

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th March, 2002

The House met at 9.00 a.m.

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

PRAYERS

NOTICE OF MOTION

COMMITTEE TO INVESTIGATE AND REPORT ON YALA SWAMP PROJECT

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion. THAT, whereas the National Assembly approved a resolution calling on the Government to reclaim the Yala Swamp and to implement irrigated farming in the area; and being aware that the Government has published a National Food Policy to produce enough food for Kenya and surplus for export; this House urges the Government to set up a technical committee of experts to investigate and report on the financial status of this project, the extent of its implementation, and to recommend an action plan on how the project can be revitalised and expanded; and further, the report of the findings of the technical committee be laid in the House within six months.

ORAL ANSWERS TO QUESTIONS

Question No.001

IMPLEMENTATION OF DROUGHT RECOVERY PROGRAMME PROJECTS

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

- (a) what the National Drought Recovery Programme, for which funds have been allocated over the years, has achieved since its inception;
- (b) how much money has been allocated to this Programme since 1998; and,
- (c) whether the Minister could name specific projects within Nyanza Province which have benefitted from funds allocated under this Programme.

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

(a) I am not aware of the existence of a programme known as "National Drought Recovery Programme".

(b) Given the answer to part (a) of this Question, part (b) of the Question does not arise.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I am extremely surprised that the Minister says that this programme does not exist whereas in the various Budgets we have approved over the years, there is an Item for National Drought Recovery Programme. I believe that most hon. Members are aware that the programme exists. Previously, we have asked the Minister for Agriculture as well as the Minister of State, Office of the President, what the programme was doing during debate on the Estimates. So, could the Minister go back and find this out from his officers. Maybe, the Question has been brought here too early this year. Could he go back and find out exactly what this programme does? We know that it has been provided for in previous Budgets.

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, what we have in place is the Disaster and

Emergency Response Committee (DERC) and not the programme mentioned by the hon. Member.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, could the Minister enlighten this House as to whether his Ministry administers a fund for drought and emergencies such as *El Nino*? The fund may not be known by the name mentioned by Mr. Sungu, but does the Office of the President have funds to cater for drought and emergency situations like *El Nino*?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, this matter falls within the DERC. As far as drought is concerned, we have a committee for that, under the chairmanship of Mr. Uhuru Kenyatta. We ask for donations from all over. We have done as much as we could.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, could the Minister tell the House how much the committee, that is chaired Mr. Uhuru Kenyatta has done for Nyanza Province?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, we have done a lot for Nyanza Province. I personally went there to distribute some relief food supplies, but not under the drought committee.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, may I ask for the indulgence of the Chair that this Question be re-considered? I believe that, although the Minister is a very good-hearted man, he has missed the gist of the Question. I know that the National Drought Recovery Programme exists in the Budget books that we always look at. May I be given a chance to bring here the Budget books in which the programme was provided for at a later date, when this Question is brought back, so that I can prove to the House that, indeed, there is a National Drought Recovery Programme which has been provided for in the Budgets we have approved? May I ask that the Question be deferred so that I can bring the relevant Budget books here?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, the budgetary provision the hon. Member is talking about is for relief food supplies, and not for drought.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, the hon. Members have asked whether any funds have been set aside for drought recovery projects.

Mr. Nassir: Not at the moment, Mr. Temporary Deputy Speaker, Sir.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I know that the programme exists, having looked at the Budget books. We have debated the programme here so many times. If I am given a chance, I will bring the relevant books to the House. This is a matter of public record. So, there should be no dispute over whether funds have been provided for this Item. We want to know how the money we have been approving for this Item has been used.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Nassir, would you like to have some time to get the details?

Mr. Nassir: Mr. Temporary Deputy Speaker, Sir, if the hon. Member has more information on the matter, he may table it before the House. He may also come to my office so that we can discuss it. I do not have any other information on the matter.

The Temporary Deputy Speaker (Mr. Imanyara): Very well, let us proceed to Mr. Kimeto's Question.

Question No.018

GRATUITY PAYMENT TO MR. CHERUIYOT'S FAMILY

Mr. Kimeto asked the Minister for Education when the family of the late Michael Kimutai Cheruiyot, TSC No.124004, will be paid gratuity.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The death gratuity papers for the late Michael Kimutai Cheruiyot have been completed. They were forwarded to the Pensions Department only yesterday for calculation of pension and subsequent payment. I expect that the payment will be made to Mr. Cheruiyot's family next month.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, Mr. Cheruiyot died way back in 1984. The Assistant Minister says that his family will benefit from his death gratuity payment in April, 2002. Is it not too bad for the deceased family to wait for up to 18 years to benefit from his death gratuity payment? The Assistant Minister has been living all these years. Could he tell us exactly how much money will be paid to the deceased's family and the exact date when the payment will be made?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I have not got the figure which he will be paid. But I agree with the Questioner; that, 18 years is too long - frankly speaking - for a family to wait. In fact, it is

possible that some of the children may even have missed school because of lack of money. I accept that. But there are certain processes that one has to go through, and the blame cannot be on one side or another. In that case, for instance, the District Education Officer wrote to the school a month after this teacher died, where this teacher had been teaching. He asked the headmaster to contact the family in order to get certain documents that are always necessary, like the death certificate and so forth. Unfortunately, sometimes in the rural areas even the families which are affected do not act as quickly as they should. Unfortunately, it has taken a long time. Even the Ministry itself did not remind these people until 1999. It is only now that all the documents are in place.

Dr. Ali: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us why it took this long? Or, did the Ministry have to wait for a Question to be filed by Mr. Kimeto in order to process it?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I do not know why I should have to repeat what I said; that, I accept that it has taken too long. It should not be. Now, we are putting a machinery into place in order to ensure that, that sort of thing does not happen.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I think this issue of families of deceased teachers not being paid has been before this House more than three times, if I can remember. When a person has died, everybody within the surrounding gets to know. This includes his or her employer. Could the condition that deceased families produce some documents be changed so that they are automatically paid their benefits rather than for them to wait for 18 years or 20 years? This is simply because that money that would be paid to them after a long time would be of no use to the relatives, sons and daughters of the deceased; if some of them were one year old, they would be 18 years when the payment is made to them. What benefit will that money be to them? Could you confirm to this House that with effect from today your Ministry is going to change the rules regarding production of documents that are necessary for payment of pensions and gratuities?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I can confirm that, as of now, the practice is that all teachers' files must have all the necessary documents, except one document which they cannot have; the death certificate because one cannot anticipate when one is going to die. Where it concerns death, we will have to wait for the death certificate, but where it is just normal retirement, we expect that at the time of retirement all the documents necessary for payment of pension will be in the file. Therefore, there should be no delay in effecting payment.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, whereas the Assistant Minister has answered the last one - he is reassuring - could he also tell the House when computerisation of records at the TSC will be implemented to avoid all the problems of delayed payments?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, I gave an undertaking in this House that computerisation of TSC will be undertaken very soon, but I am afraid that I cannot tell you when that will be completed. I hope all the money necessary will be in this year's Budget. If that is the case, then, I expect that before the end of the next financial year, computerisation of the TSC would have been completed.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister tell us how many families have suffered the same fate for more than two years since their loved ones passed away? Could he also tell us whether - when they will pay this family - they will pay interest on the amount that was due 18 years ago?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, unless I did not get the question correct, it is not possible for me to know the number of teachers who are in a situation like that. As to the last question, I am afraid that it has never been the practice that when there has been delay in paying a beneficiary, that interest has got to be paid. If that has got to be done, it must pass through this august House.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, could you bring a Bill to amend that section of the law so that if there is delay of payment in every Ministry, there must be an interest being paid to enable the bereaved families to be compensated for the number of years the money was delayed, like the case of 18 years?

Mr. Awori: Mr. Temporary Deputy Speaker, Sir, well, I suppose that there is no reason why during debate on the Budget any hon. Member in his or her contribution cannot propose that interest should be paid for a situation like that. If it is accepted by this House, it will be effected.

Question No.006

LIQUIDATION OF NYAYO BUS CORPORATION LTD.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Obwocha still not here? His Question is

dropped.

(Question dropped)

QUESTIONS BY PRIVATE NOTICE

PHASING OUT OF PERI-URBAN FOOD CENTRES

Mr. Munyes: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

- (a) What reasons have necessitated the phasing out, by March, 2002, of peri-urban relief food centres?
- (b) Could the Minister undertake another strategy that would prolong the programme in these areas until October, 2002?

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

Phasing out of services to peri-urban zones was as a result of an assessment which was carried out in November/December, 2001. The assessment was conducted in consultation with the District Steering Group (DSC) in Turkana. Actually, it was the DSC's recommendation that peri-urban centres be phased out. An emergency operation programme has already been extended to cover other parts of Turkana until October, 2002. This programme benefits 230,441 people, the highest in this country.

Mr. Munyes: Mr. Temporary Deputy Speaker, Sir, as the Minister said, an assessment carried out by his officials under the auspices of the DSC in Lodwar spelt out the various categories of how food should be distributed in Turkana. The first category includes herders and pastoralists, the second one is the fishing community and then the peri-urban centres which the Minister himself visited. This is because those are areas where some people practise pastoralism. After they lose their livestock, the only option for them is to come to the town where they can do some little business or beg around. So, this particular category has been affected. It is the most disadvantaged category of people. How can the committee phase them out and leave pastoralists and the fishing community who can, at least, survive on their own? Could he undertake another strategy which will include these people in the first category so that they get food from now up to October and not phase them out in March?

Mr. Nassir: I have acceded to the request by the area Member of Parliament that, relief food should be supplied to his area up to October this year. I request him to go and meet with his people, so that they can come up with practical modalities of distributing that food.

Mr. Munyes: Mr. Temporary Deputy Speaker, Sir, agreeing is one thing but implementation is another. It is a fact that those people will not receive their food rations by the end of this month. Could the Minister assure the House that those people will get that food. Those people lost their properties and have come to the town to beg. Could he assure us that those people will get food rations at the end of this month?

Mr. Nassir: Mr. Temporary Deputy, Speaker, Sir, it is the duty of all Ministers, especially myself, to make sure that all Members of Parliament, together with the people they represent are happy. I assure the Member of Parliament that those people will get their food rations at the end of this month.

EFFECTS OF HOUSE ALLOWANCE ADJUSTMENT

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister for Public Health the following Question by Private Notice.

- (a) Is the Minister aware that the recent house allowance adjustment by the Government has adversely affected officers who perform essential duties?
- (b) Is he further aware that the affected officers have opted to stay far away from working stations leaving their former Government houses vacant?
- (c) What action has the Minister taken to rectify this anomaly?

The Minister for Medical Services (Mr. Mohamed): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the recent house allowance adjustment has adversely affected officers who perform essential duties. In fact, the officers benefitted from the recently increased house allowances.

(b) Yes, I am aware that officers have opted to rent private houses, leaving Government houses

vacant.

(c) The Ministry has no intention of reducing the new house allowance, so as to retain officers in Government houses.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, I do not have the benefit of that written reply. But I think there is a contradiction in what the Minister has just said. It is true that house allowances for civil servants were increased. It is also true that house values were also increased, to the extent that these civil servants, especially nurses and other paramedical officers, can no longer afford Government houses in hospital compounds. The result is that those houses have been deserted and vandalised. Those officers, therefore, are not close to the hospitals where they can render essential services to patients. So, when the Minister says he is not aware--- In fact, in our Committee meeting last week, he said he was aware of the plight of Ministry of Health officers in Kakamega Provincial General Hospital. But now, he pretends that he is not aware. Is he aware that all Government houses within the compound of Kakamega General Hospital have been vacated and are vandalised because nurses and other paramedics cannot afford the new house rents?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I did not say the officers have left their houses. It is true that some of the staff opted to go and rent private houses. This problem does not affect the Ministry of Health only. It affects all Government officers. The Government increased house allowances for all officers. At the same time, it increased rents for Government houses. Most junior officers who could not pay that rent opted to rent private houses.

Mr. Mwenda: Mr. Temporary Deputy Speaker, Sir, the original intention of the Government in putting up those houses for nurses and clinical officers within hospitals was in consideration of the essential services they render. The aim was to make sure that they could be reached easily. The Minister has admitted that they have now opted for private residential houses. How does he intend to ensure that the officers are within reach in the event of an emergency?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, my Ministry has requested the Directorate of Personnel Management to review the market rates of rents for institutional houses. I have already put this request to the Office of the President and I hope something will be done.

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, the houses have been vacated by public servants who were occupying them. There has been a public expense incurred due to vandalism. Are there emergency measures that can be undertaken to ensure that the Government puts in place, machinery to protect the houses from being vandalised or from being sold to grabbers?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I am not aware that these houses have been vandalised. Most of the houses are in hospital compounds and are being taken care of by the hospitals. I assure the hon. Member that the houses will not be sold.

Mrs. Sinyo: Mr. Temporary Deputy Speaker, Sir, this matter is of great concern to many civil servants. I am a veteran civil servant because I worked in the Civil Service for 20 years. Right now, there are four vacant flats in Ashoka Flats where I used to live while in the Civil Service. Prominent people used to live in that area, since commuting to the City centre is very ideal. But I think there is much more than meets the eye in this eviction of civil servants from Government houses. I think there is a scheme to send away the civil servants, in order to pave way for land grabbers. Why is it that in Ashoka Flats, where I used to live, there are four vacant flats? That place is so ideal for one to live in because the flats are situated at Community and they are a walking distance from the City centre. There are senior civil servants who can afford the rent of those flats. Could the Minister assure this House that Ashoka Flats are not being left vacant to pave way for land grabbers?

Mr. Mohamed: Mr. Temporary Deputy Speaker, I do not know where Ashoka Flats are situated. Although I am not in charge of plots, I give an undertaking that those houses within hospital compounds will not be grabbed.

Mr. Omingo: Mr. Temporary Deputy Speaker, Sir, the Minister has accepted the fact that their priorities were upside down because they increased the value of houses without increasing house allowances for civil servants. How soon is the Minister going to ensure that a reversal of that action is carried out?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I am aware that the services we render are very essential. Many nurses and clinical officers left Government houses within hospital compounds. I saw this when I visited Kakamega, Nyeri and other hospitals. I am doing everything possible to make sure that the nurses, clinical officers and doctors go back to their houses.

Eng. Toro: Mr. Temporary Deputy Speaker, Sir, as ascertained by the Departmental Committee on Health, Housing, Labour and Social Services, in which I sit, the Government has refused to develop a housing

policy for civil servants. The Committee had time to talk to the Minister for Roads and Public Works about the issue of a housing policy for Kenyans. Since 1998, we have been asking the Minister to come up with a housing policy and present it to Parliament. He has never done so.

The biggest problem that we have is that the Directorate of Personnel Management (DPM), to which the Minister wants to refer, does not know the plight of the paramedics. The housing policy is also supposed to be dealt with by the Minister for Roads and Public Works. So, we have a conflict here, of interest, between the Ministries. So, could the Minister now tell us whether he has talked to the DPM and whether he has been assured that priority of occupation in those houses will be given to doctors, nurses and clinical officers? These officers offer an essential service to Kenyans and the Government should not look at what it can put into the Treasury from the rent collected from these officers, but at the service offered to Kenyans.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, the Government policy on housing is very clear and it is known. That is why the Government has built houses for its workers in every institution. The housing policy is there. This particular decision was taken by a certain committee, which looks into the harmonisation of the terms of service of Government employees. When the committee was taking that decision, it did not consider the essential service that is rendered by paramedics. I have made the request and I am following it up, but I have not been guaranteed that this will be done.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, the Government made a wrong decision and the Minister can see it, which has caused a lot of inconveniences to the paramedics. The Ministry does not provide transport allowance to paramedics when they are required to attend to emergencies. If the Minister decides that those officers should go back to the same houses, will he pay them inconvenience allowance? They have suffered a lot!

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, the Government did not make a wrong decision. It increased house allowances for the workers and increased rent for its houses. That is normal. If you own a house, you can increase its rent. That is all that happened. There was nothing wrong with the Government increasing rent for its houses.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, although the Minister has assured us that those houses will not be grabbed he, at the same time, knows that the Kenya Medical Training College (KMTC) land at the Kenyatta National Hospital, Karen and at the Medical Training College (KMTC), Nakuru, has been grabbed by politically-correct people. The Minister has evidence to that effect from my Committee. Could he consider pegging health workers' house allowances on job groups rather than to the stations they work in? The present system makes some stations lose health personnel on account of the little house allowances they get compared to, for example, those who work in Nairobi. Could the Minister also ask the DPM to peg house allowances on job groups rather than on stations that these officers are attached to?

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, I am not aware that land belonging to the KMTC at the Kenyatta National Hospital and at the MTC, Nakuru, has been grabbed. Civil servants' house allowances are pegged on job grades. In some cases, there is a difference between house allowances paid to health workers in Nairobi and those who work in other towns because rents are different in different towns. That is why the Government pays different house allowances to its workers in different towns and cities.

Mr. Omingo: On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard Dr. Kulundu allege that the Minister is aware that Government land which falls under his Ministry has been grabbed. Could I be in order to ask Dr. Kulundu to substantiate or withdraw that allegation? This is an issue that touches on the integrity of the Minister because he has denied being aware of the matter.

The Temporary Deputy Speaker (Mr. Imanyara): I think Dr. Kulundu merely asked the Minister whether he is aware of the fact that the land has been grabbed.

Dr. Kulundu: Mr. Temporary Deputy Speaker, Sir, this particular Minister may not be aware of this fact, but the Ministry is aware of the fact that, that land has been grabbed. In fact, the Permanent Secretary, Ministry of Health is aware, after having a session with my Committee, that KMTC land at the Kenyatta National Hospital, Karen and at the MTC, Nakuru, was grabbed by State House operatives.

Mr. Mohamed: Mr. Temporary Deputy Speaker, Sir, land belonging to the KMTC, at the Kenyatta National Hospital and at Karen, is intact. I am not aware of any incident where somebody has curved a small portion out of this land, which has not been developed, but as far as I am concerned, KMTC land is intact.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Kulundu! Your Question was really related to house allowances. You can bring that by way of a Motion if you wish, but we should go to the next Order now.

MOTIONS

DIRECT ELECTION OF PROVINCIAL ADMINISTRATION OFFICERS

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, in view of the fact that administrative officers from the Provincial Commissioner to the Assistant Chiefs exercise a lot of powers and responsibility upon persons under their jurisdiction; this House urges the Government to amend the necessary laws to ensure that these officers are elected directly by persons under their jurisdiction after every general election, and further that the said officers be excluded from the internal security committees within their areas of jurisdiction.

Mr. Temporary Deputy Speaker, Sir, the Provincial Administration officers, for example, the Provincial Commissioners, do not operate under any law. There is no statute that empower them to operate in this country. They are appointed by the President under Sections 24 and 25 of the Constitution, but their appointments contain no actual specifications of the jobs that they perform. You will find that the PCs and the District Commissioners (DCs), in their respective areas, are councillors under the Local Government Act. They represent special interests in the local authorities that are unknown to the residents of their areas of jurisdiction. The interests are never disclosed. You will find that PCs and DCs are members of Education Boards in their respective areas of jurisdiction.

Mr. Temporary Deputy Speaker, Sir, hon. Members who are elected by the people also sit in the District Development Committees. The Provincial Commissioners (PCs) and District Commissioners (DCs) are not elected. The PCs and the DCs are elected as chairmen of the physical planning committees in their respective areas of jurisdiction, yet they are not the representatives of the people. The PCs chair security committees in their areas of jurisdiction and those security committees comprise the following: The Provincial Police Officer (PPO), the District Criminal Investigation Officers (DCIOs) and the District Security Intelligence Service officers. But the PCs and the DCs are not well conversant with the statute laws of this country because they are neither trained police officers nor gazetted intelligence officers, yet they chair their respective security committees! At times a DC is appointed after having served as clerk of a council or a local authority and he later becomes a PC!

Mr. Temporary Deputy Speaker, Sir, we have a case where a former Member of Parliament was appointed a DC and he chaired a security committee. In simple terms, a PC is an ordinary member of the public who is appointed by the Government to administer a given area. Upon appointment, the PC controls the provincial police officers and the intelligence officers, and by virtue of that appointment, he becomes the chairman of those security committees. The only difference between the provincial commissioners and any other members of the public is the oath of allegiance they take under the Official Secrets Act; which does not qualify them to become chairmen of the security committees.

Mr. Temporary Deputy Speaker, Sir, the PCs also chair the liquor licensing boards. If you look at the Liquor Licensing Act, you will find that they are not supposed to be in such boards, but they chair those boards. The PCs also chair plot allocation committees of their respective areas. The councillors, or even the mayors, do not have authority over those committees. An hon. Member told this House that the PC, Central Province, went to Nyeri and allocated plots as the Chairman of the Plot Allocation Committee, Nyeri. Under the Local Authority Act, the PC is not given the authority to allocate land and he does not even appear in the Act.

Mr. Temporary Deputy Speaker, Sir, we have also been told in this House that the PCs are plot allocation committees chairmen. Under the Land Act, it is not written that the PC should be the chairman of the plot allocation committee. Under what authority are the PCs chairing such committees and who gives them such authority? Some explanations have come up that, they act as officers, under Section 23(1) of the Constitution, exercising the authority of the President, indirectly, because the public has never been told under whose authority those PCs act.

Mr. Temporary Deputy Speaker, Sir, this House has got 210 elected Members of Parliament who are at the mercy of the PCs. The Rift Valley Province has the highest number of Members of Parliament and one PC controls about 36 of them. Members of Parliament are elected by the public, yet the PC is not elected by any one, neither is he nominated under any law. The PC put on uniforms, they even hide files in their cars. If you check all the statute books in this country, you will find that the PC's uniform is not gazetted! The PCs control

a lot of Administration Police officers, yet under the Administration Police Act, the PC's rank is not even stated. Under what authority do the PCs command the Administration Police officers? The worst of all is this: In every committee formed in their areas of jurisdiction, the administration officers are always the chairmen; for example, the DDC and the DRC, where they take positions of chairmen and members respectively. What we are asking is: Under what authority do the PCs and DCs act and exercise those powers of controlling literally everyone in the country, when they are not representatives of the people?

Mr. Temporary Deputy Speaker, Sir, hon. Members are elected by the people to come and represent them in this august House. But when we go to the provincial and district committees, we find ourselves at the mercy of the PCs. For example, there are cases of allocations of land and kiosks going on currently in the country, which is being done by the PCs everywhere, on road reserves *et cetera*. The councillors, and hon. Members, who are representatives of the people, have no authority over allocation of land and the settlement of people. They only take the lists which are not approved. Settlement officers have become the provincial and district commissioners! The question here is: Who do those people represent? We represent the people and it is us who ought to be determining factors of such allocations, but those who determine are the provincial and district commissioners!

Mr. Temporary Deputy Speaker, Sir, when this country got Independence, the chiefs and the PCs were there and their positions ought to have been abolished immediately or a relevant law was supposed to be passed to control them. We are the representatives of the people and yet we have no control over the administrative officers who are not elected by anybody, but only appointed by the President. Who should be more powerful than the other? Is it the PC or the elected Members of Parliament?

Mr. Temporary Deputy Speaker, Sir, we have seen incidents where Ministers are removed from the platform in their constituencies by the PCs and the DCs under the guise that, an order from "above" has been issued. I am urging this House to accept elected leaders to be responsible and to be decision-makers for their own people. There is no issue which is more sensitive than the issue of security in this country. A Provincial Police officer who is a professional man, or an intelligence officer, is being controlled by an officer who has been appointed to do administration work, yet he does not have any experience in police intelligence nor does he have any experience in investigative work. But these officers are imposed on the people and they are the decision-makers now!

Mr. Temporary Deputy Speaker, Sir, it may not be known by many people that, as far as the area of the chief's jurisdiction is concerned, when the issue of security is considered, the decision of a chief is taken into account more than that of the officer in charge of a police station. The chief does not have a cell, he has only two Administration Police officers, but he is in charge of security in his respective area. The District Officer is in charge of security in his division, yet the Divisional Police Commander is under him, a person who has never been trained in the police force.

Mr. Temporary Deputy Speaker, Sir, I am urging this House to pass this Motion because those officers are not elected and yet, they exercise a lot of power over our people. It is a pity that they even control activities of hon. Members. Since these officers exercise greater powers than hon. Members or Ministers, they should be subjected to an election. The moment they are subjected to an election, they will realise that an elected hon. Member or a councillor carries a lot of responsibility. An hon. Member or a councillor is the people's voice, but those officers are not the people's voice. They are the voices of an unknown authority. That authority should cease to exist the moment we subject those officers to an election.

Mr. Temporary Deputy Speaker, Sir, the Provincial Administration has become the centre of corruption. These officers are the richest in this country. They own a lot of property. They allocate plots to their relatives. They own literally everything. In fact, hon. Members have to kneel before them so that their campaigners, friends and Kenyans who elected them can be allocated plots. So, let us scrap the Provincial Administration because it is the centre of corruption. We must subject them to an election.

I know some people will come here and argue that these officers are the backbone of the Government. We are the backbone of the Government because we represent our people in this House. We are paid from the taxpayers' money. We spend more time with the people than the Provincial Administration does. The Provincial Administration is being used for surveillance. Whom do they spy upon? It is hon. Members and Ministers. If you go to every constituency, you will find kiosks put there for surveillance. What criminal activities have we committed? We have not committed any crime to deserve this surveillance. We are just good ordinary citizens who abide by the laws of this country.

The agents of Government are not the Provincial Administration, but the police. Give the police power. Let them exercise their power. Scrap the Provincial Administration who are literally in all committees set up by this Government. We have them in the Poverty Eradication Committees and the Constituency AIDS

Control Committees. What do they do there? HIV/AIDS does not fall under the Office of the President. Constituency AIDS Control Committee should be under the Ministry of Health. Why should we have these people in those committees? These officers have snatched the independence of Kenyans simply because they serve the interest of one person.

With those few remarks, I request hon. Githiomi to second this Motion.

Mr. Githiomi: Mr. Temporary Deputy Speaker, Sir, the Provincial Administration exercises supreme authority. They maintain ultimate control over the affairs of this country. This is the wrong way of administering a country. It is members of the public who are supposed to have extreme authority. Extreme authority is supposed to be bestowed on members of the public, but not the Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, DCs in Kenya act like governors. These governors are not elected. They cannot be subjected to scrutiny by members of the public. They are not even accountable or transparent to the common man. They are only answerable to the President. We know the President is so busy, and it is most unlikely that he is able to notice the misdeeds of the Provincial Administration. I think time has come when power should go back to the people. The power that was snatched from the common man must go back to him. The Provincial Administration is punishing our people. The common man goes to the offices of the Provincial Administration literally to beg. The common man is supposed to be the boss of the PCs, DCs and DOs in those offices. They are not supposed to go begging. They are supposed to be given services free of charge.

This Government has introduced corruption into the country through the Provincial Administration. They are the chairmen of Plot Allocation Committees. Whose land do they allocate? They are employees of the Government. They are civil servants who are supposed to serve members of the public. Instead, they allocate land to themselves. Rarely do they even allocate those plots to our people. The DCs normally sell those plots. This is what is happening on the ground. We have seen it because we live with them in the countryside.

Mr. Temporary Deputy Speaker, Sir, time has come when the Provincial Administration must be scrapped. The PCs and DCs should be elected so that they are subjected to scrutiny and supervised directly by members of the public. Instead of them reporting to the President, it is the people who should report them to the President.

Mr. Temporary Deputy Speaker, Sir, by electing these officers, we will instil discipline and sanity in the Provincial Administration. Time has come when we must say enough is enough. A PC of a whole province should not be appointed by one person, but he or she should be subjected to election. The President should not have power to appoint a PC who is equivalent to a governor in the United States of America. The PC is supposed to serve *wananchi* and not the President.

It is important to note that, if PCs or DCs are elected, then their offices should be transferred from the Office of the President to the Ministry of Local Government. The Provincial Administration should serve the local people and their interests. They should be answerable to the Ministry of Local Government and not to the Office of the President. We want to give the Ministry of Local Government power. We want to devolve power from the Central Government. If power has to be devolved, we cannot entrust power to people who have not been appointed. We cannot entrust power to PCs and DCs. That power must go to people who have been elected. They should be given autonomy.

Time has come when money from the national budget should be channelled directly to the districts for the maintenance of hospitals and infrastructure. This money cannot be manned by people who have no respect for the common man. It must be manned by persons who respect the common man and have been tested and known to be effective by the common man. When it comes to the Provincial Administration there is doubt as to whether they serve the common man or the person who has appointed them. They should be subjected to the electorate so that they respect them.

Mr. Temporary Deputy Speaker, Sir, power is intoxicating and corrupting. When we leave these people unchecked, they could be corrupted by excess powers. The end result would be that the people will not be served properly because the chiefs are not answerable to them. In the old days, chiefs used to be elected. I wonder why we changed that system. Even today, they should be subjected to an election. If we subject a chief to elections, then every other person along the line should be subjected to an election.

Mr. Temporary Deputy Speaker, Sir, democracy is by persuasion, and not by coercion. The Provincial Administration is used by the party in power to coerce the down-trodden people. We should remove that element completely so that the Provincial Administration administers by persuading the common man to accept their point of view, instead of coercing them to accept what they perceive to be right, because they cannot be questioned. That is total dictatorship and autocracy. We are dealing with people who are not prepared to listen to the public. They are despots who must be removed, so that we instal democracy in the

Provincial Administration. If we do not do that, then we are not going to have democracy or checks and balances. The Provincial Administration is merely there to punish the public instead of serving them. They are punishing the common man who is their boss or supreme authority. Whereas the common man is the one who is supposed to control the national affairs, we have installed somebody in a place to harass, frustrate, punish and intimidate them, so that Kenyans are not proud to live in their own country. Kenyans are not proud to be Kenyans the way it is in other countries. That situation should be rectified very quickly so as to avoid the problems that we have today. The Provincial Administration officers have in the past misused their authority and have been corrupt, because they have excessive powers. That power should be checked. If it is not checked, we shall have a corrupt society, because we impose the Provincial Administration officers on the people without subjecting them to an election.

I beg to second.

(Question proposed)

The Assistant Minister, Office of the President (Eng. Manga): Mr. Temporary Deputy Speaker, Sir, I stand to oppose this Motion, though Mr. Muchiri has actually laboured to explain why we should not have the PCs, DCs and chiefs. Mr. Muchiri had forgotten that we work under a system that allows for the separation of powers. Separation of powers would not work if we reverted to electing the PCs, chiefs, DCs and DOs. It would not work at all. You know very well that if we are to elect the chiefs, then we would have so many people elected by the people, that the Executive would not have any arm with which to execute its duties. As elected leaders, we are the watchdogs of the people who will elect us. What shall we be watching over if the people have to even elect the chiefs?

Mr. Temporary Deputy Speaker, Sir, the other reason why I am not very happy about the chiefs is that they should be transferable. They should not be stationed in one place throughout their whole lives. We should be able to appoint a chief from Murang'a and post him to Kuria, because the chief is a civil servant who should not be influenced by clanism or anything. Mr. Muchiri is a little bit mistaken. He should look at the functions of the Provincial Administration. For example, the PC is the representative of the Executive. He is there to execute the work that the Executive should be doing. Now, if we then have a PC elected by the people, and also an hon. Member elected by the people, there would be confusion in definition of duties. In Parliament, for example, we have the Finance Committee which checks the Executive. We must, therefore, have checks and balances. How do we, therefore, have checks and balances on the persons elected by the people? There would be a lot of confusion if we were to have chiefs, DOs, DCs and PCs elected by the people. Maybe all we would need is to make sure that the Provincial Administration is effective. I agree they are not effective in some areas. Sometimes they become clansmen who take sides and do not perform their executive roles properly.

Mr. Temporary Deputy Speaker, sir, I therefore, oppose this Motion and recommend, that if it is possible, chiefs should be transferable so that they do not become tribal.

Thank you, very much.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, this is a very timely Motion and in our struggles to democratise this country, the biggest obstacle is the institution of the provincial administration. We are not going to succeed in democratising this country as long as the institution of the provincial administration remains the way it is in this country. What is the origin of the provincial administration? It was a creation of the colonial government, with the governor at the top, provincial commissioners and chiefs right down to the bottom. It was a creation of the colonial government for the purpose of authoritarianism; that is centralised administration.

What is very significant here is what the Assistant Minister has asked: "How do you govern the country when you do not have the provincial administration?" What is significant is that when you go to Britain itself, the inventors of the institution of the provincial administration do not have it in their own country. How do they govern Britain without the Provincial Administration? Here is an institution where the PC--- In fact, let us start with the Minister in charge of Provincial Administration. He is an appointee of the Chief Executive. The Permanent Secretary in charge of the Provincial Administration is an appointee of the Chief Executive. The PCs, DCs, DOs, chiefs and sub-chiefs are all appointees of the Chief Executive. They hold office at the pleasure of their appointor, although they are paid from the public coffers. The question arises: Is that institution serving the public or the political interests of its appointor? That is the biggest obstacle to democratisation. I know that, when you are in power and in the Government, you will resist to the nail, the dismantling of the Provincial Administration because it is a very efficient machinery for disorganising and dismantling the Opposition. The Chief Executive in this country knows what is being discussed in every

village in this country. That is because the sub-chief reports to the chief. The sub-chief is in charge of a cluster of homesteads. He even knows who visits who in my friend's area near Kuria and the Tanzanian border. The President knows who is actually visiting who in our constituencies.

As if that is not enough, the DO is in charge of the Divisional Security Committee. The National Security Intelligence Service, the police and even Government Ministries, report to him. That is something that has got to be dismantled. In 1963, we should never have inherited the institution of the Provincial Administration and allow our own people to step into the shoes of the governor. You know, because it is such a convenient institution of oppression available to the Chief Executive and to those in power--- Of course, if I was not interested in democratisation, and I am in power today, I would resist all attempts to dismantle the Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, I can guarantee you that when the hon. Member for Trans Mara stands up here to oppose this Motion, he is going to say: "Look you people! You have got the constitutional review process going on! If you want such fundamental changes to the way that this country is governed, you should wait and take those proposals to the Constitution of Kenya Review Commission (CKRC)." That is what he will say in opposing this Motion. We want to say that, that is an institution that should have been dismantled yesterday and not tomorrow.

When you go to areas such as that of my friend, Mr. Lengees who is seated there; that is Samburu District, the Nation and Kenya Television Network's radio and television do not reach there. The people in Samburu, Turkana and surrounding areas only know what they hear from the Kenya Broadcasting Corporation (KBC) radio. They only know---

The Assistant Minister for Transport and Communications (Mr. Lengees): On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to tell the hon. Member that the Kenya of today is not the Kenya of 1960! We have representatives of all the media houses in the country. We have KTN and Nation radio and television reception in Maralal!

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I have toured those areas and I know that the only radio which had a reach in Samburu was the Citizen radio which was dismantled. At the moment, it has not been able to go back there. The KTN and the Nation radio or television are not heard or seen there! How many people in Turkana and Samburu read the *Daily Nation* or the *East African Standard*? Those people only know what they are told by the chief, the DO and occasionally, when a matter is sufficiently important, the DC holds a baraza. The only other thing they know is what they hear on the KBC radio. Now, the KBC is a propaganda mouthpiece of the ruling party KANU. Then, you have got the Provincial Administration. How can we ever, as the Opposition, be able to propagate and air our alternative views to this country and to those outlying areas? The institution of the Provincial Administration needs to be dismantled. We should borrow a leaf from Uganda. Uganda has got very strengthened elected local authorities. That is what we want.

We want a sub-location to have a few people who are elected by the people residing there. We want a sub-location to have an elected number of people to look after that sub-location. We want a constituency to have a constituency committee to look after it. What the Government needs to do is to have a Central Government representative to sit in those local authorities. Let us debate how to restructure and strengthen the system of local authorities with real powers, including budgets and ways to raise their own funds, so that we do not have the provincial administration. In fact, if we were to strengthen the local authorities with elected representatives, the Central Government can send its representatives to the local authorities. That is what is happening in Uganda and it is working very well. We have got to put on the shoulders of the local communities, the responsibility of managing their own affairs. We would do that by empowering them to administer themselves and run their own affairs.

In fact, the Provincial Administration in this country is not there to look after the welfare of the people. It is there to look after the political interests of the one individual who appointed them. So, that is something that needs to be dismantled. It does not even need to wait for the constitutional review process. We do not know how long that process is going to take. I agree that it is an issue that is going to be put in the new constitutional dispensation but, for a start, let us support this Motion that says that, until we come up with a new constitutional order, we should restructure the provincial administration. For a start, let us give powers to the people who are being ruled by those people to elect the chiefs, so that they can be accountable to the people at the grassroots, rather than being accountable to one individual who can sack them and do anything he wants.

For example, if you listened to the views from Western Province when the people were giving their views to the CKRC, they asked: "Can you please ensure that the new Constitution will stop the chief from grabbing my chicken or goat for an *Harambee*." That is what they do. That is how they terrorise the people

at the grassroots. How can we give authority to a chief or a DO to lord it over people who have not elected him or her? If you want to know what terror is, go to Eastern Province and meet the Lady Provincial Commissioner. The Provincial Administration is an institution that has been demonised and painted black.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. Do our Standing Orders not require an hon. Member contributing to declare his interest? The hon. Member who is on the Floor is a former chief. Should he not declare that interest?

The Assistant Minister for Energy (Mr. Sasura): Mr. Temporary Deputy Speaker, Sir, I think there is a problem here because I was a chief, but currently I am not. If I were to declare my interest in retrospect, I would need the Chair's guidance. I thought I was supposed to declare my interest if I was a chief now. It is true that I served in that office very diligently for three-and-half years. This is an institution that has been demonised by way of being painted black. It is perceived to be an office that is corrupt. I would like to put it very clearly that this is an office which is manned by a human being. I would like to oppose this Motion because it is not the office, but the person who serves that office who should be judged by his actions.

In some areas of this country the only symbol of governance that you see is the office of the chief. The only structure of the Government that is very close to the community is the office of a chief or an assistant chief. That is the base of the Provincial Administration. From the Provincial Commissioner down the line, it is only the chief, like the Mover of the Motion said, who is empowered to act and hold office by Cap.128. Despite the fact that this Act has been amended in some sub-sections, most people do not know what the Act talks about. Even these chiefs do not apply this Act to the letter. If they did so, we would have a very controlled and organised society at the grassroots level. I do not agree that the Provincial Administration has been put in place to muzzle or harass Members of Parliament or mistreat *wananchi*.

It is very wrong to say that we should elect these people. Whether elected or appointed, the holder of the office shall be judged according to his performance. At one point or the other the key word is effective performance. If the Mover of this Motion is seeking to make the posts within the Provincial Administration elective, I would advise him to just look at this scenario. We have hon. Members in this House who were formerly Provincial Commissioners, District Commissioners and chiefs like myself. The power is vested in *wananchi* to decide whether a certain man or woman in uniform is fit enough to represent them in the National Assembly. These are people who are very close to the community. Therefore, let me assure you that if we pass this Motion, that all these posts be elective, the Mover of the Motion might regret why he moved this Motion because he might be unseated by the same people. These are people who have roots at the community level and they are sure to unseat quite a number of us. I would really encourage them to do that.

Having said that, sometimes I think most of us do not know the conditions under which these gentlemen and ladies operate. It is true that they are members and chairmen of different committees at the grassroots level, whether it is the security or land committees. They perform very important roles. According to some of the arguments advanced here by my colleagues, it is said that they have been put there as informants. Section 8 of the Chiefs Authority Act empowers these people to get information and act on it. They actually interpose in any situation for the purpose of prevention of crime. One might argue that we should not be monitored at any level and that we should be let to operate freely. If, for example, we argue that some politicians who are in the process of causing some commotion should not be checked, then we are being very selfish. There must be a centre that must hold, as Chinua Achebe said. If that centre is not there, this country will be put in anarchy. In my view, that centre is the Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, it is very unfortunate that the Bretton Woods Institutions are very much against the Provincial Administration. You find that, for example, the World Bank gives the Ministry of Health a package for motorcycles to be given to public health officers and yet a chief who operates in very risky areas is not entitled to even one motorcycle. It is not that the Government does not want to give them, but because that institution dictates that these should not go to the Provincial Administration. If anything, we should empower these people more because they perform a lot of duties that help us to prevent crime. A case in point is this: After amendments were made to major sections of this Act, consumption and manufacture of illicit brews has become very rampant in most parts of this country.

Most Members of Parliament who have fought for that in the 1997 IPPG reforms are standing here today to lament that their people are dying after drinking these brews, when they are the ones who prevented the chiefs from stopping the growing, selling, consumption and manufacture of these illicit brews and drugs. Chiefs are a very important link within the institution of the Provincial Administration. It is very unfortunate that their terms of service and remuneration packages are very minimal. The work a chief does is even more important than that of a DC. He does most of the donkey work. In fact, a commission should be set up to review the terms of service of our chiefs and assistant chiefs so that they get a better package, house allowances

and facilities like transport, to enable them operate in a better environment.

I would like emphasise on the issue of security. In our areas where cattle rustling is very common, if animals are stolen or people are killed, the first person to be questioned is the area chief. At other times he is dictated upon, but when someone dies or livestock is stolen, he is the first person to be questioned, to explain where they are and how the incident occurred. This is because sometimes these people risk their lives fighting with bandits. Sometimes they are even not armed with automatic weapons. They go to this extent to save us from a lot of problems in this country, and we should not paint their reputations black. They are very good people; just like me. We should not demonise the institution of the Provincial Administration. If anything, we should empower them more than they were before, and even bring back some of the legislation that was repealed in Cap.128 of the Constitution.

With those few remarks, I beg to oppose this Motion.

Mr. Thirikwa: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion.

Listening to hon. Members from the other side, one can precisely know why they cannot support this kind of Motion. This is due to the fact that some of them are here because of that same system. Therefore, they cannot actually support this kind of Motion. We know of some District Commissioners and provincial administrators who have retired. These people have confessed that they were used as rigging machineries in 1992 and 1997. Therefore, you cannot expect somebody who is in this House because of that kind of system to support this Motion. Therefore, I do not expect that our colleagues on the other side are going to be keen to support this Motion. However, be it as it may, we need to ask ourselves: "Truly, what is the work of an assistant chief, chief, DO and so on?" One hon. Member has just rightly said that the Provincial Administration was an outfit of the colonial administrators then, before Independence. It was so because a Governor was answerable to the Queen of England. Therefore, a system had to be created right from England down to a sub-location in this country, so that the Queen could be able to rule this country all the way from England. That is precisely why we have the Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, looking at the work of a sub-chief, for example, one will notice that it is to sit in the sub-DDC, an organ that has been created by this Government. It is not a legal organ in any way because the sub-DDC, DDC and so on are not legal in any way. They are just organs created by the State to actually effect what this Government really wants. Therefore, if you go today to our countryside, like for example my constituency, you will find out that all the land that was available has been given out. Who has given out all the land? It is the Provincial Administration. If we are going to continue allowing the chiefs, sub-chiefs and the DOs to be the people to allocate public land, then this country is going to be in a mess.

Mr. Temporary Deputy Speaker, Sir, unfortunately, this Motion has come at a time when all has been done and completed. If you go to my constituency, there is no land left since all of it has been issued by the Provincial Administration. Therefore, I really do not see what the sub-chiefs and chiefs in my constituency are doing right now. The work of a sub-chief, chief and DO today is only to preside over cases concerning the illegal consumption of illicit brews, because this Government is not able to pay them enough money to do their work. So, they encourage the consumption of illicit brews because we all know that the greatest beneficiaries of the consumption of illicit brews are these sub-chiefs and chiefs. This is because if it were not so, why is it not possible to actually stop the consumption of these illicit brews since we have sub-chiefs and chiefs in every location?

Mr. Temporary Deputy Speaker, Sir, if we could only have these people being elected directly by the people themselves, then the chiefs and sub-chiefs would be answerable to the people to give them the jobs. However, today, a sub-chief is answerable to a chief; a chief is answerable to a DO; a DO is answerable to a DC. I do not know whether a DC is answerable to the PC because in most of the cases, you will find that a DC will bypass his own PC and report directly to a higher office. Therefore, some of these offices are just there for the sake of it. This is because if a DC is not answerable to a PC, then, somehow, there is something wrong. This is because, truly, the DC has the authority to write a letter, for example, to the lands office and get land allocated without the knowledge of the PC. Therefore, this system cannot work in this country and it needs to be overhauled. It cannot continue because the people are going to continue suffering so long as we are going to have the Provincial Administration.

Mr. Temporary Deputy Speaker, Sir, whether we oppose or support this Motion, Kenyans are going to give their views to the Constitution Review Commission of Kenya (CKRC). Kenyans of 2002 are not those of 1963, and I am certain that most of them are going to suggest that we should do away with this Provincial Administration, because these people have really brought a lot of sufferings to them.

Mr. Temporary Deputy Speaker, Sir, the other day we passed a Bill here and formed the District Roads Committees (DRCs). The DC sits in those DRCs and anytime a cheque is sent from the Treasury or

from wherever to the DRC, the person who authorises the usage of that money is the DC and his own engineer, and yet the Members of Parliament are supposed to explain to their own people as to why the roads are not being done. If today I was responsible for the use of that kind of money, then I would be in a better position to explain to my people how it has been used. However, as it stands today, I am only responsible for saying which roads I need the engineers to repair.

However, the fact of the matter is that the district treasuries are managed by the DC and, therefore, any payment of that kind of money is authorised by himself or herself. Today, if you go to any other constituency, despite the fact that nearly Kshs5 million has been sent to our own constituencies, the roads remain undone, and yet a Member of Parliament has no say. This is because even if you quarrel with the engineer, the DC or DO, a payment is made, and that is the end of the story because a Member of Parliament has no say in those payments. Therefore, we need to have new representatives of the people and that is why this Motion needs to be supported, that we need the DCs, PCs and so on to be elected directly by the people.

Mr. Temporary Deputy Speaker, Sir, the other day, before the Act was amended, the DC was a nominated councillor, and I think he is still one even today, and took over the running of the council. This is because anytime the council wants to do its own things, and so long as the DC sits in that council, he has the authority to actually direct the operations of the council. Today, the DC is the Chairman of the Plot Allocation Committee in every district and, therefore, if the council wants to allocate the plots, it cannot do so without the authority of the DC.

Mr. Temporary Deputy Speaker, Sir, you know that a long time ago we used to have what we used to call the "Council of Elders." The council of elders was actually answerable to the people, but if you ask yourself today: "How is a chief answerable to the people he serves?", you will notice that he is not answerable. Why? It is because---

I support.

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Muchilwa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to oppose this Motion. Mr. Temporary Deputy Speaker, Sir, justice is the cornerstone of peace and security in any country. Where there is no justice, there is no peace and security, and *vice versa*. We are elected people and we know what happens in an election. You cannot be neutral in an election. You are either for or against. Some people might even think you are not an opponent and call you an enemy. If a chief, for example, goes to an election in his area and he knows that a certain person has been campaigning very hard against him, not to get that job, how will that chief mete justice to the same person who has been against him after he gets into a position of exercising those powers that the Motion is talking about?

Mr. Temporary Deputy Speaker, Sir, the Motion itself is founded on the fact that these people have got a lot of powers. It reads: "That, in view of the fact that the Administrative Officers from the Provincial Commissioners to the assistant chiefs exercise a lot of powers and responsibility upon persons under their jurisdiction..." We are human beings, and to ensure that justice is dispensed so that there is peace in this country, we have got to separate the powers so that some people who are neutral can make decisions on those who are under them. If you peruse the HANSARDS of Kenya, Uganda, Tanzania, and so on, you will find that there was a time when chiefs were both administrators and judges. There were a lot of arguments about separating the administration from the Judiciary because the same chief arrested you, tried you and made sure you were imprisoned because of the bias. That one had to be done. If we now go back and say that chiefs should be elected, we would be reinstating that injustice. The chief will have certain bias depending on who voted for or against him. That would not be fair.

Mr. Temporary Deputy Speaker, Sir, if we say that we would want them elected because they exercise a lot of power, then, are we saying that even magistrates, judges and others do not exercise a lot of power? We are going to end up saying that even clerks in the various institutions should be elected. This is ridiculous! It will not work. It will work against the very people we want to protect. If we say that PCs and DCs should be elected - even the Motion says that we elect them at the same time we elect Members of Parliament - it means that they would not be transferable at all. It means you cannot transfer a PC, DC, DO, chief or an assistant chief. So, if they have been "sitting" on you, they will continue doing so forever. We know, in an election, people get into groupings. In this particular case, an assistant chief will gang up with the chief, and the chief with the DO; the DO with the DC, and the DC with the PC. So, they have their own group. We are elected people and we know that happens in elections. That means that the group that was opposed to one faction which opposed the PC downwards will suffer very serious injustice. This should not be allowed at all. I support the sentiments expressed by Mr. Muite that chiefs should be transferable because they are performing administrative duties. A chief in Bunyore should be able to be a chief in some location in

Murang'a or somewhere at the Coast Province, and he will be evaluated purely by his performance and not by any tribal or other consideration.

Mr. Temporary Deputy Speaker, Sir, the Motion reads that these officers should be excluded from internal security committees. To me, this does not make much sense. These are the very people that are supposed to look after the security of *wananchi*. If they are excluded from security committees, how will they know the security consideration or the things that *wananchi* want in order to be safe? They have to be in security committees so that they know the problems affecting *wananchi*. This will enable them to know that cattle rustlers are stealing cattle, and houses are being broken into. It will also help them to know who is doing what and where. This particular recommendation, as you can see, is totally misplaced.

Mr. Temporary Deputy Speaker, Sir, if we must have Members of Parliament in the constituencies as elected people, and again, we have got PCs and DCs in the same place as elected people, who is going to listen to who? Is there not going to be very unfair competition because they are all politicians? Are we not just going to ruin our society? That sort of confusion is not healthy for any country and particularly in Kenya, which is multi-ethnic. It is not good at all. For chiefs, I need to emphasize that a chief controls certain tribes and sub-tribes. So, if he is a chief and such-and-such sub-tribe did not vote for him, and his own tribe or some other one where he married from voted for him, he will be against the whole sub-tribe. That is not good enough. Since he is exercising a lot of powers, he will use those powers to the maximum to make sure that he "sits" on those people. Kenya is a multi-ethnic society. It is not homogenous. Therefore, all these interests of the different people in our society should be look at. The system that we have has served us very well. You do not change a winning team; you change it is only when it failing. Ours is winning!

With those few remarks, I beg to oppose.

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion. The Government led by President Moi should not fear reforms. It is not a colonial government. This is an independent Government, elected by the people of this country and if an institution which was founded by colonialists--- In 1895, the first colonial Governor, at Mombasa, appointed by Her Majesty the Queen, appointed so many chiefs and headmen across the country to suppress our people. This Government should not fear to reform an institution that has become inimical to our democracy.

Mr. Temporary Deputy Speaker, Sir, in 1964, Mr. Jaramogi Oginga Odinga tried to reform the institution of the Provincial Administration and I do remember that immediately after Independence, people queued up to elect the chiefs in the villages because they were going to exercise power over them. Mr. Oginga fell out with Kenyatta and the process was stopped. For the last 38 years, we have had this colonial institution in place.

Mr. Temporary Deputy Speaker, Sir, the Israelites stayed in the wilderness for 40 years and finally reached where they were going. In the same way, I can see the reforms coming. There is no way we cannot start with the institution of the chief. We should change it 40 years after it was established, and give our people democracy. So long as we have a situation where the chief reports to the DO, who in turn reports to the DC, and the DC reports to the PC, who finally reports to the Office of the President, which has continued to suppress even the other Ministries, there is no way we will have democracy.

The Provincial Administration has even usurped the role of politicians. Look at the Independence Day in this country; it is an event that is basically run by the Provincial Administration. That is a political event in this country. We fought the British and gained Independence, and instead of giving the prize to the people who won our Independence and allow the Members of Parliament to run the Independence Day, it is run by appointed officials of the Office of the President. Madaraka Day is also run by the Provincial Administration. The same applies to Kenyatta and Moi Days. I understand that last year was the last occasion we marked Moi Day. We want to reform the institution of the chief because it is basically a colonial institution.

In these days when we are retrenching the public service, there should be no fear about change that will be for the better. There were four million people or half that number when colonialists took over the running of this country. Today, we have got 30 million people. I would like to point out that we have enough people in this country to run it democratically. The problem is that we have a chief who is paid by the public but the public has no say on how he or she becomes a chief. It is important to allow our people to have a say in those people who exercise power over them. That is the reason why the chief is used to suppress the freedom of our people, run elections and every committee in the village. That applies to everybody up to the Office of the President. Democracy cannot flourish in this country so long as we have such powerful people who are not responsible to our people. I have lived in Britain for a period of ten years and they do not have Provincial Commissioners, neither do they have chiefs. They have elected officials, who could be a councillor or a Member of Parliament. There is no way you can have a chief deciding the issues of the day when he or she is

not responsible to the people. It is important that this Government accepts that before we have the reforms that are envisaged in the process of the constitutional reform, we should have a way of reining the chief and the DC. If we do that, we will have a more democratic Government.

We know the process we have gone through, especially the land grabbing saga in this country. Basically, the people who have been at the top of land grabbing are the DCs and PCs. That is true. They are the ones who head the committees that allocate land and oversee what happens. If you want to put up a kiosk somewhere, that is the person to go to, to allocate you a plot. Look at the Government houses; some of the PCs and DCs have got five or ten Government houses. This is public property which they have stolen. These officials deserve to return the public property that they have stolen. The process of reform in this country will continue. It will not stop because we refused to elect a chief or continue with the process of reform which was started in 1964 by the late Jaramogi Oginga Odinga. It is important that what he started is pursued. It is important that you allow what the late Jaramogi Oginga Odinga started in this country to flourish, even when Mr. Nassir was in the Opposition.

Mr. Temporary Deputy Speaker, Sir, it is important that you also allow political events in this country to be run by elected Members of Parliament and councillors and not the Provincial Administration. Again, I re-emphasise the aspect of our Independence Day. That is an occasion for the *Mau Mau* to march in honour of our Independence, but according to the Provincial Administration, these are the people who were killed in 1965 by the late Mzee Jomo Kenyatta---

Mr. Kamolleh: On a point of order, Mr. Temporary Deputy Speaker, Sir. As much as I would not like to disturb my friend, Mr. Kihoro, who is the Member of Parliament for Nyeri Town, when he says that Mzee Jomo Kenyatta killed this or the other, I think he should substantiate. This is not a place where he just mentions things like that. Is he in order to do that?

Mr. Kihoro: Thank you, Mr. Temporary Deputy Speaker, Sir. If he would like to get the date, it was on 28th January, 1965. That is the time when the remnants of the *Mau Mau* army were killed, if that is what he wanted to know. The first Chairman of KANU did it. Among the people who were killed on that day were Field Marshall Munge. I know that will satisfy the hon. Member.

What is important is to reform this institution to allow our people to run important national days. That is the reason why you find many of our people not attending national days in respect of our Independence. They do not want to go there to be manipulated to join a party that they do not want to join. This is because the officials who run the event are paid by the party that they represent. It is important that national days, for example, Independence, Madaraka and Kenyatta Days are observed for what they are. Kenyatta Day becomes the heroes day. We would like to honour other people. The Independence of this country was fought for by many people, including the Chief of Takaungu in 1885 in Coast Province. I know Mr. Nassir knows about the Chief of Takaungu, Mr. Hamis.

An hon. Member: He does not know!

(Mr. Nassir smiled)

Mr. Kihoro: Mr. Temporary Deputy Speaker, Sir, it is important that we allow all these days to be observed by our people. I believe that it is important to prosecute the process that was started. I remember a year ago, all the chiefs and sub-chiefs were told that they could not continue to work in the Government. An order had been issued to retrench them. I do remember that President Moi countermanded that order when he arrived at Jomo Kenyatta International Airport. But it is important that the process of retrenching civil servants continues. The chiefs and the Provincial Administration should not be seen as the sacred cows. If they will be there, they should be elected by the people. Otherwise, they should be retrenched and our people should be given the opportunity to run political events and other affairs.

The Chair knows what has happened with the HIV/AIDS Committees. From the onset of HIV/AIDS nearly 18 years ago - the first case in this country was detected in 1983 - not much has been done to help curb it.

Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to oppose the Motion.

The Motion acknowledges that the role that the Provincial Administration (PA) plays in this country is very important. In fact, the Motion states that officers of the PA exercise a lot of power and responsibility. So, the work that the PA officers do is not in dispute. What has been proposed in this Motion is that, rather

than having PA officers appointed, they be elected. Whether election will make them more effective is highly questionable.

What has also been acknowledged in this House by an hon. Member from the Opposition is the fact that the present system of PA is very efficient. In fact, the hon. Member said that the system was so effective and efficient that during the colonial times, the Queen was able to administer distant territories such as Kenya all the way from London. I think we appreciate that this is an efficient and effective system of administration. The proposal that has been put forward is that its officers should not be appointed but elected. What is the intention of doing so? Is it to make it more efficient?

It has already been acknowledged that the system is very efficient. Is the intention to make it less efficient? If the intention is to make it less efficient, then we are wasting our time. We should be looking for ways of making things more effective. If we should elect PA officers, then why do we not elect the whole lot of public officers, including medical officers, education officers, teachers and doctors who man our medical institutions? If we do that, we can go to such an extent that the whole issue becomes ridiculous. We acknowledge that the PA is a system which works; it is effective and efficient. If there are any shortcomings in the system, we should address them rather than say that the best way is to dismantle the entire system. Let us address the specific shortcomings of the system.

It has been said that there has been antagonism between the PA officers and hon. Members. The Mover of this Motion went to a great extent and elaborated on various kinds of difficulties hon. Members have when they deal with the PA officers. He gave the example of a Provincial Commissioner controlling 40 Members of Parliament. I am a Member of Parliament who was elected by my constituents. I do not feel controlled by the PA. Officers of the PA do their work as I do mine. I think the problem in this House, particularly with hon. Members on the Opposition side, is that some of them would rather engage in mischief and disorder, and they find the PA in their way in this regard. This is a system of our choice.

Mr. Wamalwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to impute improper motive upon hon. Members on the Opposition side? He says that we want to engage in mischief and disorder. That is a very serious allegation.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Arap-Kirui, if you, indeed, said so, you are out of order. You should not impute improper motive on hon. Members. So, stick to the Motion.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Temporary Deputy Speaker, Sir, I did not intend to impute improper motives on hon. Members. I was only advancing an argument.

Mr. Wamae: On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Arap-Kirui said it. Could he withdraw the statement and apologise?

The Temporary Deputy Speaker (Mr. Imanyara): I have already ruled him out of order. Continue, Mr. Arap-Kirui.

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Thank you, Mr. Temporary Deputy Speaker, Sir. The point I was trying to make, which obviously hon. Members on the Opposition side are not happy about, is the fact that there is no competition between Members of Parliament and PA officers. If, on the other hand, some Members of Parliament choose to compete with the PA, then that is something of their own choosing.

It has been said here that some hon. Members on the Government side were assisted by the PA to win their seats. That is far from the truth. If anything, it is quite a number of hon. Members on the Opposition side who had assistance in this regard. The point I am making is that there is no competition between us, as Members of Parliament, and the PA. If anything, those of us who are interested in the development of our constituencies will find the machinery of the PA of great assistance. I do not want to say a lot more than what I have said except to say that I think in arguments of this nature, we should avoid using emotive words to support very weak arguments. We talk of democracy; democracy does not manifest itself in the election of public officers. We talk of fighting corruption by electing PA officers. We talk of this system being colonial. These are emotive statements which cannot support a real argument. They are merely meant to bolster weak arguments.

With those few remarks, I strongly oppose the Motion.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Wamalwa, you may take the Floor, but we have only two minutes before the time for the Government responder.

Mr. Wamalwa: Thank you, Mr. Temporary Deputy Speaker, Sir. I will try and make my points very fast.

To start with, the Assistant Minister who has just spoken only talked about the efficiency of the PA and dismissed summarily the argument for democracy. He did not stop for a moment to consider that it is simply incredible that, today, the voter can sack a President by casting his vote against him, yet he cannot sack an assistant chief because he has no say in the appointment of that chief, irrespective of whether he was appointed because he was a brother to the Provincial Commissioner.

It is true that the PA served the colonial Government very well, but one would like to ask Mr. Arap-Kirui: If the PA was so efficient that the Queen was able to administer far-off territories, why did she not introduce it in her own country? There is no doubt that the PA was a tool of oppression by the colonial authority. It was designed to oppress the native; pin him down, and spy on him even in his house in relation to what he said to his wife and what he planned to do. I think it is lack of imagination on the part of the Government to continue nurturing a system which was designed to satisfy colonial desires in Independent Kenya.

If you look at the whole issue critically, you will realise that the Government has already moved to abolish the PA through its own policy of District Focus for Rural Development Strategy, where money from Ministry Headquarters now goes directly to the district treasuries. This policy has rendered the Provincial Commissioner redundant; he has no work to do. So, this is somebody who is just going to be removed because he is an acronymism. If you go to the district level, I will be done with if you can convince me that a DC does any work. This is because he or she is not an expert in anything. Many of them are O' Level failures. I can name a thousand of them, and yet they are supposed to be chairing the security committees, the district agricultural boards and the district education boards. These are things and matters that they know nothing about. I think Kenya is wasting a lot of money on a system that it should have got rid of ages ago.

With those few words, I beg to oppose.

The Temporary Deputy Speaker (Mr. Imanyara): Order! It is now time for the official Government's responder.

The Minister of State, Office of the President (Mr. ole Sunkuli): Mr. Temporary Deputy Speaker, Sir, one of the very correct predictions which have been made by Mr. Muite is that when I stand up, I would urge hon. Members to oppose this Motion on grounds that it is a good matter to be referred to the Commission that is reviewing the Constitution of Kenya. I am saying that it is a good prediction because, in fact, the basis of the Provincial Administration is in the present Constitution. So long as the present Constitution stands the way it is, we cannot call upon anybody to elect the Provincial Administration.

Section 23 of the present Constitution says that the executive authority of this country is vested in the President, and the President shall exercise that authority either directly or through officers subordinate to him. If the President has been given the executive authority of the country, and he has been told to exercise that authority himself or through officers subordinate to him, and we go ahead and remove the officers who are subordinate to him and not make them subordinate to him at all, in what manner will the President of this country exercise the executive authority of the country?

I am saying this because Mr. Wamalwa has very eloquently stated the principles of democracy. He has said that the people of this country can remove the President, but they cannot remove an assistant chief. I must say that, that should be the case constitutionally because the people of this country elect a President and expect him or her to do the best for them. If he or she does not do that for them, they will deselect him or her. Once the President has been given the Executive authority, he or she, therefore, has been given the instruments of the State, including the Provincial Administration, which the Government will utilise for the best interests of this country. That is simply the constitutional aspect. It cannot be otherwise.

I do verily agree that once the Ghai Commission begins to listen to the views of Kenyans, it will be important to hear from most of our colleagues whether they, in fact, like the Provincial Administration, or they simply do not like it. It is not a question of whether you can elect the officers of the Provincial Administration or not. This is because, take the example of this scenario: If today you elect a District Commissioner and a Member of Parliament, are you, therefore, not creating two parallel systems; two people who are elected within the same area of jurisdiction? In what way will the fact that you have elected that person sort out the problem?

First of all, there will be competition as one hon. Member has said. For instance, if you elect an assistant chief or a chief, and if you have another elected person called a councillor, will that not be in dispute? Will those powers not be in parallel to one another? I think the whole question of electing that person will only create confusion. This is because why have two elected people? Are you not simply saying we should not have the Provincial Administration? And if you are saying so, is that not the best thing that you should go and tell Prof. Ghai? Then, you can see whether your view will be popular because the people of Kenya want the Provincial Administration to be maintained. I believe that while sitting at Harambee House, I get quite a

number of people in this country requesting that they be given an assistant chief. It might look a little mundane, but it is simply the case; that, whenever I walk out of this Parliament, many hon. Members would come to me asking that I should assist them in getting an assistant chief around them, and they do not want an elected assistant chief. This is because there is no country in the world where the Civil Service is elected. If the Civil Service of Italy was to be elected, who will run the system in Italy now that they keep changing Governments? There are some little logistical problems.

Mr. Temporary Deputy Speaker, Sir, Mr. Wamae and myself - and all of us here - are people who have been elected. We have supporters, and we have those who oppose us. If an assistant chief is elected, how will he or she deal with those who oppose him or her? For instance, how is he or she going to sort out the problems of people who did not elect him or her? Once he or she messes, there will be no option of sacking him or her. How are you going to discipline an assistant chief who is not appointed by the Government? More intricate, if the people of this country elect a Government and, at the same time, this Parliament wants an assistant chief to be elected, and he or she commits an offence at Mr. Wamae's place, who will be responsible? If supporters of DP were to elect an assistant chief, they are, probably, going to elect one who is a DP supporter. That has nothing to do with the Government. So, how will the Government be responsible for the activities of people who are not loyal to the Government?

(Applause)

It will be total confusion because there is no way the Government will be present everywhere. Therefore, there will be no way in which the Government would be held responsible. This is because if you elect your own assistant chief and he or she steals maize, you cannot ask me to sack him or her. First of all, he or she belongs to the DP, just like the councillors in Nairobi. When they grab plots, I can only come and ask Mr. Wamae or Mr. Kibaki to advise them to stop that because they belong to DP. The Government has nothing to do with it.

The whole concept of electing a Civil Service will not be proper because it is supposed to serve the Government of the day. That is why all of you want to be on this side so that you can inherit the Civil Service and use it to deliver the services in accordance with the policies of your party. If the officers in the Provincial Administration belong to your party, and they are supposed to serve the Government of my party, in what way will that be possible? This whole concept of electing a Civil Service is simply not there. I think we must totally reject it. Some people say that the chief, assistant chief and the DC are necessarily people who believe in the principles of the present Government. It is not always so. They are simply people who believe in the principles of the Civil Service because if that were so, then, we would not have a DC resigning today and going to contest on the Opposition party ticket. You know that there are a number of former DCs, PCs and former Permanent Secretaries who have resigned or retired from the Government and walked straight into politics and were elected as hon. Members on an Opposition ticket or were defeated. It is not true that officers in the Provincial Administration are people who have been indoctrinated and swallowed lock, stock and barrel the principles of KANU. They are people who believe that there is an institution called the Civil Service, which they must utilise in order to serve this country.

Whatever you say, the Provincial Administration was inherited from the colonial Government but it has been greatly reformed, both by the Government and this House. The mere fact that someone can stand here today and say that the Provincial Commissioners have become redundant, then why does he want them elected as stated by this Motion? The Provincial Commissioners have no powers because we have an independent Electoral Commission of Kenya and political meetings are licensed by the police. The Provincial Commissioners are simply the chairmen of the Provincial Security Committees. In what way are the Provincial Commissioners oppressing people? The former leader of the Official Opposition has claimed here that the Provincial Commissioners are now redundant. They are not! It is just because he is not feeling their power the way he used to, because the institution has been reformed. The Provincial Commissioners are as busy as they used to be! They still deliver the services they used to deliver, but some of their powers have been taken away by this House and given to other institutions. There were times when the Opposition used to hate the Provincial Administration - and I am not imputing improper motives - because they believed that the Provincial Administration was helping the Government to win elections. We got rid of the powers of the Provincial Administration in 1997, and as you may remember, the elections were won by **[The Minister of State, Office of the President]**

KANU in a landslide victory. In the 1997 General Elections, there was no Provincial Administration to help KANU win the elections.

Mr. Gitonga: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to

deny that the Provincial Administration has helped KANU to win elections, when the previous contributor, who happens to be a Government Minister, admitted that the Provincial Administration helped the Government to win elections?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member of Parliament used to be in the Government. I do not think he helped the Government to win elections when he was an ambassador. It is just that people fear and they keep on perpetuating the idea that the Provincial Administration is oppressive. In what way is the Provincial Administration oppressive? When hon. Members demanded that their meetings be licensed by the police, the Government obliged! When they went ahead and demanded that the police should just be notified when there is a meeting, the Government obliged too. The Provincial Administration does nothing near there!

I urge hon. Wamalwa to be patriotic enough and accept that the Provincial Administration is the single-most institution that has served this country well. In fact, this is an institution that requires to be improved, so that the people of this country can get Government services. I say this because in many parts of Kenya, people would like to have an extra location or sub-location because they recognise that there is use for it. But there is a call by a few people to abolish the Provincial Administration. That is not popular with the people of this country!

Mr. Wamalwa: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order to allow Mr. Sunkuli to go on misleading the House using words like patriotism and landslide? Would he care to define to this House what his conceptions of landslide and patriotism are?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, between myself and hon. Wamalwa, it is him who has a copy of the Oxford English Dictionary. I wish he could lend me a copy so that I can read out the definitions of those words from his Oxford English Dictionary!

With those remarks, I beg to oppose.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, three things have emerged here. The work done by the Provincial Administration can be done by the chairmen of the local authorities. Secondly, the Provincial Commissioners, District Commissioners and the District Officers are appointees of the President and they have deprived the citizens of this country of their democratic rights and freedom. We have come here to demand that democracy and freedom for the people! Thirdly, the Minister has told us that they are appointees of the President. It is my first time to hear that the chiefs and other officers of the Provincial Administration have been operating under the directives of the President, albeit indirectly, for the last 40 years. They have oppressed the citizens of this country and the Minister should have supported this Motion because tomorrow, we shall be in the Government and we will oppress them the same way they are oppressing us! Finally, I would like to submit that the Provincial Administration officials have become landgrabbers. They are everywhere and have controlled everyone. You should check their powers!

Mr. Temporary Deputy Speaker, Sir, the Minister has not quoted the section of the law under which those officers operate. The Chair has even indicated that this matter should be passed over to the Constitution of Kenya Review Commission. This House is supreme, and that Commission is a creature of this House. This House should decide its own affairs!

Dr. Kituyi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform hon. Muchiri about two things. Firstly, the Provincial Administration is a statement of impunity. District Officers, District Commissioners and Provincial Commissioners operate without any legal provision for their existence. They cannot be part of the formal institutions for the exercise of the powers of the President. Secondly, there is qualification apartheid in Provincial Administration. District Officers from certain areas and communities have lower qualifications for entry than those from other areas.

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could hon. Dr. Kituyi substantiate the allegation that there are apartheid qualifications in the Provincial Administration?

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I have had a number of District Officers in my constituency since I came to this House ten years ago. All the time, District Officers from certain communities have regularly had much lower qualifications without university education. I have not seen a single District Officer from predominantly Opposition areas without university education!

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Chair satisfied with that substantiation?

The Temporary Deputy Speaker (Mr. Imanyara): Yes, I am satisfied.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, it is also true that the majority of the District

Commissioners and District Officers come from one community. There is no reason as to why they should be---

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member substantiate the fact that a number of our District Officers come from one community and not the others?

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, the majority of District Commissioners and District Officers in this country are Kalenjins!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Muchiri! Mr. Sunkuli, you have a list of all your District Officers. Is that not so? Why do you want this man to substantiate?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, that is very unfair of the Chair. He is making a statement and you know that the Standing Orders say that: Whoever makes a statement must prove it. What he has said is not true!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, could the Minister table the list of all the District Commissioners and District Officers here, if he is disputing what I am saying?

The Assistant Minister for Foreign Affairs and International Co-operation (Mr. Affey): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member is misleading the House. He has made a statement of fact. Could he tell us the number because he seems to have information? We need to know that!

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Affey! He did say the majority of District Officers and District Commissioners are from a certain community. When Mr. Sunkuli stood on a point of order, I pointed out to him that in fact, he has that information. If Mr. Muchiri is misleading this House, then the Minister should prove him wrong.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. It will be difficult for the Minister to bring here, the names of all the District Officers and District Commissioners because they are too many. If you look at the Provincial Commissioners, one is a Luo and, in fact, the Provincial Commissioner, Nairobi is a Kikuyu! All those are not Kalenjins!

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I would like to have a ruling from the Chair. This is a very serious matter because it is going to be extremely difficult for those of us in the Government to do certain things. When an hon. Member makes an allegation, is it up to the Government to come and prove that the allegation is not right?

The Temporary Deputy Speaker (Mr. Imanyara): It is up to the Chair to rule whether there is need for substantiation or not. I have made a ruling and you can challenge it on a substantive Motion if you wish.

Mr. Munyao: Mr. Temporary Deputy Speaker, Sir, is it not true also, that information which is available in the public domain does not need to be substantiated?

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, the PCs and the DCs are not mentioned anywhere in the Act. Under what authority do they chair security committees? Security is an issue to be handled by the police and the intelligence officers. Why do they not chair the National Security Council meetings, which are chaired by the army officers? This is simply because the Army Act does not mention them. Could they be stopped from chairing these security meetings, as a matter of urgency, because they are not mentioned anywhere in the Act?

Mr. Temporary Deputy Speaker, Sir, finally, could the Minister direct PCs to stop giving directions to policemen? Secondly, could he also direct the Nairobi PC to stop giving directions to councillors of the Nairobi City Council? Everyday, we see members of the Provincial Administration chasing hawkers everywhere. This is because the PC, Nairobi, and all the other PCs have no defined duties. The Minister should define the PA duties if the Government needs it. The provincial administrators should be withdrawn from the chairmanship of the plot allocation committees. They have already taken over the jurisdiction of all local authorities, which are empowered to allocate land. Could the Minister issue a circular today withdrawing these officers from these committees?

All I am saying is that the Office of the President has literally taken over the running of each and every Ministry. It has taken away the freedom of this House. Could it return that power to this House? The money we vote here is controlled by the PCs and the DCs in their areas of jurisdiction. Under what authority do they do that? We vote money in this House to assist our people, but the Office of the President controls its use. The Minister is aware that all the officers under him have taken the oath of secrecy. He also knows that the money we vote here is taken to the districts. How do we know whether this money is not returned to the Office of the President and utilised elsewhere?

The Assistant Minister for Finance and Planning (Mr. Lomada): On a point of order, Mr.

Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to address the Minister and not the Chair?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Muchiri, address the Chair!

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I am addressing the Chair. This House has been taken for granted by the Office of the President. We vote money in this House to go to the districts and nothing is done by this Government. We do not know where this money goes to. We do not have evidence as to how this money is spent because provincial administrators have taken the oath of secrecy and cannot disclose this to us. All we know is that this Government has done nothing for the last 30 years. We have been voting money for development in this House, but, literally, no development has been taking place. I may be wrong about other issues, but I am certain that the money we vote in this House ends up in the Office of the President because PCs are under its control.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Muchiri, your time is up!

(Question put and negatived)

LEAVE TO INTRODUCE THE CHIEF'S
AUTHORITY (AMENDMENT) BILL

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, this House do grant leave to introduce a Bill for an Act of Parliament entitled the Chief's Authority (Amendment) Bill to amend Section 7 in order to ensure that persons engaged by chiefs or their assistants are paid an allowance or salary by the Government.

The point here is that under Section 7 of the Chief's Authority Act, chiefs and the assistant chiefs are authorised and empowered to appoint village elders or some other persons to act on their behalf. Those village elders are not paid any allowances. They are engaged to perform Government work without any allowances. They are the ones who adjudicate upon cases in their respective locations. Everyone knows that we have over 5,000 chiefs in this country, and each one of them has his own village elders. In some constituencies in Nairobi, it has become a routine for these elders to report to the chief's office everyday. During debate on the previous Motion, you heard that all development committees have been referred to the district officers and the chiefs. These elders perform the duties of social workers, policemen and the provincial administrators, but are not paid any allowances.

I am urging this Government to accept that these appointees of the chiefs are workers like any other workers. The Government has empowered the chiefs to engage these elders, and so they should be paid an allowance like any other member of a committee. Even in this House, when the House is not sitting, hon. Members sit in Committees and are paid allowances. Why should we be paid allowances while these village elders, who are engaged by the chiefs, are not paid any allowances? Members of various boards and committees are also paid allowances.

Sometime back, this issue was raised in this House. A Question was asked here, and I can remember having read about it in a newspaper. The elders were told to go and ask for their salaries from the people. Surely, that encouraged those old men to solicit for bribes. Normally, in a chief's camp, when two warring parties are called to the chief's office, each is requested to pay a certain amount of money before their case is heard.

QUORUM

The Assistant Minister for Roads and Public Works. (Mr. Mokku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is there quorum in the House?

The Temporary Deputy Speaker (Mr. Imanyara): No, we do not have a quorum. Ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Members! It looks like we will not be able to raise a quorum and, therefore, we cannot transact any further business.

On that note, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 11.50 a.m.