and Vision 2030. I know this for a fact because they have a Millennium Development Goals Unit in that particular Ministry.

Mr. Deputy Speaker: Including?

Mr. Ethuro: Including MDG 5.

Mr. Deputy Speaker: MDG 5 on maternal health and MDG---

Mr. Ethuro: Of course, the Minister for Public Health and Sanitation could be dealing with such issues, but MDG's realization is for the Minister of State for Planning, National Development and Vision 2030, and I have immense interest in this particular subject.

Mr. Nyambati: On a point of order, Mr. Deputy Speaker, Sir. I think there is relevance in this Question in that there are maternal deaths. We should be answering this Question.

Mr. Deputy Speaker: Order! Order! Hon. Members on this Question, the institutional memory here in Parliament is that this Question was initially sent to the Ministry of State for Planning, National Development and Vision 2030, but within the Government's internal systems, the same Ministry sent it to the Ministry of Public Health and Sanitation, and that is in line with the rules. So, it is, indeed, in the docket of the Ministry of Public Health and Sanitation, who have failed to answer it. Standing Order No. 46, says:

“It shall be disorderly conduct for a Member to fail to ask or for a Minister to fail to answer a question listed on the Order Paper without the leave of the Speaker”.

Therefore, the Minister for Public Health and Sanitation is in breach of this Standing Order. Consequently, the Chair directs that this Minister is not going to transact any business on the Floor of the House until such time that the Minister is able to give adequate reason for having not been around – either the Minister or the Assistant Minister – to answer this Question.

Next Order!

STATEMENTS

POINT OF ORDER

ACTIVITIES OF CALVARY TEMPLE OF KENYA

Mr. Deputy Speaker: Yes, Prof. Kamar?

Prof. Kamar: On a point of order, Mr. Deputy Speaker. Sir, I stand to seek a Ministerial Statement from the Attorney-General on the activities of Calvary Temple of Kenya, based at Komora Centre in Eldoret Town. In the Statement that I am seeking from the Attorney-General, I would like him to confirm if Calvary Temple of Kenya is a registered Church, an NGO or a school, and if its registration has been done both in Kenya and the US. He should also confirm if the proprietor by the name Star R. Scott, is the same as Star R. Scott of Calvary Temple Evangelistic Enterprises in the US, which is widely alleged to be a cult known for separating families, parents and children.

Mr. Deputy Speaker, Sir, could the Attorney-General also detail the current activities undertaken by the said organization in Eldoret Town, including whether they are licensed to run an informal education programme for school-aged children. Could he, further, in his Statement, confirm if the school-aged children currently housed in Komora Centre are undertaking studies under an approved Kenyan or US education system? Could he also confirm that Kenyan families have been victims of Calvary Church in Kenya, and specifically at the Komora Centre in Eldoret where young girls are being married off without the consent of their parents?

Further, Mr. Deputy Speaker, Sir, he should explain the circumstances under which one Lorna Chemeli Koech was married off without the consent and knowledge of her parents after she dropped out of her university studies at the University of Nairobi. Could he also explain under what circumstances the mother of Lorna, one Mrs. Patricia Cherotich Sawe, was arrested instead of being assisted when she reported the case of her child being married off to the police?

Mr. Deputy Speaker, Sir, I rest my case.

Mr. Deputy Speaker: Can the Minister undertake as to when---

The Assistant Minister, Ministry of State for Defense (Maj-Gen. Nkaisserry): Thank you, Mr. Deputy Speaker, Sir. I undertake to inform the Attorney-General appropriately.

Mr. Deputy Speaker: When is the Attorney-General going to bring the Statement? This is a matter that needs a serious and urgent response!

The Assistant Minister, Ministry of State for Defense (Maj-Gen. Nkaisserry): Next week on Thursday,

Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Yes, Prof. Kamar?

Prof. Kamar: Mr. Deputy Speaker, Sir, I wish to apologize because next week I will be at the ACP-EU Meeting in Seychelles and I would like to request that it be given the following week.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Two weeks from now?

Prof. Kamar: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: That is fair enough; it is so directed!

Yes, hon. Ethuro?

UNDELIVERED MINISTERIAL STATEMENTS

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I was expecting responses to Ministerial Statements I sought last Tuesday, one from the Minister for Public Health and Sanitation and the second one from the Minister of State for Provincial Administration and Internal Security. On Tuesday, I sought Statements from the two Ministers and they agreed that they would bring the Statements on Thursday afternoon. In particular the one from the Minister

for Public Health and Sanitation was about health professionals who have not been paid for the last one year. It is so serious and the Minister does not seem to be around to respond to it.

Mr. Deputy Speaker: Fair enough! Is that a copy of the Ministerial Statement that you sought?

Mr. Ethuro: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Can you give it to the Clerks-at-the-Table to pass it to me?

*(Mr. Ethuro passed the document to the
Clerks-at-the-Table)*

The Minister for Public Health and Sanitation is already under sanctions. The Chair suggests that you raise the issue in the next session!

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. On the issue of Public Health and Sanitation, given that it is about delayed payment, I do not know how longer it can delay. Will I be in order to ask that Minister to be named?

Mr. Deputy Speaker, Sir, as you consider that, I had also sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security about the state of insecurity in Turkana generally. I gave specific cases of what happened last week in spite of his assurance to the House that such incidences will never happen and that the Government will beef security in this area.

I also asked whether the necessary armed forces that have been deployed in those areas can actually be located in the areas where we have insecurity rather than in urban centers. Are they on holiday?

Mr. Deputy Speaker: The Chair had directed that the Statement should be made available today and the Minister for Public Health and Sanitation did make an undertaking both on her docket as well as on behalf of the Minister of State for Provincial Administration and Internal Security.

The Chair takes exception to this conduct by Ministers to fail to execute their mandate as provided for in our own laws and our own Standing Orders. However, the same Standing Orders also dictate that a Minister cannot be named in his or her absence or any other Member of Parliament cannot be named in his or her absence. So, I suggest that you raise the same issue, if you feel very strongly about it, when the Minister is in.

Next Order!

Mr. Ethuro: On the point of order, Mr. Deputy Speaker, Sir. Since the Minister of State for Provincial Administration and Internal Security has a component of the defence forces that engaged in disarmament and allocation; fully appreciating the presence of the able Assistant Minister, Ministry of State for Defence, a general himself, he may wish to comment on this. We cannot allow any single day my people to be killed by bandits when we have forces on the ground but they are not located where they should be.

Mr. Deputy Speaker: Maj-Gen. Nkaisserry, do you wish to comment on the same in line with the collective responsibility? In any case, the Chair is not that much convinced that you can do it because you should have had advance information on what was sought by the Member of Parliament in the Ministerial Statement.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): No, Mr. Deputy Speaker, Sir. That is beyond my mandate at the moment. I think your ruling that this should be brought up next week should stand.

Mr. Deputy Speaker: Fair enough!
Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

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

THE ANIMAL TECHNICIANS BILL

The Temporary Deputy Chairman (Mr. Ethuro): Hon. Members, we are now in the Committee of the whole House. Before us is the Animal Technicians Bill (Bill No.18 of 2009).

(Clause 2 agreed to)

Clause 3

Mr. Lekuton: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 3 be amended by deleting subclause (3).

(Question of the amendment proposed)

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

(Clause 3 as amended agreed to)

(Clauses 4 and 5 agreed to)

Clause 6

Mr. Lekuton: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, clause 6 be amended in paragraph (e) of sub-clause (1), by—
(a) deleting the word “seven” and substituting therefor the word “nine”;
(b) inserting the words “and production” immediately after the words “health care”.

(Question of the amendment proposed)

*(Question, tha, the word to be left out be left out,
put and agreed to)*

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 6 as amended agreed to)

(Clauses 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 agreed to)

Clause 24

Mr. Lekuton: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 24 be amended—

(a) in subclause (1), by—

(i) inserting the words “animal health practitioner or registered animal technician” immediately after the word “surgeon” appearing in paragraph (d);

(ii) deleting the word “five” appearing immediately before the word “years” in paragraph (d) and substituting therefor the word “three”;

(b) in subclause (2), by deleting the word “where” appearing immediately after the words “private practice” in paragraph (b) and substituting therefor the word “while”.

(Question of amendment proposed)

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

(Question, that the words to be left out be left out, put and agreed to)

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Mr. Lekuton: Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Animal Technicians Bill and its approval thereof with amendments.

(Question Proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Prof. Kamar) in the Chair]*

REPORT AND THIRD READING

THE ANIMAL TECHNICIANS BILL

Mr. Ethuro: Madam Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered the Animal Technicians Bill and approved the same with amendments.

Mr. Lekuton: Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

Mr. Wamalwa seconded.

(Question proposed)

(Question put and agreed to)

Mr. Lekuton: Madam Temporary Deputy Speaker, I beg to move that the Animal Technicians Bill be now read the Third Time.

Mr. Wamalwa seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

MOTION

ADOPTION OF REPORT ON 120TH IPU ASSEMBLY IN ADDIS ABABA

Mr. Nuh: Madam Temporary Deputy Speaker, I beg to move:-

THAT, this House adopts the Report of the Kenya Delegation to the 120th Assembly of the Inter-Parliamentary Union (IPU) held in Addis Ababa, Ethiopia between 5th and 10th April, 2009 laid on the Table of the House on 7th April, 2010.

Madam Temporary Deputy Speaker, the Report is a summary of the proceedings and resolutions of the 120th Assembly of the IPU in Addis Ababa, Ethiopia, between the said dates. In accordance with the statutes and rules of IPU, and on behalf of the Executive of the Kenya National Assembly Group, three Members were nominated to represent our Parliament during

the 120th IPU Assembly held in Addis Ababa. The delegation comprised of the following Members:-

1. Hon. Farah Maalim, MP – Deputy Speaker – Leader of Delegation.
2. Hon. (Dr.) Joyce Laboso, MP.
3. Hon. (Dr.) Nasir Abdi, MP.
4. Mr. James Mwangi – Deputy Clerk/Deputy Director.
5. Ms. Anita Thurania – Principal Clerk Assistant.

I am presenting this report on behalf of Mr. Farah Maalim. On behalf of the members of the delegation, I wish to thank most sincerely, the Speaker of the National Assembly for having given us the opportunity to represent the National Assembly in this international forum and having accorded us, together with the Clerk, all the necessary financial assistance to attend that conference. The delegation also wishes to express its gratitude to the Clerk of the National Assembly on the same behalf.

Madam Temporary Deputy Speaker, the IPU is an international organization of parliaments of 154 member States, most of which are parliaments of sovereign states, save for a few. It was established in 1889 and in some ways, it can be described as the “united nations” of parliaments of the world. It strives for co-operation among the people and for the firm establishment of representative institutions. It is the sole international organization that represents the legislative branch of governments on a global scale. The conference was attended by 1,193 delegates; 28 of them presiding officers, 35 deputy presiding officers; 165 of whom were women. Other participants also included associate members, observer representatives and various organs of the UN.

The objective of IPU is to promote the globalization of democracy to assist parliamentarians to exercise their shared responsibility as global custodians of democracy and human rights. This forum enables parliaments to get better grasp of international issues and establish personal contacts and strength, mutual trust through dialogue and exchange of ideas. The inaugural addresses which were given by hon. members of parliaments, Heads of States among them the Prime Minister of Ethiopia, Mr. Meles Zenawi, Mr. Teshome Toga who is the Speaker of the Ethiopian House of Peoples’ Representatives, Mr. Defege Bula, President of the Ethiopian House of Federation, Mr. Jane, the Executive Secretary of the UN Economic Commission for Africa and Dr. Theodore Gurirab who is the President of IPU.

Madam Temporary Deputy Speaker, in their addresses, the heat of the matter then was the financial crisis that had engulfed the whole world and, in his address, His Excellency, Meles Zenawi, the Prime Minister, said that the world was facing a serious financial crisis with the potential to create complex economic and security problems. It was opportune that the IPU had recognized the magnitude of the problem and engaged parliaments which have a crucial role in seeking a workable solution. He then observed that in recent times, African economies had started to grow and several long running conflicts had been resolved. For the first time in history, Ethiopia had also experienced five consecutive years of economic growth while he was trying to elucidate the leaps that were made by several other African nations. In his message, Mr. Jane, who was representing the General-Secretary to the UN, Mr. Ban Ki Moon, expressed concerns that the economic crisis the world was facing could easily reverse the hard won development gains already made by many nations. He said that the world could be at the brink of widespread social unrest and that is why he had requested the G20, during the London Summit, to come up with a stimulus plan and reforms of global rules of institutions.

These stimulus plans were also to some scale implemented in our nation to forestall the crisis that was engulfing the world. The president to the IPU, Dr. Gurirab said that the catalyst for the economic upheaval the world was facing was in the uses and abuses of banking systems. The crisis was triggered by the failure of a system, which many foresaw and none managed to correct. So, everybody, including Members of Parliament, had some share of responsibility. This is because parliaments are expected to be watchdogs, whistle blowers and auditors of the day to day working of Governments and societies.

Madam Temporary Deputy Speaker, the immediate consequences we faced from the economic problems were skyrocketing of food prices, unstable fuel costs, job losses, leading to increased global poverty levels and putting at stake, the attainment of millennium development goals.

Madam Temporary Deputy Speaker, there were panel discussions at the conference, some of which were directed towards discussing matters of development of adolescent girls. The UNICEF, which was the lead agency then, engaged parliamentarians on many challenges faced by adolescent girls. Participants focused on several ways in which they could promote the lives of girls by investing in their education and promoting an end to the violence against girls in the social settings. I would like to laud our Parliament for trying to take some bold steps towards that goal.

Madam Temporary Deputy Speaker, a second panel discussion deliberated on managing diversities. The main focus of this discussion was on various aspects of managing diversities, with particular emphasis on political participation of minorities and indigenous people. Parliamentarians addressed the benefit of diversity in the globalised economy, the international agreement that supports the rights of minorities and the various mechanisms for ensuring political participation of all sectors in the society.

At this point, I would want to laud the court ruling that ruled that the Ogiek and other minorities in this nation deserve better representation and to be awarded constituencies of their own, where they can have MPs who can articulate their issues. I know the hon. Member for Kuria is one who always stands and talks about how minorities in this country should be treated - in a better way.

Another panel discussion centred on the countdown to the year 2015 that has to do with the millennium development goals to reduce maternal, newborn and child mortality. These were identified as gaps and new actions proposed to assist nations in achieving the MDG 4 and the MDG 5.

There were several conference topics; the first one was the general debate on the political, economic and social situation in the world. The conference had envisaged a topic and a theme that centred on building peace, democracy, development in times of crisis, and the economic crisis that had existed then.

Another topic was advancing nuclear non-proliferation and disarmament, and securing the entry into force of comprehensive nuclear test ban treaty. This was a conference topic which I fully participated in; I happened to be a rapporteur.

Madam Temporary Deputy Speaker, another topic engaged in by Members of Parliament was on climate change, sustainable development, models and renewable energies, freedom of expression and right to information. The conference also discussed an emergency item. This was the role of Members of Parliaments in mitigating the social and political impact of the international economic and financial crisis.

In building peace and democracy, parliamentarians noted with concern the rising levels of insecurity all over the world, and the threat it was posing to stability and peace necessary for political, social and economic development, particularly in third world countries.

In his contribution, the Deputy Speaker of the Kenya National Assembly emphasized the need for countries to maintain peace and security, which were pre-requisites for national growth and development, and without which democracy would not survive. He said that it was saddening to note that most states in Africa paid lip service to the tenets of democracy. He said the political elite were hell bent to maintain the status quo. In their rule and control very often, they compromise the principles of democracy. He urged the countries in the Horn of Africa to rise to the occasion and lead by example in matters of democracy, human rights, equality and equity to warrant the pivotal position they hold in the continent.

In matters pertaining to advancement of nuclear non-proliferation, parliamentarians lauded the efforts made by the IPU to constantly remind the world of the dangers of possession and use of nuclear weapons, both on mankind, other living beings and also the environment. Several countries are signatories to the nuclear ban treaties, which they undertook to implement for the universal good. Parliaments were, however, concerned that there were over 26,000 nuclear war heads in the world, whose use could trigger unprecedented devastation and human suffering.

The tendency by some states with nuclear weapons to justify the possession of those nuclear war heads with the argument that the weapons are vital for their security and the security of their friends and allies was equally worrying. The concern is further compounded by the fact that there is very little transparency over the actual amount of existing nuclear stockpiles. So, parliaments were urged to put pressure on their governments, which have not signed and ratified the comprehensive nuclear test ban treaty to do so without further delay. I am happy to say that our country is a signatory to that treaty.

On climate change, sustainable development, models and renewable energies, parliamentarians noted with great concern that most emissions causing global warming were generated in the developed countries. Whereas their extreme effect are felt in the developing countries, it was noted that the quantities of carbon dioxide, which forms over 76 per cent of green house gases and other green houses emissions, have increased by more than 30 per cent since pre-industrial times.

Parliaments were therefore urged to impress upon their governments to promote energy efficiency in generation and distribution as well as to encourage the use of energy saving appliances in all sectors. I do not know whether the provision of energy-saving bulbs is one attempt by our nation to go the same direction. Parliaments were thus urged that they should put pressure in place to protect vulnerable groups, particularly in Third World countries, from the effects of climate change.

In respect of freedom of expression and right to information, parliamentarians expressed their concerns that over the years, governments have increasingly restricted the right to freedom of expression by their citizens. This is despite the fact that the right to freedom of expression is recognized by the Universal Declaration on Human Rights; it is also included in the freedom to hold opinions and to impart information. Parliamentarians were, therefore, urged not only to be at the forefront of protecting this freedom in order to ensure the growth of democracy, but to also protect the youth from getting access to undesirable and destructive information by enacting appropriate legislation in that respect.

Madam Temporary Deputy Speaker, on matters pertaining to women and their involvement in politics, the meeting noted that the Millennium Development Goals had sought to reduce poverty and have the number of people earning less than a dollar a day by the year 2015. Although these goals are quite ambitious, they are not sufficient to eliminate poverty worldwide. Women parliamentarians were, therefore, urged to be at the forefront of preaching peace and fostering all forms of peace initiatives in their countries.

Madam Temporary Deputy, Speaker, these are in a nutshell, the discussions that took place in Addis Ababa and successive assemblies are usually held every year. Two Assemblies were held; one in Geneva and one in member states. The one in Geneva followed in October, last year, whereas we had one in April in Bangkok this year, which our Parliament did not participate in because we were engrossed in the debate on the new Constitution.

With those few remarks, I beg to move and ask hon. Ethuro to second.

Mr. Ethuro: Madam Temporary Deputy Speaker, it is, indeed, my pleasure to second this Motion on the Report of the Kenya Delegation to the 120th Assembly of the Inter-Parliamentary Union held in Addis Ababa, Ethiopia between 5th and 10th April, 2009.

Madam Temporary Deputy Speaker, my pleasure in seconding this Motion is drawn from various levels. First, my first participation in the IPU meeting took place in 1999, when the late Job Omino, as the Deputy Speaker led a delegation of four of us to Amman, Jordan. It was quite an experience for me, as first term Member in this House. I learnt a lot in terms of what IPU can do. The second opportunity was when the Speaker sent me to New York in the year 2008 in order to represent the Kenyan parliament in a joint session between IPU and the United Nations. At that particular meeting, Kenya had its place at the high table because the question that was been discussed was : How do we, as a country, allow ourselves to go into the levels of post-election violence and the consideration is what can a legislature be able to do in order to mitigate post-conflict situations?

Madam Temporary Deputy Speaker, IPU Kenya Chapter, under the leadership of the Speaker and the Deputy Speaker and Members who represent the various provinces and political shades have steered the IPU Kenya Chapter, to great height and strength to the extent that the IPU International, considers Kenya a strategic partner. Only last year in November, the IPU hosted the African legislatures in Nairobi. This was in appreciation of the kind of work the IPU Kenya branch had done to satisfaction. These are the kind of issues that Kenyans never get to know about parliamentarians. That we have taken our role as a community of nations to play that role quite effectively.

Madam Temporary Deputy Speaker, coming to this particular report--- This report had a delegation of three Members only; Hon. Farah Maalim, who was the Deputy Speaker and leader of delegation, hon. Dr. Laboso and hon. Dr. Nuh out of assembly of 1,193. I want to mention this because many times, we get accusations that we are sending big delegations. This is one example where we had only three Members out of 1,193 from all over the world. We were not travelling for the sake of travelling. We are actually meeting some international obligations that we have as a legislature.

Madam Temporary Deputy Speaker, during this particular conference, the Members who represented Kenyan Parliament were able to interact and exchange views and experiences with parliamentarians from all over the world, most of who were from nations facing political, social and economic challenges similar to ours. One of the main sessions was chaired by the Kenyan delegation. One topic was building peace, democracy and development in times of crisis. There is no timely topic than this one. The second one was the Standing Committee on Peace and

International Security. This particular Committee, the rapporteur was none other than our own, the hon. Dr. Nuh. It was advancing nuclear non-proliferation and disarmament and securing the entry into force of the comprehensive nuclear test ban treaty: What is the role of parliament in such treaties?

Madam Temporary Deputy Speaker, the other topic was Climatic Change, Sustainable Development, Modest and Renewable Energies. There was no better kind of consideration than these ones. One other topic which was an emergency item was the Role of Parliament in Mitigating the Social and Political Impact of the International Economic and Financial Crisis or the most vulnerable sector of the global community, especially in Africa. We made our contribution as a Parliament.

There was also a topic on Women Parliamentarians. We had two of our Members, again, Dr. Laboso and Dr. Nuh who took part in that discussion. It must be acknowledged that this House has taken the issues of gender seriously and some men like us support gender issues.

I hope the hon. Member from Bomet would appreciate that contribution from the other side of gender.

Madam Temporary Deputy Speaker, IPU is the sole international organization that represents the legislative branch of Government on a global scale and it is purely funded by members through annual subscriptions. It has ensured that parliaments of the world can come together and deal with issues that are legislative in nature and assures that impact on how we deal with the rest of governance. I want to be brief because this is mainly for reporting purpose. I am glad that this House was able to participate in that conference. I was one of the casualties who could not travel to the subsequent IPU conference because we were in the middle of the constitutional review. But this delegation has gone ahead in accordance with Article 8 of the IPU Statute and has now submitted this report. The Article says:

“It is the duty of a national group to present the resolutions of the Union to its respective parliament in the most appropriate form, to communicate them to the Government, to stimulate their implementation and to inform the Secretariat of the Union as often and fully as possible, particularly in its annual conferences as to the steps taken and the results obtained from these resolutions”

Madam Temporary Deputy Speaker, the delegation has conformed to this requirement. The Kenya Parliament has always discharged its obligations to everywhere we have gone. There is the element about the responses by the Government. I think while this is very good, the branch of IPU must ensure that most of the recommendations that are adopted by this House, especially where they state the Executive branch of Government have an impact; all of them must be followed because we are all in this. One arm will always contribute to the other. The Executive will also play its role just as the Legislature has played its role in being a senior and serious partner of the IPU.

With those remarks, I wish to second this Motion.

(Question proposed)

Dr. Laboso: Madam Temporary Deputy Speaker, as a Member of that delegation, I also wish to make a few remarks about the conference. I wish to bring to the attention of hon. Members that the IPU is a union that is critical to the advancement of the Members of Parliament or the role they play in world politics.

I was particularly impressed during the conference by the diversity of the views that were expressed. I am sure there is no other union where you will find extremely diverse views like in the IPU. I am talking about encounters with groups such as the Palestinians versus the Israelites or the Arab Members of Parliament versus their American counterparts. There were a lot of diversified views where under normal circumstances, you could not have a chance of those Members coming together in a meeting. It was an enriching experience to come across marginalized groups. I know these are issues that we are talking about right now, especially with regard to the proposed Constitution. However, I can assure you that even in the global politics, issues of marginalized groups do come up strongly. During the IPU meeting, the marginalized groups were very vocal. Their issues almost dominated most of the sessions that took place in Addis Ababa.

Apart from that, I would also like to mention issues about women that came up during the conference. It was gratifying to realise that there was a women's agenda in the IPU. A lot of time and effort was spent discussing the issue of adolescent girls. We may not be aware, but there are very many issues and girls who are faced with discrimination and violence. They are generally disadvantaged members of the society. I must say that even though we feel that women are disadvantaged in Kenya, I think there are many more regions which are worse than Kenya.

There were many discussions about how to improve the lives of women and girls by investing in their education. We spend a lot of time talking about how we can end violence. These are issues that cut across several regions and countries that were represented in the Conference.

We discussed the role of Members of Parliament in ensuring that there are resources that are women and children friendly. There is power of legislation which many a times, we do not realise. Sometimes, we are not aware of the role that we, as legislators, play in the lives of the people that we represent. That was brought to the fore. One of the speakers brought out the fact that all national delegations should as often as possible, make Members of Parliament part of that delegation because they realized that Members of Parliament have power over the lives of people through the power of legislation. I am particularly happy to note that the power of legislation, even as we discuss the proposed Constitution, will be brought out. This is because we are clearly talking about separation of powers between the Judiciary, the Legislature and the Executive.

Madam Temporary Deputy Speaker, one of the speakers, Dr. Ali, talked about the progress that has been made in terms of the disparities between the enrolment and retention of boys and girls in primary schools. At the primary level, there is little disparity between the enrolment and retention of girls almost globally. However, those disparities begin to show as you go up the ladder to secondary and tertiary institutions. There are many countries, particularly in the Arab world, where those disparities are greater than others.

We again spent some time talking about the diversities in the globalised economy and I have mentioned this. We looked at the countdown to 2015 when we should be talking about the MDGs and how various countries have fared on in terms of meeting the MDGs. As a country, we looked at our status and analyzed where we are. This was in terms of MDG I, MDG IV and MDG V. MDG I is about poverty and we wanted to know some of the measures the country has taken to address these issues.

Madam Temporary Deputy Speaker, it was an enriching experience to be in the IPU. Anybody who has not attended an IPU meeting, it is quite different from many meetings because you really get a globalised view and perspective of issues discussed across the countries and continents. I want to give a chance to others to add their voice to this.

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

Hon. Members: Put the question!

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, if there is nobody wishing to contribute to this Motion, may I now call the Mover to reply.

Dr. Nuh: Madam Temporary Deputy Speaker, I want to thank you and the hon. Members who have supported this Motion. It is apparent that as we have our own fight here between the Executive and Parliament, and with our country going for reforms, where the demarcation will be very clear and lines drawn between the Executive and the Legislature, so is the global world and perception. This is the only conglomeration of parliaments that tries to exercise their authority and influence to better the lives of those people they represent in a world that is becoming more of a village. The world is becoming smaller and unique in respect to how countries, states and people relate to one another.

I want to laud Mr. Ethuro's assertion that we need to implement whatever we carry as commitments from member states and friends.

With those few remarks, I beg to move.

(Question put and agreed to)

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN
THE NEXT NORMAL SITTING DAY

The Temporary Deputy Speaker (Prof. Kamar): Hon. Members, I just wish to put to your attention the fact that this kind of Motion has a maximum period of three hours. It is now 4.30 p.m. and so, it will run upto 7.30 p.m. That has been allowed by the Chair.

Proceed!

Mr. Midiwo: Madam Temporary Deputy Speaker, I beg to move:-

THAT, this House do now adjourn until Tuesday, 10th August 2010 at 2.30 p.m.

Madam Temporary Deputy Speaker, we have been trying to adjourn since yesterday and because we appreciate that hon. Members had issues to resolve, we had to withdraw the Motion yesterday and put it in the Order Paper today. I do wish to correct the impression that was created out there to the public by the media that I was hiding or did not want to move this Motion. As you can tell, I want to move it because I believe it is my duty. But there are issues which we must inform Kenyans about.

The hon. Members are angry at the Deputy Prime Minister and Minister for Finance, the Prime Minister and the Government for misunderstanding the proposals of the Akiwumi Report and misinforming Kenyans deliberately about the contents of the Akiwumi Report. I am where I am because of Members of Parliament. So, I want to correct the record on their behalf, even as I want to ask them to adjourn.

Madam Temporary Deputy Speaker, there is nowhere in this document that salary increment is recommended for Members of Parliament. I have read it and seen the provisions. The genesis of all this is that Kenyans have been saying that they want Members of Parliament to pay taxes. These Members of Parliament so present have agreed to pay taxes as demanded by the wananchi. Therefore, it is wrong to take the country through unnecessary anxiety. They used to say that we would increase our salaries on demand. In fact, they would say that the only time

Parliament works together is when they want to increase their salaries. But this time round, the Commission in its wisdom, acceded to the wishes of Kenyans and appointed respected personalities led by Justice Akiwumi. The recommendations of this Report are not from Members of Parliament. The Tribunal even went to other countries like Malawi, United Kingdom and all over Africa before it came up with these recommendations. Therefore, I think it is hypocritical and wrong for the public to want Parliament to appoint an independent Tribunal to review its remuneration and yet, at the same time come back and say that Members of Parliament are doing it. It is a lie!

*[The Temporary Deputy Speaker
(Prof. Kamar) left the Chair]*

[Mr. Deputy Speaker resumed the Chair]

Mr. Deputy Speaker, Sir, I want to tell you that among the people who are making the loudest noise is one Francis Atwoli. Mr. Atwoli's salary is estimated at about only Kshs80,000. That is what he pays tax on. But his allowances per month are more than Kshs5 million. So, I challenge the Minister for Labour to come before this House and explain to Kenyans how much the Secretary General of the Kenya National Union of Teachers (KNUT) and Mr. Francis Atwoli earn. In fact, I dare Mr. Atwoli to call for a strike, so that we can tell Kenyans who they are. Those are the people who make money and share it with no other Kenyan. We have no union. He represents some union and he is paid handsomely for it. The Minister for Labour owes this House some explanation. What is the remuneration package for the Managing Director of the Kenya Power and Lighting Company (KPLC), Managing Director of KenGen and the Managing Director of Kenya Pipeline Company? In fact, the Managing Director for Kenya Pipeline Company even has two choppers stationed for him. So, we need to talk the truth to Kenyans.

Mr. Deputy Speaker, Sir, as Members of Parliament, we must explain our position to Kenyans, because I have looked at this document and there is nothing in it that prevents this House from adopting the Report. There is just mere misinformation to the public. As an officer here appointed by Members of Parliament, I have no fear to defend the reputation of Justice Akiwumi. I have heard people say how Members of Parliament are not right to talk about this Report. I want to challenge the Speaker of this House to make public, the wealth of Members of Parliament. Those Members who are so against other Members making money and poisoning them with the public, most of them have looted public funds or inherited wealth from other sources. So, I want to be very clear because I have no reason to mince words.

Mr. Deputy Speaker, Sir, Section 210 of the Constitution says that people should pay taxes on their allowances. The practice world over is that very few Parliaments pay taxes on their allowances. Therefore, Section 210 of the Constitution targets Members of Parliament and Judges for very wrong reasons. You do not make a Constitution to target people. The law and rule of natural justice says that somebody's remuneration cannot be changed negatively while they are in office. That is what hon. Members are complaining about and the Government must listen.

Mr. Deputy Speaker, Sir, I beg to move.

Mr. Deputy Speaker: Hon. Midiwo, who is seconding this Motion?

Mr. Midiwo: Mr. Deputy Speaker, Sir, I had hon. Duale but he has moved to the other side. This shows you the anger which even the Front Bench has against its own Government.

(Applause)

Mr. Deputy Speaker: Any hon. Member who would like to second this Motion?

Hon. Members: We are sorry!

Mr. Deputy Speaker: Order! Hon. Members! Apparently, the Motion of Adjournment as moved by hon. Midiwo does not have a Secunder and , under the rules, the Motion is lost.

ADJOURNMENT

There being no other business on the Order Paper, the House is, therefore, adjourned until Tuesday, 13th July, 2010, at 2.30 pm.

The House rose at 4.43 pm