

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th September, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.347

DELAYED PAYMENT OF COMPENSATION TO JULIUS KAZUNGU'S FAMILY

Mr. Gunda asked the Minister for Labour:-

(a) why the family of Julius Kazungu (deceased) has not been paid the full compensation under the Workman's Compensation Act following his death in a road accident, considering that the full amount of Kshs240,000 was paid to the Ministry by his former employer in March, 1998; and,

(b) whether he could confirm when the family will be paid the Kshs100,000 balance.

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

(a) It is true that Mr. Julius Kazungu was involved in a fatal road accident while in employment of Messrs Wells Fargo Limited. The accident was reported to my Ministry in accordance with the repealed Workman's Compensation Act, Cap.236 Laws of Kenya. My Ministry made a claim of Kshs240,000 from the employer being the workmans' compensation.

(b)The balance of Kshs100,000 was paid to the District Commissioner, Mombasa through my Ministry's Cheque No. 103812 dated 24th April, 2007. It is awaiting collection by the next of kin of the late Julius Kazungu. If the dependants of the late Julius Kazungu have not collected the amount, they should be advised to collect the same from the DC's office in Mombasa.

Mr. Gunda: Mr. Speaker, Sir, the Minister has attempted to answer the Question but, as usual, maybe, he has been misled by his officers. One wonders why the Ministry made a claim and Wells Fargo Limited paid the Ministry Kshs240,000. Out of this amount, Kshs140,000 was paid through the DC Kilifi. That is where the next of kin live. It has taken seven years for the balance of Kshs100,000 to be paid through the DC in Mombasa. Could the Minister tell the House whether the money is actually lying with the DC in Mombasa?

Mr. Munyes: Mr. Speaker, Sir, I confirm that Kshs100,000 is with the DC in Mombasa and is awaiting collection by the next of kin.

Mr. Mungatana: Mr. Speaker, Sir, since the Minister has admitted that there has been a delay in paying the balance, what about the interest aspect of it? Obviously, the value of that money has not remained the same. Could the Minister pay together with the interest which is normally 15 per cent, from the courts?

Mr. Munyes: Mr. Speaker, Sir, I do not think we have that provision in our budget to pay the interest. As I speak, we have a shortfall of Kshs210 million on our pending cases and we are not even able to pay that. I am sorry there is no provision for that.

Mr. Ochieng: Mr. Speaker, Sir, the Minister has confirmed that the money is actually lying at the DC's office in Mombasa. Could he table evidence that the money is actually there?

Mr. Munyes: Mr. Speaker, Sir, I can only plead with the House to understand that we have sent that cheque to the DC in Mombasa. The cheque is dated 24th April, 2007. It has been lying there and I can check with the DC to confirm whether it is still there or not.

Mr. Speaker: Order, Member for Nyakach! We will have to take the Minister by his word and this House has means of holding him to that word.

Mr. Olago: Mr. Speaker, Sir, where money is due to estates of the deceased persons and is deposited at the district treasuries, the DCs insist that the dependants must obtain letters of administration first before they can collect the money. That, in effect, means that the dependant must file a constitutional case in the High Court. That means expense and delay. Why can that money not be paid to the next of kin who are listed by the deceased persons?

Mr. Munyes: Mr. Speaker, Sir, we have kept those procedures up to when the Act changed. We are now applying the new law. The first one was the Workman's Compensation Act. However, as we speak now, the Director of Occupational Health and Safety Board has reviewed those kind of cases. We found that some of the cases are as a result of what you have said. We have initiated that process of ensuring that we simplify the cases. The matter is now in court because sections of the Act have been suspended by the High Court and, therefore, as we speak, there are very limited cases which are being paid by the Directorate of Occupational Health and Safety.

Mr. Olago: On a point of order, Mr. Speaker, Sir. You have heard the Minister say that the matter is in court and sections of the Act are not operational. Is the Minister in order to tell that to the House when, in actual fact, what is in court is the matter of operation of the new Act and not the old Workman's Compensation Act?

Mr. Munyes: Mr. Speaker, Sir, I said that what is suspended are sections of the new Act.

Mr. Gunda: Mr. Speaker, Sir, the Minister has told us that a cheque dated 24th April, 2007, was sent to the DC, Mombasa, and it is to be collected. Of what use will this cheque be to the next of kin since it is already stale? Could the Minister recall the cheque and write another one and direct it to the DC, Kilifi, for collection?

Mr. Munyes: Mr. Speaker, Sir, it is right to say that. I think we should proceed with this case. They refused to collect the cheque and it has now expired. What we will proceed with is actually---

Mr. Olago: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to tell the House that the cheque that was deposited in the District Treasury is the actual cheque awaiting collection? What I understand is that the cheque would be in favour of the DC, Mombasa, who will then deposit it in his account awaiting collection. So, the question of the cheque itself does not arise.

Mr. Speaker: Mr. Minister, is that so?

Mr. Munyes: Mr. Speaker, Sir, I think that solves it really. I want to promise the House that we will sort out this matter this week.

Mr. Speaker: Can you complete this matter in the next 21 days?

Mr. Munyes: Yes, Mr. Speaker, Sir.

Mr. Speaker: That is recorded in the HANSARD.

Next Question by the Member for Kandara!

Question No.379

NON-PROVISION OF VEHICLE TO KABATI POLICE STATION

Mr. James Maina Kamau asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could confirm that Kabati Police Station which serves a section of the busy and sometimes crime-prone Nairobi-Nyeri highway has not had a vehicle for over one year and that the OCPD, Murang'a South Police Division also does not have a vehicle;

(b) whether he could further confirm that there is a relationship between the lack of vehicles for these officers and the increased crime levels in the area; and,

(c) when the station and the OCPD will get vehicles.

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

(a) I wish to confirm that the Officer Commanding Station (OCS) Kabati has a serviceable vehicle registration No.GKA 282D. I also wish to confirm that the Officer Commanding Police Division (OCPD), Murang'a, does not have a vehicle at the moment.

(b) I confirm that there is a relationship between absence of a vehicle and incidents of crime. However, absence of a vehicle is one of the many factors that contribute to levels of crime.

(c) The police are faced with an acute shortage of vehicles and we have initiated consultations with the Treasury to procure more vehicles for them. The OCPD, Murang'a South will be given priority once we get the new vehicles.

Mr. James Maina Kamau: Mr. Speaker, Sir, I would like to thank the Assistant Minister for trying to answer this Question. But you understand that the area between Blue Post and Sagana is an insecurity prone zone. There are so many accidents and people have even lost their lives. The Assistant Minister has just confirmed that the OCPD does not have a vehicle. The vehicle that he says is in Kabati is not serviceable. It had a very serious accident and it has just been salvaged. It is not even mechanically supposed to be on the road. The Assistant Minister says that they are going to give us a

vehicle and complains that the Government has no money and yet, we pass budgets here every year. What are they doing with all the money that we give the Ministry?

Mr. Ojode: Mr. Speaker, Sir, as I have mentioned, the vehicle which has been used by the OCS, Kabati, is serviceable. I used about Kshs700,000 to repair that vehicle and it is in a good working condition. But let me say that we are consulting with the Treasury and not just going to buy a vehicle for the OCPD in Murang'a South. We are going to buy quite a number of vehicles which we are going to distribute to each and every constituency for those who have not been allocated vehicles, including Migori and even Emuhaya itself. If the hon. Members can agree with me and hold on for some time until we agree with the Treasury on whether we will go on the leasing basis or buy the actual vehicles, I think the shortage of vehicles will come to an end, not only in Murang'a South, but countrywide. I want my colleagues to bear with me for the time being so that we can make arrangements in order for me to allocate these vehicles.

Mr. James Maina Kamau: Mr. Speaker, Sir, I still disagree with the Assistant Minister. How does he expect a whole OCPD to be on top of security when he is supposed to share a vehicle with an OCS in Makuyu, which is also a very busy area? He has to tell us what to do because the people of that area are not happy about the whole situation. That road is very dangerous and he knows about it. People have lost lives and something must be done.

Mr. Ojode: Mr. Speaker, Sir, that is why I am doing something. I have said that currently, they are going to share the vehicle which is being used by the OCS, Kabati, until such a time that I find a lasting solution. The lasting solution on this particular matter is to give him a new vehicle.

Mr. Speaker: Very well! Next Question, Dr. Monda!

Question No.386

PROGRESS REPORT ON KEGATI WATER PROJECT

Dr. Monda asked the Minister for Water and Irrigation to state the progress of expansion of the Kegati Water Project, which is intended to increase water supply to Kisii and its environs.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

Tenders for construction of an additional water treatment plant at Kegati have been evaluated and the works will cost Kshs68 million, which my Ministry will be financing from this financial year until it is completed. Construction started on 13th August, 2010 and is expected to be completed by June, 2011. The new plant will increase water production from the present 6,000 cubic metres to 18,000 cubic metres per day.

Dr. Monda: Mr. Speaker, Sir, I want to thank the Minister for that kind of answer. But as a follow up to her answer, what is the area supposed to be covered by this new expansion?

Mrs. Ngilu: Mr. Speaker, Sir, as I said, the water supply will increase from 6,000 cubic metres, which means we are going to increase three times the area that will be covered by the water once this is completed.

Dr. Monda: Mr. Speaker, Sir, the water expectation in Kisii Town, according to a report from the Minister, which I am sure she is aware about, is 25,000 cubic metres. In her answer she is talking about 18,000 cubic metres. How does this address the water shortage in Kisii Town currently considering that the expansion should last longer than the current population and expansion of the town?

Mrs. Ngilu: Mr. Speaker, Sir, I am sure the hon. Member knows that we have plans to increase the water supply in areas of Sameta, that is, about 60 kilometres within Kisii Town. Indeed, we will continue to increase water where there is need, but for now, the amount of money that we have will cover Kisii Town and its environs.

Mr. Speaker: Next Question, Mr. Mbau!

Question No.387

CONSTRUCTION OF RETAIL/WHOLESALE
MARKET IN MARAGUA

Mr. Mbau asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he is aware of a Pilot Flagship Project, to construct a retail/wholesale Market in Maragua as per the Vision 2030 Strategic Medium Term Plan (2008-2012) and that the Town Council of Maragua has already identified a 30-acre land for the purpose; and,

(b) when the Government will commence construction of the project.

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

(a) Yes, I am aware that the development of Maragua Wholesale Market is one of the ten flagship wholesale hubs to be implemented under the First Medium-Term Plan of Vision 2030. However, the Town Council of Maragua has not yet identified land for construction of the market as alleged by the hon. Member.

(b) Planning for the Maragua Wholesale Market Project will commence as soon as land is available and the relevant budgetary support sought during the 2011/2012 Financial Year.

Mr. Mbau: Mr. Speaker, Sir, I want to thank the Assistant Minister for that positive response. I decided to ask this Question because I had confirmed lack of progress in the project. I want to thank him because he has confirmed that, indeed, the wholesale fresh produce market project in Maragua, which is part of the Vision 2030 Agenda, will finally be set up. I want the Assistant Minister to confirm, now that I have assured him that the Maragua Town Council has, indeed, identified a parcel of land measuring about 20 acres on the main highway, what estimated budgetary provision we will be looking at to ensure that the project is put up?

Mr. Nguyai: Thank you, Mr. Speaker, Sir. That is a very difficult question. Without true bills of quantities and feasibility to indicate the exact requirements, it will be a very difficult question to answer. The first thing is to acquire the land. Once the land has been acquired, we need to find the functionality of the market. We will then get an estimate and request for that.

Mr. Mbau: Mr. Speaker, Sir, I can confirm to the Assistant Minister that the land has been acquired. In fact, the Maragua CDF Committee has set aside 100,000 acres to help the local council to put up what we call beacons. Therefore, I am assuring you that there is land. Could he also assure me that, indeed, there will be budgetary provision in the next financial year?

Mr. Nguyai: Thank you Mr. Speaker, Sir. With the correspondences that we have between us and the District Commissioner of Maragua, I do, hereby, confirm that there will be budgetary provision as soon as we get the land that is available in the next financial year.

Mr. Speaker: Next is hon. Member for Gwassi!
Is he not in? That Question is dropped.

Question No.388

DELAYED PAYMENT OF HARDSHIP ALLOWANCE TO
CIVIL SERVANTS IN SUBA

(Question dropped)

Mr. Speaker: The hon. Member for Sotik is away on parliamentary business. Therefore, I will defer Question No.390 to next week.

Question No.390

OCCUPATION OF CHESINENDE PLOT BY
MR. CHEBORGE NG'ENO

(Question deferred)

Mr. Speaker: Next is Member for Eldama Ravine? Is he not around?
That Question is dropped.

Question No.393

IMPOSITION OF LEVIES ON DAIRY FARMERS IN ELDMA RAVINE

(Question dropped)

Mr. Speaker: Where is the hon. Member for Bura? That Question is also dropped.

Question No.397

LIST OF LARGE-SCALE SEED PRODUCTION COMPANIES IN KENYA

(Question dropped)

Next Order!

PRIME MINISTER'S TIME

THE NEW CONSTITUTION OF KENYA: THE WAY FORWARD

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, let me first begin by congratulating hon. Members of Parliament for coming back from their recess successfully and working very hard during the recess period. I decided that I should talk about the implementation of the new Constitution of Kenya; starting a new dawn, a new era.

Following the very successful Referendum last month, it is important that we now move on to the next phase of implementation of the Constitution. Over the past three decades, the long journey towards the establishment of a new democratic constitutional order never seemed to end. Despite the commitment and determination of the Kenyan people to bring about political change and reform for many years, the resurgence of the old order and the absence of political will frustrated all efforts by Kenyans to create a democratic society based on human rights, equality, freedom, social justice and the rule of law. Then, the historic and constitutional moment came on 4th August, 2010 when the Kenyan people voted to adopt and enact a Constitution having fully participated in the making of the Constitution. The promulgation of the Constitution by His Excellency the President Mwai Kibaki amidst pomp and pageantry on 27th of last month was Kenya's "finest hour" in the words of the famous British politician, Sir Winston Churchill.

However, remember this Mr. Speaker; constitutions are never mere parchment of words with ringing lamentations of our fears and reproclamation with the promises of our hopes. A Constitution is a living document which is often achieved through the blood and sweat of the broader masses of the people. A constitution is a living document that must be read to give values and aspirations of the people. Through the sweat and blood of our great Kenyan people, our Constitution was born on 27th of last month, the date of the promulgation.

Mr. Speaker, Sir, the task ahead is to implement the new Constitution of Kenya by making it a living document and not a hollow script. I repeat, our first task is to implement the Constitution and not to confine ourselves, as Parliament, to the duties and obligations of enacting and enabling or implementing the legislation. That is why the responsibility of Constitutional Implementation Oversight Committee and the Commission for the Implementation of the Constitution include oversight over the implementation of the Constitution and ensuring that the letter and spirit of the Constitution is respected.

I am sincerely worried about the level and content of debate taking place in the country. In my respective view, we did not contribute an iota of sense or set a way forward in the debate by declaring your candidature for the elective position of Governor or Senator in the counties or for the honourous position of the President of Kenya in 2010. I repeat, 2010. To the contrary, we are contaminating debate and delaying the implementation of the Constitution. Implementation means for the national values and principles of governance which include integrity and transparency which must be

enforced now. The essential pillars of the new Constitution, where all the structures of governance rest, including the representation of the people, are found in Chapters IV and VI of the Constitution. The Executive, Judiciary and the Devolution are found in Chapters IV and VI of the Constitution. That is the Bill of Rights, Leadership and Integrity. For this to happen, we need a new Kenyan person who sees things as they should be and not as they are or as they were.

Mr. Speaker, Sir, without this political metamorphosis, we will have a fixation both in time and space, that will force us to believe that Kenya cannot exist without the Provincial Administration, Provincial Commissioners, District Commissioners, District Officers, chiefs, sub-chiefs and headmen. Indeed, with this kind of mindset, there are people who believe, up to now, that governors cannot co-exist with the President as they were the ultimate and supreme authority in the colonial days. When the Constitution states that the system of Provincial Administration will be restructured, even a tortured interpretation will not necessarily mean that the system will be retained, lock, stock and barrel.

With the system of county governments, there will be no place for Provincial Commissioners because the province as a unit of Government or as an administrative entity is not contemplated under the new Constitution. That is not to say that the Provincial Commissioners will lose their jobs or that no new administrative structures will be established. In good time, this House will enact a law on devolved governments. Such a law will define the relationship between the Central Government and the county governments. We will establish the administrative structures within each county government. This new administrative framework will succeed the system formerly known as the Provincial Administration. Consequently, the present actions to redeploy officers within the Provincial Administration are interim, pending the enactment of the law on devolved governments.

We need a new Kenyan person who believes in a corruption-free society. We cannot bring honour to the nation and dignity to public office and we cannot promote public confidence in the integrity of public office if you are influenced and driven by nepotism, negative ethnicity and patriotism. We cannot bring objectivity and impartiality in decision-making in the Government if one character is bedeviled by egoism and misplaced illusions of grandeur. Implementing the Chapter on Leadership and Integrity and the responsibilities of leadership require that we rid the Public Service of corruption now and not tomorrow. Impunity must be punished. The beginning of the erosion of our moral foundations and values is not to postpone the punishment of crimes, including corruption and economic crimes or when we give room in the management of public affairs to those who do not pass the constitutional test in leadership and integrity.

Mr. Speaker, Sir, this is the time for us to talk about how to build our institutions and provide the infrastructure and framework for implementing the Constitution. We need to debate on the electoral reform before we proclaim from the hill-tops who will be a Governor, a Senator or a President. Kenyans are not the wretched of the earth to be held hostage or led by the might of the past, or the arrogance of political power for we have not chosen kleptocracy as our preferred system of Government. We believe in the equality of all God's children, men and women and as the Bible says:-

“Male and female, He created them”.

Mr. Speaker, Sir, that is Genesis Chapter 1, Verse 27 of King James Version. Unless we can enforce the Bill of Rights today and not tomorrow, the new Constitution will be like an ancient verse remembered for its rhyme and rhythm, but not for the contents. But the command of the Constitution, we are a society of free people who have retained sovereign power to be exercisable only in accordance with the Constitution. Let no State organ or officer, however mighty or low, retreat to Kenya's dark days when politics was discussed in whispers behind closed doors and with everybody watching his or her back. The days of detention without trial must never come back in whatever shade or form. Above all, let our people freely cross the land without hindrance, speak without fear, assemble and associate without suppression knowing that all great nations, we are now born in liberty and freedom and are united under our new Constitution to live in peace and prosperity.

Under the new Constitution, the people have chosen Parliament as the institution to enact legislation required by the Constitution. Parliament is the primary driver in this process. The Attorney-General, in consultation with the Commission for the Implementation of the Constitution, has a role in the preparation---

(Mr. Kosgey spoke on his cell phone)

Mr. Speaker: Order, hon. Henry Kosgey! I am afraid, you will have to leave. You will not attend the business of this House for the rest of this day!

(Mr. Kosgey withdrew from the Chamber)

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, as I was saying, Parliament is the primary driver in this process. The Attorney-General, in consultation with the Commission for the Implementation of the Constitution, has a role in the preparation of the relevant Bills for tabling before Parliament, so are the Constitution Implementation Oversight Committee and the Law Reform Commission. The Non-Governmental Organisations (NGOs) and the people also have a role because inclusiveness, transparency, accountability and the participation of the people are part of our national values and principles of governance as set out in Article 10 of the Constitution. This Parliament, therefore, has as historic role and mission. I am happy that Parliament under the leadership of you, Mr. Speaker, has not let Kenyans down. If there was a time for Parliament to speak in one voice like we did to enact the National Accord, that time is now. If there was a time to rise above the politics of bigotry, egocentrism and hate, like we did when we approved the draft Constitution, that time is now.

The role of the Executive has not diminished. The Executive must now truly constitute a Government of the people, by the people and for the people. The road ahead is for the Executive to believe in consultation and open governance that is based on consent, the citizenry and not just on the day of voting, but by seeking all the time to express in its decisions and actions, the will of the people. I want to confirm that this is what we exactly intend to do. Yes, it can be done and must be done because the reining voice of the people of Kenya in the Preamble in the Constitution says:-

“We, the people of Kenya, adopt and enact and give this Constitution to ourselves and to our future generations”.

Mr. Speaker, Sir, I conclude by urging the Members of this House to rise up to the occasion and act in unison to help the people of Kenya to anchor this Constitution. If there was a time for the House to act in a bi-partisan manner, now is the time. We must put aside our partisan differences and unite because this is a very critical stage coming as it does, after the mid-term as we now approach the next elections. I know the temptation is always going to be for people to try to look at this with a prism of 2012. If we focus our eyes on 2012, we run the risk of forgetting the most important task of anchoring this Constitution. My plea, therefore, is for all the aspirants who want to run for governorship, senatorship and the presidency to cast those ambitions aside for a while, so that we can concentrate on the very important task of implementing the new Constitution.

Mr. Speaker, Sir, this Parliament knows more than any other Parliament that unity will make it much stronger. The people of Kenya will trust this Parliament much more by the way in which it acts. So, let us cast aside parochial issues – issues which are likely to divide us – and concentrate on issues which are likely to unite us as Members of Parliament.

With those many remarks, I beg to move.

Mr. Speaker: Hon. Members, those who are interested in interventions may intervene.

Yes, Member of Parliament for Lari!

Mr. Njuguna: Mr. Speaker, Sir, as I thank the Prime Minister for his very timely and elaborative Statement, I would like to request him to indicate to this House the very serious and clear steps the Government is taking to make sure that the implementation of the new Constitution is not impeded by the current International Criminal Court (ICC) investigations against the post-election violence perpetrators.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Yes, Member of Parliament for Gichugu!

Ms. Karua: Mr. Speaker, Sir, I want to thank the Prime Minister for that Statement, especially for his emphasis on integrity and ethics in matters of leadership. It is quite clear, under Chapter Six of the new Constitution, that leadership and integrity are emphasised, and that the laws of Kenya are recognised. I would like the Prime Minister to tell the House whether he has acquainted himself with Sections 62 and 64 of the Anti-Corruption and Economic Crimes Act. Section 62, if you may allow me to read *in extenso*, clearly states:-

“A public officer who is convicted of corruption or economic crime shall be suspended without pay with effect from the date of the conviction pending the outcome of any appeal.”

Mr. Speaker, Sir, the Public Officer Ethics Act also talks of a person who is being investigated for economic crimes. I am aware that in the Cabinet, such people are still there. If, indeed, the Prime Minister has acquainted himself with it, and his emphasis on Chapter Six, what are these individuals doing in the Cabinet?

To be very clear, a Member of Parliament, under Section 34 of the old Constitution, the only disqualification is clear. There is nothing about that. It just says that you need to be a citizen of Kenya of 21 years old or above. You need to be registered in some constituency as a voter, and you should be able to speak English and Kiswahili. So, the standard for Members of Parliament is low in the old Constitution, and that is how we all came here, and we are still coming here.

However, for Ministers, Chapter Six, as read together with the Kenya Anti-Corruption and Economic Crimes Act, stipulates otherwise. Mr. Prime Minister, what are those characters doing in the Cabinet?

Mr. Speaker: Order! Member of Parliament for Gichugu; did you say that we all came here because the standards in the old Constitution are low?

Ms. Karua: Mr. Speaker, Sir, they are lower for Members of Parliament. As a fact, they are lower. The same is true for the standards for a public officer and Minister. Elected people are exempted by the Kenya Anti-Corruption and Economic Crimes Act.

Mr. Speaker: Fair enough! Did you say that we all came here because the standards were low?

Ms. Karua: Mr. Speaker, Sir, that is not what I meant. If you heard me correctly, I just distinguished the expectations of a Member of Parliament, and that was mainly for the benefit of the Press, which is talking about one of our Members of Parliament. The Constitution does allow. What I am talking about is this: When the Prime Minister talks of integrity are they, indeed, implementing the law in accordance with the Constitution? If it were not so, many a Member of Parliament and many Ministers would be at home.

Mr. Speaker: Very well, Member of Parliament for Gichugu! I thank you for putting the record straight, because I do know that many of us are here because we are highly qualified. We are above average.

Yes, Member of Parliament for Wajir West!

Mr. Keynan: Mr. Speaker, Sir, I would also like to take this opportunity to thank the Prime Minister for putting the record straight in a number of issues concerning the new Constitution. I would like to get a clarification from him on the issue of the recent arrest by the security apparatus of a number of Kenyans on flimsy and suspicious grounds and transferring them to Uganda, contrary to the current Constitution.

As much as we all uphold and want to believe in the rule of law, it is against the provisions of the new Constitution to just arrest Kenyans and take them to Uganda without subjecting them to the due process of law in Kenya. This, by implication, means that the new Constitution is just a piece of paper.

The Prime Minister is in charge of supervision and co-ordination of the Government, and I respect him because as per the National Accord, right now, there are two principals in this country. What is he doing to ensure that the fundamental rights of those innocent Kenyans are held as enshrined in the current Constitution?

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Yes, Member of Parliament for Yatta?

Mr. C. Kilonzo: Mr. Speaker, Sir, let me take this opportunity to welcome the Prime Minister. We have, indeed, missed him for a long time. Indeed, he has brought a very nice Statement to the House.

Mr. Speaker, Sir, with your permission, I wish to refer to Section 77 of the new Constitution, which touches on restriction of activities of state officers. Subsection (2) reads as follows:-

“77(2) Any appointed state officer shall not hold office in a political party.”

Mr. Speaker, Sir, I need to know the way forward. I want to be very fair. The Chairman of my own party, hon. Poghio, is still a Minister, and State officer. The man who understands the law very well in this House, hon. Mutula Kilonzo, is the Secretary-

General of my party. The Chairman of KANU is the Deputy Prime Minister and Minister for Finance, hon. Uhuru Kenyatta.

We all know that the Prime Minister is the Party Leader of ODM, and the Chairman is none other than hon. Henry Kosgey. If I may remind you, hon. Henry Kosgey is the one who you have just dispatched out; there are many others. What is the way forward? I would like the Prime Minister to give us the way forward in as far as State officers holding political offices is concerned.

Lastly, there have been attempts by Government parastatals and corporations within counties to make haste decisions of disposing assets such as land and others before the new county governments take over. What is the Government going to do to ensure that county assets are protected, and that crucial decisions are not made until the county governments take effect?

Mr. Speaker: Yes, Member of Parliament for Bahari!

Mr. Gunda: Mr. Speaker, Sir, I also want to take this opportunity to thank the Prime Minister for the Statement he has given on the new Constitution. He mentioned that as the implementation of the new Constitution goes on, the letter and spirit of the same Constitution will be respected.

Mr. Speaker, Sir, I have a problem with what is going on where the Cabinet has set up a sub-committee which is currently churning out many bills for debate in Parliament and yet my understanding is that this should have been left to the Implementation Committee. Why is the Cabinet taking over the roles of the Implementation Committee?

Mr. Speaker: Mr. Prime Minister, you may make responses to those and we will see if there are still other hon. Members interested.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the hon. Member for Lari was concerned that the International Criminal Court (ICC) investigations might impede the implementation of the Constitution. I want to assure him that we are able to scale the stairs and chew the gum at the same time. I do not believe that ICC investigations are likely to interfere in any way with the Implementation of the Constitution. As you know, we have already given an undertaking as a Government to fully co-operate with the ICC. Therefore, the ICC is free to move on with their investigations and whatever other action they contemplate. But I do not think that it will interfere with the work of this House or the Government.

Mr. Speaker, Sir, Ms. Karua was concerned about Chapter 6 and has quoted extensively on Section 62 of the Anti-Corruption Act. I am not aware of the persons that she is referring to who are in the Government. But she is free to mention those persons and the case numbers if she knows them. I am not aware. I do not believe that the standards with regard to Members of Parliament are any lower and that also applies to Members of the Executive.

Ms. Karua: On a point of order, Mr. Speaker, Sir. Are you satisfied when the Prime Minister says that he is not aware of the persons that I am talking about? Section 62 talks of “people charged with a criminal offense”. Is he in order to tell the House that he is not aware of a Minister facing a criminal charge of an economic crimes nature. Is that what he is saying to the House? If I am challenged I can substantiate.

Mr. Speaker: Order, hon. Member for Gichugu. I do not see that, that would pass for a valid point of order. The only way you can challenge the Prime Minister is by, for

example, saying that the Prime Minister is misleading the House by claiming that he has no knowledge and go ahead and put the correct position to him which the Rt. Hon. Prime Minister may then deal with.

Ms. Karua: May I substantiate?

Mr. Speaker: Yes, you may!

Ms. Karua: Mr. Prime Minister, is it that you are not aware that the Minister for Higher Education is facing criminal charges of an economic crimes nature in court? You said you are not aware and you are misleading the House.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, if I remember correctly, I know that the Minister did challenge the case that it was a constitutional reference in court and that it has not been heard and disposed off. That is the way that matter stands. I want to say that let us not cast aspersions and try to look at one side. We are trying not to see that we have a log in our eyes.

Mr. Speaker, Sir, according to the Chairman of Interim Independent Electoral Commission (IIEC), it is not their duty to investigate the conduct or records of the candidates. That is the responsibility of a political party. If a political party knows that it is sponsoring a Member with a questionable past and conduct, then that political party is complicit and it is compromising Chapter 6 of the Constitution because this was done after the new Constitution had come into effect.

Ms. Karua: On a point of order, Mr. Speaker, Sir. The Prime Minister should be explicit and say which political party sponsored a person contrary to the Constitution. The by-elections were held under the old Constitution. I have read the qualification of Members of Parliament and they are the ones that I said have a low threshold. I want to know which party is aware of any wrongdoing of a candidate; certainly not Narc-Kenya.

Mr. Speaker: Order!

Prime Minister, I do not find that to be a valid point of order. In fact, in all terms and pure form, it is a question. You are not obligated to answer a question at this point.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the old Constitution to my knowledge ceased to exist---

Mr. Speaker: Order, Mr. Prime Minister! You need not respond to that matter until it properly passes the test for a point of order.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, Mr. Keynan asked a question about Kenyans who have been arrested and handed over to another authority which qualifies as rendition. I agree entirely that we should not take Kenyans and hand them over to other jurisdictions without due process. If a government is trying to pursue Kenya citizens for crimes committed in their territories, there are legal channels that are available for the Government to explore and apply for extradition for those particular subjects. The courts will examine them and if there are justifiable grounds, then give an order for extradition. So, I fully agree with the hon. Member.

Mr. Speaker, Sir, Mr. C. Kilonzo is referring to Article 77. The interpretation of the Attorney-General in regard to the provisions of Section 77 reads that “any officer who is appointed should not hold a position in a political party”. The term is “appointed” and not “elected”. The interpretation of the Attorney-General is that in the new Constitution, Ministers are not going to be elected, but appointed by the President. They are not going to be Members of Parliament but technocrats. They are going to be Permanent Secretaries. The interpretation of the Attorney-General is that it refers to those Ministers

then and not elected Members of Parliament. That is the interpretation that we have right now. The current Ministers are politicians who are elected as Members of Parliament and are not just appointed.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. Is the Prime Minister in order to mislead the House? I am not a lawyer but I am told that there are as many opinions as there are lawyers. That is an opinion from the Attorney-General and it is not cast in stone. If we move to the High Court, the opinion might be different. Ministers are state officers who are appointed by the President. That is the end of it. So, the Attorney-General might interpret the way the Government wants because that is his role. Could the Prime Minister come out very clearly on this issue?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, the Section that the hon. Member is referring to says “any appointed state officer shall not hold office in a political party”. I have given him the interpretation of the Attorney-General. If he wants another legal opinion, he can seek it and he can also seek a court interpretation but as far as we are concerned in Government, we will go by the legal opinion of the Attorney-General who is our advisor.

Mr. Speaker, Sir, I am not aware that some people are rushing to dispose off assets of the counties ahead of the formation of county governments. That will be a criminal act and appropriate legal action should be taken against those people.

Mr. Speaker, Sir, we know that we are not going to have county governments until after the elections of 2012. Therefore, some people in the county councils, as they are currently constituted, may want to take advantage of the situation. But I want to give the hon. Member assurance that appropriate legal action will be taken against such people.

Mr. Speaker, Sir, the hon. Member for Bahari was concerned about the Bills being prepared by the Government in the absence of the Commission on the Implementation of the Constitution. That, itself, is an indication that it is a chicken and egg affair. For example, the Commission on the Implementation of the Constitution cannot draft Bills for its formation before it exists because the Constitution says that there will be an Act of Parliament that will establish the Commission on the Implementation of the Constitution. So, there must be somebody drafting that Bill. So, the first Bill has not been drafted by the Government or by the Attorney-General.

If you look at the Constitution properly, it says that the Attorney-General in consultation with the Commission on the Implementation of the Constitution shall prepare the Bills. Now that the Attorney-General is existent, the Commission on the Implementation of the Constitution is not yet there. That is the Bill which has been prepared by the Ministry of Justice, National Cohesion and Constitutional Affairs with the permission of the Attorney-General to be tabled in the House so that, thereafter, the Commission on the Implementation of the Constitution can be established in accordance with that Act which is coming before the House.

Mr. Speaker, Sir, the other Bills are those for vetting of Judges. We have very strict timelines and that is the only reason why those Bills have been prepared. But it is the discretion of Parliament to see how and when to deal with those Bills appropriately, taking into account that particular timelines must be met in the process of implementing those sections of the Constitution.

Thank you.

Mr. Speaker: We will do another five. We have a balance on the Prime Minister's time and we will begin with the hon. Member for Garsen!

Mr. Mungatana: Thank you, Mr. Speaker, Sir. I want to also join those who have thanked the Prime Minister for this very good statement that he has given us today.

Mr. Speaker, Sir, I wanted the Prime Minister to distinguish between the administrative changes that must take place and the legislative reforms that must take place. The administrative changes will happen with or without legislation being passed in the House, and he is the personification of the changes that the Government must do as Parliament continues with the legislative agenda.

Mr. Speaker, Sir, when he mentioned the question of nepotism and negative ethnicity, I wanted him to underline the principle in the new Constitution that says that there shall be ethnic and regional balancing in the Government in all appointments. This is why I wanted to bring the mind of our Prime Minister to bear and his hard work; whether he has requested from all Government departments and all parastatal bodies a rationalization of the Civil Service and whether he has taken the necessary steps to bring this rationalization.

Mr. Speaker, Sir, because we talked when we were campaigning that we, people from small tribes – me, myself, being one of them; even if you take the side of my mother, the Taita and the Pokomo, the side of my father, we will still not make a clan from one of the big tribes. I am saying; how do we rationalize? How do we include the people from the small tribes into the offices of Government? We have been marginalized, excluded and forgotten in many places.

(Applause)

Mr. Speaker, Sir, I want the Prime Minister to really understand that we need proper change. We want to see something tangible. Is he rationalizing ambassadorial positions? You know all these board memberships that are coming up. Is he rationalizing? Has he asked for these departments that are controlling the Government – the Treasury, the military, the offices that are important – where are we? We want to ask the Prime Minister that if he can call all the departments of the Government to start implementing regional and ethnic balancing and rationalization of the Civil Service, has he done that?

(Applause)

Mr. Speaker, Sir, secondly and lastly, I just wanted to ask--- In fact, let me finish. There are also the networks of friends and relatives who have surrounded certain Ministries---

Mr. Mututho: On a point of order, Mr. Speaker, Sir. You have heard the hon. Member on the Floor. Kenya is a unitary State. Are we going to relegate ourselves to an extent that the Prime Minister is now being compelled to look at all Government positions?

Hon. Members: Yes!

(Applause)

Mr. Speaker: Order! Order, hon. Member for Naivasha! I do not think that is valid. You should not attempt to usurp the role of the Prime Minister to make a response.

Mr. Mungatana: Thank you, Mr. Speaker, Sir.

Mr. Speaker, Sir, even as he is doing that, the networks of friends and relatives in these places, please, Mr. Prime Minister, we want tangible administrative changes even as Parliament is doing legislative changes.

Finally, Mr. Speaker, Sir, there has been a different interpretation between the office of the Prime Minister and the Ministry of Justice, National Cohesion and Constitutional Affairs on the new Independent Electoral and Boundaries Commission. We are worried, as Parliament and even Kenyans when we see there is a disconnect in terms of interpretation. Can he assure us that they are going to work together so that we can respond to what he is saying; that we need to work together and push together to make sure that the new Constitution is implemented properly?

I have always wondered; in the event this House fails to implement, we are told that we can actually be sent home. I do not know whether the Prime Minister has thought about this. What happens? If we are sent home in the unlikely event, does the next Parliament have five years? How does it operate? I think there are things that you might need to think about and tell us your opinion.

Thank you.

Mr. Mbugua: Mr. Speaker, Sir, I would like to ask the Prime Minister if there are plans to provide funds for educating Government officers especially the police because they do not seem to understand the new constitution. There are still arbitrary arrests and wrongful confinement of people.

Dr. Khalwale: Thank you, Mr. Speaker, Sir. The greatest fear of Kenyans for which we request the Prime Minister to reassure is that the Government is not giving the clear signals that they want to implement this new constitution in the letter and spirit of the draft that Kenyans voted for on the 4th of August, 2010. No sooner had the Constitution been promulgated than the Minister for Provincial Administration and Internal Security and his senior officers went ahead and created a new structure where they even clustered some counties into some regions which were only understood to them and said that these counties are going to be governed by the former provincial commissioners.

Mr. Speaker, Sir, if it is true that the Prime Minister and the Government are not part of those pronouncements by those officers, Section 19 of the Public Officer and Ethics Act states that “a public officer shall not knowingly give false or misleading information to members of the public or to any other public officer.” If this is the case, could the Prime Minister tell us what actions he is going to take against the Minister for Provincial Administration and Internal Security, together with the Permanent Secretary and other senior officers who misled the public to the extent that the village elders, the assistant chiefs, chiefs, DOs and DCs are completely confused? In fact, they are not discharging their duties because of the confusion that his officers brought.

Finally, Mr. Speaker, Sir, the Prime Minister has told us correctly that the beginning of the implementation will follow the constitution of the Implementation Commission. Could he also clarify to Kenyans that the Vetting of Judges Bill and the Judicial Service Commission Bill are, therefore, not ready to come to this House,

contrary to what the Government has said? This is because for such Bills to come before this House, it would require the Commission on Implementation of the Constitution to sit down, oversee the development of those Bills, together with the Attorney-General, the Kenya Law Reform Commission and the Minister for Justice, National Cohesion and Constitutional Affairs, Mr. Kilonzo.

Mr. Speaker: Member for Kapenguria!

(Prof. Saitoti stood up in his place)

Mr. Speaker: What is your Point of order hon. Saitoti?

The Minister of State for Provincial Administration and Internal Security
(Prof. Saitoti): On a point of order Mr. Speaker, Sir. I am sure you heard the hon. Member for Ikolomani mention me for having mislead the Members of Parliament. There is that Standing Order where if a Member of Parliament wants to refer to a Member sitting here in the negative form, there is a procedure to do that but not to actually make allegations and say that action must be taken.

Mr. Speaker: Very well. That is valid. To that extent, the Member for Ikolomani is out of order and I will direct that that part of the point of order by the Member for Ikolomani be expunged from the records.

Mr. Murgor: Thank you, Mr. Speaker, Sir. I would like to get sentiments from the Prime Minister about the implementation of the constitution in the rural areas. A lot of polluting information was put in the minds of those people about marriage of the same sex and even taxation on dogs. Literally, people in my constituency and many neighbouring constituencies killed their dogs because they feared heavy taxation. In fact, human rights organizations should actually represent those animals against those who took such information to them. For those people to be able to implement the constitution like we would expect, is the Government doing anything to go and educate the people so that they are aware that whatever they were told is incorrect, so that they can participate in implementing the Constitution like the rest of Kenyans?

Dr. Nuh: Thank you, Mr. Speaker, Sir. I would also equally want to commend the Prime Minister, especially, for urging that people should not start premature campaigns. I would also want to expect him as a possible presidential candidate that he leads the way so that others also follow suit. But more importantly, since he expects this House to speak with one voice and to support the way forward for the Constitution, I think it is equally important that the docket he mans, that is the Cabinet should do the same. Of late, they have been sending wrong and invariable signals to the public and even to us as the Back bench until we are a bit worried as to whether it is the same Constitution that we passed, that the cabinet is referring to. How does the Prime Minister intent to rein in on errant members of the Cabinet who would want to mislead Kenyans when it comes to implementation and the way forward? The implementation of the constitution is well spelt out within the constitution itself.

Secondly and lastly is the issue on the rendition of Kenyans to Uganda. I would not expect the Prime Minister to be as helpless as we are in the Back bench. So, for him to easily just come to the podium and lament that it is irregular and that the law should be followed is not expected. What does he intend to do? He should state the specific actions he intends to take to make sure that Kenyans in future and even for those who

have been renditioned without following the due procedure are brought back to the country and due process is followed before their rendition back to Uganda.

Mr. Speaker: The Right hon. Prime Minister, you will allow us to exhaust all the interests now.

Eng. Maina: Thank you, Mr. Speaker, Sir. I thank the Prime Minister for his Statement on the way forward for the new Constitution. We are getting into the new constitution but as we go changing in this country, I think we must all be very careful that we do not put this country either into a frenzy of political emotions or into a frenzy where issues like security are actually tampered with.

Mr. Speaker, Sir, we have had members of the Cabinet issuing contradicting statements regarding, for example, the issue of the Provincial Administration. This country had traditional chiefs and some of these structures have come from there. It is not right for this Government to have its own Cabinet Ministers issuing contradictory statements to the provincial administrators, some asking them to 'pack and go home, while others tell them; 'you can stay a little bit longer.'" What is the Prime Minister and this Government going to do to ensure that this country stands firm, and that when we are changing in the form that we are changing, the traditions and stability of the country are not threatened?

Mr. Speaker, Sir, the other issue relates to security. Down there, security is maintained by the two arms of Government; the Provincial Administration and the police. What are we going to do because these institutions have already been put in a state where they are not sure of their future and, consequently, they may not be performing in the manner we expect them to perform? We may not like the police, we may not like the chiefs, but the truth of the matter is that this country cannot do without the services of the provincial administrators for a single day until we put structures in place for other changes that are going to come. We need to give these people the confidence, we need to give our security apparatus the confidence to carry on and make the country remain intact. What are we going to do to ensure that this Government stops issuing contradicting statements to the country regarding this sensitive matter?

Two, what are we going to do to ensure that the confidence that is needed for the very sensitive institution of security is restored as we go along?

Mr. Kutuny: Mr. Speaker, Sir, mine is to request the Right hon. Prime Minister to organize a workshop for Members of Parliament so that they can be taken through the Constitution. Many issues that Members are raising here are in the Constitution. It seems they are very reluctant to read the Constitution.

When you talk about the taxes imposed on dogs, it is in the Constitution. However, the Member of Parliament who spoke here is not aware. Taxation on land and all these things are there in the Constitution. So when Members of Parliament raise issues which are in the Constitution, then I think it shows they do not understand the Constitution.

Prime Minister, I request that you organize a workshop for Members of Parliament to be taken through the Constitution in detail so that they understand these things.

Mr. Olago: On a point of order, Mr. Speaker, Sir. You heard Mr. Kutuny tell the House that Members of Parliament do not understand the Constitution when we debated and passed it. Is it in order for him to impute improper motives on us?

Mr. Speaker: Order! It is certainly out of order. Member for Cherangany, unless that statement is subjective, it definitely does not apply to the Member for Kisumu Town West nor does it to Mr. Speaker, nor to the Member for Gichugu, for that matter. Will you clarify? Is it subjective?

Mr. Kutuny: Mr. Speaker, Sir, mine was directed to the Prime Minister. It is the Prime Minister to respond.

(Loud consultations)

Mr. Speaker: So, do you own up that you do not understand the Constitution?

Mr. Kituny: Mr. Speaker, Sir, I understand the Constitution better. It is them who do not understand the Constitution.

Hon. Members: No! No! No!

Mr. Speaker: You cannot speak for other Members and say that they do not understand!

Mr. Kutuny: Mr. Speaker, Sir, to speak on my behalf then, I understand the Constitution---

Mr. Speaker: Order, Member for Cherangany! You will have to withdraw that sweeping statement!

(Applause)

Proceed, withdraw and apologize to the Members!

Mr. Kutuny: Mr. Speaker, Sir, I withdraw but I will still repeat that---

Mr. Speaker: Order, Member for Cherangany! Will you withdraw and apologize?

Mr. Kutuny: Mr. Speaker, Sir, I withdraw and apologize.

Mr. Speaker: Very well!

Prime Minister, you may proceed!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, those are quite a handful of clarifications.

First, Mr. Mungatana raised a very pertinent issue of ethnic and regional balancing. I am on record as saying that the Kenya that the founding fathers of this nation envisioned will not emerge until we kill this animal called ethnicity. Before we deal with ethnicity, nepotism and so on, we will not begin to act as Kenyans. I have been giving the example of our neighbours down south; Tanzanians, by having visionary leadership they were able to break the ethnic boundaries and unite the people around a common ideology.

Mr. Speaker, Sir, Kenyans still live in compartments. There is a compartment mentality that a name alone tells you how you should relate to a particular person. It is important that this is destroyed under this new Constitution. I want to confirm to the hon. Member that we have began the process of trying to do balancing by beginning to do auditing. That programme was started three months ago. All Ministries and Permanent Secretaries are required to do an audit and ensure that we begin the balancing act. We have a *status quo* which we cannot just discard overnight. We must have a time table and programme on how we are going to deal with it, medium term and long term. We do that by first accepting that it is a problem and we need to deal with it.

Mr. Speaker, Sir, I want to assure the hon. Member that the process has already started. We have given firm instructions on how to deal with new recruitments in all Government Ministries and departments.

(Applause)

I want to assure the hon. Member that it is not a question of misinterpretation or differences of opinion between the Office of the Prime Minister and that of the Ministry of Justice, National Cohesion and Constitutional Affairs with regard to the term of the Interim Independent Boundaries Review Commission (IIBRC). There were minor misunderstandings which we have already resolved. That Commission has up to 27th November to finalize its work and publish its report. That will then be taken over by the successor commission.

Mr. Speaker, Sir, Mr. Mungatana also talked about the unlikely event that Parliament is dissolved; what happens? Parliament can only be dissolved if in the opinion of the public and the interpretation of the court, Parliament is not performing its work. That would be the only ground for premature dissolution of Parliament. I have confidence that hon. Members would not want to push things in that direction. If that happens, however, the life of Parliament is now clearly enshrined in the Constitution. I will leave it to our courts to do the interpretation when we reach that bridge.

The hon. Member for Kamukunji was interested in education of public servants. Remember, in my Statement earlier on, I talked about the metamorphosis. Kenyans have to metamorphosize from the present to what we really want to be. This is not just the members of the public but also public servants. Public servants are very much a mirror of our society at large. They, therefore, need a lot of education. For example, our police force requires education so that they can appreciate the values enshrined in the Constitution; the Human Rights chapter and integrity, for example. Even civil servants at large require education and this process is going to start.

Mr. Speaker, Sir, Mr. Murgor wanted to know how the Government is going to deal with propaganda which was churned out during the campaigns for and against the Constitution. You remember it was said that if this Constitution passes, every dispensary and hospital in the country will have a special ward for abortions, that there will be gay marriages, that people's land smaller than one or two acres will be confiscated by the Government and that there will be permits to bury dogs. That was then. That was propaganda to try and poison the minds of the people. They even said that this Constitution is 100 times worse than the old Constitution.

Mr. Speaker, Sir, the Swahili say that, "*Ukweli ukidhihiri, uongo hujitenga*".

Mr. Speaker, Sir, the Census results that were released by the Ministry of Planning, National Development and Vision 2030 the other day show that there are more women than men in Kenya. So, why would a Kenyan man leave all those women and go and get a fellow man to marry? So, that was propaganda and besides, the Constitution says that you are allowed to marry a person of the opposite sex. It also says that abortion is not permitted. The process of public education is going to start. It is going to be done county by county so that we can dismantle the effects of that propaganda.

Dr. Nuh and Eng. Maina are both concerned about Ministers issuing contradictory statements. That is basically because of misinterpretation of certain provisions of the

Constitution. That is the reason why, sometimes, you find one Minister stating one thing and the other, another thing. There is something that I want to say which will apply to the concerns of Dr. Nuh, Eng. Maina and Dr. Khalwale. But before I do so, I want to inform Dr. Nuh that, as a Government, we are going to discuss the issue of rendition and come out with a position on it. With regard to the issue of the Provincial Administration which has elicited a lot of discussions lately, I want to say this: A human being is a conservative animal who fears the unknown. That is the reason why you find that many of our leaders today still fear to live with the fact that the Provincial Administration, as we have known it over the years, is something that has to be reformed or restructured. They will tell you: Imagine a life without a chief or sub chief? There will be chaos in the country. What are the origins of the Provincial Administration? It was introduced by the British in most of its colonies to rule those colonies in a system that is called indirect rule. That is because you had the governor representing the king or the queen and now, the crown was handed down. You had the PC at the provincial level, the DC, the DO, the chief, the sub-chief and the headmen. Those people were never elected. They were being appointed because they were representing the Crown. But that system does not exist in Britain! In Britain, there are no PCs, DCs, DOs, chiefs, sub-chiefs, headmen and, more importantly, there is no chaos. So, why should there be chaos in Kenya merely because we have removed the chief or we have renamed him or her something else? We are not talking about the individuals holding those positions today. That is what is being used to instill fear in the minds of the people who are now working in the Provincial Administration. Those are civil servants who have been employed on permanent and pensionable terms. So, we are not talking about individuals who are employed in the Provincial Administration because they can and will be redeployed to other positions.

But we must accept that we have changed the structure of governance in this country. At the moment, all Ministers are Members of Parliament elected by the people. This House decided to remove hon. Members from the Cabinet. In other words, they voted themselves out of jobs! If hon. Members agreed not to remain in the Cabinet, why should it be so difficult for us to say: "You are not going to be a chief. You will be a clerk or something!"

(Applause)

Let us accept that the structure of governance in this country has changed with the passing of this new Constitution!

(Applause)

We must, therefore, begin to move on. Let us look at other countries which have no chiefs or DCs but they are all working. We do not have them in Germany. I have just come from there. We do not have them in the USA. So, we have a responsibility as the House to ensure that this Constitution is implemented in letter and spirit as it is. We must begin with ourselves as hon. Members by liberating ourselves from the shackles of the past. I know that we want to take Kenya where all the people of Kenya want it to be.

Thank you very much!

(Applause)

COMMUNICATION FROM THE CHAIR

DEFERMENT OF THE ANIMAL TECHNICIANS BILL

Mr. Speaker: Order! Before we move to Order No.8, I have this Communication to make. That, Order No.8 (i) is deferred to Wednesday next week on the ground that the Member for Laisamis, who is the sponsor of this Bill, has been caught up away from Nairobi on an urgent emergency that falls within his portfolio as a Member of Parliament. Given that the Presidential Memorandum proposes very drastic changes to the Bill as passed by the House, the House cannot transact this business in the absence of the sponsor of the Bill.

(Bill deferred)

DEFERMENT OF THE PRICE CONTROL (ESSENTIAL GOODS) BILL

Hon. Members, on Order No.8 (ii), I direct that this be deferred to 14 days hereafter because the sponsor of this Bill is processing amendments which are not yet complete, by reason of his needing to consult extensively. The appearance of this business on the Order Paper this afternoon seems to have caught him by surprise. I think we need to give him indulgence to prepare amendments as he deems appropriate to the Presidential Memorandum which, once again, proposes very extensive changes to the Bill as passed by this House. In fact, in the case of this Bill, the Presidential Memorandum seeks to negative it all together. So, that is very drastic and I think it is deserved that we accord that hon. Member adequate time to respond to the Memorandum. So, that business under Order No.8 is deferred accordingly.

(Bill deferred)

I will take any other business as there may be!

POINTS OF ORDER

CLARIFICATION ON DATE OF NEXT GENERAL ELECTION AND LIFE OF TENTH PARLIAMENT

Eng. Gumbo: On a point of order, Mr. Speaker, Sir. I rise on a point of order to seek clarification from the Chair, especially following the Prime Minister's exposition on the Constitution on a matter, which, in my view, is of national interest and which is generating a lot of public interest and debate.

Mr. Speaker, Sir, to the best of my mind the 10th Parliament was sworn in on the 15th January, 2008. If I understand it well, it is supposed to run for five years up to 14th January, 2013. According to the new Constitution, elections must be held on the second Tuesday of August of the election year. I have even seen comments from some very

senior advisors to senior people in Government, and they are very categorical that elections must be held on the 14th of August, 2012.

I wish to seek a firm direction from the Chair to let this House and the people of Kenya know when the next general election will be held in this country.

Mr. Speaker: Order, hon. Members. As to when the next elections will be held, that is not in the province of your Speaker to determine. As to the life of this House, maybe, that, I can give direction on. As to when elections will be held, I am clear and categorical that, that is not within my province. As to the life of this House, yes it is my business. So, I will give you directions on the life of this House.

EXTENSION OF TIME FOR TABLING OF REPORT ON HARAMBEE SACCO

Mr. Mututho: Mr. Speaker, Sir, on Tuesday 31st of August, you did direct that we move with speed and check into the affairs of Harambee SACCO. From your previous rulings, you have always indicated that the Committees should move on their own volition, but the weight of this matter, the public interest and the mood in the country is such that we need to dispense with this matter soonest. We do concur but, as you are aware, the CPA Conference affected our staffers. The good news is that you have given us some of the finest staffers in that Committee, but they were also engaged in the CPA Conference affairs. Subsequently, I am seeking indulgence of the House, so that we can have an additional two to three weeks, so that we can give you a comprehensive report as requested and ordered by yourself.

Mr. Speaker: Hon. Members, I have listened to the plea by the Committee of Agriculture, and I am prepared to give indulgence to that Committee by extending the time for tabling of its report by a further two weeks from today. But, please, ensure that you live within that extension because this is a matter of immense national importance; it has a serious bearing on the co-operative movement in the country.

So, ensure that you expedite your inquiry and table your report within 14 days from tomorrow. So, this is two weeks exclusive of today, and there will be no further extension.

Mr. Mututho: Much obliged, Mr. Speaker, Sir.

ADJOURNMENT

Mr. Speaker: Hon. Members, apparently, after deferment of Order No.8 there is no other business left for the House to transact. In the circumstances, therefore, the House will stand adjourned until tomorrow, the 30th of September, 2010, at 2.30 p.m.

The House rose at 4.15 p.m.