

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 14th May, 2008

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of East African Portland Cement Company Limited for the year ended 30th June 2007, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of Industrial and Commercial Development Corporation for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Finance  
(Dr. Oburu) on behalf of the  
Deputy Prime Minister  
and Minister for Trade)*

Annual Report and Accounts of the Kenya Anti-Corruption Commission for the year ended 2006/2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister  
for Finance (Dr. Oburu) on  
behalf of the Attorney-General)*

Annual Report and Accounts of Chemelil Sugar Company Limited Directors' Report for the year ended 30th June, 2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister  
for Finance (Dr. Oburu) on  
behalf of the Minister  
for Agriculture)*

Annual Report and Accounts of the Electricity Regulatory Board for the year ended 2006/2007, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister  
for Finance (Dr. Oburu) on  
behalf of the Minister)*

*for Energy)*

Annual Report and Accounts of the Kenya Railways Corporation for the year ended 30th June, 2000, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Railways Corporation for the year ended 30th June, 2001, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Railways Corporation for the year ended 30th June, 2002, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Railways Corporation for the year ended 30th June, 2003, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Railways Corporation for the year ended 30th June, 2004, and the certificate thereon by the Controller and Auditor-General.

Annual Report and Accounts of the Kenya Railways Corporation for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister  
for Finance (Dr. Oburu) on  
behalf of the Minister  
for Transport)*

Annual Report and Accounts of Gilgil Telecoms Industries Limited for the year ended 30th June, 2005, and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for  
Finance (Dr. Oburu) on  
behalf of the Minister for  
Information and Communications)*

## **ORAL ANSWERS TO QUESTIONS**

*Question No.025*

DELAY TO POST STAFF TO  
MATUNGU HEALTH CENTRE

**Mr. Speaker:** Mr. Were is not here? This Question is dropped!

*(Question dropped)*

*Question No.035*

UTILIZATION OF RESETTLEMENT  
FUND FOR IDPs

**Mr. Speaker:** Mr. Mbau is not here? This Question is dropped!

*(Question dropped)*

**Mr. K. Kilonzo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** What is it, Mr. K. Kilonzo?

**Mr. K. Kilonzo:** Mr. Speaker, Sir, we have to face the fact that these Questions have been dropped. In view of the importance of these Questions, which touch on issues not only on the respective constituencies of these Members, but on the entire country, would I be in order to ask you if you can defer these Questions so that Kenyans could benefit from the answers the Ministers will be giving?

**Mr. Speaker:** You will be out of order!

*(Laughter)*

Indeed, Question No.025 was deferred last week in the presence of Mr. Were, the Member for Matungu. He, therefore, had sufficient notice that the Question was coming today and he has no reason not to be present to ask that Question.

With regard to Question No.035, you are out of order because we must learn to do things in a particular way. So, we have to live within our traditions and practices.

Let us proceed to Question No.039!

*Question No.039*

ELECTION OF BOG FOR  
NGETMOI SECONDARY SCHOOL

**Mr. Mwaita** asked the Minister for Education:-

- (a) whether he is aware that Ngetmoi Secondary School in Baringo District has been without a Board of Governors for the past one year; and,
- (b) if the answer to (a) above is in the affirmative, what action he is taking to correct this anomaly.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Board of Governors for Ngetmoi Secondary School in Baringo District was duly appointed by my predecessor on 14th November, 2007. I have confirmed this fact with the District Education Officer. I have also confirmed that the letters of appointment were collected by the school principal.

(b) In view of my answer to (a) above, there is no action needed.

Thank you, Mr. Speaker, Sir.

**Mr. Mwaita:** Thank you, Mr. Speaker, Sir. You have heard the Assistant Minister say that the letters of appointment were duly collected by the principal on 14th November, 2007. My Question was very specific. This school has been without a Board of Governors for the last one year. The last Board of Governors elapsed in March, 2007. The Assistant Minister has just said that they appointed the Board and the letters of appointment were sent in November last year. I do not know whether the Assistant Minister is aware that Section 10(3) of the Education Act clearly stipulates, and with your permission, I would like to quote it:

"Where a Board of Governors is established, the Minister shall exercise all the functions of the Board during the interval of time that may lapse between the establishment of the Board and the first meeting thereof".

Mr. Speaker, Sir, just sending letters of appointment without following up to make sure that the Board is duly constituted and functioning to run the affairs of the school is a serious anomaly. That is what is causing problems in the education sector in this country. I am not satisfied with the answer the Assistant Minister has given.

Mr. Speaker, Sir, I am asking him to clarify the matter about him sending the letters and establishing the Board. Has the Ministry really taken action?

**Mr. Mwatela:** Mr. Speaker, Sir, may I, first of all, thank the hon. Member for this Question. Indeed, it is very important that schools operate with their respective Boards of Governors (BOGs). The DEO has been instructed to inaugurate that BOG if that has not been done yet.

**Mr. Chepkitony:** Mr. Speaker, Sir, it is known and it is a fact that the appointment of BOGs takes time. It takes a long time for the members of the BOGs to get letters. Many Boards elapse because of bureaucracy, and normally there is no action from the Ministry. This makes principals and some members of the Board go to the Ministry thereby wasting public money which could be used by the schools for other purposes. They travel all the way to Nairobi to pursue the release of the appointment letters.

Could the Ministry act immediately the moment they get proposals from the DEOs?

**Mr. Mwatela:** Mr. Speaker, Sir, indeed, the Ministry really appreciates the concern by hon. Members. We have, as a Ministry, put in place a Rapid Results Initiative (RRI) to ensure that BOGs are put in place within the shortest time possible.

The Ministry of Education will not want schools to operate without the BOGs. So, I am assuring the hon. Member that, indeed, we are taking action to ensure that BOGs are in place all over the country.

**Mr. Magerer:** Mr. Speaker, Sir, I just want to follow up on the same issue. How do we trust the Assistant Minister's answers when he tells us that the BOGs are supposed to be in operation, and yet in Kipkelion Constituency there is a school called Lesirwo Day Secondary School whose Board's tenure expired in September last year? Since that time to date, no appointment of the subsequent BOG has been made by the Ministry of Education. I take it that it is laxity on the part of the Ministry of Education. Indeed, this will jeopardise the good will of the Government as far as management of the Free Secondary Education Programme is concerned. This is because it gives school heads an opportunity to run the schools without any supervision by a recognised Board.

**Mr. Mwatela:** Mr. Speaker, Sir, I am not aware that the school that has been mentioned by the hon. Member has no BOG. However, I would like to assure the hon. Member that as a Ministry, we will take action immediately to ensure that the school gets its BOG.

I want to emphasise the concern of the Ministry that, indeed, as a Ministry, we are very concerned that there are so many schools operating without BOGs, but we have taken action. Within a very short time, we will have all schools with BOGs.

**Mr. Yinda:** Mr. Speaker, Sir, could the Minister explain to us what he means by "shortest time?" When can we expect the BOGs that are not in place to be in place?

**Mr. Mwatela:** Mr. Speaker, Sir, I am not able to give the specific dates when these BOGs will be in place. However, the Rapid Results Initiative that we have is such that from the time the members of the Board have been appointed or their names have been forwarded to the Ministry, we would like a maximum of 21 days before that Board is put in place. So, from the lodging of the names to the appointment of the Board, 21 days are sufficient.

**Dr. Khalwale:** Mr. Speaker, Sir, when these Boards are being constituted, the Ministry normally allows the so-called sponsors, who include religious organisations or churches, to nominate a certain number of people to the Board. However, once these people become members of the Board, the church then insists that they must determine who will be the head of the school.

Sometimes they go to the extent of insisting that if a school is sponsored, say, by the Catholic Church, then the head of the school must come from that church. The net result has been that it compromises standards.

What is the policy of the Ministry? Is it that the Ministry allows churches to determine the

headship of schools or is it the Ministry that decides who should be the head of a school?

**Mr. Mwatela:** Mr. Speaker, Sir, it is the Ministry which determines who should be the head of a school.

**Mr. Speaker:** Last question, Mr. Mwaita!

**Mr. Mwaita:** Mr. Speaker, Sir, you have heard from the Assistant Minister that 21 days is the ideal situation. In this particular case, the Assistant Minister has told the House that they have issued firm instructions to the DEO to take action. Could he, please, state clearly to this House when the BOG for Ngetmoi Secondary School will be in place? I am asking about the time frame. I am requesting the Assistant Minister to clarify when the BOG of this school will be in place, taking into account that from November last year up to now is not 21 days.

**Mr. Mwatela:** Mr. Speaker, Sir, the BOG of this school is in place. It has been appointed. The launching of the Board is not what puts the Board in place, rather it is the appointment by the Minister. Already, the Minister has appointed the BOG.

**Mr. Linturi:** On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead this House that the Ministry is the one that determines who becomes the head of a school when we know very well that teachers have been posted in certain schools, including two in my constituency, that is, Igembe and Kangeta, and yet the sponsors have turned them away?

**Mr. Speaker:** Order! That is a genuine point of order. The problem you have, Mr. Linturi, is your timing. When the Assistant Minister made that assertion, you ought to have stood on your point of order

as soon as he completed the assertion and not after the assertion had been made and another question had been asked, to which the Assistant Minister also responded.

That notwithstanding, since this is a learning process, and bearing in mind that you are not yet that seasoned, I will allow the Assistant Minister to respond to that point of order.

*(Applause)*

**Mr. Mwatela:** Mr. Speaker, Sir, indeed, that is a very different Question. I have really to find out whether what the hon. Member has stated here is what happened. It is a different Question.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. This is a serious problem. What happens is that the leaders of those religious organisations or the so-called sponsors even threaten the headmasters. They tell the headmasters that they are coming to Nairobi to see people at the Teachers Service Commission and in the Ministry.

Indeed, they go back with different letters. So, if the Assistant Minister is so new to the Ministry, could he admit that we need to allow the substantive Minister to take up this very serious case?

**Mr. Mwatela:** Mr. Speaker, Sir, I may be new in the Ministry, but I am a seasoned educationist. So, I am very well aware of what I am stating. It is the Ministry that appoints the heads. If other bodies are consulted, that is a different issue. But it is the Ministry that appoints the heads.

**Mr. Speaker:** Next Order!

## COMMITTEE OF THE WHOLE HOUSE

*(Order for Committee read)*

*[Mr. Speaker left the Chair]*

IN THE COMMITTEE

*[The Temporary Deputy Chairman  
(Dr. Khalwale) took the Chair]*

THE SUPPLEMENTARY APPROPRIATION BILL

*(Clauses 2, 3, 4  
and 5 agreed to)*

*(First and Second  
Schedules agreed to)*

*(Title agreed to)*

*(Clause 1 agreed to)*

**The Assistant Minister for Finance** (Dr. Oburu): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Supplementary Appropriation Bill, Bill No.7, and its approval thereof without amendment.

*(Question proposed)*

*(Question put and agreed to)*

*(The House resumed)*

*[Mr. Speaker in the Chair]*

**REPORT AND THIRD READING**

**Dr. Khalwale:** Mr. Speaker Sir, I beg to report that a Committee of the whole House has considered the Supplementary Appropriation Bill and approved the same without amendment.

**The Assistant Minister for Finance** (Dr. Oburu): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

**The Minister for Environment and Mineral Resources** (Mr. Michuki) seconded.

*(Question proposed)*

*(Question put and agreed to)*

**The Assistant Minister for Finance** (Dr. Oburu): Mr. Speaker, Sir, I beg to move that the Supplementary Appropriation Bill be now read the Third Time.

**The Minister for Environment and Mineral Resources** (Mr. Michuki) seconded.

*(Question proposed)*

*(Question put and agreed to)*

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

**Mr. Speaker:** Next Order!

### MOTION

#### ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITING DAY

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, I beg to move the following Motion:-

"THAT, this House doth adjourn to a day other than the next normal sitting day."

I want to take this opportunity to congratulate all the hon. Members who have shown such exuberance, particularly our colleagues who I have noticed prefer to sit on the Opposition Front Bench, for keeping the Government side on its toes. The only limitation I have observed is that they have not been able to generate sufficient numbers of questions. For instance, you will have observed that although this Motion should be moved not later than 3.30 p.m.---

*(Mr. Kosgey passed a document  
to hon. Musyoka)*

Thank you very much, hon. Kosgey. In fact, I was debating on whether that was the proper Motion. The proper Motion should read:-

THAT, this House do adjourn until Tuesday, 10th June, 2008.

This is the day I was referring to when I said a day other than the next normal sitting day. The next normal sitting day would be tomorrow afternoon. Although ideally this Motion should be moved not later than 3.30 p.m., you will realise that we have had to move it at about 3.00 O'clock this afternoon, the reason being that there has not been a sufficient number of Questions that Dr. Khalwale---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. The hon. Vice-President and Minister for Home Affairs is making extremely dangerous statements here about Members of the Grand Opposition. The reason why we are at this stage of business is because there were no Questions.

Mr. Speaker, Sir, when this matter was raised last week, Members of the Grand Opposition went and prepared many Questions. The Ministries are slow in getting ready with the answers. That is why these Questions have not been put on the Order Paper.

Secondly, Mr. Speaker, Sir, today, we had enough Questions. Members of the Grand Opposition arrived a few minutes late. Had you allowed them, they would actually have asked their Questions. Therefore, the public should know that we have a very vibrant Grand Opposition that has so many Questions that we would rather the adjournment does not take place.

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, the hon. Member for Ikolomani knows that I do have a lot of respect for him. I am here to try to attempt to convince him not to oppose this Motion. Of course, he is in contravention of the Speaker's own ruling with regard to what he calls the Grand Opposition. This is because as we speak, and as we all would want to be honest intellectually, there is no grand opposition.

Mr. Speaker, Sir, there is an attempt at forming a grand opposition coalition, including my brother, the Member of Parliament for Chepalungu, who is really exuberant about this issue. I, therefore, want to convince all my honourable colleagues that there is need to adjourn until June

10th, 2008. Although there may be Questions, as Dr. Khalwale has said, we, on the other hand, had hoped that by now, we would have discussed some of the crucial Bills.

The House has actually done tremendously well. So far, we have actually dispensed, in a record time, with about seven Bills, including one or two, which were referred to their relevant Departmental Committees. So, this House has actually done very well in the first quarter of this year. If you remember, when we got sworn in, the country was at a cross-road. However, today, we are even able to discuss about the possibility of establishment of a grand opposition coalition, or something like that. This is because the country is back to itself, thanks to the dexterity with which Members of Parliament took their responsibilities. Therefore, in order to be able---

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. With due respect to the Vice-President and Minister for Home Affairs, I respect protocol myself. Is it in order for him to continue to cast aspersions on the intentions of Members of Parliament to form a grand opposition coalition? He keeps referring to "the so-called". Could he apologise and desist from doing this? We are all aware that his party is not a member of the Grand Coalition Government. Obviously, we would like to invite him to lead the Opposition in the next sitting.

*(Laughter)*

**Mr. Speaker:** Order! Order! Mr. Ruto, you are out of order. The prevailing position is that there is no grand opposition coalition as yet. A Motion has been passed by the House to introduce a Bill to bring about a grand coalition of the Opposition. However, that Bill is not yet before the House. So, it is premature at this point to refer to a grand coalition of Opposition. It is not yet in place. When it is, it will be referred to appropriately. Just now, it is not yet.

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir. Is it in order then for the Vice-President and Minister for Home Affairs to claim that he is a Member of the Grand Coalition Government when, in fact, we did not allow ODM(K) to be a Member of that coalition? The Grand Coalition is between ODM and PNU.

*(Laughter)*

**Mr. Speaker:** Order! Order, hon. Members! If the Leader of Government Business has claimed that he is a Member of the grand coalition opposition---

**An hon. Member:** Grand Coalition Government!

**Mr. Speaker:** Then let me hear the Leader of Government Business. Is it correct that you have made that claim, Mr. Musyoka?

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, I made no such claim. More importantly, Mr. Ruto, my dear friend, knows that unlike him, ODM(K) did not really require the intervention of the former United Nations Secretary-General, Dr. Kofi Anan. We got properly into a coalition. Before the formation of the Grand Coalition, the Government side was always referred to clearly as a Government Coalition.

Mr. Speaker, Sir, I want to invite him to think for a while, why is it that we have a Grand Coalition. If it was just ODM and PNU, then it would not be a Grand Coalition. So, that is the part of the intellectual honesty I

was referring to. We should actually accept each other as we are. The fact of the matter is that I am a Member of the Grand Coalition, and not the grand the Opposition. The Chair has made a ruling that the latter is not yet there, but I really admire his invitation. It is only that it is a little late.

Having said that---

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Your time seems to be up, Mr. Musyoka!

**The Vice-President and Minister for Home Affairs** (Mr. Musyoka): Mr. Speaker, Sir, first of all, thank you for protecting me, which you did so ably, but I really need to convince Members of Parliament that we need to adjourn to June 10th, 2008, in order to be ready for the Budget Speech. I am sure that, thereafter, this House will be ready to do this country proud. As we have already demonstrated, we are a very serious Tenth Parliament.

With those remarks, I beg to move.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Speaker, Sir, I stand to second this Motion of Adjournment. It is traditional that before this House addresses itself to the National Budget, it has a period of respite in order to be able to even look at the issues that would accompany such an important debate as the Budget of the whole Republic.

I also think that since the elections, this country has gone through a great deal of trials and tribulations. I am glad to support what the Leader of Government Business says, that we have now resumed our normal life in Kenya. It is time we also took stock of that normal life by taking these few days to think about the positive way forward. It has been stated here about the success that this House has so far scored, particularly in relation to passing of Bills and setting up of the Committees. The Committees will now begin looking at the Reports that should be before them.

Mr. Speaker, Sir, the new Members of Parliament will also take time to even study the Standing Orders, which are so important in carrying out the business of this House. As a Minister, I would recommend to hon. Members, particularly the new ones, to acquaint themselves very well with Standing Order No.37, which is, really, the guidance to the proper questioning of policies. The way in which policies should be questioned is well laid down there---

**Mr. Ruto:** On a point of order, Mr. Speaker, Sir.

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Mr. Speaker, Sir, is this a true---

*(Laughter)*

**Mr. Ruto:** Mr. Speaker, Sir, I know that the Minister is still juggling between the "forests" and where he came from, like what he would do with a liver. Is it in order for him to assert that Members of Parliament have not learnt the Standing Orders? He is becoming very paternalistic in his address. We have read through the Standing Orders. We are ready to proceed. It is the Government which, probably has nothing to offer us to deal with. We, as Members of the Back Bench, we have read the Standing Orders. Is it in order for him to be paternalistic and attempt to tell us what we should be doing and when?

**Mr. Speaker:** Order, Mr. Ruto! What you have raised is actually not a point of order! At best, it is frivolous and vexatious! You are out of order!

Mr. Minister, proceed!

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Thank you, Mr. Speaker, Sir, for protecting me from my old friend with whom I have been in this House before, the hon. Member for Chepalungu Constituency, Mr. Ruto!

Mr. Speaker, Sir, it is important that we re-visit our constituencies. I do not think we have so far done enough in preaching peace and reconciliation. I would like to take this opportunity to commend the Government for the way in which it has approached and accomplished a very large portion of the resettlement of those people who required to be so treated. As that work progresses, we should turn our general thinking more to what is positive, and that which matters with regard to the resumption of normal life.

Mr. Speaker, Sir, we have to get this country to have sufficient food. In the last five years---

**Mr. Speaker:** Order, Mr. Minister! It seems your time is up! But because of the interruption that there was, I will allow you another two minutes!

**The Minister for Environment and Mineral Resources** (Mr. Michuki): Thank you, Mr. Speaker, Sir.

I was saying that in the last five years we have built up food stocks. We did not beg from any country. Some of us hope that it will not take long before we resume the position in which we were, and this economy begins growing again as it did during those five years. For this to be achieved, we need the co-operation of every hon. Member and not just the members of the Government.

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

*(Question proposed)*

**Mr. Mbadi:** Thank you, Mr. Speaker, Sir. Much as we respect the history and tradition of this House of adjourning just before the Budget is brought before the Floor of the House, I wish to oppose this Motion on the following basis. One, for a long time we did not have a Cabinet. For that reason, we took a lot of time on recess, waiting for a Cabinet to be constituted, so that this House could transact business. We came here less than a month ago, on 15th April, 2008. We require time to transact business and pass Bills. Mr. Speaker, Sir, this morning there was a Motion which was supposed to be discussed on the Budget-making process. We have a Budget coming before 15th June, 2008, before the Bill on the Budget-making process is brought on the Floor of the House, so that we can democratize the Budget-making process. We have so many Bills such as the Official Opposition Bill, although I am not subscribing to it. There are important Bills that need to be brought on the Floor for debate for the betterment of this country.

Mr. Speaker, Sir, I do not think this idea of following traditions and adjourning is acceptable. For that reason, I oppose this Motion, and ask my colleagues to support me, so that we can continue transacting business and earning for what we are actually doing. We are going to be paid when we will just be at home, yet we should be here. So, let us work so that we earn for doing our work.

In fact, Mr. Speaker, Sir, I understand why one of us was even thinking of moving a Motion to reduce our salaries. Actually, I was wondering whether this man really knows what we do on the Floor of this House and outside in our constituencies. I thought there was a lot of work. I think these are the same people who are pushing for us to adjourn in order to justify the argument that we do not deserve what we earn.

Mr. Speaker, Sir, I advise this House to reject this Motion, so that we continue working. Thank you.

*[Mr. Speaker left the Chair]*

*[Mr. Deputy Speaker took the Chair]*

**Mr. Magerer:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I stand to join my colleagues in opposing this Motion. Just a few weeks ago the Government began the process of resettling the victims of the post-election violence. I closed the last IDP camp in my constituency yesterday. I am looking up to this House and the Government to fulfil its promise of supporting the victims, who have agreed to go back to their farms and homes. I expect the Government to provide housing as well as food, which should last between five and eight months. If this House today proceeds on recess, I will be worried about who

I will run to when it comes to fulfilling of the Government promises and provision of the few items that the victims of the post-election violence require.

Mr. Deputy Speaker, Sir, I think it is wise for us to proceed with the sittings of this House. Up to now, we do not have the proper policy within which this issue of resettlement should be done. We, as hon. Members who love peace in this country, agreed with the Government to take the lead. But we will not accept to be left alone to deal with the situation when the Government is seeing no more camps. I would rather we take more time to come up with ways in which we could assist these people as we resettle them.

Mr. Deputy Speaker, Sir, I beg to oppose this Motion and say that we should remain in this House to continue doing good work for our people.

Thank you.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Deputy Speaker, Sir, I stand to support this Motion. I am doing so because this is a very important time when hon. Members should go back to their respective constituencies to welcome back the IDPs, who have been taken back to their original homes. It is very important for hon. Members to receive the IDPs who are being resettled and tell them: "We are very sorry; we are going to do this and that". We must demonstrate some kindness.

Mr. Deputy Speaker, Sir, the Government is doing its best to resettle the IDPs. What is wrong if your constituents were affected and you are there receiving them? That will be one way of telling them: "Consider me for the 2012 general election". We must be humble. It is not right for people to be resettled and we are just here debating various issues.

Mr. Deputy Speaker, Sir, it has been a tradition that before the Budget is read by the Minister for Finance, hon. Members go on a recess, prepare themselves and come here fresh to debate the Budget.

Mr. Deputy Speaker, Sir, let us not take it that a grand opposition is already in this House. Hon. Members who are talking for the grand opposition are members of ODM(K), ODM and PNU, yet there is the Grand Coalition Government.

Mr. Deputy Speaker, Sir, before a Bill to establish a grand Opposition coalition is brought to this House, it is unfair for any hon. Member to propose the view that he or she belongs to an Opposition party. I am very frank. Let me put it this way. The same Members of Parliament who are proud of forming the so-called grand Opposition coalition, when tomorrow the hon. President, Mwai Kibaki appoints them to the Cabinet, will be willing to become Ministers. They will not refuse that offer to serve in the Cabinet. They will not say: "No, I belong to the Opposition".

**Mr. C. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for Mr. Kajembe, who is very tired, to impute improper motives that we, Back-benchers, are so eager to be in the Government? Let me remind him that we are working hard to make sure that we reduce, the Cabinet, and very soon he will join us here as a Back-bencher.

*(Laughter)*

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): On a point of order, Mr. Deputy Speaker, Sir. Mr. C. Kilonzo has said that hon. Kajembe is imputing improper motives on Back-benchers, but in the same token, he has imputed improper motives on hon. Kajembe by saying that he is tired, but can he not see how he himself behaves?

*(Laughter)*

**Mr. Magerer:** On a point of order, Mr. Deputy Speaker, Sir. Mr. C. Kilonzo has just said Mr. Kajembe is tired. However, Mr. Kajembe has just told us here that he is tired and he wanted to relax, so that he becomes fresh.

*(Laughter)*

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Deputy Speaker, Sir, I was on the Floor and I want to inform Mr. C. Kilonzo that I am not tired. I am very active, my dear.

*(Laughter)*

He should rest assured on this.

However, what I am trying to say is, yes, there are Members of Parliament who have shown an intention of becoming Members of the Opposition, but I say this very loudly: They cannot belong to any political party which sponsored them to this House and call themselves members of the Opposition. You cannot be a member of the Opposition when you come from the parties which joined hands in forming the Grand Coalition Government like the Orange Democratic Movement (ODM) or Party of National Unity (PNU). You cannot!

Mr. Deputy Speaker, Sir, we are waiting for the Opposition Bill to be tabled before this House and see what will happen. We know how to do things. We should not be threatened all the time that they are in the grand Opposition. We are the Grand Coalition Government! So what!

Mr. Deputy Speaker, Sir, I beg to support this Motion.

**The Assistant Minister, Ministry of State for Public Service** (Maj. Sugow): Thank you very much, Mr. Deputy Speaker, Sir. I stand here to support this Adjournment Motion for several reasons. First of all, I would like to correct the impression created by some new hon. Members here that the only work of Members of Parliament is to legislate. It is not. We have a lot of other work out there. We have constituency funds and implementation of projects to oversee.

At this time, we also have a responsibility to go out and start bonding Kenyans. The resettlement programme of the Internally Displaced Persons (IDPs) is going on. Sitting and debating in this House at this moment may not be very much suitable for Kenyans. So, it is important, especially for those of us who are hosting IDPs and also receiving them back in their constituencies, where they had earlier on been removed, to be present and create that goodwill that is necessary among Kenyans to receive each other and go back to normalcy. We, as leaders, have a responsibility for that and it is crucial that at this time we are with the rest of the *wananchi*

Mr. Deputy Speaker, Sir, there are a few number of Bills that have been discussed just before we go for this recess. I would like to revisit an issue that is very emotive here. However, I have a different view from, probably, some of my colleagues in the Government.

Mr. Deputy Speaker, Sir, I may not necessarily hold exactly the same view as those on the other side but, generally, I think it is of national interest that we look at the issue of democracy in the House with a clear perspective. Parliamentary democracy demands that there be an Opposition. We have to accept that reality. Although we have agreed under those special circumstances to create a Grand Coalition Government, that does not in any way negate the fact that we also need an Opposition. So, just as much as I am not going to say today that the same Members of Parliament, probably, coming from the parties that are forming Government should necessarily be the same Members again opposing it, somehow we have to find some regulatory framework to address this issue. We cannot just wish it away.

I would like Members from both sides of the House to look at the national interests. Right

now, this idea may not necessarily be popular with Kenyans because they want to look forward and also want this country to develop. Therefore, they may see this as mere politicking. If we go and seek opinion from the public, the idea of us debating the formation of a grand Opposition may not be popular. However, down the line, as another Member said sometime back, we are not necessarily saying that we may not go into the same kind of scenario in the future where we may have to form again another grand coalition. Are we going to remain without an Opposition forever in this country? No! We must, therefore, find a middle ground for creating some regulated Opposition in the House at all times and circumstances.

*(Applause)*

Mr. Deputy Speaker, Sir, it is very important that at this time in the country, all Members of Parliament from both sides are seen to be bonding. We must discuss issues as issues. We must not take sides on the basis of regions or areas we come from.

Issues of national interests must, therefore, be debated across the political divide, regions and communities. Kenyans should see that we are actually discussing their interests as a nation and not as nations inside one big House.

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

**Mr. Okemo:** Mr. Deputy Speaker, Sir, I stand here to oppose the Motion of Adjournment. First, this is not a very normal Tenth Parliament, particularly if you look at the beginning. Therefore, we cannot begin to invoke tradition. I do not think tradition is relevant. First of all, we took a long time before we had a Cabinet. Secondly, Committees were only formed the other day. In fact, some have not even selected their chairpersons. So, we cannot go on holiday before we start working. In fact, the time for work is now.

*(Applause)*

However, I understand the predicament in which the Government is. First of all, the House Business Committee (HBC) has completely failed to generate business for this House.

Mr. Deputy Speaker, Sir, we are in an embarrassing situation where we have an Order Paper with two Questions on every single sitting day and Bills, which are supposed to go through the First Reading, Second Reading and the Committee Stage, being forced to happen on one occasion simply because we have no business. Not too long ago, the Minister for Finance came here and told us that he was seeking leave of the House to make sure that the period between the publication of the Bill and the debate should be shortened because the House did not have enough business.

Mr. Deputy Speaker, Sir, are we going on recess because we do not have business or because we need a recess? I think the former is the case; that we have no business, therefore, we want to find the justification to go home. We should continue until the Budget. Hon. Members were standing up and saying that we need this period between now and the time the Budget is read. I do not know if any hon. Member here can stand up and tell us what his or her input is going to be between now and the time the Minister for Finance comes to read his Budget Speech here.

*(Applause)*

There will be zero input! I have been the Minister for Finance and I can speak with confidence that there will be zero input. The Budget Speech is, for all practical purposes, ready. What is going on now is, probably, putting in a few finishing touches.

The question of the grand coalition opposition is a reality we must live with. The

Opposition has several functions in this House, one of which is to check the Government. The other, which may be difficult in our circumstances, is to have an alternative policy for the next Government. This means that it is difficult, because of the political parties from which we come from, to have an alternative agenda which we can present so that in case this Government fails, we can take over. That is difficult because of the unique circumstances. But, maybe, again, since the circumstances are unique, that could also be a possibility.

*(Applause)*

Therefore, I would really like to appeal, particularly to the Government side, that we continue with the proceedings of this House until the Budget Speech is read by the Minister for Finance. Between now and that time, let us organise the Committees. Let us make sure the Committees are in place; they have an agenda and a programme that is going to last for the next 12 months.

So, I would like to end by saying that the recess is not timely. This is not the time for the recess.

**Ms. Odhiambo:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I stand to oppose this Motion.

*(Applause)*

I want to agree with Mr. Okemo that this is a time when tradition does not apply. If you look at the tradition and practice in this Parliament, it is a Commonwealth tradition. Even if I am speaking from a legal perspective and referring to the case of Nyali Limited versus the Attorney-General, the famous Lord Denning said that when we use the English Tradition, it must be adapted to the local circumstances like the English hawk.

So, if the local circumstances do not allow; like in our circumstances we started late because of the violence that was in this country and the circumstances that we are facing, therefore, we must adapt the tradition to suit this country. If the tradition is such that we do not need to go to recess now, we do not have to. I wanted to give an example when Mr. Speaker was on the Chair, that even if you look at the attires that we adorn, they look utterly ridiculous. At an appropriate time, I will be moving a Motion that we dress in a more appropriate and African manner. All our traditions should equally conform to our African traditions.

*(Applause)*

Mr. Deputy Speaker, Sir, I would also like to oppose this Motion because our main institution in this country has been suffering a crisis of confidence from the public. Parliament, especially, is deemed unfavourably by members of the public. The public perceives us as earning a lot of money and doing no work. I know that one of the hon. Members has said that we have done good work. This Tenth Parliament should not do good work. It should do exceptionally well and redeem the face of Parliament before the public.

*(Applause)*

Finally, for the concerns that have been raised that we have other work to do in the constituencies, that is why we only meet half-day on Tuesday, full day on Wednesday and half-day on Thursday. We have the rest of the week to meet the constituents and to supervise the Constituencies Development Fund (CDF). That is why we have CDF managers.

With those few remarks, I beg to oppose.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. I stand to support this Motion of Adjournment. I will give my reasons why I think it is very important that we adjourn.

First of all, we have just approved, about 30 minutes ago, the Supplementary Appropriation Bill so that we can fund Ministries; both the old and the new ones. They now need to start working. So, for that reason alone, we require adjournment.

Secondly, I have just been informed that about 50 per cent of the hon. Members have not yet constituted their own CDFs. This is the time to go to our constituencies and constitute CDF committees.

*(Mr. Ruto stood up in his place)*

Mr. Deputy Speaker, Sir, please, protect me!

**Mr. Deputy Speaker:** Order, Mr. Ruto!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Mr. Deputy Speaker, Sir, he is very fond of interrupting me. I do not know what I have done to this hon. Member. He is always interrupting me!

*(Laughter)*

The other Committees---

*(Mr. K. Kilonzo stood up in his place)*

**Mr. Deputy Speaker:** Order, Mr. K. Kilonzo!

**Mr. K. Kilonzo:** This is urgent, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. K. Kilonzo!

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Githae): Mr. Deputy Speaker, Sir, on the other committees that also need to be created by hon. Members, like the HIV/AIDS Control Committee, this is the opportune time to do so. Quite a number of hon. Members have not done so.

The other committees are the Constituencies Bursary Committee. We also need to create those committees. If I may inform hon. Members, if they are not aware, the Ministry of Education has remitted the bursary money. It is there. So, let us go and distribute this money to the deserving cases.

We also have Departmental Committees of Parliament. This is the time that they work. This is the time that the Public Accounts Committee (PAC) looks at the accounts of the Government. This is the time that the Public Investments Committee (PIC) also gets the time without any interruption, so that it can look at all the investments the Government has done. So, for the sake of those Committees, hon. Members, let us adjourn so that we can give members of these Committees time to go and look at these issues.

On the issue of the grand Opposition, either we are in a Coalition Government or we are not. If your party is a member of the Grand Coalition Government, you have no alternative. I think this is the failure of the party leaders. They need to crack the whip! If your party is in Government, how can you say you are in the Opposition? That is lack of party discipline! We must enforce party discipline. We must call on the party leaders to crack the whip on their hon. Members. This is

where we are now failing. We must have discipline in the party. Either---

*(Mr. K. Kilonzo stood up in his place)*

**Mr. Deputy Speaker:** Yes, Mr. K. Kilonzo!

**Mr. K. Kilonzo:** On a point of order, Mr. Deputy Speaker, Sir. I have been patiently listening to the hon. Member as he contributed. First, he said that 70 per cent of hon. Members have not constituted their Constituencies Development Fund (CDF) Committees. Now, he is threatening us by saying that party leaders must crack the whip. Is he in order to intimidate hon. Members?

**Mr. Deputy Speaker:** Mr. Assistant Minister, you are not in order! You are out of order! You cannot intimidate hon. Members. A Member has absolute right to express his or her opinion on the Floor of the House without fear of anybody, including the President of the country.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Githae):** Mr. Deputy Speaker, Sir, I have absolutely no intention of intimidating any hon. Member. All that I am saying is that we are either in a Grand Coalition or not. A Grand Coalition is not a come-we-stay relationship. It is enforced by the National Accord and Reconciliation Act. It is there by an Act of Parliament.

Wit those words, I beg to support.

**The Assistant Minister for Livestock Development (Mr. Duale):** Mr. Deputy Speaker, Sir, I stand to support the Motion of Adjournment, because of the following reasons.

First, the Parliamentary Committees that were formed a few days ago should be given time. We want them to go and sit down, read reports, focus on them and get the way forward. We are saying that, as a Parliament, if we have formed the Committees, that is not the end of the story. They need to go and sit in those Committees and come up with the way forward in the next 15 days.

The second fundamental issue is that, as Members of Parliament, your leadership does not end here. You need to go to your constituencies, or serve the Government if you are in it. This is the time when Members of the Front Bench need to go to their Ministries and scrutinise their budgets that their technical teams are presenting to the Minister for Finance.

I want to disagree with the former Minister for Finance, Mr. Okemo, and say that this is very crucial to those of us in the Government. We should see what our technical officers are presenting to the Minister for Finance.

Lastly, this is another opportunity for the proposed Grand Opposition to go out, sit and prepare to table their Bill. You need time outside this House. I want to give my input here. This House needs a Grand Opposition. There are no two ways about it. Why do I say so? The same hon. Members who want to form a Grand Opposition are the same hon. Members who supported the Grand Coalition Government. They gave their votes, points and said that this country needed a Grand Coalition Government. These are the same hon. Members, who are the chairs and members of various watchdog Committees.

If an hon. Member on the other side is the Chairman of the Public Accounts Committee (PAC), or the Public Investments Committee (PIC), then you must allow the same group to form a structure to put the Government on check. I do not see the reason why some particular people should panic. These are very honest Members. They want to serve this country. They want to put the other side of the House on check. As a Member of the Government, I want these hon. Members to check my own Ministry and say where the Government has gone wrong. They should be able to say that they are seeing the fathers and culprits of Anglo Leasing coming back to this country, or that they are seeing the Grand Regency Hotel issue coming back. We need a vibrant Official

Opposition. So, whoever says that Kenyans do not need a Grand Opposition is cheating himself. Kenyans want both sides of the House to check each other.

My fellow hon. Members from the Opposition, I know you are honest, but we are telling you that the Leader of Government Business and the House are giving you a chance to go back, sit, reorganize yourselves and convince us to pass your Bill.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, I would like to thank the Leader of Government Business for coming out for the first time on the Floor of this House and admitting that Kenyans trusted a Coalition Government, which is composed of people who are incapable of working for not more than two months continuously.

I oppose this Motion because of two very sticky issues in my heart. The first one is the issue of insecurity in Mt. Elgon. We have the military there. The local Member of Parliament, Mr. Kapondi, had asked the Minister of State for Provincial Administration and Internal Security to explain how the military found itself in Mt. Elgon. We are not ignorant of the law. We are aware that the military is allowed to intervene when the regular forces are unable to achieve civil peace. In this case, before the military leaves the barracks, the same law is clear that the Head of State and Commander-in-Chief should have, in the first place, declared a state of emergency in this country before allowing our military to go to Mt. Elgon. We would like this matter to be addressed, because military officers are not angels and are not trained on how to handle the public. We are afraid that serious human rights abuses are taking place in that area.

Mr. Deputy Speaker, Sir, the second issue that is really burning me is that, in the last Parliament, the issue of Anglo Leasing started like a joke. When it boiled down to what really took place, we confirmed that the public had lost Kshs2.7 billion. I am afraid that if we do not stop going on recess, we are going to visit on this country another scandal that has already been estimated to be about Kshs30 billion.

In his own wisdom and goodwill, the President decided to launch a national funds drive for the Internally Displaced Persons (IDPs). If we do not allow the rule of law, then personal assistants of Ministers, personal assistants of heads of State Corporations, personal assistants of Permanent Secretaries and other Accounting Officers, will move around the country collecting money and intimidating business people, but that money will never find its way into the national kitty. We would like the Attorney-General to come to this House and tell us whether, in respect of this funds drive, the Officer's Public Officer Ethics Act has been set aside. If it has been set aside, then, as Members of Parliament, we are willing to contribute. We would like the Attorney-General to come to this House, so that we give him a legal instrument that would give immunity, not only to hon. Members but also to other public officers, so that they are not taken to court and end up in jail.

Mr. Deputy Speaker, Sir, today, the Judiciary is trying to be seen to be independent of the Legislature and the Executive. So, if people are taken to court, what legal instrument is the Attorney-General going to use? If, indeed, he needs a legal instrument, where is he going to raise it from this House? We must not go for recess. We must make sure that we sanitise the fundraising for the IDPs.

Mr. Deputy Speaker, Sir, the Attorney-General must come to this House and assure us that funds that are being donated by Ministers and Permanent Secretaries--- We should be told from which Votes they are drawing the money. If we do not do that, Accounting Officers are going to cash in---

**Mr. Deputy Speaker:** Your time is up, Dr. Khalwale!

**Dr. Khalwale:** Thank you, Mr. Deputy Speaker, Sir. I oppose.

**Mr. Osebe:** Mr. Deputy Speaker, Sir, thank you for allowing me to catch your eye. I stand here to very strongly oppose this Motion of Adjournment. I am really surprised that the Government side could want us to go home so soon after we have just come back to do business.

This House has so many things that it must do. I can understand that the House Business Committee has not generated enough business for us in this House, but I can tell them that hon. Members are ready to generate Private Members' Motions that we can debate in this House. There are many issues that we must address as a House.

The issue of IDPs has been discussed in this House. We must not overlook the serious things that are facing this country. We must not go on recess while our people are languishing out there. It is the business of this House to ensure that the issue of IDPs is addressed fully. We can only address it from this House. We have no business going out there and relaxing at home when there are many things affecting this country. I do not know what happens to men when they get to power. I cannot understand this, because many of the people who are now enjoying in the Government are those who have benefitted from the Opposition. I do not see why they are opposing the issue of the Grand Opposition. We must have an Opposition in this House. There are no two ways about it. Those who are opposing the formation of a Grand Opposition must think twice. They must know that they are beneficiaries, even including our own President. Everybody who is enjoying power here has come from the Opposition.

Mr. Deputy Speaker, Sir, those in the position of power must fight for those basic rights which are necessary for this country. As I said, there are many issues that we must debate. For example, my constituency of Kitutu Masaba has so many problems. I was there last weekend and all our health centres do not have medical staff. Our tea farmers and everybody there is suffering. Yet, we are being asked by the Government side to adjourn and go home. I think we have no business going home. If I could have my way, we could even continue without adjourning at all. There is need to have a new Constitution and look at every other thing. We have a lot of unfinished business that this House must address. Therefore, we have no business being told to go home when we have to do business in this House.

I do not understand why other Members are saying that we have many things to do at home. It has been said here, and I say it again here, that we have enough time to go home and stay with our constituents. We have the weekends, Mondays and Fridays.

So, I think it is extremely necessary that this House does not adjourn. It is about time that the Government did not force us to adjourn unnecessarily. I think it is about time this House managed its own calendar so that we can do business without being intimidated. I think this is an intimidation from the Government side. The Kenyan people must note that the Government does not want to do business in this House. If they are not ready to do business, I think they had better give up so that the Opposition becomes the Government so that we can do business in this House.

With those few remarks, I beg to oppose.

Thank you.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Thank you, Mr. Deputy Speaker. I want to support this Motion. I have reasons for doing so. When we passed the Bill to create the Budget Office, we agreed that before the Budget is read in this House, Members of Parliament must be taken for a retreat so that the Government will show MPs what is there in the Budget. I believe that, that is exactly what Parliament will do. We need a retreat to be organised for hon. Members, either in Mombasa or somewhere else, for us to know the process of Budget making. We have numerous problems.

Mr. Deputy Speaker, Sir, I concur with my colleagues on the other side that we need to do more. We need to do more on the side of resettling our IDPs. I must congratulate some of my colleagues here who have been in the forefront to resettle the IDPs. We know what brought about the IDPs---

**Mr. Nguyai:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** What is your point of order, hon. Nguyai?

**Mr. Nguyai:** Mr. Deputy Speaker, Sir, is the hon. Member in order to discuss a retreat while we are discussing the adjournment of the House?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, that was a frivolous point order! Let me just proceed!

Mr. Deputy Speaker, Sir, I would want to add that we have IDPs and a number of other things. I am also begging and pleading with my colleagues to be careful during the by-elections. The by-elections will come and we will have campaigns. But I will request one thing from Members, please avoid confrontational politics. Let us avoid inciting the electorate.

Mr. Deputy Speaker, Sir, I went through the manifestos of both the ODM and the PNU, and there is no single line which says, if you go out there to campaign, then you can as well use abusive words against the person of the President or the ODM Party or the Prime Minister.

Mr. Deputy Speaker, Sir, I am pleading with my colleagues that, in the event that you cause mayhem and in the event that you want to abuse the President, the law will catch up with you. In the event that you want to abuse the Prime Minister, you will be arrested on the spot!

*(Laughter)*

Mr. Deputy Speaker, Sir, what I am saying---

**Mr. Yinda:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister, hon. Ojode, in order to intimidate Members of Parliament?

**Mr. Deputy Speaker:** It is not in order, Mr. Assistant Minister! You are out of order!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, what I have said is very clear. I said that I have gone through the manifestos of both PNU and ODM, and there is no single clause which says we can go to campaign---

**Mr. Deputy Speaker:** Order, hon. Assistant Minister! There is no law that allows anybody to insult anybody, including a commoner in the street! So, basically, what you are saying is an obvious thing and it is in the law. This is a Motion for Adjournment, so tell us why it should be approved.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Deputy Speaker, Sir, it is good that the Chair has concurred with my sentiments. Thank you very much. We want to avoid the issue of causing more IDPs at all cost. If you incite people, we will have IDPs again. We know what it is and what it takes for the Government to resettle IDPs. That is why I was giving this kind of caution to my colleagues.

The other bit is the issue of fuel prices---

**Mr. Deputy Speaker:** Your time is up!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): With those few remarks, I beg to support.

**The Minister for Livestock Development** (Dr. Kuti): Thank you, Mr. Deputy Speaker, Sir. I have listened to the hon. Members on the other side and heard their points for opposing this Motion. But I stand here to support this Motion of Adjournment because of the following reasons: First, I want to concur with those who said that this a time of reconciliation. Kenyans had the worst of times, where neighbours became enemies. Children of neighbours have become suspicious of each other. This is the time when leaders, especially Members of Parliament, should go back to their constituencies and hold *barazas*, peace and reconciliatory meetings and leaders' meetings in order to heal the nation starting from the constituency or lower levels. That is why we need this period which is very crucial.

Mr. Deputy Speaker, Sir, secondly, Ministries have been split. Departments have been split to create new Ministries. There are many negotiations which are ongoing. The Budget will be read very soon and it is very important that the various Ministers, Permanent Secretaries and the officers of the new Ministries consult. They need time to consult and prepare their budgets so as to meet the deadline.

The other issue is with regard to the Opposition. While I know that any Government requires checks and balances, I read mischief in this Opposition issue. We were all here when the National Accord and Reconciliation Bill was presented to this House and 100 per cent of hon. Members in this House agreed to it. Not a single hon. Member said no to it. Not even a single one stood to raise an amendment. So, we fully agreed to the National Accord and Reconciliation Bill to the letter. If it is not mischief, that was the time that an amendment would have been moved for a Grand Coalition Opposition to be established by the hon. Members in the Back Bench. While this is a good idea, it is time-barred, as far as I am concerned.

Finally, hon. Members from PNU, ODM and ODM(K), who were competing forces, need to join hands and go and visit various areas of this country for the sake of the healing process.

With those few remarks, I beg to support.

**Mr. Dache:** Thank you, Mr. Deputy Speaker, Sir, for giving me time to air my views on this particular Motion. I stand here to oppose it because I am not convinced by the reasons we have been given to adjourn this House. Judging from the mood of the people who elected us, I think we have been home too often. We have a duty to perform in this House. Going home again for another one month is not going to be very good for Kenyans who elected us.

When we talk about tradition, we should be specific. When we say that we have been adjourning before the Budget is read, does that mean that we have to adjourn for one month? Why not for one week or a few days? We have been told that we have to go home and supervise some committees that are doing certain jobs like the CDF, the bursary committees and the rest. I want to challenge the Government side that the deadline for the constitution of the CDF committees was 15th March, 2008. I am sure that most hon. Members have constituted those committees. Although that was done, the CDF committees have not been gazetted and, therefore, they are working illegally. How can we be told to go and supervise people who have been put in place to work for this country? In fact, I would have been happy if we were told to go home and supervise the committees, if our CDF cheques had been posted to our constituencies. Probably then, one would say that we have some work to do.

The work we are being told to go and do is being done by the committees we have appointed. I feel that, for us to have some credibility in this House, we must disregard the traditions that have made former Parliaments unpopular in the eyes of Kenyans. We should continue sitting up to the time that the Budget will be read.

I oppose.

**Mr. Were:** Thank you, Mr. Deputy Speaker, Sir. I stand to support this Motion of Adjournment. I know it is a surprise that I am standing to oppose while I am sitting in the middle of those who are opposing!

**Mr. Deputy Speaker:** Are you opposing or supporting?

**Mr. Were:** Mr. Deputy Speaker, Sir, I am supporting!

I have an experience on this issue. Sometime last year, during the Ninth Parliament, I opposed a Motion of Adjournment under the pretext that we had a lot of work that we were yet to do. We defeated the Motion of Adjournment but continued to have a problem of lack of quorum. I really do not believe that we should not adjourn. We know the reasons for adjournment. It has been a tradition. I believe that it is necessary that we adjourn so that the Ministry of Finance can have time to prepare the Budget for this year. The Budget is the single most important business of this

House. This is because it is discussed for a whole half of the period of any Session of any Parliament. I support that we should adjourn so that the Ministry can have time to prepare the Budget.

Mr. Deputy Speaker, Sir, hon. Members are saying that we do not need to adjourn because there is still a lot of work to be done. However, all the work of this Parliament is not only done in the Chamber. Nearly 75 per cent of Parliament's work is done in the Committees. Therefore, as we adjourn, Committees will still work. If Committees will be working, then the work of Parliament will still be going on. So, we cannot say that there will be no work going on. I do not believe that when we are on recess we must be at home. We can be on recess and continue doing our Committee work.

We have a problem of IDPs. We are elected hon. Members and we act as parents in the constituencies. We have the process of resettlement that is going on. As parents, we cannot say that we can help in harmonisation or bonding when we are in Nairobi. We need to be down on the ground where there are problems, so that we can see harmonisation going on. For that reason, I request that hon. Members who are opposing change their minds so that as we go towards the end of the time allocated to this Motion, they vote for the Motion of Adjournment.

We are having a problem with Bills. We are hear that the Government does not have enough Bills. I also believe that during this time of recess, the Government side will have time for the Ministers to go back to their Ministries and work so that we can have enough Bills. If we keep them here, I do not see how they will come up with Bills in their Ministries. They also need time to go back to their Ministries and come up with policies and Bills which can be debated here.

*(Several hon. Members stood  
up in their places)*

Mr. Deputy Speaker, Sir, I am not through!

**Mr. Deputy Speaker:** Proceed!

**Mr. Were:** Mr. Deputy Speaker, Sir, I am experienced enough to know when my time is over because I am now on my second term!

We know that the CDF money has not been disbursed. As we go on recess, I would like to ask the Minister for Finance to expedite the release of the CDF money so that during this time of recess, we can actualise our programmes. When we come back after the recess, the programmes should be running.

Regarding the Opposition, I am one of those hon. Members who signed in support of the formation of a Grand Opposition. The fact that I am supporting this Motion does not mean that I am opposing that idea. I support the idea of a Grand Opposition. It worries me a bit when I think about why the Government side is cagey. What is the Government side trying to hide? What are they fearing, that these gentlemen and ladies would do to them if a Grand Opposition was formed?

I support that idea. It is a noble idea and I support this Motion fully.

**Mr. Kombo:** Thank you, Mr. Deputy Speaker, Sir. I stand to oppose the adjournment. I do not have to sit on the Opposition side to oppose.

*(Laughter)*

I have listened very carefully to the reasons we have been given for the adjournment, but they are not convincing. I see two reasons, as far as I am concerned, for this adjournment. One is that the Government has been unable to generate enough business. If that is the case, then indeed, as Mr. Nyambati said, we should change the Standing Orders and give more days to the Private

Members' Motions so that Members can generate business for the House. That is one of the reasons I have seen and it is not convincing at all.

Secondly, Mr. Deputy Speaker, Sir, I actually see fear on the side of those who want people to go on recess. They are afraid that the hon. Members who are agitating for the Grand Opposition are getting too strong. So, they want to scuttle them and then they will be unable to reorganise themselves.

*(Applause)*

On the issue of a Grand Opposition, I do not think hon. Members have said they want to leave their political parties at all. Those who are opposing it are products of opposition, yet now they are frightened because they are in the Government.

Mr. Deputy Speaker, Sir, what is on the lips of those who want a Grand Opposition is Parliamentary democracy. They actually want to protect Parliamentary democracy. There is a saying that power corrupts and absolute power corrupt absolutely.

*(Applause)*

Those hon. Members are saying that we want to check absolute power so that it does not corrupt this country whatsoever.

Mr. Deputy Speaker, Sir, if one hon. Member is in North Eastern Province, another one in Western Province and another one in the Coast Province, they will not have time to sit together and ensure that this noble idea, that is going to protect Parliamentary democracy, survives. That is why I read fear in those who want to send hon. Members home.

Mr. Deputy Speaker, Sir, we have said that we want to have a new Constitution for this country within one year. Sending us home without even tackling that major issue by bringing here a Bill that can ensure that we fast-track the constitution-making process is doing a disservice to this country. These are priorities we should be looking into to ensure that there is a Bill in the House to fast-track the constitution-making process for the benefit of this country. This Tenth Parliament could do nothing else, but if they give this nation a Constitution that will put in place structures that will ensure that never again shall we have Internally Displaced Persons (IDPs) in this country, we shall have done a great job for this country.

Mr. Deputy Speaker, Sir, as you know, the public has been saying that the House is lazy, we do not work very much, and we are over-paid. Now, within a few weeks, you want to send us home so that we go and sit back! The issue of committees working--- In fact, we have a lot of responsibilities. I am very impressed that these days hon. Members work in committees in the morning and come to the House in the afternoon. So, I do not think there is a question of sending us home, so that committees can work. That does not hold any water at all.

With those few remarks, I beg to oppose.

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Deputy Speaker, Sir, I stand to support this Motion of Adjournment.

Mr. Deputy Speaker, Sir, I would like to tell new hon. Members that a bad start makes for a bad ending. Since December, when we were elected, we have been having so much confusion, to the extent that we have not been able to interact with our constituents. We just constituted the Constituencies Development Fund Committees recently, and we need to interact with these people. If you keep on staying in Nairobi, these people will mess you this financial year. If you start badly this financial year, know that your fate is almost being determined.

*(Applause)*

Mr. Deputy Speaker, Sir, it is good for me to advise my brothers and sisters, who are opposing this Motion that they should go and slaughter bulls, have their home-coming parties and eat with their people before June, so that they get used to you. It is very important that you go and bond with your constituents. It is very important that you go and supervise how money is used.

Mr. Deputy Speaker, Sir, when we left the last Parliament, we did not spend the money that was voted. We just passed the Budget and went to elections. Even the CDF money was not released. I know that the Minister is going to release it very soon. It is good that we go and make use of this short time, organise ourselves and implement projects. Implementing CDF projects needs thinking, dear hon. Members. It is not an easy task!

Mr. Deputy Speaker, Sir, I know there are some experienced Members of Parliament here, who know how to come back to Parliament very easily. Do not go by what they say. Go back home, organise these things, stay with your people and you will find the going very nice. It is not even good staying in Nairobi here.

*(Laughter)*

Mr. Deputy Speaker, Sir, we have to allow the Government time to put its act together. We have to allow the Ministers to take up their offices, and know exactly what you Members of Parliament want on the ground. We are not going to keep ourselves here in Parliament without cross-checking with our technocrats on the ground. It is my appeal that hon. Members re-think their stand and go back home. Come back with a comprehensive agenda from your people. Mr. Deputy Speaker, Sir, things have now changed. Before the Grand Coalition Government everybody was going his or her own way. Now, let us go and revise our agenda for Kenya and our people. What do they need now? The IDPs have come back; there is a Coalition Government in place and our they need a new Constitution. Let us go back and talk to our people for only one month, and then when we come back we change the Constitution. Parliament should have its own calendar, so that we are not bullied by the Government.

Mr. Deputy Speaker, Sir, it is my appeal that hon. Members are not overtaken. Nobody fears Opposition. Some of us have been in the Opposition for a very long time!

*(Applause)*

We were in the Opposition when former President Moi had horns, the claws and the teeth to bite! Some of you are very young people!

*(Laughter)*

Those of you who think Mr. Raila fears, there is nothing Mr. Raila can fear from the Opposition. In fact, he knows what Opposition is. There is nothing President Kibaki can fear about Opposition. We have mastered what Opposition is. Let us go home and come back with a comprehensive agenda for our dear country, and then move forward from June onwards.

Thank you.

**Dr. Kones:** Thank you Mr. Deputy Speaker, Sir. I rise to oppose this Motion.

*(Applause)*

Once again, I think we are not convinced by the reasons given by the Government as to why we should adjourn at this time. There are many things that we need to discuss in this House. For example, we have already sent out Questions, which we expected to be answered in a short while. These are Questions that touch on people's lives. If we adjourn now, for the next three weeks, what are we going to tell our people?

Mr. Deputy Speaker, Sir, the Budget is also coming. Being a Member of the Budget Committee, I thought it would be prudent that we brief this House on what is ahead before we break. Otherwise, why should we wait until the Budget Day and then come back, table and approve it?

Mr. Deputy Speaker, Sir, hon. Members have talked about a Grand Opposition and the Grand Coalition Government. We need to see the importance of the Grand Opposition. It is not just for the purpose of opposing, but for checks and balances. We really mean well. We do not want the Coalition Government to collapse before five years are over. We shall ensure that this Government survives. However, we shall play our rightful role as Backbenchers wherever we shall be in the Grand Coalition Opposition to ensure that whatever the Government side is doing, it is for the good of the public.

Mr. Deputy Speaker, Sir, I beg to oppose this Motion.

**Mr. C. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir. This is Parliament! When we left here yesterday, none of us knew that we were going to adjourn. We are not small children! You cannot wake up one morning, decide somewhere and in the next few hours you say that Parliament should go home!

The Executive cannot hold Parliament at ransom. When you think you want to relax, you say that the entire House should go home. We were at home barely a month ago. Now you are telling us: "Go back again." We had plans. We had a work programme. There were Motions, Questions and Bills to be brought to this House during this period. Now you just come and treat us-- Even primary school children know when the school closes and opens!

Mr. Deputy Speaker, Sir, when the Ministers say that they are tired, I agree with them. However, I wonder what they do. It is only one Minister who, if he says he is tired, I will understand because he performs. Everybody knows him! Who does not know that hon. Michuki is a hard worker? So, if he says that he is tired, I would understand.

**An hon. Member:** Mr. Michuki for Prime Minister!

**Mr. C. Kilonzo:** Oh, definitely! Mr. Deputy Speaker, Sir, it is important to know that when Parliament is on recess, the Government is on honeymoon. Nobody will question them on their sweet deals they are doing. No Questions are brought here and no Ministerial Statements are asked for. So, basically, they are on honeymoon. When Mr. Ojode says that we are going on recess so that parliamentarians can be taken to Mombasa for holiday, let him be told that we have no intention of going there! We want to be in the House!

Mr. Deputy Speaker, Sir, we are against having 95 Members of Parliament sitting in the Cabinet; 42 Ministers and 53 Assistant Ministers. It is wrong! That is why Parliament is actually tired because these fellows are doing Executive work out there. Truly, if you have the heart of Kenyans at heart, could about 50 of you just join us here? It is very sweet being a Backbencher!

Last year, Kenyans voted for change. They knew that they were to get change. However, what they did not know is that they were to be short-changed. They wanted change in the form of a new, effective and lean Cabinet. During the last Parliament, it was everytime about the Motion of Adjournment. It was always being said: "We are tired," yet the Assistant Ministers were complaining that they did not have any work to do. Whom do we believe? Is it the Assistant who do the work or the Ministers who are tired? We wanted change in the form of more new Members of Parliament. We got 70 per cent of them; a new Parliament.

But what did we get for the Government? *Ni ile tu ya KANU*; the old one! About 80 per cent of them have been Ministers before and 12 per cent of them are new. If you were not ever a KANU person, you could not get the first five slots. Number one went to KANU. Number two went to KANU. Number three also went to KANU. Both Deputy Prime Ministers are KANU. Then you stand there and tell us that you do not want a Grand Opposition Coalition. The reason why these people are scared of Parliament forming itself in a structured manner--- Our agenda is very simple. We want to be structured, so that we can bring issues in a proper way and check the Government in an organized manner.

We have business that we would want brought here. But who is controlling the House Business Committee? It is the Government. We do not have enough numbers of Backbenchers who can say: "This what we would want to be brought to this House." If we had proper numbers in the House Business Committee, I am sure today we would not be talking about the Motion for Adjournment. It would have died in the House Business Committee.

Mr. Deputy Speaker, Sir, it is unfortunate that we are still short-changing Kenyans. Parliament will be crippled! Every now and then, we are told: "There is a Motion for Adjournment. Go home." But let me talk. Mr. Ojaamong mentioned about the Constituencies Development Fund (CDF). I had the opportunity to be a Member of the Parliamentary Committee on CDF. This is the tip and it concerns every Members of Parliament; whether a Minister or not. The Committee has not yet elected its Chairman. The only time we can seriously negotiate for that money with the Minister for Finance is when Parliament is sitting. We are currently at 3 per cent. The hon. Minister for Finance can as well be at 2.5 per cent.

With those few remarks, I beg to oppose.

**The Minister of State for Defence** (Mr. Haji): Nakushukuru, Bw. Naibu Spika, kwa kunipa nafasi hii. Leo nimemkumbuka mhe. Wamwere ambaye alikuwa Mbunge wa Subukia. Kiingereza kimezidi sana. Kwa hivyo, nitazungumza kwa Lugha ya Kiswahili.

Bw. Naibu Spika, ninaunga mkono Hoja ya leo; kwamba inafaa tupate nafasi ya kurudi nyumbani ili tukae na kushauriana na watu wetu. Tunafaa kushauriana nao na kufanya mipango ya maendeleo.

Kwanza, ingawa nimesikia Wabunge wengi wakisema kwamba pesa za CDF yafaa zitumwe, lakini ndugu yangu, mhe. C. Kilonzo, atakubaliana nami kwa sababu tulikuwa katika Kamati ya Bunge ya CDF. Jambo la kwanza ambalo Mbunge wa Kamati ya CDF anahitajika kufanya ni kutenga mradi ambao atatekeleza. Baada ya kufanya hivyo, kuna fomu ambazo unahitajika kujaza. Fomu hizo hupelekwa kwa Kamati ya Kitaifa ya CDF ili pesa zipatikane. Ni kweli kwamba Wabunge wapya katika Bunge hili hawajapata nafasi ya kufanya hivyo. Likizo hii itatusaidia kutenga miradi ambayo tungependa kutekeleza kwa kutumia pesa za CDF. Kwa hivyo, ni lazima tuharakishe ili tuweze kuzitumia pesa hizo kwa njia ambayo inafaa.

Bw. Naibu Spika, kama vile mhe. Ojaamong alivyosema, tusiwe wachoyo. Tumepata mshahara na marupurupu mengi tukiwa hapa. Likizo ya wiki tatu itafaa sisi kukaa na watu wetu ili tule kuku, ngamia, mahindi na kadhalika. Si hayo tu. Likizo kama hii itatupa nafasi ya kujua na kuyazingatia matatizo ya wananchi wetu.

Ningependa kukana yale ambayo ndugu yangu, mhe. Dkt. Khalwale alisema kuhusu Jeshi letu. Nafikiri ni muhimu kwa Wabunge kusoma sheria za nchi hii. Kuna sheria iliopitishwa na Bunge hili, juu ya kazi ya Jeshi letu. Kazi kubwa ya Jeshi letu ni kulinda mipaka yetu. Ya pili ni kuwasaidia wananchi wetu wakati wo wote wanapohitaji misaada. Ni lazimu tufahamu kuwa shule na hospitali zote ambazo zilikuwa nimefungwa, sasa zimefunguliwa. Jeshi letu pia limekarabati barabara nyingi ili wananchi wetu waweze kusafiri kwa urahisi. Kwa hivyo, si haki kuhujumu kazi ya Jeshi letu. Wananchi watahitaji kuchimbiwa mabwawa na visima. Jeshi letu liko tayari kutekeleza hayo yote. Najua kwamba punde si punde, tutapata vifaa vingi vya kuweza kuwasaidia

wananchi. Tunafanya hivyo katika Rift Valley, North Rift, Kaskazini Mashariki, Mashariki na tutaendelea kufanya haya yote kwa nchi yetu tukufu ya Kenya.

Bw. Naibu Spika, tukizungumza kuhusu mambo ya *Grand Opposition*, sijui kama mimi silielewi vizuri jambo hili! Sisi hatujakataa kuwa na upinzani! Ni sheria ambayo inakataza kuwa na mpango kama huo. Lakini hata hivyo, kama wewe ni *Back-bencher*, ni kitu gani ambacho kinakuzuia kuikosa Serikali? Ni kitu gani ambacho kinakuzuia kuchokora na kujua mambo yanayofanyika katika Serikali? Sisi ambao tuko hapa tumefungwa miguu na mikono. Hata pahali tulipochaguliwa tumefungwa. Nyinyi ndio wajumbe wetu sasa! Ninyi ambao mko katika *Back-Bench* ndio wajumbe wetu, mtazungumza kwa niaba yetu na wananchi wa Kenya. Ndugu zangu, tumepitia wakati mgumu sana na tunafaa tujaribu kurudisha nchi yetu pamoja. Pia, tunatakiwa kuzungumza na wananchi wa Kenya ili wakae pamoja kama ndugu na dada. Tusijaribu kutenganisha wale ambao Mungu amewaweka pamoja. Mungu angeweza kuwaleta Wajerumani na Waingereza wakae Kenya, lakini hakufanya hivyo! Alituleta sisi, watu wa makabila na dini mbalimbali.

Asante, Bw. Naibu Spika.

Naunga mkono.

**Mr. Kutuny:** Mr. Deputy Speaker, Sir, I stand to oppose the Motion of Adjournment!

*(Applause)*

Mr. Deputy Speaker, Sir, I do that basically because it is only one month ago that we went on recess. Since then, you will realize that we have not done anything. We have a responsibility, as Members of Parliament who have been sent here by people who we represent, to push for many things which they expect are going to better their lives.

Mr. Deputy Speaker, Sir, right now, in this House, we have several Motions for which, sooner than later, we are expecting answers. One, as a Member of Parliament representing farmers, there was a Motion of writing off the loans which were extended to farmers by the Agricultural Finance Corporation (AFC) and the Agricultural Development Corporation (ADC). But as a result of the post-election violence, we realized that there were a lot of catastrophes that made farmers lose a lot of things. We are expecting the Government to respond. If we go home today, when will the Government respond to this matter? When one Member tries to teach you or rather to lecture us on matters that affect our constituencies, we want to tell each and every Member that, you had better mind your own business of your constituency, because organization of each constituency depends on each and every Member!

*(Applause)*

Right now, we are on the final stages of identifying the projects that we are going to implement on the ground. When we were campaigning, we already had an agenda. In the last four to five months that we have been sitting here, we have already laid out the structure and the framework on what we are going to do.

Mr. Deputy Speaker, Sir, an hon. Member has put it clearly that we should go and feast on our election to this House. We want to tell him that this is not the time to go and feast when there are people in the cells who have been locked up as a result of the post-election violence!

*(Applause)*

We want to tell him that it is not the right time for us to go and feast when there are many

secondary schools which have not received funds for free secondary education across the country. We want to tell the hon. Members that it is important for us to be here so that we can push for these things and to make sure that Government services are improved.

When we talk of a Grand Coalition of the Opposition, we want to say that those who are in the Government should support and protect the Government! For us who are in the Back Bench, our role is to see how better we can articulate the issues affecting the *wananchi*. We want a proper and a structured Opposition. One hon. Member has put it clearly that we can do it anyhowly, but we are saying that we cannot put it anyhowly. When you move a Motion, you need somebody else to second it. Then, you need around ten to 15 hon. Members to support your Motion. What do we call that? We want to do it in an organized manner when we are ready and recognized in this House.

So, Mr. Deputy Speaker, Sir, why should you be worried of an Opposition when you know that what you are going to do is clean? Unless you want to go and do something nasty in this Government, and that is why you are saying you do not want an Opposition, because it is going to check on you!

If your neighbour has a dog that guards the family, the homestead and the entire place, when the other person quarrels about keeping your dog, then you must understand that he might be up to something in your place. So, let us keep our dogs! Stop meddling with our dogs, the way we are going to put it in this House.

So, Mr. Deputy Speaker, Sir, as hon. Members opposing this Motion, we are not going to form any party in the near future. Ours is just to make sure that checks and balances are the order of the day in the Government. Our watch word is a Government which is very free of corruption! Otherwise, if you want to worry, then we will give you time to worry. But, come 2012, you might have pushed many people to the periphery and they must fight back. That is the worst time you expect such a reaction in politics!

Thank you, Mr. Deputy Speaker, Sir.

I beg to oppose.

**Mr. Ruto:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Ruto! What is your point of order?

**Mr. Ruto:** Thank you, Mr. Deputy Speaker, Sir. Now that most of the hon. Members are repeating themselves and I have not even contributed, is it in order to ask the Mover to reply?

**Mr. Deputy Speaker:** Hon. Ruto, you are treading on very dangerous grounds! This is a Motion of Adjournment. You cannot have a fore-closure on a Motion of Adjournment as long as there are hon. Members standing on their feet wanting to contribute. This is not any other Motion! It is not a Private Members' Motion!

**The Minister for Development of Northern Kenya and other Arid Lands (Mr. Elmi):** Thank you, Mr. Deputy Speaker, Sir. I want to support the Motion and I want to give reasons. I would not ask you to go and feast or do certain businesses in your constituency. That, you will plan it yourself. What I will ask you is to consider that, in any calender of planning, there has to be periods where certain things are appropriate.

Mr. Deputy Speaker, Sir, I hear that a lot of things have been said about the Constituencies Development Fund (CDF), but also in the Government planning period, this period, we are doing the five-year plan. We want to be there to be sure of what the District Development Planners are putting in our five-year plan is what our constituents actually want. Personally, I want this period to be there to enable me to go round and ensure that the communities are heard. For that reason alone, so that you do not keep regretting and trying to change the plans that are already written, it is a good period to go for recess, in my view.

If we do not adjourn, and this Motion has already been brought, an hon. Member who has a

lot of experience in Parliament tells me that it will take six months before you can bring another Motion of Adjournment. So, people have to be careful that if we just oppose this Motion because we are in a period that we want to oppose--

Mr. Deputy Speaker, Sir, we said that the Budget is coming, and that this is the time to actually go and look at the Budget Estimates that were given. We should go to the Ministry of Planning, National Development and Vision 2030 and check what projects are in the plans and what will be coming in the Budget so that we can be prepared to contribute well to the Budget debate.

Mr. Deputy Speaker, Sir, this is also the period that we should get all the Committees working. I heard an hon. Member say that some of the Committees have not even been constituted. They do not even have chairmen. Once again, I am confessing that I am a first timer in Parliament and I am told that the period when Parliament is in recess is when the Committees are most active. That is the time when Committees do a lot of work. So, that argument, again, does not arise.

Therefore, Mr. Deputy Speaker, Sir, I beg to support.

**The Assistant Minister for Public Health and Sanitation** (Dr. Gesami): Mr. Deputy Speaker, Sir, I stand to support this Motion. This is because as you know, the financial year is coming to an end. Recently, some money was sent to constituencies for maintenance of roads and bursaries. I think that it is time we went back to our constituencies to make sure that the money has been used correctly.

Those of us who have been given responsibilities in the Government need time to visit our areas of jurisdiction and see how things are going on. We need to see what we can put in place to make things move smoothly.

With those few remarks, I beg to support.

**The Assistant Minister for Lands** (Mr. Bifwoli): Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to support this Motion. The fact that I am saying that this House should adjourn does not mean that I do not agree with the Opposition. I agree that you should go and form a Grand Coalition Opposition. That is true! Every vehicle needs brakes. That, again, is the truth. However, the truth of the matter is that we need to go home to meet the electorate so that they can tell us what to do here.

Since we had the 2007 General Election, we did not have the opportunity to visit our home areas. This is because, for some of us, the roads were closed as a result of the tribal clashes. Now that things have cooled down, we can travel home to meet the electorate. So, I take this ample opportunity to plead with my brothers to allow us to go home so that we can meet the electorate and so that they can tell us the current problems facing them.

*(Laughter)*

Mr. Deputy Speaker, Sir, there is a lot of work! We need to go village by village to be told by the public what they expect of us. If we do not adjourn, it means we have to travel on Friday. When you travel, for example, to Bungoma, like is my case, you reach there very tired and yet on Saturday you are supposed to be on your way coming back to Nairobi. On the same Saturday, you will be expected to attend a funeral.

Mr. Deputy Speaker, Sir, surely, those who come from far like me and the rest, need to adjourn. Otherwise, you will be an absentee Member of Parliament. The worst that can happen to you is to be branded an absentee Member of Parliament. As an absentee Member of Parliament, you will find yourself at home. As much as you want to sit here so that we can talk the way we are doing, the people also want to hear us talk to them in the *barazas* at home.

Mr. Deputy Speaker, Sir, we have also made a little money. What is wrong with going

home to share the money with them? There is a lot of hunger down there! Are you so selfish that you do not want to take a shilling to the people at home?

*(Laughter)*

Mr. Deputy Speaker, Sir, I pray that my friends allow us to go and share the little money that we have made. We need to take the money home so that our people can also eat. Even now, I have seen a lot of invitation cards for home-coming ceremonies. This is a good chance. Why do you not go home and make a home-coming ceremony and invite me so that I can get an opportunity to see where you come from? It is the same way I am going to organise a home-coming ceremony and invite some of you who do not want to leave this House. This House is not meant for us throughout. We have to be here at certain times and at other times to be at home to listen to those who brought us here. Now, do you want us to sit here for 24 hours and when we say that we want to go home you say that we are tired? We are not tired! We are merely going to look for work. The work is not here; it is in the constituency.

Mr. Deputy Speaker, Sir, another reason why we should adjourn is that, the other day, this story of forming a Grand Coalition Government came up and the people down there do not understand it. Then there is this story which is coming up of a Grand Coalition Opposition and the people at home are getting lost.

So, Mr. Deputy Speaker, Sir, we had better go home and educate the public on the meaning of a Grand Coalition Government and a Grand Coalition Opposition so that they can come along with us. For the people who are in power like me, you might think that we are opposing, but if you went ahead to educate the public on the meaning of Opposition, I am sure we shall be pushed to allow you to have a Grand Coalition Opposition. However, when you tell us from here and yet we do not have any force at home, we shall oppose you and you will not form the Grand Coalition Opposition!

Mr. Deputy Speaker, Sir, I can see I have persuaded my friends and they have come along. I, therefore, suggest that we adjourn and they are in agreement!

With those many words, I beg to support.

**The Assistant Minister for Education** (Mr. Mwatela): Bw. Naibu Spika, nakushukuru kwa kunipa fursa hii ili nami nitoe maoni yangu kuhusu Hoja hii ya kuahirisha shuguli za Bunge kwa muda mfupi wa majuma matatu. Hata hivyo, kabla sijatoa msimamo wangu kuhusu Hoja hii, ningependa kusema kwamba ni tabia ya Serikali zote humu ulimwenguni kuwa imla, yaani kupenda kutumia nguvu.

Bw. Naibu Spika, kwa hivyo, kuhusu Wabunge wenzangu ambao wangetaka kuwa na namna ya kushika breki za Serikali kama ilivyotamkwa hapa, naunga mkono msimamo huo ijapokuwa sijui tuiite hiyo *Grand Opposition* ama nini. Lakini ni lazima tuwe na namna ya kuhakikisha kuwa Serikali itakuwa inafuatwa karibu karibu ili iweze kufanya vile wananchi wanavyotaka. Kwa hivyo, kuhusu hili jambo la kuwa na upinzani, ni muhimu sana kwa nchi hii. Tunajua kulikuwepo wakati ambapo nchi hii ilikuwa inatawaliwa na chama kimoja. Mambo yalifanywa vibaya mpaka tukaharibu sehemu nyingi za maendeleo ya nchi hii. Kwa hivyo, nawaunga mkono kwamba tuwe na namna ya kuweza kuhakikisha kwamba Serikali ina uoga kidogo katika kufanya mambo.

Bw. Naibu Spika, kuhusu hii Hoja ya kuahirisha Bunge, ningependa kuwaomba Wabunge wenzangu waelewe jinsi mhe. Bifwoli ametueleza. Ni muhimu turudi katika mawakilisho yetu ili tuwasikize wananchi hasa kuhusu mambo yao ya maendeleo. Ni kweli kwamba wakati tulikuwa tukiomba kura, tulikuwa tumeainisha mikakati ambayo tulikuwa tunaomba kura. Sasa hivi kunazo kero mbali mbali za wananchi ambazo ni muhimu tuzisikize ili nanyi mje hapa kuhakikisha

kwamba Serikali inafanya yale mambo wananchi wamesema.

Pili, miradi itakayofadhiliwa na hazina ya CDF ni lazima ijulikane ni miradi gani kabla ya pesa kutoka hazina hii kupelekwa katika mawakilisho. Ni muhimu Mbunge awe kule ili aweze kutambua miradi hiyo kisha ailete miswada katika kamati kuu ndipo pesa zitolewe. Ni muhimu sana kuwa na nafasi hii. Naomba kwamba turidhike. Si ukosefu wa kazi Serikalini tu, bali hii ni namna ya kuwawakilisha watu wetu kikamilifu. Tutakuwa na nafasi ya kurudi kwao. Tutazungumza nao ili tujue ni miradi ipi itafanyika na itagharimu pesa ngapi. Vile vile tuweze kuwasilisha miswada ya miradi hii kwa kamati kuu ndiposa tuwafanyie wananchi vile ambavyo watanufaika.

Bw. Naibu Spika, tumeambiwa kwamba kamati nyingine hazijachagua wenyeviti wao. Wangetumia wakati huu sasa kufanya hivyo. Hivi sasa tunapoendelea na shuguli za Bunge, inakuwa ni vigumu kuwa na vikao vya kutosha vya kamati hizo. Ningependa pia kutoa maoni kuwa kamati zote za Bunge zikutane ili zipate kujua namna ambavyo zitaweza kuichunguza Serikali hii. Sharti kamati hizo zikae zote pamoja. Hiyo ni njia mojawapo ya kutusaidia kuiweka Serikali breki.

Kwa hayo machache, ningependa kuunga mkono Hoja hii ya kuahirisha Bunge kwa muda wa wiki tatu.

**Mr. Chachu:** Mr. Deputy Speaker, Sir, I rise to oppose the Motion. These are extraordinary times in this Republic. We are facing many challenges. It is a difficult time. It is time we burnt the midnight oil in this House to serve this nation.

The reasons which were advanced for the adjournment of this House are not good enough. We were told that it is the tradition of Parliament to adjourn before the Budget Day. As far as the tradition is concerned, so much has happened in the Tenth Parliament. Therefore, that argument cannot carry the day. We now have the Prime Minister and two Deputy Prime Ministers, with no Official Opposition. So much has happened, which has defied the tradition of this House. So, advancing the argument that it is the tradition of this House to adjourn before presentation of the Budget, really does not carry the day.

Mr. Deputy Speaker, Sir, we have been told that we should go back to our constituencies. We have been doing so. I am sure we are all professionals and we can manage our time. We do not need a recess to visit our constituencies. We have been told that we should engage more in the management of our Constituencies Development Fund (CDF). We are doing that already. We have been told that we should even take some time and study the Standing Orders. We have even had a workshop to do this. So, the reasons that have been given, including that the Ministers are tired, and maybe, that is why they need the recess, are not valid.

The only reason which has not been given for this intended adjournment is that the Government has no business for us to transact. It is in the process of letting down Kenyans again. That is why they brought the Motion for the Adjournment. As Members of Parliament, it is our duty to keep the Government in check. It is our duty to force the Government to play its role. It does not make sense for the most bloated Government in the world to have no business for Parliament to transact for the couple of weeks we have been in session, having come back from another recess not more than three weeks ago.

Mr. Deputy Speaker, Sir, the idea of the creation of the Grand Coalition Opposition is nothing more than fostering parliamentary democracy. It is not anything more than entrenching the oversight role of Members of Parliament. Any government needs checks and balances. That is what the idea of creating a Grand Coalition Opposition is all about. Unless we are being told that the Cabinet Ministers and the Assistant Ministers who constitute the Grand Coalition Government are the holy of the holiest and, therefore, they do not need any checks and balances, any person who really values democratic principles should not stand in the way of those hon. Members who want to

create a Grand Coalition Opposition.

With those few remarks, I oppose the Motion.

**Mr. Abdikadir:** Mr. Deputy Speaker, Sir, we are only four and a half months away from the elections. I would like to remind hon. Members that during that time, we had a lot of interaction with our constituents. Since then, it is only one month that we have been in this House. You will remember that we came here on 15th February, 2008 to be sworn-in, after which we adjourned. Again, we adjourned later on. It is for only one month that we have been working.

Mr. Deputy Speaker, Sir, in a typical week, Parliament sits for two man days. We sit for a half day on Tuesdays, a full day on Wednesdays and half a day on Thursdays. So, if we are to combine the two half days, essentially we say for two days, or better still, two woman days--- So, out of a seven-day week, Parliament sits for two days. We ought to have a very crowded legislative agenda. We promise this country a new Constitution in 12 months' time. We are in the fifth month of those 12 months, but the process has not commenced.

Mr. Deputy Speaker, Sir, His Excellency the President did put on the legislative agenda of this Session, very crucial Bills to be transacted amongst which are those on ethnicity and reconciliation, and land reform. We have a lot of work on our plate. Come Budget Day, from mid-June until October, the Budget business will take priority.

So, we will go up to October before we can transact all the Bills intended for dealing with the matters raised by the President in his Address to the House at the beginning of this Session.

For those reasons, this House cannot afford to adjourn. This Adjournment Motion gives three reasons as to why Parliament needs to reform:

The first one, which has been very eloquently put forward by my brother, Mr. C. Kilonzo, is that we need to control our timetable. Parliament really needs to be in charge of its timetable. Yesterday afternoon, and this morning, we came here transacting business as usual. We were not aware that Parliament would be sent home this afternoon. It does not augur well for Members of Parliament not to be in charge of their diary. It is not proper that the Government can come here with a Motion, any time, and say: "You go home", and that the President can prorogue Parliament at his pleasure. Parliament ought to have the ability to control its calendar.

Mr. Deputy Speaker, Sir, the second one is the timing. This House needs to sit, when in Session, for more than two man days per week. It should be able to sit for longer than that. Thirdly, we ought to have more representation by Back-benchers in the House Business Committee. The Membership of the House Business Committee is, probably 90 per cent Cabinet Ministers. There are only two Back-benchers in the House Business Committee. I stand to be corrected, if I am wrong. That does not say a lot about the balance of power in Parliament. This is the Parliament, and not the Executive. The Members of the Cabinet have the Executive to themselves. Surely, Parliament should be for Members of Parliament. The Executive should not over-crowd Parliament. So, for those reasons, it is very crucial that we defeat this Motion.

I have heard about the issue of traditions. In my earlier life, I was an officer of the High Court of Kenya. The Judiciary has the tradition of going on a summer holiday every year, in August. During the colonial time, you would understand why colonial officers wanted to go back to England during that time - to go and enjoy summer with their families and friends. In Kenya, we are in summer throughout. In fact, in my constituency, we have too much summer. We have too much sunlight. So, one wonders why the Judiciary should be sticking to the tradition of going for a summer recess every year when it has a heavy backlog of cases. It is exactly the same with Parliament. Why should we be going for recess because it is traditional to do so prior to the Budget Day?

Mr. Deputy Speaker, Sir, finally, on the issue of forming a Grand Coalition Opposition, even though the matter does not concern this Motion, we have heard a lot of hon. Members talk

about it. It should not be banded around purely because of politics. We understand that the law, as it is right now, does not accommodate a Grand Coalition Opposition. However, the law also recognizes the Opposition. In fact, quite a number of statutes governing the operation of Parliament require the action, or representation, of the Opposition. Quite a number of the Standing Orders require the participation of Members of the Opposition, especially in the Committees, *et cetera*.

Lack of Official Opposition in this House brings into question the legality of some of our Committees, particularly where the law requires that the Chairman of a Committee should be from the Opposition, or that a certain number of the Membership of a Committee should be from the Opposition. What will be the legality of the Reports that will be tabled by Committees which are not properly constituted by law? These are clear issues which need to be discussed. They ought to have been discussed when we were discussing the National Accord and Reconciliation Bill. It was an oversight. But does it mean that we should not refer to them, purely for the proper operations of Parliament and the legality of its work?

With those remarks, I oppose the Motion.

**The Assistant Minister for Transport** (Mr. Mwau): Thank you, Mr. Deputy Speaker, Sir. I have read the Motion carefully and agonized in my mind over it. It surely pains me to see that we have doubts over such a simple Motion. We have just come from the elections. After the process of electioneering, when we were seeking votes to be elected as hon. Members, that post-election skirmishes broke out, and eventually we had IDPs everywhere.

We are now busy trying to resettle these IDPs. We are putting them in trucks, taking them back to where they belong and asking them to resettle. We would like them to be resettled carefully. They suffered because of us. When they are being resettled by the Kenya Red Cross (KRC) and other organizations, we are busy trying to refuse to go, sit with them and create harmony, so that the oneness they experienced throughout their lifetime, when they lived with their neighbours, is created again. We are busy trying to say that we want to remain in Nairobi. It is almost immoral to think that an hon. Member, who comes from where there are IDPs, will not be burning to run home to make sure that his or her votes are well secured! He or she would want to see that those who were injured are appeased.

Mr. Deputy Speaker, Sir, His Excellency the President has found it necessary to raise money, so that the IDPs can, at least, be put back to where they were before the elections. Unfortunately, instead of us trying to go home, so that we can await this money, and so that we can make sure that the little portion the IDPs will get is utilised to build shelter and schools, we want to remain in Nairobi. How fair is this?

*(Applause)*

As I support the Motion, there are certain things that pain me. I would not want to support the Motion. But, unfortunately, as an Assistant Minister of the Government I am not supposed to oppose---

**Mr. J.M. Kamau:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. J.M. Kamau! You are out of order!

Proceed, Mr. Mwau!

**The Assistant Minister for Transport** (Mr. Mwau): Mr. Deputy Speaker, Sir, I am bound by collective responsibility.

**Hon. Members:** Not in the House!

**The Assistant Minister for Transport** (Mr. Mwau): I do not know where they read that! But collective responsibility binds an Assistant Minister. In the House, as an Assistant Minister, I am not allowed to bring a Motion. I am also not supposed to ask a Question, yet I am a legislator. I

am supposed to represent my people. If I cannot ask a Question about my constituency, then there is a problem with our law!

Mr. Deputy Speaker, Sir, Section 30 of the Constitution states clearly that the legislative power of this country is vested in the President and the National Assembly. Section 31 of the Constitution clearly says that the National Assembly consists of the elected hon. Members, whom we are. So, I have a duty, as an elected hon. Member, to ask Questions and to bring Motions. That is my constitutional responsibility. If I cannot represent my people, I will require---

**Mr. Mbadi:** On a point of order, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Order, Mr. Mbadi! You are out of order!

**The Assistant Minister for Transport** (Mr. Mwau): Mr. Deputy Speaker, Sir, it is important that your protection is accorded to Assistant Ministers. Certain rulings will be expected and will be in order; in order to know how an Assistant Minister is supposed to conduct himself or herself.

The Standing Orders define a Minister as including an Assistant Minister. This is a constitutional issue.

**Mr. J.M. Kamau:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to speak from the Opposition side, yet he is in the Government?

**Mr. Deputy Speaker:** Order, Mr. J.M. Kamau! You are out of order!

Proceed, Mr. Mwau!

**The Assistant Minister for Transport** (Mr. Mwau): Mr. Deputy Speaker, Sir, I was saying that the Standing Orders define a Minister to include an Assistant Minister. But in actual fact, when you look at the Constitution, an Assistant Minister is not a Minister. His or her functions and duties are to assist, help and aid the Minister in the performance of his or her duties. A ruling is expected; so that we can know how to harmonise the Standing Orders, the Constitution and the activities, duties and responsibilities of an Assistant Minister.

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

**The Minister for Special Programmes** (Dr. Shaban): Asante, Bw. Naibu Spika. Naunga mkono Hoja hii ya kutuwezesha kwenda nyumbani kwa muda wa mapumziko. Muda huu si wa mapumziko tu, mbali ni wakati wa kukutana na wale ambao walitupatia nafasi ya kuja kwenye Bunge hili la kifahari.

Bw. Naibu Spika, kwanza, nataka kutoa shukrani kwa Wabunge na Wakenya wote, ambao waliungana na sisi siku ya Jumatatu ili kuweza kuchanga pesa za kuwasaidia wale ambao walifurushwa kutoka makwao baada ya uchaguzi. Nina furaha kusikia kwamba Bw. Spika aliita Kamukunji ya Wabunge wote. Sikuweko; nilikuwa nimeenda kazi Eldoret, lakini nimeambiwa habari nzuri, kwamba Wabunge wote wamekubali kila mmoja kutoa angalau Kshs50,000 ili Wakenya waweze kusaidika. Nataka kutoa shukrani kwa Wabunge wote kwa kujitolea kimhanga ili Wakenya wote waliofurushwa, popote walipo, waweze kurudia maisha yao ya kawaida na kuishi kama watu wengine.

Bw. Naibu Spika, pesa ambazo zimetolewa na wananchi, pamoja na zile ambazo Serikali imepangia, haswa zile ambazo zimezungumziwa hapa, zinatakikana kuja kwa Wizara yetu ili kuwasaidia wale ambao walifurushwa makwao. Kila Shilingi itatumika kwa uhakika, na kwa usawa kuwasaidia wale ambao walipata matatizo. Baadaye, ikiwezekana, kutakuwa na kikao kingine cha Kamukunji ambapo nitakuja niwaeleze Wabunge jinsi hela zao, pamoja na zile ambazo zimetolewa na Serikali na wananchi wengine, zitakuwa zimetumika.

Bw. Naibu Spika, huu ni wakati wa kwenda kukutana na watu kule mashinani. Nakumbuka kwamba tulipokuwa katika muhula wa Bunge la Tisa, tulikuwa tukiambiwa kuwa hatuonekani katika sehemu zetu za mawakilisho. Wabunge wengi wapya walichaguliwa kwa kuwa sisi hatukuonekana katika sehemu zetu za mawakilisho.

Sasa huu ni wakati ambapo Wabunge wapya na wale wa zamani tunatajikana kurudi mashinani kwenda kuzungumza na watu wetu, ili tujue matatizo yao. Tunajua kwamba ikifika mwezi wa sita Bajeti itasomwa, na tutapewa pesa za CDF. Ni vizuri twende tukutane na wananchi kutoka kitongoji kimoja hadi kingine ili kujua mahitaji yao ni yapi.

Bw. Naibu Spika, waheshimiwa Wabunge wengi hapa walitafuta viti vyao kwa kudai kuwa wananchi hawakuhishwa katika masuala ya hazina ya CDF. Swali ambalo nataka kuwauliza wale wanaopinga Hoja hii ni hili: Je, ni wakati gani watapata muda wa kwenda vitongojini kushauriana na wananchi hasa katika masuala ya hazina ya maendeleo ya mashinani au CDF? Wakati ni sasa! Wiki hizi tatu ambazo tukakazopata, zitaweza kutusaidia kufanya hivyo.

Bw. Naibu Spika, nashangaa kusikia Mbunge ambaye eneo lake kutoka kona moja hadi nyingine ni kilomita 600 mraba akisema kuwa yeye huwashughulikia watu wake siku mbili za mwisho wa wiki. Yeye huchukua muda wa siku mbili kufika huko. Je, anapozuru huko mwisho wa wiki, atawezaje kujua matatizo ya watu wake kwa muda wa siku mbili?

Bw. Naibu Spika, hatuhitaji kuingiza siasa katika suala hili. Kwa kawaida, kabla Bajeti haijasomwa hapa Bungeni huwa kuna umuhimu wa sisi kurudi kwa watu wetu kuzungumza na wao. Ningependa kuwaeleza Wabunge ambao ni wapya umuhimu wa wao kukaa na wale waliowapatia fursa ya kuja hapa. Ikiwa hawatafanya hivyo, basi mwaka 2012 wataiaga Bunge hili kwa sababu watu wao wanawaangalia. Kuna umuhimu kwa sisi pia kwenda kuzungumza na akina mama kuhusu hazina yao. Kuna zaidi ya Kshs700 milioni katika hazina ya akina mama. Pesa hizi hazijatumiwa na akina mama. Tunahitajika kuwaelimisha akina mama ili waweze kufikia hazina hiyo na kuweza kupata mikopo midogo ili waweze kuendelea na hali zao za maisha. Tunaweza kutumia likizo hii kuyatatua matatizo yaliowapata Wakenya mwanzoni mwa mwaka huu. Tunahitajika kwenda ili tukazungumze nao, haswa na vijana, wazee na viongozi wote kwa jumla, ili tuwaeleze umuhimu wa amani nchini.

Bw. Naibu Spika, sina mengi ya kusema isipokuwa kuwaomba wale ambao wanataka kupinga Hoja hii wabadili msimamo wao na kuungana nasi ili tuweze kuzuru mashinani na kufanya kazi pamoja na watu wetu. Kwa wale ambao kwao kuna matatizo, haswa ya watu waliofurushwa kutoka makao yao, ningependa muda wa kuzuru huko ili tuweze kufanya kazi pamoja na kuhakikisha kila Mkenya anaishi kwa amani.

Bw. Naibu Spika, kwa hayo machache, ninaunga mkono Hoja hii.

**Mr. Mwadeghu:** Bw. Naibu Spika, nasimama hapa kupinga Hoja hii. Ninaelewa kuwa wengi walioteuliwa katika nyadhifa mbalimbali, kama vile Mawaziri, ni vijana na wanawali. Kwa hiyo, wanahitaji muda wa kuweza kuelewa na kuzingatia shughuli zao za kiofisi. Ni vizuri kujiuliza ni nini tumefanya tangu tuje hapa Bungeni. Ni Hoja na Miswada mingapi ambayo imeletwa hapa Bungeni? Je, tumewatumikia wananchi wetu vilivyo? Sisi tumeleta maswali mengi katika Bunge hili, lakini waheshimiwa Mawaziri wetu wamefanya nini?

Bw. Naibu Spika, tunaambiwa kwamba wenzetu wanasema kuwa tunatakiwa kurudi mashinani ili tukazungumze na kushauriana wa wale waliotupatia kibali cha kuja hapa Bungeni. Ni sawa! Lakini tunafanya nini siku ya Ijumaa, Jumamosi, Jumapili na Jumatatu? Tumekuwa watu wa jiji la Nairobi? Kama tumekuwa watu wa jiji hili, basi hatuendi nyumbani! Lakini kama tunaenda nyumbani kila mwisho wa wiki, bila shaka tunawasiliana na wale ambao wametupatia nafasi ya kuwawakilisha hapa Bungeni.

Bw. Naibu Spika, jambo lingine ambalo ningependa kuchangia ni kuhusu maafa yaliowakumba watu wetu baada ya matokeo ya uchaguzi wa mwaka jana. Inasemekana kwamba huu ni wakati mwafaka wa kushauriana nao. Je, hatuwezi kulishughulikia huu suala hili nyeti wakati Bunge linapoendelea na shughuli zake? Ni lazima twende likizoni ili tuweze kuyashughulikia mambo haya?

Bw. Naibu Spika, tunaambiwa kwamba likizo hii ni muhimu kwa sababu ni mtindo wa

Bunge hili kufanya hivyo kabla ya Bajeti. Tunaufuata mtindo huu mpaka lini? Naomba tulifikirie jambo hili kwa makini sana. Tukienda likizoni wakati huu, ninaona kama tutakuwa tunayahepa majukumu yetu. Tunahitaji kuyashughulikia maslahi ya watu wetu katika Bunge hili. Ni mambo gani ambayo Mawaziri wetu wangependa kuwasilisha hapa Bungeni ili tuyashughulikie kwa makini kabla ya Bajeti? Je, tukienda nyumbani leo tutawaambia watu wetu tumewafanyia nini? Tumepitisha miswada miwili hapa Bungeni tangu Januari.

Bw. Naibu Spika, kwa hayo machache, ninapinga Hajo hii.

**The Minister for Regional Development Authorities** (Mr. Gumo): Asante sana, Bw. Naibu Spika, kwa kunipa nafasi ili nizuungumze juu ya Hoja hii ya likizo. Ninaunga mkono Hoja hii kwa sababu kuna mambo mengi ambayo tunahitaji kuyafanya kule mashinani. Siasa si hapa Bungeni tu, bali tunahitajika kushughulikia mambo mengine kule mashinani au nyumbani.

Bw. Naibu Spika, kuna watu wengi waliotimuliwa kutoka makao yao baada ya uchaguzi mkuu. Watu hawa sasa wanataka kurudi mashambani mwao ili waendeleo na shughuli za kilimo. Watu hawa ni lazima wasaidiwe sana na waheshimiwa Wabunge na viongozi wengine wa kisiasa. Tusipofanya hivyo, chuki itaendelea kuwepo baina yao. Ikiwa sisi waheshimiwa Wabunge hatuwezi kwenda kuongea na kushauriana na hawa watu wetu ili wakubali wale wengine warudi mashambani mwao, basi tutakuwa na shida sana hapa nchini. Ni wakati wa likizo kama hii ambapo tunaweza kufanya hivyo.

Bw. Naibu Spika, baada ya uchaguzi mkuu tulishuhudia vita na vurumai za kila aina katika nchi hii. Kuna baadhi ya vijana na watu fulani waliotiwa mbaroni kwa madai ya kuhusika katika vurumai hizo. Hata hivyo, hakuna watu walioshuhudia vijana hawa wakiwapiga watu au kuhusika katika vurumai hizo. Wengi wao waliwekwa ndani na polisi kwa madai ya kushukiwa kuhusika katika matendo hayo. Sote tunajua ya kwamba wakati mwingi askari wanapofanya kazi, wanaweza kuwashika watu bila kuzingatia haki. Kwa hivyo, tunataka kumaliza hayo mambo, na huku tukizingatia tumo katika Serikali ya Mseto. Ninamuomba Rais awasamehe vijana hao wote na awakubalie kujiunga tena na jamii zao.

Bw. Naibu Spika, ikiwa tutaendelea kuwazuilia vijana hao korokoroni na tunataka wahasiriwa wa vita vya baada ya uchaguzi warudi mashambani mwao, basi hili jambo halitawezekana kwa vile wazazi wa vijana hawa wana chuki ndani yao. Hatuwezi kuwa na msamaha wa kudumu. Kwa hivyo, tunaposema tumo katika Serikali ya Mseto, basi yafaa tushirikiane hata kule mashinani. Wale waliowekwa ndani yafaa waachiliwe bila masharti yoyote na tuwaonye dhidi ya kupigana tena na waishi kama ndugu kwa amani. Hiyo ndio njia mwafaka ya kumaliza chuki baina ya watu wetu. Ikiwa tunataka kuongea na *Mungiki*, na hata Wabunge wengine hapa wameunga mkono jambo hilo, kwa nini hatuwezi kuwaachilia huru hawa vijana?

Ikiwa kuna shida au taabu katika maisha, ni lazima tuzungumze na adui wetu. Huwa tunawasamehe watu kwa sababu katika maisha, watu hufanya makosa hapa na pale. Vijana hawa walifanya makosa na ni jukumu letu kumuomba Rais awasamehe. Yafaa tuwe na mwanzo mpya na tuendeleo mbele na tusahau yaliyopita. Maziwa yakimwagika hayazoleki!

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. This is very sad. It is only two days ago when the Minister for Justice, National Cohesion and Constitutional Affairs came out very categorically and said that the people who were held as suspects in what the Minister is talking about, will have to be taken to court and now here is another Minister confusing Kenyans even more by saying that these people should be released unconditionally! May I request the Leader of Government Business to give a clear position, so that we know what to tell the people should this Motion go through? We shall be talking in Kakamega Town where there are also IDPs!

**Mr. Deputy Speaker:** Order, Dr. Khalwale! The Minister is pleading a point! He is not stating the Government's policy. In that manner, you cannot say that the two Ministers are stating a Government policy at cross purposes. He is pleading a point! He is pleading to the President and

the Attorney-General. He has a perfect right to do that!

Proceed, Mr. Minister!

**The Minister for Regional Development Authorities** (Mr. Gumo): Bw. Naibu Spika, mimi ninaomba tu! Sijasema kuwa hawajafanya makosa, lakini tukitaka uwiano wa kweli; tukitaka watu wasikilizane na kukaa pamoja, ni lazima tuangalie pande zote mbili. Hata kule Uganda, Rais Museveni ametuma watu kuongea na Bw. Kony ilhali amewaua watu wengi. Tunaongea ili mambo yaishe na nchi itulie kwa sababu kila mtu anataka nchi itulie. Pengine kama hakungekuwa na vita, hakungekuwa na *Grand Coalition*. Hakuna mtu angelifikiria jambo hilo. Sasa ikiwa watu wengine ambao wako ndani ya Serikali wananyamaza ilhali wale walioumia wakipigana wako ndani, hii inaleta vita vibaya. Hata kuna Wabunge wengine ambao hivi karibuni hawataweza kwenda nyumbani kwa sababu ni lazima tusikizane na tukubaliane.

Jambo lingine ni kuwa sisi tukiwa hapa kama *Grand Coalition*, tuko kama kitu kimoja. Hali hii ilitokea kwa sababu tulitaka kuleta Kenya pamoja, tukae pamoja na tuwasaidie wananchi pamoja. Ni haja yetu sasa, sisi kama Wabunge wa pande zote mbili, tuanze kufanya mikutano pamoja tukiwaeleza wananchi--- Ni lazima tufanye kazi pamoja ili tuonekane kama Serikali moja. Tukianza kuvutana na kuonekana kama bado tuko na tofauti, jambo hili halitatusaidia.

Kwa hayo machache, ninaunga mkono.

**The Minister for Energy** (Mr. Murungi): Mr. Deputy Speaker, Sir, I beg to support this Motion. When Mr. Shikuku used to be in this House, he used to define a Member of Parliament as a "Miserable Person" (MP). He was saying that we were Miserable Persons because wherever an hon. Member goes, he is harassed. If you go to your constituency today, there will be several people who will say that from the time you were elected, they have never seen you; you have disappeared! That is a perennial complaint from the *wananchi* in this country; that hon. Members have disappeared from their own constituencies. Even if you are there every weekend, there will always be that other person, who you did not see, who will be saying: "*Mheshimiwa amepotea!*" So, we can never have enough time in our constituencies.

We are aware that one of our primary responsibilities, as hon. Members, is law-making or legislation. However, even legislation is a major challenge. We have been in this Parliament - this is my fourth term now - and I can tell you that many laws have been passed here which we have not been able to read. We have passed laws which we have not studied because there was no time for us to study them. If you go to your pigeon hole, there are many reports, accounts from various parastatals and companies which an hon. Member is supposed to read. I can tell you, and you know it, that we do not read them. Why? Because of pressure of time. In the evening, we will be at All Saints Cathedral, St. Andrews and other places attending burial arrangements because it is the role of an hon. Member to empathise and be with his people when such events occur. So, it is part of our social duty to support our community.

Mr. Deputy Speaker, Sir, the job of an hon. Member is, in fact, four or five jobs in one. We are supposed to be here as scholars studying law and reports and making policies for this country. We are also supposed to promote democracy through the political parties.

So, in addition to being active in Parliament, we are also supposed to be active in party politics. The Grand Coalition, the mooted Grand Opposition Alliance and the political party business, takes as much time as Parliament. Then there is the constituency. Every hon. Member dreams about his constituency. Even if you see him here in Parliament, or taking tea, he is thinking about water projects, roads, electricity projects and other issues which have not been done. The constituency becomes part of your life. Even when you are asleep, you are dreaming about the constituency. Then we should not forget that an hon. Member is also a human being: You are a man or a woman. You were a man or woman before you came to Parliament and you will remain so even after you leave Parliament. I know Ministers who were very powerful in this country.

Today, they are farmers. They are selling milk, coffee and planting bananas. They were hon. Members! Indeed, there is life after Parliament and we should start recognising that life now.

Let us not cheat *wananchi*! You also need some time to sit and do homework with your children in the evening. You need some time to look after your *shamba*, plant maize and take part in clan activities because you are also a leader of the clan.

(Applause)

**An hon. Member:** *Njuri Ncheke*!

**The Minister for Energy** (Mr. Murungi): Mr. Deputy Speaker, Sir, yes, I am a member of the *Njuri Ncheke* and I need to spend time with the other *wazees* of *Njuri Ncheke* because after Parliament I will be with them.

Mr. Deputy Speaker, Sir, so, we can never have enough time. This is a welcome break for us to attend to those other heavy responsibilities which we have outside Parliament. I understand why every time it is said that Parliament does not have quorum. I have just come from my office and there were hon. Members waiting for me there to ask *stima itafika kwao lini*. So, an hon. Member who is in Nairobi is also visiting various offices of Ministers pursuing constituency interests. Therefore, the fact that you are not physically present in the House does not mean you are not working.

With those few remarks, I beg to support.

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I rise to support this Motion of Adjournment and say a few things about it.

I want to start by saying that I hope that the Executive, as it were, is taking note of what is happening here. I think the people who are opposing this Motion have something to take note of because these are extraordinary times in this country and we need to take note. It is my contention that the people opposing this Motion do not just want to be here. There are even a few who always just make technical appearances. I do not think they need this place. They are opposing it for another reason which the Executive must take note of.

Since ODM and PNU have signed a pact to work together, we want the Executive to go out of its way to make sure that there is a policy that we can towards as a Parliament. We have been told that we are going to bring together the manifestos of ODM and PNU so that we can read from the same script. So far, I believe, that the Government should use the one-month recess to work particularly on the manifesto which we want to use to rule this country for the time of the Grand Coalition.

As it were, there are hon. Members who are just talking about a Motion or a Bill but the Government does not work like that. The Government needs time to tell Kenyans what it needs to do for Kenya. When PNU was campaigning, it was saying other things and ODM was also saying other things. A government is not a machine!

Mr. Deputy Speaker, Sir, the Government needs time with the experts and negotiating partners, so that we can tell Kenyans that amidst all that, the alternative is where we have come from. Many Kenyans endorsed that we need to work together and tell them what we want to do for this period of time for the people of this country. Kenyans are looking up to us to do that. I have seen many hon. Members who are opposing these things, but in the real sense where they come from was not even affected by the skirmishes. The things people went through, they need to be given direction. They need to be shown the face of unity once and for all, as the Government sorts itself out.

I have been of the opinion over the last couple of weeks--- After the Parliamentary Committees were formed, the public and the civil society raised questions about the future of some

Committees. After we come back, we should use our privileges to make sure that the workings of the watchdog Committees are open to the Press immediately. Nothing stops us from doing that, so that people can see that Parliament is working, and for the hon. Members to get an opportunity to check the Government. The Speaker would understand that somebody wants to check the Government if they came here with a Question which says: "What is happening in Grand Regency Hotel saga?" or "What is happening in various Government institutions which may have been plundered?" That is watching the Government and not just being in the Opposition for the sake of it.

Mr. Deputy Speaker, Sir, the law still allows for an Opposition. You made a ruling that Mr. Jirongo and his party were the Opposition. So, hon. Members are free to cross the Floor and go and contest elections on his party's ticket; they will then form the Opposition, if they raise the requisite numbers. So, the issue of the Grand Coalition Opposition is holding this country back.

Mr. Deputy Speaker, Sir, we, in our political parties, need to come together, have joint parliamentary group meetings and tell Kenyans what they need to hear, which is that we are ready to work together for the betterment of this country. For a change, Parliament can do that. For the information of new hon. Members, the same Press, which carries microphones around you every morning, is the same one which will destroy you before Christmas. The moment you realise that you are all talk, you will be destroyed and will never know what hit you. You will never even know where the rain began to beat you.

Mr. Deputy Speaker, Sir, lastly, I want to echo the words of Mr. Gumo. The Government needs to have an approach. We know where, in our villages, the police killed people, and people have been arrested and are languishing in prison and do not know how to come out.

With those few remarks, I beg to support.

**The Deputy Prime Minister and Minister for Trade** (Mr. Kenyatta): Mr. Deputy Speaker, Sir, first and foremost, I wish to say that I am encouraged by the enthusiasm of hon. Members to continue doing parliamentary business. It is a very encouraging sign; this is the eagerness, the readiness and preparedness to work.

I would also like to echo the sentiments that have partially been expressed by Mr. Midiwo. The fact is that for us to do business, there must be business. We all know that we have come from a very difficult time, where there was post-election violence. It has been a difficult time for all of us. The truth of the matter is that we have managed to secure peace in this country when the leaders of the two sides agreed to sit together and form a Coalition Government, which is inclusive of all shades of political opinion. It is clear that the two sides had different positions in the run-up to the last general election. The ongoing work to harmonise the positions of the two sides is actually necessary. This is the work that has been going on. Those sides have been sitting together and trying to harmonise their manifestos and policy positions, in order to come up with one position. It is as a result of coming up with that singular position that we will be in a position to begin generating Bills for debate in this House.

Mr. Deputy Speaker, Sir, it is not fair for us to look at the fact that the Government side is saying that we take a short recess and then come back for the Budget as a reason for saying that the Government side does not value the role that this House plays. The Government values that role but it is necessary, looking at where we have come from, to be given a chance to harmonise these various positions, so that the necessary business can be generated in order for Bills to be rolled out, and be debated in this House for them to become law and be useful to the people of this Republic.

Instead of sitting here in Nairobi when there is really no business before us, why can we not use this opportunity to continue the good work that has been started by the leaders of our two political parties? This is preaching peace throughout the country. Let us use this opportunity to go round the countryside and start healing some of the rifts that were caused by the violence. Let us

put our people together, and make them understand once again that they are Kenyans and that this Government is ready to work together with them

Mr. Deputy Speaker, Sir, I plead with my colleagues that considering where we have come from, we need one another. We need to understand one another. Please give us time to generate business that this House can, thereafter, deliberate on. There is no need for tensions. There is no need for two sides. This House should show this country that we are united, hence we can also encourage our people to be united. This must be the objective of everyone of us over the next few months, so that we can even move to the more pressing agenda of developing a Constitution, and then a referendum as one thing as opposed to being a divided House. These are the issues that I would like our colleagues to bear in mind, appreciate and understand. A call for a short recess is not the same as saying that Parliament has no role. It is saying that we need one another and need some time to generate business. Let us go out together and start healing this country. Let us use this opportunity to heal this country.

Mr. Deputy Speaker, Sir, as I support this Motion, I would like to call upon all my colleagues, who are sitting on the other side, to realise that they have a role to play. A Government needs to be checked. It does not necessarily need to be checked by an Official Opposition. You can check a Government by just being effective Back-benchers.

**Dr. Khalwale:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister, who in the Ninth Parliament set an unprecedented record by running away from the office of the Official Leader of the Opposition, to talk authoritatively on the matter of the Grand Opposition?

**The Deputy Prime Minister and Minister for Trade** (Mr. Kenyatta): Mr. Deputy Speaker, Sir, I remind Dr. Khalwale that when I was sitting to your left, he was sitting on this other side. I effectively performed my role as the Leader of the Opposition until the last minute, when I decided that it was necessary for me to join the side which was certainly going to win. This time, we are talking about a completely different situation. We are talking about the party that was the Official Opposition now having agreed to join a Grand Coalition Government with the President and the party that he belongs to.

With those few remarks, I beg to support.

### COMMUNICATION FROM THE CHAIR

DEBATE ON ADJOURNMENT  
MOTION TO END AT 6.00 P.M.

**Mr. Deputy Speaker:** Mr. Deputy Speaker, Sir, there is a short communication from the Chair. The set time for starting this Motion of Adjournment was 3.30 p.m. but we did not have enough Questions; we started the debate on the Motion at 3.00 p.m. This Motion is supposed to take a maximum of three hours, as long as there is a Member of Parliament on his feet. Consequently, the debate on the Motion will come to an end at 6.00 p.m. and that is when the Question will be put.

*(Resumption of Debate  
on Adjournment Motion)*

**The Assistant Minister for Youth Affairs** (Mr. Kabando wa Kabando): Mr. Deputy Speaker, Sir, I rise to support this Motion not so much because of tradition. If this country were to stick to traditions, we would remain very unconventional. We would not entertain any new ways of

thinking. We would be thinking within the box.

Mr. Deputy Speaker, Sir, when I learnt of this Motion, I took liberty to request for my constituency pollstar to send a 100 short text messages (SMSs). Out of 100 SMSs, 82 replies were received. On processing that poll, I found that 93 per cent, indeed, said they need me to be on the ground for the next three weeks. Therefore, it is not only a question of being collectively tied by traditions. It is also a question of harvesting from the position and the interest of my constituents. In the next three weeks, we need to finish the Report of the Ninth Parliament in our constituencies. They still exist because we are in the Financial Year 2007/2008. There are various reports that need to be compiled and submitted by the end of the Financial Year, which is coming in the next two weeks; that is, June 2008. We also need to have time to develop new plans for the Financial Year 2008/2009. That is a very serious undertaking. We understand that there is a lot of work to be done and it needs to be done.

Mr. Deputy Speaker, Sir, also as a House, we need to be empathetic and compassionate. There are hon. Members of this House who may not have had an opportunity by various reasons, either of their meetings, or environment on the ground, who have not gone home. These Members are yearning to be taken home. So, they need to have homecoming parties so that they can, at least, go home since they were elected in December. That is very important matter. Otherwise, they will disconnect with the ground, no matter what they will bring to this House.

Mr. Deputy Speaker, Sir, the position of an Opposition is important. It is obvious that the Opposition apparent is the Back Bench. There is also the Opposition presumptive that is being contemplated by hon. some Members. I do not think it will create a good image for any Government Minister or anybody in the Executive to talk down on fellow legislators either within or without the House. In fact, it gives an impression that we are becoming arrogant and self-serving. As a Member of the Executive, I support the intention to have a grouping of Members Parliament who are well organised, where they can execute their role of checkmating the respective Ministries, in addition to the watchdog Committees that we have in this House.

Mr. Deputy Speaker, Sir, Kenya has been blemished internationally. That is why we have had a decline in the number of tourists coming to this country. A lot of articles in the European cities and the United States, mostly depicting this country as a hopeless nation and a nation at war, have been published, but we have some opportunities. As I speak, we have a few weeks to have one of the Kenyan American citizen, Senator Barrack Obama to either wrap it in the Democratic nominations in the US--- I want to inform this House that some hon. Members of this House who are under 45 years have come together to use the next three weeks to constitute a strategy that is going to percolate not just the missions here, but also oversees to say that for once, we have a brand of a great Kenyan who is likely to enhance a good image of this country in the Pentagon and in the White House. I think that is an opportunity to sell the image of Kenya. We must appreciate that an intellectual emanated from this nation, many decades ago and left a very important brilliant seed, an important gem in America and that gem is a great phenomenon.

Mr. Deputy Speaker, Sir, also in the next three weeks, we will be having an opportunity to appreciate the role of this House to call on the Congress in the US to present its reports to the Senate so that the name of Mr. Nelson Mandela, the great son of Africa, is actually removed from the list of people blacklisted from visiting the USA. I think we have external roles, outside the arena of this House, to make the voice of Kenyan legislators heard and appreciated. This calls for the international public policy to be increasingly positive.

Mr. Deputy Speaker, Sir, I conclude by saying that we have an opportunity for this year to be the year of miracles; to reduce suspicions and to make sure that whatever engagements we have are positive and that they are in the interests of the diversity that is the Kenyan people.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. K. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to debate on this Motion.

Mr. Deputy Speaker, Sir, from the outset, I stand to oppose this Motion. I have sat here sadly listening to the excuses the Government is giving with regard to why we should go on Recess. One of it is that the Minister of State for Defence said that we need to go so that we can have *nyama choma* and *soda*. Another Minister said that we need to go so that we can do homework for our children. A comment by another Minister was that we need to go because we are tired. I want to concur with Mr. C. Kilonzo. When I look at the Front Bench, I see that the only Minister who can pass that test for working very hard and say he is tired is the hon. Michuki! This is because he has been all over the country. The other day he was in Mau Forest despite the fact that Mau Forest does not fall under his docket, but he was there. That shows the views and interest the Minister has in working for this nation.

Mr. Deputy Speaker, Sir, we are saying that, this time round, the Government must stop throwing blame at the Opposition. Any time they want to close business, they would say that the Back-benchers have not filed enough Motions, Bills and Questions. This time we have enough Bills, Motions and Questions for the business of the House to be transacted. Therefore---

**The Minister for Environment and Mineral Resources** (Mr. Michuki): On a point of order, Mr. Deputy Speaker, Sir. Whereas under ordinary circumstances I would welcome compliments from the hon. Member, is he in order to impute improper motives by saying that I am tired when I am not?

(Laughter)

**Mr. Deputy Speaker:** Hon. Member, it is improper for you to impute that hon. Michuki is tired. Hon. Michuki is not tired!

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, I listened to hon. Kenyatta when he was contributing. He was precise and candid. The only unfortunate thing is that he is sitting among Members of the Cabinet who do not share the same candidness. He said that the Government needs time to jelly together. He also said the Government needs time to generate business. This is the kind of candidness we want to see. We do not want to be told that people want to go for *nyama choma*. We know that there are *ngamia* where the Minister of State for Defence comes from, but we are here for serious business and not *nyama choma* or to take *soda*.

**The Minister of State for Defence** (Mr. Haji): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to cast aspersions against me? I never told people to go for *nyama choma*! He must withdraw and apologise! Did I ever say that people should go and eat *nyama choma*?

**Mr. Deputy Speaker:** Order, hon. Member! Every Member is at liberty to contribute to this Motion of Adjournment. Hon. K. Kilonzo, give merits and demerits of your position. Do not discuss what other Members said.

**Mr. K. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir, for defending me. I thought you wanted me to substantiate.

As I finish my contribution, I want to say that I oppose this Motion because it is upon Government to bring business to the House.

**The Minister for Special Programmes** (Dr. Shaban): Jambo la nidhamu, Bw. Naibu Spika. Ninafikiria, Mheshimiwa Haji ametaja wazi huyu Bw. Kilonzo--- Sio vizuri kwa mtu kumsingizia mtu maneno ambayo sio ya kweli!

**Mr. Deputy Speaker:** Order, hon. Minister! A ruling has been made on that matter and the hon. Member has been cautioned!

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, this is not just a question of caution! The matter is already recorded in the HANSARD and I want to be challenged. The HANSARD should be produced here because we were listening to my good friend, Haji. He talked about *nyama* and soda. *Hata ngamia!*

**The Minister of State for Defence** (Mr. Haji): Mr. Deputy Speaker, Sir, I demand that the HANSARD be brought here and the hon. Member substantiates on whether I mentioned soda and *nyama choma!*

**Mr. Deputy Speaker:** Hon. K. Kilonzo, you have a responsibility to substantiate your claims. Should you wish to be given more time to substantiate through the HANSARD, then you can ask for that. However, the Chair's

ruling is that you have to either substantiate or withdraw your remark.

**Mr. K. Kilonzo:** Mr. Deputy Speaker, Sir, clearly, I still insist that he said that! The work of producing the HANSARD is done by the Clerks. I want them to produce it and if that was not mentioned on the Floor of this House, I will be obliged to apologise to my good friend.

*(Applause)*

Otherwise, I was not implying anything to do with meat or anything else. My point was that we do not want flimsy reasons for us to go on recess.

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

**The Minister for Lands** (Mr. Orenge): On a point of order, Mr. Deputy Speaker, Sir. Whereas I admire my learned friend's zeal in his contribution, I am worried that decorum may give way to excitement. I heard him, very many times, refer to the hon. Member as "Haji," addressing him directly! Probably Mr. K. Kilonzo, who has been here for some time, still needs some induction in parliamentary language.

*(Applause)*

Mr. Deputy Speaker, Sir, if he does not learn how to speak in Parliament, it does not matter how loud he speaks. Parliament has its language. Is he in order to use unparliamentary language?

**Mr. Deputy Speaker:** Hon. K. Kilonzo, you are totally out of order! The decorum and dignity of the House has to be preserved. The hon. Member of Parliament is not "Haji". He is "hon. Haji." The Chair's ruling is that you substantiate this at the earliest opportunity possible, which is at the next sitting of the House, on 10th June, failure to which you will have to come and apologise or withdraw.

**Mr. K. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir. I will refer to my brother as hon. Haji. I appreciate that my friend, the good Minister, who was reading a newspaper this morning and you ruled him out of order, was trying to get back at me. That is fine! I think it is the spirit of the House.

*(Laughter)*

**Mr. Deputy Speaker:** Order, hon. Members!

**The Minister for Lands** (Mr. Orenge): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member does not know that in many Parliaments, particularly old parliaments, for example, *The Times of London*, was a paper of record. It contained records of the House. Remember that I came to you. I was not just reading a newspaper like he reads trash out there and brings it to the

House! There was a reason why I was reading that newspaper.

**Mr. Deputy Speaker:** Order! Order! Mr. Orengo, you are totally out of order! I agree with you; that you had important or pertinent business of the House to transact which was based on the newspaper. However, the Chair gave you an indication of how to raise it. The issue of you going to the Bench and sharing with your friends was not acceptable under our Standing Orders.

Hon. K. Kilonzo, decorum and dignity - this goes to all hon. Members - is not an issue for debate. It has to be protected at all times and the Chair will be very tough and stern on any breach of decorum and dignity.

*(Question put and  
agreed to)*

**Hon. Members:** Division! Division!

**Mr. Deputy Speaker:** Order, hon. Members! Since we have the requisite number of Members on their feet, I order that the Division Bell be rung.

*(The Division Bell was rung)*

### DIVISION

*(Question put and the House divided)*

*(Question carried by 60 votes to 36)*

**AYES:** Ms. Abdalla S., Messrs. Bifwoli, Gaichuhie, Dr. Gesami, Messrs. Gumo, Haji, Joho, Kabando wa Kabando, Prof. Kaloki, Messrs. Kamau J.I., Kamau J.M., Kenyatta, Keter, Keya, Khang'ati, Kiilu, Kinyanjui, Kipkorir, Kiptanui, Koli, Kosgey, Dr. Kutu, Ms. Laboso, Ms. Leshomo, Messrs. Lesrima, Magwanga, Mathenge, Michuki, Midiwo, Mohamed I.E., Mudavadi, Mrs. Mugo, Messrs. Munyaka, Muoki I.M., Muoki D.M., Mureithi, Muriithi, Murungi, Musila, Musyoka, Muturi, Mwakwere, Mwatela, Mwathi, Maj-Gen. Nkaisserry, Messrs. Nyammo, Ogindo, Ojaamong, Ojode, ole Nkoidila, ole Ntimama, Prof. Olweny, Mr. Orengo, Dr. Otuoma, Mr. Ruteere, Dr. Shaban, Messrs. Thuo, Waibara, Wambugu and Dr. Wekesa.

Tellers of the Ayes: Messrs. C. Kilonzo and Kinyanjui.

**NOES:** Messrs. Abdikadir, Akula, Baiya, Ms. Chepchumba, Messrs. Chepkitony, Cheruiyot, Dache, Dr. Eseli, Messrs. Ganya, Githunguri, Prof. Kamar, Mr. Kathuri, Dr. Khalwale, Messrs. Kigen, Kilonzo C., Kilonzo K., Kioni, Koech, Kombo, Kones, Kutuny, Lagat, Lessonet, Letimalo, Litole, Lugano, M'Mithiaru, Magerer, Mututho, Mwadeghu, Ng'ang'a, Odhiambo, Okemo, Ombui, Ruto and Yinda.

Tellers of the Noes: Dr. Khalwale and Mr. Muriithi.

### ADJOURNMENT

**Mr. Deputy Speaker:** Order, Hon. Members! It is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 10th June, 2008, at 2.30 p.m.

The House rose at 6.35 p.m.