

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 10th May, 2001

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.256

RETENTION OF MR. TIONY IN PUBLIC SERVICE

Mr. Speaker: Mr. Kajwang not here? We will leave the Question until the end.

Next Question, Mr. Shidiye!

Question No.065

EXPENDITURE ON POVERTY ERADICATION SEMINARS

Mr. Shidiye asked the Minister for Planning:-

(a) how much money the Government has spent on poverty eradication seminars in the country; and,

(b) how much the Government has allocated for the implementation for the above exercise.

The Assistant Minister for Finance and Planning (Mr. Marrirmoi): Mr. Speaker, Sir, I beg to reply.

(a) The Government has not spent any money on poverty eradication seminars.

(b) According to the Budget for 2000/2001 Financial Year, no money was allocated for poverty eradication seminars.

Mr. Shidiye: Mr. Speaker, Sir, the Assistant Minister is misleading this House. We have had several poverty eradication programmes in this country. Last week, the Minister for Planning said they spent about Kshs49 million. Could he clarify on that matter?

Mr. Marrirmoi: Mr. Speaker, Sir, it is true that the amount mentioned by the hon. Member was spent, but not by the Government. It was spent by Non-Governmental Organisations (NGOs).

Mr. Mwenje: Mr. Speaker, Sir, there is this Committee led by---

Mr. Speaker: As a matter of interest, are you the Minister for Planning himself said that Kshs141 million was spent on the meetings which were being held all over

entitled to speak from the Dispatch Box? What shadow portfolio do you hold?

Mr. Mwenje: Mr. Speaker, Sir, I am the Shadow Minister for Co-operatives!

(Laughter)

Mr. Speaker, Sir, there is this Committee led by Dr. Gilbert Aluoch. It has been spending money to--

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): On a point of order, Mr. Speaker, Sir. Could we have a clarification on what Mr. Mwenje has said? Currently, we do not have, in the Government, a Minister for Co-operatives. We have got the Minister for Agriculture, Livestock and Rural Development. So, we do not have the Ministry of Co-operatives. If the Opposition have got that Ministry---

Mr. Mwenje: Mr. Speaker, Sir, by the time we formed our Shadow Cabinet, the Government had the Ministry of Co-operatives. That may have changed in the Government side but on this side of the House, it remains the way it was. That is the ideal situation! I am saying that there is this Committee led by Dr. Gilbert Aluoch. It has been spending money in the wrong areas of the country. Where does this money come from, how was it budgeted and planned? We have got no idea about this money at all and yet, it is the money being referred to as "Poverty Eradication Fund".

Mr. Marrirmoi: Mr. Speaker, Sir, as I said earlier, these development partners are not part of my Ministry. The Poverty Reduction Strategy Programme (PRSP) is there, but since its funding was not included in the Budget, my Ministry requested the NGOs to assist and that is what is happening.

Mr. Munyao: On a point of order, Mr. Speaker, Sir. The Assistant Minister is contradicting his Minister. If the Chair would remember, and I hope the Chair remembers, during the last Session, [**Mr. Munyao**]

the country. The HANSARD can bear me witness on this. How could the Assistant Minister come here and

boldly say "no money was spent"?

Mr. Speaker: Order, Mr. Munyai! I do not think the Assistant Minister said "no money was ever spent on seminars." He said the Government has not spent any money but NGOs have spent. Maybe he wants to clarify that to the House!

Mr. Marrirmoi: Mr. Speaker, Sir, no Government funds have been spent on seminars so far. The money which has been spent is from our development partners. That is very clear

Dr. Oburu: On a point of order, Mr. Speaker, Sir. I have never heard of something called development partners funding a project directly. It is the Government of Kenya which funds projects but not development partners. That is the money we approve in Parliament!

Mr. Speaker: By the way, Mr. Marrirmoi, who are development partners?

Mr. Marrirmoi: Mr. Speaker, Sir, NGOs are all over this country and hon. Members know that, at least, every constituency has an NGO. These are the people I am talking about.

Mr. Shidiye: Mr. Speaker, Sir, it is very clear that we are spending a lot of money on poverty eradication seminars. These seminars are not helping Kenyans. This is where people wine, dine and discuss poverty. They are not eradicating poverty! If these people are development partners for the Government of Kenya, why is that, that money is not spent on any single project? Is it about rich people coming together, discussing poverty over good lunch and dinner? Is he in order to allow these development partners to discuss poverty and make people poorer by "eating" money while using the name of the Kenyan people? Could he tell us whether these people are "poverty partners"?

Mr. Marrirmoi: Mr. Speaker, Sir, last time, I said hon. Members of Parliament should be attending meetings of the PRSP. These seminars are held in rural areas where people give their priorities. This has assisted the Government in planning its priorities. So, Members of Parliament should be attending these meetings so that they get acquainted with the objectives of these seminars which are on-going. At the end of the day, the priorities will have been summed up and this will assist us in preparing our Budget.

Mr. Speaker: Next Question, Dr. Awiti!

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

COMMUNICATION FROM THE CHAIR

CLARIFICATION ON ADJOURNMENT MOTION

Mr. Speaker: Order hon. Members! Maybe for the smooth running of our business today, it would be nice and proper for me to bring to the attention of the hon. Members a Notice appearing in your Order Paper, that not

later than 3.30 p.m., I will call upon the Leader of Government business to move a Motion of Adjournment of the House. So, please, understand that I will not have Questions beyond 3.30 p.m. Therefore, my usual generosity will not exist today. It is retracted in full.

(Applause)

Question No.278

DISBURSEMENT OF BURSARY FUNDS

Dr. Awiti asked the Minister for Education:-

- (a) whether he is aware that the bursary funds for the year have not been remitted to the various secondary schools in Rachuonyo District;
- (b) whether he is further aware that the poor students who would have benefitted from the funds have been sent away from their schools; and,
- (c) what urgent action he is taking to have the money released.

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

(a) There was no bursary fund for the year 2000 released to any district in the country because there were no provisions in the Budget.

(b) Following the above answer, it is possible that some needy students were sent out for lack of fees.

(c) In the year 2000/2001, a budgetary provision of Kshs536 million has been released to all public schools including those in Rachuonyo District.

Dr. Awiti: Mr. Speaker, Sir, could the Assistant Minister tell House whether it is the policy of his Ministry to allocate bursary money in an *ad hoc* manner? Every child has a right to education and when students are sent home because of lack of fees, then we are denying Kenyans a chance to get educated. We know that Kenya is planning to be an industrialised country by the year 2020. Where will we find these people if we are not able to pay for them? Could the Assistant Minister tell this House whether this policy of providing bursary funds

[**Dr. Awiti**] originates from the Government; and that no student will miss bursary funds in the future?

Dr. Wamukoya: Mr. Speaker, Sir, the Minister for Education is in the forefront when it comes to the welfare of children. During the year under review, we had liquidity problems so we could not have sent out money. During the coming financial year, we have

requested for more funds and we hope this will continue for the years to come.

Mr. Katuku: Mr. Speaker, Sir, the Assistant Minister has told us that they have sent money for disbursement to needy students. Previously, they have been sending this money to the District Treasuries. But this system has been open to abuse. I understand that they are now sending the money directly to schools. Could the Assistant Minister tell us what procedure will be used to award bursaries to the needy students so that at the school level, the money is not given to the rich? That is what has been going on. The money did not benefit the needy but those who are well connected and are known to the District Officers. Could he tell us how he expects the money to be disbursed?

Dr. Wamukoya: Mr. Speaker, Sir, we have several types of bursaries. This particular one is for bright but poor students. They are known by the headmaster and the community. The other types of bursaries, which are given on application, whether you are rich or poor or your performance is low, is different from this one. In this case, the relevant students get their money. It does not go to anybody else.

Dr. Awaiti: Mr. Speaker, Sir, could the Assistant Minister kindly tell us how much was sent to Rachuonyo District this year?

Dr. Wamukoya: Mr. Speaker, Sir, Rachuonyo District was allocated and received Kshs3,699,760.

Question No. 258

CONSTRUCTION OF NAIROBI-NAIVASHA
DUAL CARRIAGEWAY

Mr. Gitonga asked the Minister for Roads and Public Works:-

- (a) whether he is aware that the section of the Nairobi-Naivasha Highway stretching from Uplands to Soko Mjinga within Lari Constituency has become an accident black spot; and,
- (b) whether he could consider building a dual carriageway from Uplands to Soko Mjinga in order to reduce deaths and injuries.

The Assistant Minister for Roads and Public Works (Mr. Mokku): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that some sections of the Nairobi-Naivasha Highway, between Uplands and Soko Mjinga, within Lari Constituency, are accident black spots.

(b) Due to limited resources available, the Ministry has no immediate plans to build a dual carriageway from Uplands to Soko Mjinga.

Mr. Gitonga: Mr. Speaker, Sir, this is a very sad answer for the people of Lari Constituency. A month hardly passes without somebody being killed in that area. Could the

Assistant Minister tell this House how many people have been killed and maimed within the last twelve months along that section of the road?

Mr. Mokku: Mr. Speaker, Sir, the original Question asked by the hon. Member did not have those particular details that he is asking for now. But I have a detailed report of the accidents on that road, per location, for the last three years; from 1998, 1999 and 2000. The report is so detailed that I cannot be able to read all the information contained therein as the hon. Members want now, unless with permission from the Chair.

Mr. Speaker: How many have been killed and how many have been maimed for those three years?

Mr. Mokku: Mr. Speaker, Sir, in 1998, there were 29 fatal accidents, while 93 people were seriously injured and were 85 slightly injured. The total accidents were 207.

In 1999, there were 77 victims, 54 fatal, 49 seriously injured 171 slightly injured; totalling to 250. In the year 2000, there were 67 victims; 35 fatal, 76 seriously injured, 64 slightly injured; totalling to 240.

The total number of accidents were 243, fatal accidents 118, those seriously injured were 218 and those with slight injuries were 320 totalling to 668.

Mr. Angwenyi: Mr. Speaker, Sir, our road network is taking lives of innocent Kenyans because of shoddy work that has been done on these roads. Besides, our roads do not have street furniture. Could the Assistant Minister undertake to have street furniture on this road and all majors roads in this country?

Mr. Mokku: Mr. Speaker, Sir, the work of erecting the necessary warning signs; street furniture is part of the plan the Ministry is undertaking to ensure that we have less accidents on our roads.

Mr. Gitonga: Mr. Speaker, Sir, this particular section of the highway which is in question has no sign boards at all and, as a result of this, the area has become a slaughterhouse. We have heard the figures which the Assistant Minister has read out to the House and they are so high. It

[Mr. Gitonga]

appears that the Government is not really concerned about the loss of lives within this area. Does the Government not have another alternative apart from constructing a dual carriageway and a fly-over bridge within that area?

Mr. Mokku: Mr. Speaker, Sir, from my records which I have here, we have done enough research work on those roads because the Government is taking very seriously the loss of so many lives of our people. Although I have said in my written answer that there is no money readily available to be used on that section of the highway, the Ministry has a plan to construct an alternative dual carriageway and a fly-over bridge as the hon. Member is suggesting.

Mr. Speaker: Mr. Kajwang's Question for the

second time!

Mr. Kajwang: Mr. Speaker, Sir, I apologize for coming to the House late.

Question No.256

RETENTION OF MR. TIONY IN PUBLIC SERVICE

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

(a) why he did decide to retain Mr. Apollo Kipkoech Tiony in the Public Service as a Senior Accountant in the Ministry of Lands and Settlement, after he retired on attaining the mandatory retirement age; and,

(b) whether he could table the Minutes of the Public Service Commission which authorized the retention.

The Minister of State, Office of the President

(Mr. ole Ntimama): Mr. Speaker, Sir, I beg to reply.

(a) Service regulations provide that if there is need to retain an officer in the service beyond the age of 55 years, his Permanent Secretary will put a case to the Permanent Secretary, Directorate of Personnel Management (DPM), stating full reasons why the officer should be retained.

The Permanent Secretary, Ministry of Lands and Settlement recommended the retention of Mr. Tiony in the service for a period of one year, from 1st February, 2001. The officer is in charge of the Accounts Section in the Lands Department of the Ministry. The reasons given for the retention in the Service were that the officer is involved in reforming the department in order to ensure improvement in revenue collection, which had been adversely affected by frauds, theft and diversion, leading to loss of revenue. It was further confirmed that a suitable officer had been identified for training to take over from Mr. Tiony. The Permanent Secretary and the DPM entered into consultations with the Head of the Public Service and the Public Service Commission on the basis of the reasons given by the Ministry and it was agreed that the officer be retained in the Service for one year in order to give the Ministry adequate time to clear vital accounting issues relating to the on-going reform in the Lands Department.

There is a letter from the Public Service Commission conveying its authority for Mr. Tiony's appointment for one year.

Mr. Kajwang: Mr. Speaker, Sir, could the Minister, who is my friend, confirm or deny that the retention of Mr. Tiony in the Civil Service was caused by nepotism, corruption and collusion between the Permanent Secretary, Ministry of Lands and the Commissioner of Lands?

I want to give reasons why I am using those strong terms: One, this officer was informed that he would retire from the Public Service vide a letter dated 24th March, 2000.

He was told that his last working day would be 31st January, 2001, giving him a period of about nine to ten months to prepare himself to go home. Thereafter, his accounts were worked and his cheque for his terminal benefits was drawn. After that, he wrote a letter to the PS saying that he did not wish to go home so early because he had not built a house and his brother had died and left him with two orphans. Are these good reasons for retaining a civil servant? Could the Minister deny that the application which Mr. Tiony wrote to the PS was that he needed time to go and build a house, which means that he was to be left in the Public Service to "eat" a bit, build a house at home and then look after his late brother's two orphans?

Mr. ole Ntimama: Mr. Speaker, Sir, the letter that reached us from the Ministry of Lands and Settlement does not contain all the allegations that the hon. Member is making about the officer. So, we have no knowledge at all about it. The fact is that we did not receive anything concerning all those allegations about building a house and the death of his brother. The Ministry wanted to retain his services and, after checking thoroughly with the Public Service Commission and the Head of the Public Service, we found that his services were required.

Mr. Mwakiringo: Mr. Speaker, Sir, could the Minister tell us the Government policy on people who are going on retirement? Civil servants who are due for retirement are given officers to understudy them so that there is no extension of service when one is retiring.

Mr. ole Ntimama: Mr. Speaker, Sir, the Government retains some officers on very special [Mr. ole Ntimama] cases. As a rule, they must go home at the age of 55 years.

Mr. Kajwang: Mr. Speaker, Sir, could the Minister confirm or deny that this particular officer has no training, whatsoever, in accounts? In fact, officers below him are graduates, have worked there for several years and are capable of taking over from him. The only reason why he was retained in office was because he wanted to "eat" with the Permanent Secretary and the Commissioner of Lands.

Mr. Speaker: Order, Mr. Kajwang! Regarding this "eating" business, do you have a plate and a spoon to table before the House and prove that he was "eating"?

Mr. Kajwang: Mr. Speaker, Sir, I am sorry, but the word "eating" in public parlance means "corruption".

Mr. Speaker: Order! Whether or not it is an acronym for corruption, it is your duty to prove it. Do you have any evidence?

Mr. Kajwang: Mr. Speaker, Sir, I mentioned that the officer himself applied for an extension for one year in office for purposes specifically written in a letter

which the Minister has in his file. I have seen this letter. The Minister knows that those are the reasons why this officer was retained in office. These other reasons are not true.

Mr. Speaker: Order, Mr. Kajwang! We had better be serious; all of us! You should be serious particularly when you make very serious accusations against fellow Kenyans; your own voters who cannot defend themselves here. Did that letter state: "Retain me in service for one year so that I can have further time to be corrupted or to eat?"

Mr. Kajwang: Mr. Speaker, Sir, the letter was not so specific because it would have been foolhardy for him to say so. But can I withdraw that accusation?

Mr. Speaker: Order! If that be the position, I order you to withdraw those allegations against that Kenyan, that he sought to remain in office for one more year so that he could be corrupted. You must withdraw that because you have no evidence to prove it. Now proceed to do that!

Mr. Kajwang: Mr. Speaker, Sir, I will withdraw the words I have used to the effect that the said officer sought to be retained in service to "eat" and be corrupted. But he sought to be retained in service so as to build a house and look after his two brother's children. The most important part of the Question has not been answered. This letter says that it was the Public Service Commission (PSC) which recommended the retention of this Government officer. Could the Minister table the minutes of the PSC which authorised this retention? He has not produced such a minute and I know it does not exist.

Mr. ole Ntimama: Mr. Speaker, Sir, I wish to table a letter---

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

Mr. Speaker: Order, Mr. Kajwang! You are not chairing the proceedings of the House! I am the one who is chairing them!

Mr. ole Ntimama: Thank you very much, Mr. Speaker, Sir. What Mr. Kajwang requires is evidence from the PSC to show that it recommended the retention of this public officer, whether that evidence was put in minutes or in an authoritative letter. I hope he is not insisting on the minutes specifically, because the Executive Officer of the Board wrote a letter on behalf of the Board. That should be taken as an authentic document to show that the man was retained in service.

QUESTIONS BY PRIVATE NOTICE

DISRUPTION OF HARAMBEE BY BOMET POLICE

(**Mr. Kimeto**) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that a Harambee in aid of Kapkelei Secondary School was disrupted by Bomet police?

(b) Could he explain why the Harambee, which was organised by the area Member

of Parliament, was disrupted?

Mr. Speaker: This Question by Mr. Kimeto is deferred to the next Sitting.

(Question deferred)

KILLING OF MR. KIPACHA SHILLINGI

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

(a) Could the Minister explain the circumstances which led to the killing of Mr. Elija Kipacha Shillingi by Nairobi City Council askaris on 14th April, 2000, at about 6.30 p.m.?

(b) Is he aware that a Mr. Sam Lesono of Nairobi City Council Inspectorate Department who took the deceased to hospital, and eventually to the mortuary in a Nairobi City Council vehicle registration No.KAB 322Q has not been arrested and charged?

(c) What action is the Ministry taking to ensure that the culprit(s) are brought to book and appropriate action taken?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I would like to ask for the indulgence of this House. Whereas the hon. Member might have a written answer, there are very many unanswered questions, by myself, to the Ministry which submitted the information. So, I request that this Question be deferred until I can go a little further to get more information.

Mr. Speaker: What is your reaction, Mr. Mwakiringo?

Mr. Mwakiringo: Mr. Speaker, Sir, I have no objection because, based on the answer the Minister had given, I was to table some documentary evidence to assist him. So, if he wants the information, then I can give it to him.

Mr. Deputy Speaker: Very well; I will defer the Question.

(Question deferred)

PLOT ALLOCATIONS IN KANYONI VILLAGE

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

(a) Is the Minister aware that Kanyoni Village in Gakawa Location of Kieni East Division in Nyeri District has been surveyed, planned and plots allocated by the Laikipia District Plots Allocation Committee?

(b) By what authority did the Laikipia District administration, which is in the Rift Valley Province, involve itself in land affairs in Kieni East Division

which is in Nyeri District of Central Province?

(c) What action will he take to rectify the situation?

The Minister of State, Office of the President

(Maj. Madoka): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware.

(b) The Laikipia District administration has not involved itself in land affairs in Kieni East Division, Nyeri District, Central Province.

(c) Arising from my reply to parts "a" and "b", part "c" of the Question does not arise.

Dr. Murungaru: Mr. Speaker, Sir, I am surprised that the Minister has given me that answer. Kanyoni Village is part of Kieni East Division of Nyeri District. It is at the boundary of Laikipia and Nyeri Districts. Residents of that area have instituted a legal case because of the administration of Laikipia District going to survey and plan their area while they are under the jurisdiction of Nyeri District. In addition, the County Council of Nyeri has, indeed, written to the Minister for Local Government and the Minister for Lands and Settlement, and copied the letter to the Minister of State, Office of the President, in connection with this issue. Could the Minister kindly inform the House whether he checked with his officers and looked at all the correspondence on this issue?

Mr. Speaker: Can I help you, Dr. Murungaru and the hon. Minister?

Dr. Murungaru: Mr. Speaker, Sir, I am sure you have got some information on this issue.

Mr. Speaker: The two of you should go and look at the relevant map that sets out the provincial boundary between Central Province and the Rift Valley, particularly as it relates to this particular village. I am not in a position to answer Questions, but I would advise the two of you to look at the map so that you can come and table before the House an informed issue.

Dr. Murungaru: Mr. Speaker, Sir, could we then defer the Question to after 6th June?

Mr. Speaker: What is your reaction, Mr. Minister?

Maj. Madoka: Mr. Speaker, Sir, I was going to enlighten the hon. Member on the actual boundary. Kanyoni Village is in Nanyuki Location which is in Central Division, Laikipia District, Rift Valley Province. The boundary is along Nanyuki River and the junction of the game ranch fence and Nanyuki River bank mark the end of Laikipia District. No plot has been allocated by the Laikipia District Plots Allocation Committee in Kanyoni Village.

Dr. Murungaru: Mr. Speaker, Sir, I would like to challenge the Minister on that. About 14 years ago, a leaders' meeting was held between the Nyeri County Council and Laikipia County Council. It was decided, for purposes of convenience, because the house of the Laikipia District Commissioner was in Central Province, that Laikipia District administration would be given an opportunity to administer that particular portion. This was an understanding between leaders of two neighbouring

districts. As far as I understand, provincial boundaries can only be changed by an Act of Parliament.

Mr. Speaker: Order! That is just about what I was going to say. The two of you should get in touch with the Minister in whose docket this matter falls, and establish the actual legal boundary as set out by the Constitution of the Republic of Kenya. It is good that you truly know that no county council can ever alter boundaries of this Republic. So, please go and get the correct boundary.

Dr. Murungaru: Mr. Speaker, Sir, is the Question deferred?

Mr. Speaker: I will defer the Question for you to get in touch. Maybe, you will convince the Minister or the Minister will convince you! Maybe, you will also seek the assistance of Mr. Kiunjuri!

Hon. Members: And the Chair!

Mr. Speaker: Leave the Chair out of all that!

(Question deferred)

Next Question by Mr. Mohamed Galgalo!
The Question is dropped!

Mr. M.A. Galgalo: We have Mohamed Galgalo here, but I had not asked that Question!

Mr. Speaker: It is Mohamed M. Galgalo! You are Mr. Mohamed what Galgalo?

Mr. M.A. Galgalo: I am Mohamed Abdi Galgalo!

Mr. Speaker: So, you are not M.M. Galgalo!

Mr. M.A. Galgalo: But you called Mohamed Galgalo and there are two of us!

Mr. Speaker: It is Mohamed M. Galgalo and not you!

VIOLATION OF IMMIGRATION RULES

(Mr. M.M. Galgalo) to ask the Minister of State, Office of the President:-

(a) Is the Minister aware that planes plying northern Kenya routes are flouting passenger, security and immigration rules?

(b) What happened to the plane which flew from Moyale on Saturday, 21st April, 2001, on landing at the Wilson Airport?

(c) How many passengers were on board and how many is the plane authorised to carry?

Mr. Speaker: Mr. M.M. Galgalo still not here?

(Question dropped)

DEATH OF ESTHER NJERI

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

(a) Is the Minister aware that Esther Njeri, a Standard Eight pupil in Ng'araria Primary School in Kandara Division, Murang'a District, was pronounced dead on arrival at Thika General Hospital on 9th February, 2001?

(b) What investigations did the police carry out to ascertain the cause of death?

(c) Why was Mr. John Gitau Muhwanga arrested in connection with the death and later released?

The Minister of State, Office of the President (Maj. Madoka): Mr. Speaker, Sir, I have informed the Member that I have not got a ready answer for the Question. I request that it be deferred!

Mr. Kathangu: Mr. Speaker, Sir, after consulting the Minister, I was handed over an answer. I was actually wondering whether it came from the Minister or some other source. In case it did not come from the Minister, I would wish to read the answer to the House!

Mr. Speaker: No, you cannot do that! That is out of order!

Mr. Kathangu: Mr. Speaker, Sir, do we take this as the answer from the Minister?

The Minister of State, Office of the President (Maj. Madoka): Is it signed?

Mr. Kathangu: Yes, it is signed, Sir!

Dr. Ochuodho: On a point of order, Mr. Speaker, Sir. With due respect to the hon. Minister, this is not the first time we seem to be getting answers which find their way into the House without the knowledge of the Minister! We need guidance on why that is happening! Where are those fake answers coming from?

Mr. Speaker: Dr. Ochuodho, which fake answers?

Dr. Ochuodho: Mr. Speaker, Sir, earlier in the week, there was an instance where we had two answers. The Minister concerned said that he was not aware of the other answer. So, it could only be fake!

(Mr. Speaker conferred with Mr. Kathangu)

Mr. Speaker: Mr. Minister, could you approach the Chair?

(Laughter)

*(Mr. Speaker conferred with
Maj. Madoka and Mr. Kathangu)*

Mr. Mwenje: On a point of order, Mr. Speaker, Sir. Is it in order for Mr. Speaker to invite the Minister and the Questioner, when a matter is before the House and, therefore, the property of the House?

Mr. Speaker: Order! Mr. Mwenje, in due course, you will stand up there on a point of order and ask me to rule. So, do you think that, somehow, without me getting the facts somehow, by holy inspiration, I will be able to know the facts? I am only human, Mr. Mwenje!

Mr. Ndicho: On a point of order, Mr. Speaker, Sir. I am concerned about the issue of procedure. Procedurally, the Questioner should have passed that Question to you, through the Clerk, just like in a court of law. A client cannot just move from the bench and go to the judge. He first must pass through the clerk.

Mr. Speaker: I do not want to be so strict like a judge! I want to put a human face to the proceedings. What is your reaction, Mr. Kathangu? As I understand, the Minister says that it is his answer, but he is not ready for it!

Mr. Kathangu: Mr. Speaker, Sir, I accept what the Minister has said. But I would like to give a small caution, that there is a suspect who has been released by the police. It would be important, because that is a murder case, that the suspect is held until the answer is given!

Mr. Speaker: Have you taken note of that, Maj. Madoka?

Maj. Madoka: Yes, Mr. Speaker, Sir, I do take note of the Member's concern.

Mr. Speaker: Very well! I will defer the Question.

(Question deferred)

ABOLITION OF TENDER BOARDS

Eng. Muriuki: Mr. Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Does the Government intend to abolish the Central Tender Board and the District Tender Boards through Legal Notice No.51 dated 30th March, 2001?

(b) Who will be performing the functions of those boards if they are abolished?

The Assistant Minister for Finance and Planning (Mr. Marrimoi): Mr. Speaker, Sir, I beg to reply.

(a) The new procurement regulations do not provide for the Central Tender Board and District Tender Boards.

(b) Regulation 6(3) under the Exchequer and Audit Act, and Public Procurement Regulations, 2000, provide that every procurement entity shall establish a tender committee in the manner set out in the First Schedule. Each public entity is, therefore, required to establish a tender committee consistent with the

regulations. Those committees will take over the roles that were previously played by the Central Tender Board and the District Tender Boards.

Eng. Muriuki: Mr. Speaker, Sir, the effect of implementing this small book is to remove all the checks and balances that existed until now in the public tendering system such that, if it is the parastatals, you remove the board of directors and empower the managing director and one or two officers. If it is the Ministries, you remove the Central Tender Board and empower the Permanent Secretaries only. At the district level, instead of allowing the Members of Parliament, and other people who work on behalf of the public, to be there, you remove them completely so that you leave only the DC and one or two officers. Could the Assistant Minister tell us what is the real aim of removing whatever semblance of transparency we had until now, in the public procurement procedures?

Mr. Marrirmoi: Mr. Speaker, Sir, this is one way of trying to check all the loopholes which existed. As far as that is concerned, for example the county councils at the district level, the Members of Parliament and chairmen of county councils are there. So, the Schedule is here and you can go through it.

Eng. Muriuki: On a point of order, Mr. Speaker, Sir. This document is saying that Members of Parliament are not there! Could the Assistant Minister be clear? He should read the Schedule because that is what it says!

Mr. Marrirmoi: Mr. Speaker, Sir, Members of Parliament are not reflected in the document. But that does not bar them from attending any tendering meeting.

Mr. Sambu: Mr. Speaker, Sir, the Exchequer and Audit Act has been in existence for quite some time. What has necessitated the new regulations under the Act, which will now bar all Members from participating in the awarding of tenders? Would this not create secrecy in the awarding of tenders in public corporations and the Government?

Mr. Marrirmoi: Mr. Speaker, Sir, as far as that is concerned, I know that Members of Parliament used to attend in order for such meetings to have quorum, before tenders were awarded. But it has become a problem because most Members of Parliament, and you are aware of that, delay the tendering process!

Mr. Sambu: On a point of order, Mr. Speaker, Sir. The hon. Assistant Minister has made a very serious allegation against hon. Members of this House, as members of the District Tender Boards. Could he substantiate the fact that tenders have not been awarded because Members of Parliament have not attended the District Tender Boards?

Mr. Marrirmoi: Mr. Speaker, Sir, hon. Members know that they delay the operations of tender boards. Even the records attest to the fact that tender board meetings fail to take off due lack of quorum arising from non-attendance by Members of Parliament.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead the House

that Members of Parliament have caused delays in the award of tenders? Are Members of Parliament members of the Central Tender Board?

Mr. Marrirmoi: Mr. Speaker, Sir, some [Mr. Marrirmoi]

hon. Members are members of the Central Tender Board. Ministers are also Members of Parliament.

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. There is a question of law here. The Local Government Act provides that local authorities operate through full council meetings. The resolutions of such councils are the ones that are respected. The Assistant Minister is now saying that tenders will be awarded by clerks to councils, the same people who have stolen local authorities' money. Local authorities have collapsed because of appointment of clerks to councils. The Assistant Minister is saying that clerks to councils will be the final authority in the award of tenders, and that councillors will just watch as they make decisions. Is this not a violation of the law?

Mr. Speaker: By the way, Mr. Kajwang, that is a question and not a point of order.

Dr. Kituyi: Mr. Speaker, Sir, the authors of the Exchequer and Audit Act, in their wisdom, believed to have blocked people who were going to pilfer public resources. When they prepared that Act, they knew that it would take time to award tenders. If they wanted things to be done easily, they would have authorised a single person to award tenders; that would be the easiest way. It is not good enough to come and tell Parliament that the new procedure is better because it allows for tenders to be awarded quickly. What drove the Minister for Finance to use the back door to amend the law and remove checks and balances purportedly to make it easier to award tenders when that contravenes the very requirement of safeguarding against the corruption that has pervaded the Government? Could the Assistant Minister answer the question, or go back and get somebody who can understand these things to come and answer it?

Mr. Speaker: Order! Order!

Dr. Kituyi: Mr. Speaker, Sir, the Assistant Minister has not answered any question correctly so far!

Mr. Speaker: Order! Order!

Dr. Kituyi: Mr. Speaker, Sir, could the Assistant Minister be kind enough as to proffer a more acceptable argument?

Mr. Speaker: That is very well, Dr. Kituyi, but you must withdraw the bit that your colleague does not understand English!

Dr. Kituyi: Mr. Speaker, Sir, I have not said anything about English but if you heard me say so, so be it. If I said that the Assistant Minister does not understand English, I withdraw it; but could he now say what has necessitated this breach of the principles of auditing?

Mr. Marrirmoi: Mr. Speaker, Sir, the auditing principles have not been breached. The decision has been taken to streamline the process of issuing tenders in the Government. The new provision does not vest the responsibility of awarding tenders to individuals. Maybe, it is only that Members of Parliament are not included in the tendering process. So, it is true that this thing---

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

Mr. Speaker: Order! Order! Mr. Assistant Minister, did I understand you to, at one stage, say that the granting of tenders has been delayed because of the absence of Members of Parliament, and that they have refused to attend tender board meetings? You are now saying that Members of Parliament are not members of tender boards. How do non-members contribute to a quorum? Could you take one stand? Are Members of Parliament members of tender boards or are they not?

Mr. Marrirmoi: Mr. Speaker, Sir, they are members, and initially tender board meetings could not take place without their attendance. So, that is the issue. Otherwise, Members of Parliament are members of tender boards.

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

Mr. Speaker: Proceed, Mr. Murathe!

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

Mr. Speaker: Order! Order, hon. Members! I have recognised Mr. Murathe!

Mr. Murathe: Mr. Speaker, Sir, I seek your guidance on this matter. I think it is perfectly possible for us to bring a Motion here and revoke the Minister's order on this issue since it is contained in subsidiary legislation. Because we feel that the Minister's order is irregular, we should probably bring a Motion to revoke his subsidiary legislation.

Mr. Marrirmoi: Mr. Speaker, Sir, I disagree with him!

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. We seek protection from the Chair. We have struggled very much to grant the Assistant Minister the benefit of understanding the issue at hand, but he is now stepping out of his mandate and ruling on matters that are for the Chair. Could you protect this House from an Assistant Minister who does not know the limits of his mandate?

Mr. Speaker: Mr. Marrirmoi, who told you that you can rule?

(Laughter)

Mr. Marrirmoi: Mr. Speaker, Sir, I am sorry.

Mr. Maundu: On a point of order, Mr. Speaker, Sir. This is a very important Question. The Question is so fundamental that, if it is not properly [Mr. Maundu] answered, we will get into a problem. Even your own point

of order has not been answered. Why does the Assistant Minister not go back and bring us a correct answer or allow his Minister to handle the Question so that the House can be clear on this matter?

Mr. Marrirmoi: Mr. Speaker, Sir, I disagree with the hon. Member. He cannot belittle me! What I have given is the correct answer. I have tried to explain that hon. Members of this House have caused their own removal by the Minister from tender boards. Even county council chairmen---

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

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

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

Mr. Speaker: What is it, Mr. Nyachae?

Mr. Nyachae: Mr. Speaker, Sir, you can see from the mood of the House that the Question has not been answered satisfactorily. Could we request you to rule that the Assistant Minister goes back, consults with his boss, the Minister for Finance, and comes back with a proper answer?

Mr. Speaker: I so order!

(Applause)

Mr. Katuku: On a point of order, Mr. Speaker, Sir. You have made a ruling that is very crucial to this House, but the Assistant Minister seems not to have understood your ruling. So, could you communicate your ruling to the Minister for Finance through another Minister and not through this Assistant Minister?

(Laughter)

Mr. Speaker: Order! Order! Mr. Katuku, if this were not our last day before breaking for the short recess, you know what would have happened; that is very true. You have escaped. So, please, do not be frivolous again.

Let us proceed to Dr. Ochuodho's Question.

REVIVAL OF CIVIL SERVANTS UNION

Dr. Ochuodho: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) What steps has the Ministry taken to ensure that the on-going trade union elections are free and fair?

(b) Is the Minister aware that some General Secretaries are colluding with Labour Officers to rig the elections?

(c) What arrangements have been put in place to re-launch the former Kenya Civil Servants Union and enable it to participate in the on-going elections?

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry has issued firm instructions to all the field officers, who are mandated by the Registrar of Trade Unions to supervise the elections, to ensure that those seeking elective posts adhere to their respective trade union constitutions.

(b) I am not aware.

(c) The matter of re-launching the former Kenya Civil Servants Union is already with the Government, awaiting the decision of the Cabinet.

Dr. Ochuodho: Mr. Speaker, Sir, I have two sets of answers, one signed by the Minister and another one signed by somebody on his behalf. The first answer says it is with the Cabinet. The second one says the matter was dismissed by the court. However, be that as it may, my major concern is about the glaring rigging of the on-going trade union elections. I will lay on the Table three documents. One relates to the Railways Workers Union, the Printing and Allied Workers Union and the Sugar Plantation Workers Union. In the case of the Railways Workers Union the High Court, sitting in Kisumu on 27th April, made a ruling that there should be no national delegates congress before three weeks expire. The Secretary-General said that he had not given notice. However, there are reports that on 3rd May, 2001 - less than three weeks later - they were already registered as new office bearers. Either they misled the court, in which case they should be charged with contempt of court, or they held a Kangaroo election which, unfortunately, was registered. The elections were purportedly held on Sunday and registered on Monday at 8.00 a.m. I will also table minutes showing that there are many corrupt deals that took place as recorded in many of the unions. I also will table a letter from the National Treasurer to the Registrar of Societies protesting those results. Is the Assistant Minister satisfied that the Railways Workers Union, the Plantation Workers Union and the Printing and Allied Workers Union elections were held fairly? In the case of the Printing and Allied Workers Union, I have also a copy of the letter from the Registrar of Societies that they were registered on 24th April while the purported election took place on Sunday, the 22nd. Is he fully convinced that there has been fairness in the elections of these unions? I beg to lay these documents on the Table.

(Dr. Ochuodho laid the documents on the Table)

Mr. Ethuro: Mr. Speaker, Sir, I am satisfied that the elections for the three unions were [Mr. Ethuro] fairly conducted. I do not see any problem with the registration taking place two days after election. That demonstrates efficiency.

Mr. Ndicho: Mr. Speaker, Sir, there seems to be a problem between the Government through the Ministry of

Labour and Human Resource Development and the trade unions. The Ministry seems to be determined to take over the running of trade unions. This is evident in Thika where there are very many factories, especially textile industries. Is the Assistant Minister aware that the Textile Workers Union changed their constitution without the knowledge of the members? They amended a clause which stipulated that if a member wanted to vie for the position of Secretary-General he or she had to pay Kshs10,000. They hiked it to Kshs80,000 so that members who wanted to vie for that position found it impossible to do so. This was an alteration from the original constitution. Now that I have made him aware, what will he do about it? Could he nullify the Textile Workers Union election because of that constitutional anomaly?

Mr. Ethuro: Mr. Speaker, Sir, I am not aware of the changes in the constitution of the Textile Workers Union. If the hon. Member is convinced that those changes adversely affected the outcome of the election, then I would like him to know that there is an arbitration process. I cannot just nullify elections right away.

Mr. Speaker: Order! Time is up! All Questions hitherto not dealt with are deferred.

DIVERSION OF MT. KENYA RIVERS

(Mr. Kiunjuri) to ask the Minister for Water Development:-

(a) Is the Minister aware that there is excessive diversion of water along the Mount Kenya rivers of Nyariginu, Teleswan, Sirimon, Likii, Nanyuki, Bangurite and Tigithi which flow down stream to Laikipia East Constituency?

(b) What immediate action is the Minister taking to stop this diversion?

(Question deferred)

DISCONNECTION OF POWER SUPPLY

(Mr. Sungu) to ask the Minister for Energy:-

(a) Is the Minister aware that the Kenya Power and Lighting Company is currently disconnecting power supply to numerous households in Nairobi under the guise of installation inspection, whereby numerous meters have been fraudulently declared "tampered with."?

(b) How many such meters have been replaced since this exercise commenced?

(c) What is the total cost of those meters?

(Question deferred)

REINSTATEMENT OF THIKA MUNICIPAL WORKERS

(Mr. Ndicho) to ask the Minister for Local Government:-

(a) Is the Minister aware that the Magistrate Court, Thika, High Court and Court of Appeal in Nairobi ordered that 37 workers of Thika Municipal Council who had been illegally sacked be reinstated?

(b) Is he further aware that the Government ordered the reinstatement of the same workers three weeks ago?

(c) Why are the 37 workers still locked out despite the Court's and Government's orders that they be reinstated and paid in full their salaries and arrears.

(Question deferred)

MOTION FOR ADJOURNMENT

ADJOURNMENT TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Vice-President (Prof. Saitoti): Thank you, Mr. Deputy Speaker, Sir. I beg to move the following Motion:-

THAT, this House do adjourn until Tuesday, 5th June, 2001.

As I move this Motion for Adjournment, let me commend all the hon. Members for having passed a very historical Bill. I refer to the Constitutional Review (Amendment) Bill which, in essence, has been able to bring a much more unified approach in matters relating to the Constitution.

Mr. Speaker, Sir, it is our hope, therefore, that once assent has been given to this Bill, the Commission will move at a high speed to be able to [**The Vice-President**] put the machinery in place and to ensure that Kenyans will be afforded the necessary opportunity to express their views as to what type of Kenya they would want to have in future.

There is no doubt that, in reviewing the Constitution, what is uppermost in our minds is the fact that this country will continue to enjoy the spirit of freedom and justice, and much more important, to strengthen the necessary institutions that will ensure that there will be more checks and balances. In essence, the very objective of the constitutional review is that we have a better Kenya for posterity which will be better for them than it is today. I remind the hon. Members to know that whatever we are doing here, we do not do it for ourselves alone, but we do it

for the future generations. Let me also remind hon. Members that the constitutional review process is a democratisation process which never ends. It is continuous because societies are dynamic. Let it also be understood that within the process, there will be events. Those events will happen and they should not stop the constitutional review process. I have heard many hon. Members express fears as to what will happen if the term of this House ends before the constitutional review process is completed. Although the issue will be discussed then, let us understand that the constitutional review is a democratisation process and it must continue. An election is an event. In fact, the most unfortunate thing in this country is that every time there is an election pending, then we must think of the Constitution. That has been the wrong way of understanding what a democratisation process is because that process will continue and it is not in any way governed by elections. Elections are events in the democratisation process. It is not possible for the constitutional review process to end by the time of the election. But be that as it may, should it happen that the Review Commission does not finish its work by then, the event which is in place will continue. There may be those who are misguided. I can see some of them grinning around. But let them understand that fact, that a process is not the same as an event.

Mr. Speaker, Sir, I do believe that the short recess we will have will afford us an opportunity to go and consult with the people we represent here on the most pressing issues. There is the issue of the Budget. Let us understand that the Budget which will be presented here will be as a result of consultations right from the districts, with the objective of poverty reduction, based on the Medium Term Expenditure Framework (MTEF). I was surprised to note yesterday when the final document of the Poverty Reduction Strategy was being discussed by the stakeholders at the conference, there were very few hon. Members. I hope you will be able to understand that document.

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

The Minister for Information, Transport and Communications (Mr. Mudavadi): Mr. Speaker, Sir, I stand to second the Motion. I take it that the impression that seems to be coming from the Members tends to suggest that they, indeed, look forward to this short adjournment. First of all, I want to reiterate the position taken by the Leader of Government Business, that the most important decision the House has made in the last few days is to facilitate the merger of the two parallel reform processes, so that we now have one process. We hope that all the acrimony that has been associated with the deliberations and antagonistic positions taken can be placed behind us and we can successfully embark on a very serious and peaceful

constitutional review process. I also think it is important that we do recognise that the state of the economy is, indeed, in very dire straits. We have been posting negative growth and it is important that we have a collective approach in ensuring that we reverse this downward trend in the economy. Therefore, it will be important that Members are able, during this particular period, to take cognisance of the kind of comments and actions that will help to foster an appropriate economic environment. I say so because if the political environment continues to be volatile, no matter how good a financial statement maybe worked out in terms of figures and numbers, it will be very hard and impossible to start on the path of economic recovery. Therefore, the utterances or comments that we will be engaged in must be those that will not in any way send a signal that the country is in turmoil and is not ready to---

Hon. Members: It is your colleagues!

The Minister for Information, Transport and Communications (Mr. Mudavadi): Whether it is my colleagues or others, the point is being made. We would like to forge ahead and be able to help our people, because the level of poverty, as we all know, is extremely serious and very high. None of us is finding it easy at all as Members of Parliament when we go back to our constituencies, because the crowds of people and the number of cases that are coming forward for assistance and more so, when it all boils down to some level of financial assistance are completely overwhelming and we cannot accommodate all of them. So, it is important that we work extremely fast to ensure that the economy can recover.

I would also like to urge Members that when we do come back, it will be important that we take some due consideration of the various Bills that will be before the House and be able to deal with them expeditiously. This is so, because many Bills [**The Minister for Information, Transport and Communications**] are still lagging behind. We would like to have a situation where Members can be considerate when making contributions to these Bills so that they can be brief but concise and, indeed, incisive, so that decisions of this House can be carried through. Although it is the right of Members to talk even for three or four days, that is upto them. But I think it is important that there is some level of understanding that, if that is going to be the attitude taken by any Member who is contributing to a Bill, then we shall not be able to complete the important role that we have to play and that is, legislation, and indeed, getting all our sectoral and departmental aspects moving forward.

Mr. Speaker, Sir, with these few remarks, I beg to second. I wish Members a pleasant recess.

(Question proposed)

Mr. Munyao: Thank you, Mr. Speaker, Sir, for, at least, seeing me. I am not speaking on behalf of the Official Leader of the Opposition, but I am speaking in my

capacity as the Secretary-General of DP. From the outset, I oppose the Motion that this House goes on recess. My position is supported by the Leader of Government Business and his Deputy, who agrees that we have got so much business to transact. We have got over ten Bills to be discussed by this House. We have got Motions which have been approved by this House. This afternoon we had 14 Questions, but we only managed to handle seven. Where are we going when we have got so much? How can we let this country down?

The Vice-President (Prof. Saitoti): On a point of order, Mr. Speaker, Sir.

Mr. Munyao: No! We have no time, you cannot do it!

Mr. Speaker: Order! Order, Mr. Munyao! Please, cool down! It is the right of every Member to rise on a point of order and no Member on the Floor has a right to reprimand the Member standing.

The Vice-President (Prof. Saitoti): On a point of order, Mr. Speaker, Sir. Because the hon. Member has referred to me, I have acted duly in accordance with what this House desired. As the Leader of Government Business, I tabled before the House the timetable of our parliamentary business and his party is represented in the House Business Committee.

Hon. Members: Sit down!

Mr. Speaker: Order! Order! Order, Members! There is really nothing to be excited about. Whether or not you go for recess, it is not the tempers that will decide. It is your reasoning and vote. So, please, make that decision slowly, rationally and respectably.

Proceed!

(Applause)

Mr. Munyao: Mr. Speaker, Sir, I wish I could get my time. But even the Leader of Government Business accepts that there is nowhere to go. We do not have to go for recess to discuss the constitutional review process. We have done all we can do about the Constitution. Where do we go in this country when there is so much famine, insecurity and when there are no roads for Members to drive on? Where are we going? Is the Government going to provide helicopters for Members to use? Even the Minister of State, Office of the President in charge of Internal Security cannot tell us where to go.

(Mr. Haji stood up in his place)

Mr. Speaker: Order! Order! Order, Members! This is a timed debate, I do not want unnecessary points of order!

Proceed!

Mr. Munyao: Thank you, Mr. Speaker, Sir. I will vote for you so many times because you are very reasonable!

(Laughter)

Mr. Speaker, Sir, one of the reasons advanced by the Leader of Government Business on why we should go for recess is that, we are going out to educate our people and inspect development projects. This country has got no money for projects. Which projects are we going to inspect? We are ready to come back for the Budget Speech, but which budget can be done on an empty Exchequer? The country is broke. Are we being asked to go out and tell Kenyans not to raise revenue? I will totally oppose this Motion of Adjournment at this point, because the period we are going for recess, whether it is two or four weeks, we need to justify what we have been earning. We are paid to sit here and discuss Bills. We have seen Cabinet Ministers avoiding to come to this House in order to give clarification on points of order raised by hon. Members, which are so crucial; like the one which was raised yesterday by Ms Karua. We were all waiting to hear why our friends in Embu and Meru are being tortured, but the Attorney-General is trying to avoid answering it, hence running away from the duties of this House. When shall we ever be serious? Mr. Speaker, Sir, also, the other day it was directed by the Chair that any time--- The Leader of Government Business should be told to inform Ministers and Assistant Ministers that they should be coming here to reply to Questions. I have already been on record on that matter, and I recognise the Leader of Government Business. Can you now tell **[Mr. Munyao]** him, as we go on recess, to organise a seminar for hon. Members so that they know that they have got a duty to reply to Questions in this House?

I stand to oppose the Motion because there is nowhere we are going to.

The Minister of State, Office of the President (Mr. ole Ntimama): Thank you very much, Mr. Speaker, Sir. I know that time is limited. Last year on the Floor of this House, I stood and made a proposal - which I directed to the Minister for Finance, Mr. Okemo, that I thought that it was proper and advisable to establish a Budgetary Committee with statutory powers. Definitely, that committee would be monitoring and conducting an overview in the way of distribution of resources. That has been my subject for the last six months because I think it is important that a Budgetary Committee be established with statutory powers and, probably, be an integral part of our Constitution when we come to frame it. This is in order for it to do a fair and just distribution of resources.

A nation is like a family. It has got the head of the family, the mother and children and, normally, the head of the family and the mother would like to see that everybody gets enough food. I am saying that it is better for us to try and spread the cake evenly - whatever it is - so that those areas at the periphery, that have been historically and geographically excluded; those that have been discriminated against by the colonialists, can develop. Even if there is any

development that has been realised in some of the pastoralist areas, it is, definitely, minimal and a token.

(Applause)

We would like to see some of those areas being uplifted; the people who are backward should be pulled ahead to catch up with the others. We have a very weak till as a nation, and we need basic necessities of life and services; education is very important. I said yesterday at the Kenya School of Monetary Studies that pastoralists and other vulnerable groups, even those in the poor urban areas, have lost the 20th Century. It is a lost Century, as far as we are concerned. We have not seen the light of the day. I do not know whether the 21st Century is going to bring in a proper agenda of development for some of the areas.

So, I am only saying that when we remodel the Constitution, the question of distribution of public resources should be supreme so that the Government and some other authorities are not blamed for favouring other areas and discriminating against others. This is because we are all Kenyans and we need to develop our areas. It is unfair when we do not have good roads which we can use to move our barley or potatoes to the markets. When we talk about it, some of my friends even criticise me. What would I say? Those are the people whom I represent, and I had to talk about the poor state of roads because it is important for them to get good roads. We are now discussing poverty eradication. I would like to call it properly; "poverty alleviation." I do not know of any nation which has eradicated poverty altogether. The only thing to do it is by developing some of the areas, like the infrastructure, so that people can move their produce and take them to the market. Many people, even hon. Members from the KANU side, have spoken about the fact that pastoralists have no market outlet for their livestock products, and that has caught up with us. I mean, if we cannot sell our livestock, we cannot get the cash to buy food. I think that those are things that must, definitely, be looked into. This is because that is important, since the livestock industry is our livelihood. It is our economy, and if it is not developed, we are doomed, and we become irrelevant as far as this country is concerned and, probably, irredeemable.

So, I want to make it very clear that in future, we should have a Budgetary Committee with statutory powers and, probably, integrated into the Constitution of this land, so that everybody will have a fair and just distribution of what is our national cake. Without them, some children are going to be emaciated, and they might end up dying without being known where they are because they are on the fringes of the society.

I beg to support the Motion.

Mr. Raila: Thank you, Mr. Speaker, Sir. I rise

to support the Motion because I am always consistent. The question of adjournment of the House today was discussed at the House Business Committee, of which I am a member, and it was passed unanimously. That is why I am surprised that a whole Secretary-General of the Democratic Party of Kenya, whose Chairman was present when that issue was passed, would oppose it.

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

Mr. Speaker: Order, Mr. Munyao!

Mr. Munyao: I spoke as Mr. Munyao and not as the Secretary-General of the DP!

Mr. Speaker: Order, Mr. Munyao! I think it is about time you lowered your temperature. Please, do so. Last time, I protected you from Mr. Haji.

Proceed, Mr. Raila!

Mr. Raila: Mr. Speaker, Sir, I am equally surprised to hear Mr. ole Ntimama speak the way he is speaking because I would have expected that would be the speech that he should be making in the Cabinet, when he was talking about unfair distribution of resources.

[**Mr. Raila**]

(Applause)

It is true that the national cake has not been distributed very fairly, but we should be concerned with the expansion of the national cake, instead of talking about distributing peanuts or what does not exist. That is why I am more concerned, because this recess is meant to enable the Minister for Finance to go and prepare the Budget. So, we would like this time the Minister for Finance, as he goes to prepare the Budget, to prepare one that addresses the serious issue of expansion of our economy. We need to expand the national cake.

This country is an agricultural country, and it is time that we turned the clock round and made our agriculture work again. We need to address the key issues that have made sectors of tea, coffee, cotton and others to collapse. We need to ensure that those sectors grow. We also want the Government to address the serious issue of industrialisation. Our industries have collapsed in the face of liberalisation. When we are talking of being industrialised by the year 2015 or 2020, we cannot at the same time continue to kill the very few industries which we have been built at great cost to the taxpayers of this country. That is the reason why we must look at that issue of opening up the screws. We must not allow that. We should come up with certain measures that will enable our local and infant industries to grow. This country used to manufacture shoes, but Bata Shoe Company has collapsed, and we have gone in favour of imported *mitumba* shoes from outside, thus killing the labour force that was employed at Limuru. Our textile industries have collapsed because of *Mitumba*. We need to address these issues. The Minister should also address these issues when preparing his Budget so that when he comes

here he brings us a Budget that will ensure that the economy of this country expands and grows.

Mr. Speaker, Sir, today we had lunch with the President of Botswana and he told us that the Botswana economy will expand during this financial year and grow by 10 per cent. He said that they have managed to attain a steady growth of 9 per cent over the last ten years. Botswana is also an African country and most of it is arid. It has only diamonds and cattle; nothing else. Despite that, they have been able to get a vibrant economy that is growing. Why can the Maasai, therefore, not be self-sustaining with the cattle that they have? Why can North Eastern Province not be booming with the cattle, goats and camels that they have? We want the Minister to address this issue when he comes here next time. Let us not put too much resources in security and intelligence when we should be channelling them towards education, poverty eradication and providing medicine for our people.

With those remarks, I beg to support.

Mr. Nyachae: Thank you, Mr. Speaker, Sir. It is appropriate that we support the Motion because we must give the Minister for Finance a chance to prepare the Budget and policy statements to indicate which direction the country will go, in terms of reviving the economy. I would not like to comment on the economy today because we will wait and see what the Minister will bring to this House.

As we adjourn today, how many hon. Members in this House are actually free to go out and meet their electorate? That is the question we should be asking ourselves. We are adjourning to go and be harassed out there. There is no freedom in this country. Members of Parliament are not free. Chapter 5 of the present Constitution talks about freedom and all sorts of things which a citizen is entitled to. I have heard the Leader of Government Business talk about the review of the Constitution. Even if you reviewed the Constitution and you do not respect it, instead, you throw it through the window and impose decrees, it is of no use. Right now we are being managed by decree. The police are ordered on what to do and they do not follow the law.

I refer to Section 26 of the Constitution which says that the Attorney-General has the powers and nobody has a right to direct him. Is the Attorney-General taking instructions or not? We have heard him being given instructions. Is he advising the police, these Ministers or the President that they should follow the Constitution? What are we being told to go and do out there? Right now we are talking about the economy collapsing. Hon. Members are trying with the little effort they can to raise funds at Harambees. They are being stopped from helping their own people with the little money that is available. They cannot even build schools or hospitals. They cannot even collect money for a sick

person who is detained in hospital because the police will not allow them. Then we are told we are in a free country.

I want to refer the Attorney-General and the Leader of Government Business to Cap.5, Sections 71-80 of the Constitution. You should ask yourselves: "Is this being observed by the police and the Government?" I want to refer the Attorney-General to Section 26 of the Constitution. Let him tell us whether he actually follows that Section. The Public Order Act was amended in this Parliament. Section 5 of the Public Order Act states clearly what the police must do. All I have to do is to go to the police and simply notify them that I will hold a meeting. All that I need to do is to comply with this requirement at least three days before my meeting and if the police have any security issue, they will

[Mr. Nyachae]

call me and we will discuss it. This is not happening.

As regards Harambee, the Public Collections Act states quite clearly that you should notify the local chief and not the police or anybody else. The local chief will object if you are declared bankrupt, that is, somebody who is trying to collect money fraudulently to put it in his pocket. Otherwise there is no provision in the laws of this country which stops anybody from organising a public collection. What is the source of these laws which are being applied by the police to stop Harambee meetings? They are not in our Constitution. I would like to ask the Government that from today, please let us be free.

I support the adjournment.

Dr. Kituyi: Asante Bw. Spika, kwa kunipa fursa ili nichangie Hoja iliyo mbele yetu. Kwanza ningetaka kuipinga kabisa Hoja hii ya kusema tunahitaji likizo ili tumpatie Bw. Waziri wa Fedha fursa ya kuandika Bajeti. Yeye haandiki Bajeti. Shirika la Fedha Ulimwenguni (IMF) na watumishi wa serikali ndio wanaofanya kazi yenyewe. Hata kama Waziri wa Fedha ndiye anayeandika Bajeti, sasa hivi hayuko hapa ndani. Jambo hili limetuudhi namna gani? Hatuhitaji Waziri wa Fedha awe hapa ndani ili tuendelee na kazi yetu. Ni ulaghai mtupu kumueleza kwamba tunampatia fursa ya kuandika Bajeti. Haina maana.

Kuna shida tatu katika taifa letu. Katika lugha yetu tunasema: "Ukiona panya anatoka kwenye shimo wakati wa mchana, jua kwamba amevamiwa na siafu." Bw. Raila aliuliza: "Mbona Bw. ole Ntimama alisema hivi?" Panya ametoka kwenye shimo wakati wa mchana kwenye kiangazi. Amevamiwa na siafu kule ndani!

(Laughter)

Kiongozi wa Shuguli za Serikali Bungeni ametueleza turudi nyumbani tuwaeleze wananchi kuhusu mambo ya Bajeti. Tutaenda kuwaeleza mambo gani? Tutawaeleza ya kwamba mmetayarisha tena kukopa shilingi bilioni tano kulipia yale ambayo muliahidi na hamukuweza kufanya. Mnataka tuwaeleze wananchi wa Kenya mambo hayo? Nimemsikiza Kiongozi wa Shuguli za Serikali Bungeni akisimama hapa na kuteta, kusema tuchukue fursa

hii ili tuende katika maeneo yetu ya uchaguzi. Pengine yeye anafaa aende, ingawa anasema Bw. ole Muyaa yuko huko. Lakini wengine wetu tunaenda kila mwishoni mwa wiki na hatuhitaji kufunga Bunge ili tuende huko. Tunadhuru heshima yetu kama Wabunge. Raia wamesikia kuwa tumetoka likizo juzi na huku tunasema kuwa tunachukua likizo ili tuende katika maeneo yetu ya uchaguzi. Huwa unafanya nini Ijumaa hadi Jumatatu? Wengine wanaenda Ulaya, lakini wengine wetu tunaenda katika maeneo yetu ya uchaguzi. Siufahamu mwelekeo wa kusema kwamba wakati umewadia wa kurudi katika maeneo yetu ya uchaguzi.

Sijasikia hata jambo moja la maana likisemwa kueleza ni kwanini tunachukua likizo wakati huu. Kamati Andalizi ya Mjadala ya Bunge inaelekeza fikira kwamba pengine ni vizuri tuchukue likizo wakati fulani. Hiyo Kamati haina uwezo kuliko Bunge hili.

Na kulingana na sheria zetu, sisi wafanyakazi, Hoja hii ambayo iko mbele yetu sasa ndiyo itaamua. Sio yale yamependekezwa na Kamati ambayo tumeibuni sisi wenyewe. Kama Serikali haiwezi kutuonyesha jambo la maana ambalo linaonyesha kwamba lina maana kwa wananchi, Wabunge au kwa Waziri wa Fedha vile Kiongozi wa Shughuli za Serikali anasema eti tuchukue likizo, haina maana. Mazingara sasa ni mwafaka kujihusisha na mjadala kuhusu fikira za kuendeleza na kukarabati uchumi, kukarabati tabia za viongozi na kukarabati tabia za polisi na hata yale matusi yanayotoka kwa Mawaziri wengine. Haya mazingara sio ya kuenda nyumbani sasa eti unaenda kuonyesha wananchi mabadilisho ya Katiba yako hivi na mabadilisho ya uchumi yako hivi. Wakati huu ni kusema tabia mbovu tuilaani na kwa vitendo tuilaani, hasa wakati huu wa masika ya siasa mbaya. Haya majira mabaya wakati watu wanaanza kupata woga eti ukisema Rais asiendelee baada ya mwaka ujao, unaogopa pengine utashikwa. Huu ni wakati wa kuwa hapa ili mmoja wetu akishikwa tuje tuwalaumu hao.

Tukienda nyumbani yafaa tuwe tunajua kwamba zile tabia za kihimla huwa zinaenea kabisa. Sasa Mbunge wa Upinzani ambaye anapendelea sana Serikali hii itoke mwaka ujao akipiga kura eti turudi nyumbani ni kama mbata mzinga akisherehekea kwamba wakati wa noeli umefika. Hii ni kwa sababu yeye ndiye ataumizwa na Mhe. Madoka hatakuwa hapa kueleza ni kwa nini askari wamepiga Mhe. Mbunge fulani. Ingawa sasa wanapiga lakini wanaogopa kidogo kwa sababu kesho yake Mhe. Madoka atawauliza: "Mbona mnanipatia aibu kwa sababu naulizwa Maswali na mengine siwezi kujibu?" Hata kama ni kudanganya kwa niaba ya Serikali itakuwa vigumu kuendelea kudanganya. Imedidimia kidogo. Sasa ni kwa nini tujifunge mikono eti turudi nyumbani?

Bw. Spika, kumekuwa na swali moja hapa la maana sana - kubadilisha sheria za kutoa kandarasi za

Serikali. Kama tunaenda likizo sasa kwa wiki tatu, hiyo gazette notice itakuwa imekomaa na sasa ni sheria. Lakini sisi tunataka kutumia Bunge hili kua zile fikira mbovu ambazo zililetwa hapa na Waziri Msaidizi wa Fedha kuhusu kubadilisha njia za kutoa kandarasi. Kwa nini kama tuna jukumu kama hilo wenyewe tuseme tunataka kuenda kuona wananchi na tueleze mambo ya Bajeti halafu tuende nyumbani? Hii ni kwa sababu tumekuwa na mila za **[Dr. Kituyi]**

kufanya hivyo wakati hatuna kazi ya maana.

Ninapinga.

The Assistant Minister, Office of the President

(Mr. Haji): Bw. Spika, nakushukuru kwa kunipatia nafasi hii ili nichangie Hoja ambayo iko mbele yetu. Mimi ninasimama nikiunga mkono ya kwamba ni wakati unaofaa sisi kwenda likizo ili tutangamane na wananchi, hasa wale ambao wametuchagua. Si Wabunge wote ambao wanaweza kuenda katika maeneo yao ya kuchaguliwa na kurudi wakati wanaotaka kwa sababu sehemu zingine ziko mbali na nafasi ambayo unapata labda ni nusu siku. Hupati hata siku nzima. Kama mimi ninatoka pahali panapoitwa Ijara umbali wa kilomita 1,000 kutoka hapa. Nikitoka hapa siku ya Ijumaa ninafika Jumamosi. Nafasi ambayo niko nayo tu ni Jumapili na Jumatatu ni lazima nirudi ili niwe hapa Bunge.

Bw. Spika, ninataka kumpongeza Bw. Raila kwa kutueleza ya kamba haya maneno yamezungumzwa na Kamati inayopanga mipango ya Bunge na imekubaliana ya kwamba ni vizuri watu waende likizo. Ni jambo la kushangaza sana kusikia baadhi ya marafiki zangu wakisema ya kwamba kwa sababu kuna njaa na umasikini, hawataki kuenda nyumbani. Wanatakikana wajue kwamba kazi ya kiongozi si kuja kukaa hapa Nairobi na kunywa maji baridi na kuenda kwenye hoteli nzuri kula chakula. Ni vizuri tuende tukutane na watu, tuwe na njaa kama wao na kile kitu kidogo ambacho tunacho tuende tule nao. Kama tutatoroka wananchi kwa sababu ya umasikini wao, basi hakuna Mbunge yeyote ambaye anafaa kukaa hapa. Ni vizuri ajiuzulu na aende nyumbani.

Bw. Spika, si hayo peke yake. Tumepitisha Mswada ambapo wananchi walikuwa na hofu kubwa sana juu ya urekeshaji wa Katiba yetu. Tunajua ya kwamba watu wamegawanyika kwa vikundi mbali mbali. Ni bahati njema, kama kawaida, wananchi wa Kenya hasa viongozi ambao wako hapa na wasiokuwa hapa, wameona umuhimu wa kuunganisha kamati ya Bunge na ile ya Ufungamano ili tuwe na kamati moja ambayo itaendesha mambo ya Katiba. Kwa hakika, wakati huu ndio unaofaa tuende kwa wananchi tuwaeleze kwamba sisi viongozi tumeungana na tumekubaliana ya kwamba tutarekebisha mambo ya Katiba. Sio kuja kukaa hapa tu peke yake.

Bw. Spika, jambo la tatu ni kwamba ningetaka kutoa maombi mahsusi kabisa kwa Waziri wa Fedha ya kwamba wakati Bajeti inatengenezwa mambo ya KMC yafaa yaangaliwe vizuri sana. KMC ni muhimu kama kahawa ilivyo muhimu kwa watu wa Mikoa ya Kati, Bonde la Ufa na sehemu nyingine. Ni muhimu kama vile majani

chai yalivyo kwa sehemu nyingine za nchi hii. Tunajua ya kwamba sehemu kubwa ya Kenya ni jangwa. Hata Waziri wa Kilimo ni lazima afanye kazi yake. Juzi kule Uingereza kulikuwa na taabu ya ugonjwa wa kichaa cha ng'ombe. Wanyama wengi waliwaua na sisi hatukufaidika. Juzi tena kulikuwa na huu ugonjwa wa miguu na midomo na wanyama wengi waliuaua. Badala ya sisi kuenda kutafuta soko kwa wananchi ambao wana mifugo yao ili waweze kuuza katika sehemu za nje, watu wanakaa tu hapa Nairobi. Tungetaka Wizara ya Kilimo iamke na ihakikishe kwamba inatafutia watu wetu soko. Na sio hiyo peke yake, yafaa KMC pia ifufuliwe. Kama sio hivyo, mimi nataka kusema hapa wala sio nje kwamba juzi wakati wa ukame tuliona ng'ombe waliletwa hapa Nairobi na walikuwa wanakula majani katika maeneo ya watu. Kesho, kama hatuwezi kupata soko ya ngamia tutaleta ngamia, na watakula majani chai na kahawa. Hii ni kwa sababu hawana kitu cha kula bali huwa wanakula hiyo mimea.

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

The Assistant Minister, Office of the President (Mr. Haji): Huu ni mzaha! Tafadhali, tulieni!

Mr. Speaker: Order, Members! Could I give a general guidance? Unless there is really a serious breach of order or of the Standing Orders, I do not intend to allow Members to stop others in this very short-timed debate. So, please, do not interrupt debate. It is SDP's time now. Mr. Katuku!

An hon. Member: Mr. Katuku is not here. You should be referring to Mr. Mboko.

Ms. Karua: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, Ms. Karua! It is the business of the Chair to regulate debate in this House and in doing so, I must reach out to all political parties represented in this House.

Ms. Karua: But what about DP's chance?

Mr. Speaker: Order! I will see you out! Is that okay? I do not want to get involved. I do not know what has upset the fair lady, but I will plead with her to please respect her colleagues and the Chair. I do not want to get involved in all this. Mr. Mboko!

Mr. Mboko: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. From the outset, I oppose this Motion because we have other matters which are more important to this nation than going home.

I remember last year, when we went for Christmas holiday, we left many Bills pending, which have affected our economy and the relationship between us and our development partners. I would like to say that our development partners cannot give us money because these Bills have not been passed. I would like to point out that we have the Kenya Anti-Corruption Authority

Bill, which this House---

(Loud consultations)

Mr. Speaker: Order, hon. Members! Order! Could we give audience to the hon. Member on the Floor? You may disagree with him, but he has a right to address the House. Proceed, Mr. Mboko!

Mr. Mboko: Mr. Speaker, Sir, we have got very important Bills in this House which need to be discussed before we go on recess. I would like to point out that these Bills are the prerequisite for any donor aid to this country. I do not see the happiness we will have as a nation by going to see our constituents, whom we visit every weekend; constituents, whom by an Act of this Parliament, we are given mileage allowance to visit every week. I would like to inform this House that any hon. Member who does not visit his constituency is not qualified to get mileage allowance.

Mr. Speaker, Sir, I would like to say that we have got the Anti-Corruption and Economic Crimes Bill and the Public Service Code of Ethics Bill which are tied to the release of any aid money to this country. It is very important if we oppose this Motion all of us as a nation and hon. Members of this House and, first of all, give priority to these Bills. I would like to say that last year the Leader of Government Business campaigned for the adjournment of the House, but little did he know how dangerous it would be to this nation.

[Mr. Speaker left the Chair]

[Mr. Deputy Speaker took the Chair]

We need to put our house in order. We do not want to go home for any purpose. We were there for three months and we should be here until we finish the important business of this House.

Mr. Deputy Speaker, Sir, I would like to say that Members on the other side of the House and our side are having problems in their constituencies. I would like to say that we passed Bills in this House--- I would like to point out that we allocated money in this House towards the control of HIV/AIDS, but no money has been released to combat or even to explain the dangers of HIV/AIDS in our constituencies. I would like to say that the money which was allocated to the Ministry of Health by this House was shifted to the Office of the President. We know that the role of the Office of the President is to co-ordinate these activities, but not to implement. I would like to inform this House that the money that goes to the Office of the President is wasted, because a lot of it lies there idle and it is not used for the benefit of this nation. I would like to point out that a lot of money in the Office of the President is in turn used against us, as hon. Members of Parliament.

(Applause)

Mr. Speaker, Sir, cases of money being taken by the Office of the President from the District Treasuries are rampant. You will find that money which belongs to other Ministries is taken by the DC for security operations, which do not exist. You will also find that some civil servants in the districts have become the biggest guzzlers of public funds and yet, they do not do anything, they just visit their girlfriends. You will find a District Officer travelling from morning to evening, and if you ask him to tell you what he has been doing since morning, he will not tell you anything. In fact, it is high time these offices were scrapped.

I would like to say that we are in dire need of water and development in my constituency. I would like to say that the money which was supposed to develop Kibwezi is being delayed by our development partners because of the Bills which I have named above. Therefore, for the benefit of this nation, this House should not adjourn.

On security, there has been rampant insecurity along Mombasa Highway. I would like to say that all motorists who use that road have been mugged and carjacked, but the Minister of State, Office of the President in charge of Internal Security has done nothing. This Minister only comes here to tell us what he is supposed to do and yet he does nothing.

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

Mr. Badawy: Ahsante sana Bw. Naibu Spika. Nimetazika kwa kusikia maoni ya wale Wabunge ambao wanaunga mkono jambo la kwenda likizo na wale ambao wanalipinga, ninaona kwamba mwongozo mzuri ungekuwa ni kuheshimu ile nia tuliyonayo ya kulipatia uwezo Bunge hili kujipangia mipangilio yake ya kalenda. Huo ndio mwelekeo ambao ninadhani Tume yetu ya Parliamentary Service Commission itachukua. Maoni ambayo yametolewa kwamba tusiende likizo sasa ni huru na ni maoni ya wale Wabunge ambao wameyatoa. Labda kwa kuheshimu yale mapendekezo ambayo kila Mbunge alipatiwa mapema sana, ingekuwa ni njia nzuri kama mapendekezo hayo yangejadiliwa kupitia kwa wale Wabunge ambao walituwakilisha katika ile Kamati ambayo inahusika. Hata hivyo, kwa Wabunge wengine kama mimi, jambo la kwenda au kutoenda likizo tukizingatia kwamba tunarudi kukaa katika Kamati tofauti tofauti hapa halina maana sana.

Bw. Naibu Spika, ninachukua nafasi hii ili nitoe shukrani zangu kwa niaba ya watu wa Malindi na watu waliofikwa na mkasa katika sehemu zingine za Pwani kama vile mkasa wa Sabaki ambao ulitokea hivi majuzi. Ningependa kusema kwamba tuliona moyo wa huruma; tuliona moyo wa

[Mr. Badawy]

kusaidiana kutoka pembe zote za Kenya kutokana na mkasa ule.

Nikisema hivyo, ninakumbuka Hoja iliyoletwa hapa kwamba tuwe na nidhamu, utaratibu na mipangilio

ya kukabiliana na maafa. Ningependa kusema kwamba maafa yaliyotokea Sabaki ni mfano mmoja mzuri sana; kwamba taifa hili bado halijaweza kukabiliana na maafa. Hata kama tuna wataalamu, wakiwa wanajeshi wetu au watu binafsi waliojitolea, iwapo maafa yanatokea na hakujulikani ni vifaa gani vitapatikana wapi kwa wakati unaotakikana, ni dhahirisho kwamba hatujaweza kukabiliana na kupambana na maafa. Ningependa kusema kwamba roho ambazo zingeokolewa kwa siku moja zilichukua siku tatu kutolewa kutoka kwa bas la kwanza, mpaka walipotolewa, wote walikuwa maiti. Pia, ningependa kusema kwamba, vile tunazungumza hapa, bas la pili bado halijatolewa kutoka kwa bahari. Kwa hivyo, hii ni dhahirisho kwamba bado hatujaweza kukabiliana na maafa.

Ningependa kusema kwamba ni muhimu sana kwa taifa hili, kulingana na hali ilivyo sasa ya maafa yanaolikumba kila siku, kila wilaya kuwa na kamati iliyokamilika; kamati ambayo inaweza kuwa na vifaa na wataalamu wa kukabiliana na maafa.

Bw. Naibu Spika, sioni kama msemo wa "poverty eradication" ni tofauti sana na ule tuliokuwa tunausia kwa "Social dimensions of development". Tumeuacha msemo huo na sasa tumeingilia huu mwingine. Sijui huu msemo utaendelea hadi lini kabla hatujaingilia mwingine.

Ningependa kusema kwamba kila wilaya, jimbo na mkoa una shida zake. Shida kubwa inayoikumba taifa hili na ambayo imesababisha umaskini ni watu kushindwa kufanya kazi zao za jadi. Kwa mfano, mvuvi hawezi kufanya kazi yake sawasawa na akifanya hana pahali pa kuuza samaki wake. Pia, mkulima wa maembe hawezi kufanya kazi yake sawasawa kwa sababu hata wadudu wale ambao wanaingia katika koko la maembe - na ndio sababu embe la Malindi na la Mkoa wa Pwani linakataliwa katika soko za nje - hatuna wataalamu wa kutoa mawaidha na njia za kuondoa matatizo kama yale. Hayo ndiyo matatizo tulionayo.

Ningependa kusema kwamba kazi ndogo ndogo ambazo zinastahili kufanywa na wananchi wenyewe hazijachukuliwa na watu wengine wilayani Malindi tu. Leo, hata Nairobi, ninawasikia wezangu wakilalamika kwamba Wahindi wanafanya kazi tofauti tofauti ambazo zinaweza kufanywa na Wakenya. Ningependa kusema kwamba hali ni mbaya zaidi katika Mkoa wa Pwani, na hayo tumeyasema mara kwa mara, hali tunaendelea kusema kwamba tunataka kuondoa umaskini. Tutaondoa umaskini namna gani ilhali zile kazi ambazo ziko, watu hawana nafasi ya kuzifanya?

Bw. Naibu Spika, sisi watu wa Pwani tunalia sana ili tusaidiane na Mawaziri, lakini wana madharau makubwa sana juu ya Mkoa Pwani. Hata wakati ambapo Waziri mmoja au Mawaziri wawili wanakuja na kutuhakikishia sisi Wabunge na wananchi kwamba wataliondosha tatizo ambalo wamehakikisha kwamba linaumiza uchumi na kuharibu shughuli za utalii, baadaye wanakwenda kwao na kuliacha likiwa kama shughuli za kuleta uhushiano mwema.

Bw. Naibu Spika, Waziri anayehusika na mambo ya barabara alikuja hapa kukagua sekta ya barabara kutoka

Kilifi hadi Vipingo na akasema kwamba kwa muda wa wiki moja, barabara hiyo ingetengenezwa. Waziri wa wa Utalii, Biashara na Viwanda, alifuatia na kutoa ahadi kama hiyo hiyo, lakini mpaka leo, barabara hiyo iko katika hali ile ile.

Bw. Naibu Spika, miradi imejaa Pwani. Si kiwanda cha korasho pekee ambacho kiko huko; kuna kiwanda cha bixa, Malindi Airport, barabara ya Taveta-Gariseni mpaka Wito na vile vile barabara ya kutoka Kaloleni mpaka Mariakani. Hiyo ni miradi tupu kabisa kutokana na madharau Mawaziri wanaowaonyesha wakazi wa Mkoa wa Pwani. Tunaenda kwetu kuwaambia watu yale mambo ambayo tunastahili kuwaambia na tutawaambia.

Kwa hayo machache, naunga mkono.

Mr. Kariuki: Thank you very much, Mr. Deputy Speaker, for giving this opportunity to contribute to this Motion. I rise to oppose this Motion because it is most unfortunate, unwarranted, uncalled for and inappropriate.

Mr. Deputy Speaker, Sir, this is the wrong time for us to proceed on recess. We have been here for barely six weeks and there is so much work to do that we should have continued doing it. We are becoming a very lazy nation led by a very lazy and tired Government, that is so irresponsible and does not want to do its work. We reduced our working days from six to five days and we are telling Kenyans that we want to work hard in order to boost our agriculture, industry, tourism and so on. But we are not demonstrating that spirit by working hard. If anything, we are telling our people that we want to be a net spender rather than a net producing nation. It is bad to be a nation of beggars and that is what we are telling Kenyans to be so that we can live on hand-outs from Bretton Wood institutions; donors and friendly countries. This is awkward! We have to be ashamed of ourselves as a nation. It is unfortunate that when we should be working hard and serving the nation, we want to go for holidays and relax. We are going home during a time when our people are suffering in the rural areas from poverty, the HIV/AIDS scourge and the roads are in a very dilapidated state. Everything is in chaos due to poor governance, corruption *et cetera*.

[Mr. Kariuki]

Mr. Deputy Speaker, Sir, it is a shame for this Government, which should be serving Kenyans and helping them through profound policies and programmes--- It is instead concentrating on looting, grabbing and literally demonstrating a picture of rivalry, burglary and stealing. This is most unfortunate. I believe that this is the wrong time for us to condone what the Leader of Government Business is proposing; that we proceed on recess. If anything, we should be working extra hard and even extend our working days. We are being accused by the public of having given ourselves

fat salaries, when we only work in the afternoons and one full working day; Wednesday. We should extend our working days so that we have full working days from Tuesday, Wednesday and Thursday and we should work from 8.00 a.m. to 6.00 p.m. so that we can show Kenyans that we are a serious working nation and Parliament.

Mr. Deputy Speaker, Sir, it is unfortunate that the Opposition has been blamed for all ills done by the Government that does not seem to know what it is doing. In the first place, it has created a very poor relationship with IMF and World Bank. The Government did not comply with the conditionalities that were set. If anything, they are just lamenting and grumbling that IMF and World Bank have put stringent conditions, whereas they are the ones who are not complying with those very acceptable and implementable conditionalities.

When you are told to reinstate the Kenya Anti-Corruption Authority (KACA) and put in place a proper code of conduct, the Government is just dilly-dallying and wasting time as though the World Bank and IMF do not know what it is doing. This Government can cheat us once, but it cannot cheat us every day. It has cheated Kenyans for 23 years and it is trying to tell us to help it in cheating. We shall not do that. Those who are in the Government will be grilled alone and will be answerable alone. They will be removed by Kenyans alone and we shall take over that Government in due course, when Kenyans realise that they have been cheated enough.

Mr. Deputy Speaker, Sir, as we are talking here now, our brothers are languishing in remand homes. Messrs. Manyara and Kamanda are languishing in remand homes for things they never did and this Government is trying to fabricate charges against innocent Kenyans who have done nothing.

Mr. Maundu: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has touched on a very serious matter which is before court. The rules of this House are very clear on matters that are in court. We are not allowed to comment on them. I think we should just stick to our rules.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! We all know that the matter is before court, but he is not discussing the merits or demerits of the case. He is merely making a statement or the fact about the case.

Mr. Kariuki: Thank you very much, for your protection, Mr. Deputy Speaker. I hope my honourable friend is not trying to canvas for a position in the Cabinet because there is none. But if he insists---

Mr. Maundu: Mr. Deputy Speaker, Sir, I am not campaigning for anything, but he is also not canvassing for a seat, but making an alarmist statement!

Mr. Deputy Speaker: What is your point of order then? Proceed, Mr. Kariuki!

Mr. Kariuki: Thank you very much for your protection, Mr. Deputy Speaker, Sir. I would want to appeal to this Government to be more stable and not to be punitive and to harass one community for ills that the community has not done. We have all rights to assemble like Kenyans because other tribes do it and we have to do it. We shall continue doing it because it is our birth right since we belong to this country.

Mr. Deputy Speaker: Who are "we"?

An hon. Member: GEMA!

Mr. Kariuki: I am one of them! GEMA!

Mr. M.A. Galgalo: Thank you, Mr. Deputy Speaker, Sir for giving me this opportunity to contribute to this Motion of Adjournment. First and foremost, we are grateful that, at long last, we have passed the hurdle of constitution-making process. At long last the Ufungamano Group has seen the light of the day. We hope that by next year we will have a good Constitution and a level playing ground. I foresee that we will still be in the Government.

Mr. Deputy Speaker, Sir, I am alarmed by the fact that the Minister for Finance has decided to change rules with regard to the Budget and which is one of our major constraints with the World Bank and IMF. May I say this: We recorded a growth rate of 0.8 last year and we cannot move forward because we cannot get support from donor agencies. One of these constraints was that the Government should regularise and streamline procurement procedures. I am afraid that we have gone back and said that these matters will not be done by a DC or PC, but by the Permanent Secretaries without involving others. This is pushing transparency upwards. I do not think the Minister for Finance is right to do that kind of thing. I am finding it very difficult for us who come from Arid and Semi Arid Lands to understand how the Poverty Reduction Strategy Programme (PRSP) can help the people of our region. I just do not know when projects start [**Mr. M.A. Galgalo**] and when they stagnate.

Mr. Deputy Speaker, Sir, we have the African and Growth Opportunity Act (AGO), which gives us three quarters for cotton while this country is not growing sufficient cotton. I remember the British Government came forward and said that they were going to support Bura Irrigation Scheme and they hardly did it in 1986. Today, we have not seen any change.

Mr. Deputy Speaker, Sir, the other thing that I want to say here is that there are too many Asian and Chinese restaurants and a result too many Asians are getting work permits. There are so many Asian and Chinese employees---

An hon. Member: And hawkers!

Mr. M.A. Galgalo: Yes, and hawkers! Jobs which should be done by Kenyans are being done by Asians. Who issues these work permits and why? How do you fight poverty if you are giving our jobs and

opportunities to outsiders? I hope Maj. Madoka will take up the matter and make sure that issuance of work permits for Asian and Chinese is scrapped. Unless they are investors, there is no reason why they should be provided with work permits. There is no reason why a hotel worker should be given a work permit. We have many people who are employable but cannot get employment. We are even retrenching civil servants. So, the idea of giving work permits to Asian hotel workers should cease.

Mr. Deputy Speaker, Sir, I am a pastoralist. We were told to liberalise the beef industry. The sugar-cane growers were also told to liberalise the sugar industry and now there have been a lot of sugar imports into this country. Could we, please, put a halt to liberalisation until we study and understand the social consequences of this liberalisation?

With those few remarks, I support the Motion.

Mr. Michuki: Thank you, Mr. Deputy Speaker, Sir, for allowing me to have this opportunity to contribute to this Motion. This is a very important Motion from any point of view. It reminds me of a lot of my past experiences.

As we sit here and pre-occupy ourselves with so many other things, the Kenyan economy is very sick. Indeed, I wonder whether the aid it would get from intensive care would be enough to revive it. We have already been warned by no person other than the Permanent Secretary, Ministry of Finance, that this country will face a deficit of Kshs100 billion in the next financial year. We, in the Departmental Committee on Finance, Planning and Trade know that currently, the deficit is not very far from that figure for the year which is just about to end. It, therefore, reminds me of the head of a family who has a sick child at home, a child that, although being attended to by a doctor, requires the presence of the parent, but the parent prefers to go on leave and leave the sick child in the hands of a stranger, a doctor. This is exactly what we are doing. We know for certain that, unless and until we pass the laws which are required such as the Kenya Anti-Corruption Authority Bill and the Public Service Code of Conduct Bill, no money will be given by the donors. We are abandoning that responsibility to go on a holiday when we know the "child" cannot even be saved through intensive care by a stranger, a doctor. Even that doctor is unwilling to remain with the "child" on his own.

Therefore, are we being fair to the people of this country by denying them the opportunity to get resources as quickly as possible, by going on holiday instead of following up the money that is required? That is one aspect of the matter that I wanted to raise here. In any case, we already have too many holidays. We are, as it has just been said, behaving as if we are so rich that we can afford even to abandon work on Friday afternoon. This is what we are teaching our people to do.

Therefore, it seems as if this Government does not care. We were given the STABEX funds on very clear terms and because the Government does not like the area

into which this money was supposed to be invested, it has sat on it for ten years, and the coffee industry has collapsed as a result. Therefore, is it fair that we should go on recess?

Mr. Deputy Speaker, Sir, we have the Donde Bill which we have not even looked at since it was rejected by the President. As a result a lot of money is being taken away from our people.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): Thank you very much, Mr. Deputy Speaker, Sir, for giving me an opportunity to support the Adjournment Motion. It is important that we go home to our constituents and talk to them so that when Parliament reconvenes next time, we will have something to talk about here.

There are a few things that I would like the Government to take into account. The money that we spend on famine relief food annually is over Kshs10 billion. Even in areas such as Turkana District, West Pokot District or even Ukambani, where people may require relief food, this money does not help them. This is because continuing to give them famine relief food does not offer a permanent solution to food shortage. We should initiate irrigation projects in those areas so that these people can produce their own food. If we planned to spend Kshs10 billion in North Eastern Province in one year, Kshs10 billion in Turkana District the following year and Kshs10 billion in Ukambani on irrigation projects, in five years, this country will be self-sufficient in food. But [**The Assistant Minister for Education, Science and Technology**]

we shall continue to give people famine relief food which does not assist in the long run while that money would have gone into better use.

Mr. Deputy Speaker, Sir, I want to raise the issue of the Kenya National Assurance Company (KNAC). Sometimes we appear to be insensitive to people's suffering. The KNAC went under receivership in 1996. To date, KNAC is being managed by a receiver manager. When the Minister for Finance himself says that we are trying to privatise the KNAC, he does not offer any solution. The KNAC was a fully Government owned company with no other shareholder and the Government is not broke. If you own a company where you have in excess of 1,000 employees and that company goes under receivership and you have other companies and you are still liquid, it is wrong to say that you should wait until you sell the assets of that company to pay the workers. Since the owner of that company and the Government are not broke, the Minister for Finance should look for money to pay the workers who were there, many of whom cannot pay school fees for their children. Their children have been sent home from school. Some of them have died and many of them are suffering and yet, the Government is not broke. The excuse that we are going to sell the assets or we have not

found a viable buyer for this company in order to pay the workers is wrong. The employer is not broke and he can raise the Kshs300 million required to pay the workers. The employer then, who is the Government, can at his own time, sell the company or not.

Mr. Deputy Speaker, Sir, roads in this country must be improved. We are talking about improving the economy, and just giving it lip service. Areas like my area are very productive. It has a lot of coffee, tea, cotton and everything else, but the roads are impassable. When you talk about investors, we are not talking about foreign investors. There are many people from my own constituency who would like to cultivate and improve farming in the area. But because the Meru-Mikinduri Road is impassable, who will cultivate the land? They would rather stay in Nairobi and do something else like managing a small kiosk, instead of farming. They know that during the wet season, when they are supposed to plant and weed, they cannot go home.

Mr. Deputy Speaker, Sir, what surprises me is that the Meru-Mikinduri Road was surveyed for tarmacking in 1989! After that time, there are so many roads which were not even surveyed then, but which have been tarmacked! I do not understand why! I know that I am in KANU and the Government, but I want to tell those who can move things to have that road tarmacked!

With those few remarks, I support the Motion.

Ms. Karua: Thank you, Mr. Deputy Speaker, Sir. I rise to oppose the Motion. Something interesting is happening on the Government side. Apparently, Members of the Government do not talk to each other, but come to talk to each other through the forum of the House. Listening to contributions by two or three Members of Government, we realise that we could be operating through a dictatorship where the Cabinet never meets. We are hearing Members of the Government asking the very same Government that they belong to, to do things that they could have done in-house.

Mr. Deputy Speaker, Sir, it does appear that this Motion of adjournment is ill-timed. There are very important points that have been raised; Questions directed to Ministers, which are yet to be answered. Why should we go on recess when we need urgent answers? The Attorney-General has run away from my point of order which I raised yesterday, to know whether it is the official Government policy to have double standards in application of the law; to harass Members of the Opposition and particularly, DP, for utterances in public meetings, while Members of the Government are literally getting away with murder!

Mr. Deputy Speaker, Sir, it is very disappointing that the Attorney-General is purporting to conduct business of the House through correspondence. What is even more disappointing is that the Chair has, kind of, allowed the Attorney-General to do that!

Mr. Deputy Speaker: Order, Ms. Karua!

Ms. Karua: Mr. Deputy Speaker, Sir, I will re-

phrase that! We would like the Chair to intervene and ensure that Ministers, the Attorney-General especially, do not conduct the business of this House through correspondence. He must face up his responsibility and answer Questions. If he has nothing to say, he should tell this House so!

Mr. Deputy Speaker, Sir, we need to be in this House to discuss important issues of human rights of our constituents and Members of Parliament. We have a right to assemble and associate, and the Government has no right to intimidate Members of the Opposition. I am inviting the Government, if it is serious about arresting any more Members of the Mt. Kenya Parliament Group, not to threaten us! We are not invisible! Come for us! We are here! Let us not hear idle threats! It is disheartening that the police and the National Security Intelligence Service (NSIS), who are funded by the taxpayer, have become a campaign tool for a clique in the Government.

In my view, it appears that we are having a Government of cowards, which cannot withstand **[Ms. Karua]**

stiff opposition. That is why Members of the Opposition are currently being harassed. The message is: We are not going to relent! Look for other methods! You can break public rallies, but are you going to close down the churches where we attend and go for fund raising meetings? What are you going to do about that? Are you going to ban us from public funerals? We are not going to stop associating. You are fighting a battle that you cannot win. Your time is running out and very soon, you will be on these Opposition Benches! But we assure you that you will be treated with the dignity that any Kenyan deserves. We are not going to have a Government that does not respect even its own Constitution.

Mr. Deputy Speaker, Sir, the Government has been telling the World Bank and the International Monetary Fund (IMF) that Members of Parliament threw away The Anti-Corruption and Economic Crimes Bill. That is not true. The Government grew cold feet and refused to table the Bill for discussion. We are now being asked to go on recess, instead of discussing the Bill. The Government is hoping that we shall quickly pass the Bill without looking at it. I would want to tell the Government that, what happened to the Industrial Property Bill should be a pointer. Members of Parliament are not ready to have Bills rushed without going through the relevant stages, including the Committee stage. We better remain here and not go on recess, so that we can have enough time to go through those Bills.

Mr. Deputy Speaker, Sir, we are celebrating the merger of the two parallel constitutional review programmes. But we are celebrating too early. One of the issues in the memorandum of understanding has

been breached by the Government. Democratic space is being taken away and grabbed by this Government. That is why rallies and Harambees by Opposition Members of Parliament, especially from the Mt. Kenya Region, are being broken up. I do not know what the Minister in charge of internal security has to say. Probably, that is why he would support recess so that he does not have to answer those pertinent issues. We need answers; to know what law is being applied, when our legitimate political activities are being---

With those few remarks, I beg to oppose!

The Assistant Minister for Education, Science and Technology (Mr. Awori): Thank you, Mr. Deputy Speaker, Sir. I want to support this Motion. To oppose this Motion on the pretext that we need to remain here and carry out the business of this House is being economical with honesty. How many times? What day passes in this Parliament without the quorum Bell being rung? Surely, if we are serious with the business of this House, we would not suffer at all from lack of quorum. A lot of time is wasted in this House because there are not enough Members of Parliament to carry out business. The very people who are opposing this Motion are usually the first to disappear from this House. It is necessary that we should go back to the constituencies, even though we go there every weekend, to see all the constituents, and discuss with them the various things that we require.

Mr. Deputy Speaker, Sir, the Deputy Leader of Government Business brought up the question of the economy; the need to strengthen our economy. That is a cry that is common in both sides of the House. It is necessary that we combine our efforts to do so. We are talking of reduction of poverty. I will confine myself to that, in my own constituency. I want to thank the Government for bringing up the question of the revival of the cotton industry.

Perhaps I can advise that the way it is being done needs to be improved. You do not revive the cotton industry by merely supplying free seeds. We need to have a full package, starting from clearing of bushes, supplying good seeds, addressing the question of insecticides, building storage facilities, rehabilitating the ginneries, and having the money to pay farmers for their cotton. We need a full package. If we just give farmers free seeds, we are going to fall into the same problem. There are going to be farmers with cotton without anybody to buy it. So, I want to agree with my friend, Dr. "Kaliech" Omamo, who mentioned in one of his meetings the other day that it is not good enough to provide farmers with seeds. We want to have a full package.

Mr. Deputy Speaker, Sir, again, talking of my own constituency of Funyula, we have got a lake that we must exploit. There is fish in that lake, but we need funds to build jetties and improve the beaches so that we can introduce new methods of fishing. We now want to update the boats and the canoes that we have been using so that we can have

proper boats that can go out a long way. In order to do that and get the full benefit of the fishing industry, we have to, again, thank the Government for the plans it has got in building the roads leading to fishing areas. I am happy to note that the Japanese Government has agreed to finance the road that leads from Bumala through Funyula and Port Victoria to Migori. This is something I want to thank the Government for. If the Government improves the infrastructure in that area, we will exploit the resources of the lake. I would also like to thank the Government for having brought in the money that is helping to rehabilitate feeder roads. There is now a great deal of improvement in my constituency. Women are now able to take their products to the markets.

We need to go back to our constituencies for two or three weeks so that we can encourage the **[The Assistant Minister for Education, Science and Technology]**

jua kali sector participants. We are aware of the difficulties of unemployment at this stage. We know that our system of education has helped to bring about technicians. We have wood and metal workers. What we need now is to give those people the skills of running their businesses.

Mr. Deputy Speaker, Sir, I support the Motion.

Mr. Kibaki: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

First and foremost, whether we go for recess or not, the Government has a responsibility to put into use the resources we have given it to maintain security countrywide. In the whole country, there is no place which is safe. Really, if the Government cannot maintain security, it has no duty pretending that it can govern. *Kwa hivyo, kama Serikali imeshindwa na kazi ya utawala, inafaa iondoke mamlakani!* Why should we pretend to have a country without security?

Secondly, there is a lot of pretence by the Government that the Opposition is joining those who have refused resources to be granted to this country. That is not true. The true position is that we support the conditions that have to be met by the Government before those resources can be availed. Those conditions were earlier on agreed upon between the International Monetary Fund (IMF) and the World Bank on the one hand, and the Government on the other. If you consider those conditions, you will realise that they are the sensible things to be done by any country that is genuinely being well managed economically.

Mr. Deputy Speaker, Sir, for some reasons, the Government does not want the fight against corruption to be won. Let those in the Government own up. There is no point in trying to hide the truth. Everybody knows what those in Government are saying privately. So, they should not think that we do not know that they do not want corruption to be fought. We want corruption to be

fought. So, instead of us going for recess, we should deal with the Bill that seeks to entrench the Kenya Anti-Corruption Authority (KACA) into the Constitution. The Bill has been published and has matured for debate. Why are we not dealing with it? Why does the Government want to wait until June to enact that Bill into law, yet it wants the World Bank and the IMF to release the funds they have withheld? We plead that all those Bills be debated and enacted into law instead of us proceeding into a recess.

The privatisation of Telkom Kenya is one of the conditions given by the IMF and the World Bank before the release of the funds in question. Except for a few people in Government with vested interests, everybody else is for the privatisation of Telkom Kenya. So, the Government should not pretend that the condition to privatise Telkom Kenya is a difficult one. Who does not want the privatisation process to go on speedily? Everybody wants it to happen. The conditions that have been given by the World Bank and the IMF are meant for the proper maintenance of this country's economy. Every nation that borrows internally forever always collapses.

This country is now on the verge of over-borrowing internally. The interest rates are going to start going up again. The Government has promised to reduce internal borrowing so as to check interest rates. If the Government does not do so, this country's economy will never get revived. These are factual things. We are, therefore, calling upon the Government to stop pretending that there are some hindrances to implementation of the agreements it had reached with the World Bank and the IMF, so that those institutions can resume lending to Kenya.

Mr. Deputy Speaker, Sir, whether we go on a recess or not, I would like to appeal to the Government to stop importing sugar. It is shameful that some people here, who pretend to be the Government, are growing fat from the proceeds of imported sugar when about six million Kenyans are being impoverished and, therefore, being made unable to pay school fees for their children due to flooding of the local market with cheap imported sugar.

Some people in the Government refuse to pay tax for imported sugar and still pretend that they are committed to poverty eradication. That is absolute nonsense. Why should the Government condemn six million people to poverty when they are supposed to be prosperous, by destroying the sugar industry? We should not destroy the sugar industry. We cannot wait to see the industry destroyed and pretend to be helping Kenyans to survive. We cannot be helping our people that way.

Mr. Deputy Speaker, Sir, we would like the Government to declare primary education free for every child in the country. It is a big shame that children in the poorest parts of Kenya are being sent away from school. They are being denied chance to education. All we are doing is pay salary to teachers, and nothing more. It is a great shame that the Government continues to pretend to be for the welfare of Kenyans when half of the country's children

are being denied their right to education as the Government allows schools to send them home for lack of fees. Some children are from families that live on famine relief supplies, and yet they are expected to pay school fees. Can they pay? The Government distributes famine relief food to the families from which such students come, and yet it sends them away from school to collect fees. That is a big shame. We had better declare primary school [Mr. Kibaki] education free to all children.

Mr. Muturi: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to add my voice to this Motion.

It was earlier on suggested that hon. Members should have attended the poverty reduction campaign discussions, which were held yesterday. A problem seems to be quite common here. Meetings are called and Members of Parliament expected to attend them without communication being extended to them to that effect only for them to come here and be blamed.

Mr. Deputy Speaker, just this afternoon, some allusions were made to the fact that hon. Members have been causing delays in the deliberations of the District Tender Boards (DTBs). It was just last month when the Attorney-General stood here and read out some circulars, purportedly dated 30th March, 2001 from the Ministry of Finance saying hon. Members are not members of the DTBs. One is left wondering who we should believe in matters of law. Should we believe circulars from Treasury or what the Attorney-General says here? It is important for this House to adjourn for three weeks.

Mr. Deputy Speaker, Sir, I am at a loss. Sometime back in 1999, this House passed the Kenya Roads Board Act. According to that Act, it was very clear that every constituency was to receive Kshs5 million from the Fuel Levy Fund by the end of this financial year. During the recess that followed the passage of that Act, we went out and preached that message to our constituents. We told them that will be able to do our small roads because this coming financial year, we will be controlling some Kshs5 million. We did this, not as hon. Members, but as leaders in our respective constituencies. As we speak and as we come to the end of this financial year, not a single constituency has received more than Kshs1 million. Even the Authority to Incur Expenditure (AIE) in the constituencies has not been given. When we go on recess our constituents will ask us what became of that money. The roads in many constituencies are impassable. The rains experienced recently have further damaged the same roads which were supposed to be taken care of with Kshs5 million. It is just the other day that we were talking about the Poverty Reduction Strategy Paper (PRSP) being factored in the Budget.

Even as the rains drew closer, the Government never exhibited any plans to supply farmers with seeds. After the rains had come for about two three weeks, you go to the district headquarters and you are asked to make arrangements for farmers in your constituency to be supplied with seeds. Is there a Ministry of Agriculture, Livestock and Rural Development or not? If this Ministry is serious, it must have a planning department which should know when farmers should be given seeds, if at all they will ever be given. It should be part of the Government plan that if they will supply farmers with cotton, maize or bean seeds, to do so in good time.

Mr. Deputy Speaker, before I finish my contribution, I would like to say something about the constitutional review process. It is alright that we celebrated the passage of the Constitution of Kenya Review (Amendment) Bill recently. It has been said in the past, but I think it is important that I add my voice on this, that those who will serve in the Commission must know that they do not represent any particular organisation. Even as we speak here, we have seen Commissioners hovering around with purported security.

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

Dr. Omamo: Mr. Deputy Speaker, Sir, hon. Members who have opposed this Motion have put forward very weighty arguments that are quite convincing in my opinion. It only shows that hon. Members have a lot in common. What both the supporters and opposers are saying is very much in common. I have decided to support this Motion for one reason; because I am being given an opportunity to go back to my constituency and explain to my voters some historical things that have taken place in this House. One of them is the new terminology brought in our books called the "merger". This refers to the merger between the Parliamentary Select Committee and Ufungamano Initiative. There is need to explain this terminology to the constituents for them to know exactly what the Parliamentary Select Committee and the Ufungamano Initiative are talking about. This is because it is a new history in Kenya. It is a new history that will give Kenya a new Constitution. The Commissioners from both sides of the political divide; the Parliamentary Select Committee on one side, and the Ufungamano Initiative on the other, will merge and give us a Constitution that will serve this generation and be helpful to posterity.

Mr. Deputy Speaker, Sir, I am also supporting this Motion for another reason; that it will give the Minister for Finance an opportunity to know how to share as equitably as possible the national cake. This has been mentioned by various hon. Members. The backbone of our economy is still agriculture. Time and again, we have asked the Government to have a positive change from rain-fed agriculture to irrigated agriculture. Let me hope that the Minister for Finance will take this proposal seriously. We would like to see something really done to help this country

boost agricultural production. Irrigation will ensure that the livestock in North Eastern Province and other areas will have plenty of water. As a result, we will make sure that **[Dr. Omamo]**

livestock do not die just because of lack of drinking water. Livestock keeping forms an important sector of the agricultural economy. If you look at the different components in the agricultural sector you will find that most of the enterprises are going to the dogs. The coffee, sugar, cotton, and cashewnut industries have gone to the dogs. In fact, most of our industries are collapsing and going to the dogs. It is important that the Minister for Finance puts a halt to this by allocating finances properly so that we resuscitate production of these very important crops. When I think of the sugar industry in particular, I cry for the sugarcane farmers. There is need to inject the necessary capital to improve sugar production at Muhoroni, Miwani, Nzoia, Sony factories so that we resuscitate the industry.

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

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Thank you, Mr. Deputy Speaker, Sir. I wish to support this Motion, out of tradition rather than substance. We need to clarify that going on recess is not going on holiday. It is actually going to be a bit busy. But one month coming from home and going back, surely, you do not have much to tell your people. I do not think there is any magic in the word "merger". Those people understand it. I hope the Parliamentary Service Commission will change some of these outdated traditions. We do not need these many recesses. I think the business of parliamentarians is to be in Parliament and articulate the issues of the day. Unless somebody was schooled before he came to Parliament, this is the last time to learn.

Mr. Deputy Speaker, Sir, one of the major issues from where I come is that of famine. We have received some rain, but that can only make the place look green. But it will not result into food production. It is very easy for many people to confuse that and think that there is enough rain and that they should stop famine relief. Famine relief is not good, but it is the only alternative we have at a time of food insecurity. I agree with Mr. Karauri that the Kshs10 billion used on relief food should be used for irrigation. But in the meantime, let us provide relief food as we look for money to do irrigation, roads and develop the water supply systems. That will be the long-term measure. But for the time being, and in my submission, until the end of this year, we will still need a lot of relief food for some of these pastoralist areas.

Mr. Deputy Speaker, Sir, the second issue I would like the Government to address is that of insecurity. When we opened this Parliament, we almost turned the Chamber into a battlefield between the

Pokots, the Marakwets and Turkanas. We do not want to go and fight during this recess. We would like the Government to intensify security along the border. We would like the Government to ensure that the highway between Kapenguria and Lodwar is passable. As it stands now, there are times when people cannot travel between Lodwar and Kitale. Knowing that our main supply of foodstuff is from Kitale, our good neighbours; the Pokots, have made that road a bit impassable. Although I think we are going to talk more, I appeal to leaders from these communities that we need to sit and talk to our people. Let us use this recess period to convince our people that they should not engage themselves in these outdated practices.

Mr. Deputy Speaker, Sir, I want to share the mood of the House particularly on the police. Even me as an Assistant Minister in the Republic of Kenya, I was stopped by the police from holding a Harambee for the office of the assistant chief. It is completely embarrassing. So, it is not just a matter of the Opposition. I think the police have gone berserk! I am in KANU by choice and not by default. I had the fortune of being the only Member appointed an Assistant Minister by His Excellency the President from Turkana District. If the police cannot respect that, who do they respect? The police cannot defend my people from the marauding Pokots, they are busy trying to prevent me from helping my people. That has to stop and I have raised objections with the highest office in the land. We cannot compromise on the security of our people or on the business we came to do here. I think the Opposition should not belittle us. When Mr. ole Ntimama speaks about pastoralism, it is not a matter of *siafu na panya*. These areas have been neglected, historically and by all Governments. Time has come when leaders from these areas should speak with one voice; that we demand development for our people.

Dr. Kituyi: On a point of information, Mr. Deputy Speaker, Sir.

The Assistant Minister for Labour and Human Resource Development (Mr. Ethuro): Dr. Kituyi, do not waste my time! I do not need your information. I am fully informed. I went to school like you.

Mr. Deputy Speaker, Sir, we have to develop North Eastern Province because it is part of this Republic. We have to develop Marsabit District, Turkana, Maasailand and West Pokot because they are part of this great Republic. They are not appendages to the rest of the Republic. They are part and parcel of this great Republic.

Mr. Deputy Speaker, Sir, the Kenya Meat Commission (KMC), the most important factory for the pastoralists, has not been revived. Our colleagues have talked about sugar, tea, coffee and rice. These are sectors. Politics is politics, but the economy is [The Assistant Minister for Labour and Human Resource Development]

the most important thing. Neither the Government side nor Opposition should play politics with the lives of Kenyans. We all need to rise above that.

Mr. Deputy Speaker, Sir, Poverty Reduction Strategy Paper is just a mere paper! I do not need seminars to talk about poverty. I live with poverty.

With those few remarks, I beg to support.

(Applause)

Mr. Kathangu: Ninashukuru, Bw. Naibu Spika. Kwanza, ukimwona panya akitoroka kutoka kwa shimo wakati wa kiangazi, siafu yuko mle ndani. Ni msembo ambao ulitumiwa na Bw. ole Ntimama kuonyesha kwamba kuna shida katika Baraza la Mawaziri. Hii inaonyesha kwamba mle ndani katika Baraza la Mawaziri kuna siafu ambao wanamfanya Bw. ole Ntimama kutoroka. Hata hivyo, niko hapa kwa sababu leo Bunge linaahirisha vikao vyake. Mwezi moja hautoshi kwenda kuzungumza na wananchi jinsi uchumi utakavyokua. Mwezi moja hautoshi sisi kwenda kwa wananchi kusema vile tutabadilisha Katiba. Mwezi moja hauwezi kurudisha usalama katika nchi hii.

Bw. Naibu Spika, nimekuwa katika Bunge hili kwa miaka mitatu u nusu na kila likizo kunakuwa na vita baina ya makabila fulani. Woga wangu wa kuahirisha Bunge hili leo ni kwamba huenda kukazuka vita vingine ambavyo vinapangwa pahali fulani na watu fulani. Nimeshtuka sana kuwasikia Wabunge wengine wakiuliza wataenda wapi. Tunaenda wapi namna gani? Kama wananchi wana njaa, tuende kwa njaa. Kama wananchi wako kwa vita, tuenda kwa vita. Kama wananchi hawana fedha, tuende tukaone kama kuna pesa ama hakuna. Ni kitu gani tunafanya katika nchi hii? Ninyi wazee na viongozi wa nchi hii, ni kazi gani tunafanya Bungeni? Ni kazi gani tunaenda kuwaambia wananchi? Ninamshukuru sana Dkt. Omamo kwa sababu amesema kwamba kuna kitu kikubwa katika historia ya Kenya ambacho kinajulikana kama "merger". "Merger" ni nini? Kama watu wa Kenya hawajui Katiba na wamekuwa nayo tangu Mwaka wa 1962 mpaka sasa, mwezi moja utatosha viongozi kwenda kuwaambia wananchi "merger" ni nini? Mtaweza kweli? Mna mapenzi gani ya kuwaambia? Kama hamjazungumzia juu ya Katiba, mtakuwa na mapenzi na nguvu gani za kwenda kuwaambia "merger" ni nini? Ninaona kwamba nchi imejitoa kwa mamlaka ya siasa na kuwaachia polisi mamlaka hayo. Kwa sababu si Rais wala Waziri wanaweza kuwaonya polisi waache upuzi wao. Polisi wamekuwa ndio wanatawala na sio Serikali. Ni lazima tumwulize Waziri anayesimamia usalama katika nchi hii pamoja na Mkuu wa Sheria kama wamepatia polisi mamlaka yao. Ingawa tunazungumza juu ya usalama, watu wanaendelea kupigana na kuuana katika lokesheni moja kama Kipkelion. Lakini ukimwuliza Waziri aeleze kilichotokea, anatupa jibu alilopewa na DCIO na OCS ambao walikuwa wanasimamia vita hivyo. Bw. Naibu Spika, hii ni kazi mbovu. Kwa hivyo, umefika

wakati ambao hakuna Mwanakenya yeyote ambaye anajua atakufa wakati gani. Hata hakuna Waziri yeyote ambaye anajua atakufa wakati gani; hajui kama atapigwa risasi na polisi. Kwa sababu kuna wale ambao wanapiga simu kwa maofisa wa polisi wa Flying Squad na kusema ya kwamba gari lake limeibwa, na kumbe anataja gari la mtu ambaye ana kisasi naye ili auawe. Na maofisa wa polisi hawaendi kutambua kama yule mtu ni mwenye makosa au la. Wao huenda na kuanza mara moja kufyatua risasi kwa hilo gari. Baadaye, unasikia mtu fulani aliuawa, lakini polisi wakigundua ni makosa wamefanya, huleta bunduki na wanaziweka juu ya maiti. Kisha, wanasema ya kwamba huyo mtu alikuwa mwizi wa mabavu, na hiyo ndiyo sababu aliuawa.

Pameingia ulaghai mkubwa katika Serikali hii; watu ambao hawatii maanani uhai wa binadamu. Kwa hivyo, tumewaacha polisi kufanya kazi kama kuku. Wanaenda na kuchimbua matope, wanarudi na wanasafishwa na Serikali. Baadaye, wanarudi tena kwa matope yale yale na sisi Wabunge tukiwa hapa, tunashangilia Waziri fulani amejibu Swali vyema.

Bw. Naibu Spika, Mungu atulinde. Nashukuru.

The Attorney-General (Mr. Wako): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to the Motion of adjournment, which I support. I would like to make just five points. One, there was a request by the Member for Gichugu, Ms Karua, that I make a Ministerial Statement on harassment of politicians. That is the way it is stated in the HANSARD. I was not here at that time, and I was not going to be here on time today, since I do not have a Deputy to help me and enable me to be anywhere. But I did alert you that I might not be here by the time of making Ministerial Statements. As it turned out, I understand that no Ministerial Statements were made because there was no time for it.

I had brought to your attention too, some of my concerns on request for a Ministerial Statement. I raised those concerns in writing because I do believe that rather than ambushing the Speaker, an hon. Member or a Minister with Questions, one should inform the Speaker about those concerns. I want to state those concerns now, and I would wish to have a ruling of the Speaker on that particular issue. As the Attorney-General, one can make decisions which may not sound popular, but in my position, I have to ensure that the Constitution of the land is strictly adhered to.

[The Attorney-General]

The Ministerial Statement requested for, relates to selective prosecutions of hon. Members and so on. In so far as it relates to - and that was my concern - prosecutions, the Constitution does not permit me to make such a Ministerial Statement by virtue of Section 26, Subsection 4, which clearly states that in the exercise of powers of a criminal prosecution and of directing the police to carry out investigations, I shall not be subject to any person or authority. Section 120---

Ms Karua: On a point of order, Mr. Deputy

Speaker, Sir. Is it in order for the Attorney-General to mislead the House and the nation, that by virtue of provisions of Section 26 of the Constitution; that, he should not be under the direction of any person to prosecute, he cannot give an answer to the request I made? The request I made was clearly on policy; whether it is the official Government policy to have double-standards in application of the law when hon. Members from the Opposition side are arraigned in court for their public utterances, while hon. Members from the Government side are just getting away literally, with murder and worst cases? We are talking of the policy of the Government. Is he in order to mislead the House that the Constitution ties his hands when he knows that he is running away from the issue?

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, Section 123 subsection 8 states that the only institution which can question the Attorney-General's powers in that regard is the court and only in so far as it says that the Attorney-General acted in accordance with the Constitution and the laws. Let me assure this House that it is not justice implied, or the Government's policy. It is not the Attorney-General's policy that prosecutions must be carried out selectively. I can assure you over that issue. But when you raise---

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir. Is the Attorney-General in order to mislead this House that this House does not have the ability to question any aspect of the Kenyans' plight in this country?

The Attorney-General (Mr. Wako): Mr. Deputy Speaker, Sir, as far as prosecutions are concerned, I think I have stated the position. Only the courts can question the Attorney-General's powers in so far as he has acted in accordance with the Constitution and the law. As far as the Government's policy is concerned, there is not, and there will not be any discrimination whatsoever, in the application of the laws of this country. Everybody on this side is subject to those laws, and anybody who infringes the laws will be punished for it.

During the recess, I will finalise the Draft Code of Ethics and the Economic Crimes Bills, and I hope that when Parliament resumes, I think the Constitutional (Amendment) Bill and the Code of Ethics Bill will be ready for debate.

With those few remarks, I support the Motion.

Mr. Gatabaki: Thank you, Mr. Deputy Speaker, Sir, for according me the opportunity of contributing to this Motion which I very strongly oppose. As I did mention earlier on, no other than the former Minister for Finance, Mr. Nyachae, told us three years ago, when he was in the Ministry of Finance, that Kenya is in the Intensive Care Unit (ICU). Those days the economy was growing at 1 per cent. Today, we are growing at a negative percentage and we are not in the

ICU any more; we are dead, and the Government side wants us to go and bury ourselves. We have never witnessed a Government which as I said before, has ears, but cannot hear; has eyes, and looks blind.

I will not try to say what the Government can do because it will not do. For the last four days, I was trying to table the PAC Report and lay down to the House, sagas and sins committed by this Government. But the Vice-President tried to force lack of absence of hon. Members in the House. Therefore, I will not endeavour to talk about what this Government can do. I will try to teach this Government history. No society, however brutish, survives; from the days of the Bible, to the days of Bokasa, Idi Amin, Abacha, Mobutu and the apartheid South Africa, every brutish system comes to an end.

I am urging the Vice-President and the Ministers to do what the former Vice-President of Zambia did. He stood up and told his President, the dictator: "We are going to oppose your proposal to go for a third term; we are going to bring an impeachment Motion!"

(Applause)

I am telling them that because they can do it. They should tell the President of the Republic of Kenya that if he dares to extend his term: "We, the Vice-President, the Ministers, including Mr. Biwott, are going to impeach you." That is how they can be counted because history is rich with such cases. Time for tyrants is over. In the 21st Century, only our country and another country called Zimbabwe can be counted in that category. There are about three or four tyrants remaining, and it is unfortunate that President Moi is among them, despite the fact that he is leading a country that fought for Independence; that went to war during the Mau Mau Movement.

Today, the same Government is persecuting the great people of Central Kenya who brought the Independence from which the KANU people are [Mr. Gatabaki] benefitting. Today, police officers are spending huge sums of money to prosecute a decent man and an hon. Member, Mr. Kamanda; to try to destroy a great Kenyan and an hon. Member, Mr. Manyara. The system must be told in no uncertain terms: We won the Independence! Do not mess up the Independence that we gave you! Tell us; how many of you went to detention to deliver our Independence! Tell us! The time has come for us to say the truth because the truth will set us free. These people have messed up and crippled our nation and they owe us an apology.

With those few words, I oppose the Motion.

The Assistant Minister for Energy (Mr. Chanzu): Thank you, Mr. Deputy Speaker, Sir for giving me the opportunity to support this Adjournment Motion. We all know that there is time for everything. The recess that is just about to commence is necessary because as a tradition, this will allow the Minister for Finance to prepare the Budget. I

wish to take the opportunity to congratulate the hon. Members for the manner in which they conducted themselves during this session and particularly, when it came to the matter of the Constitution of Kenya Review (Amendment) Bill. It was commendable the way the Members conducted themselves and that is why we have reached this far.

It is advisable that when hon. Members go for recess, they should utilise that time wisely. There are quite a number of things that need to be attended to. As elected leaders of our constituencies, we have got a tremendous responsibility to oversee what goes on in the constituencies. Some of my colleagues have indicated here that we have got every weekend to go home, but that is merely two or three days. We need a longer period in order to effectively see what goes on in the constituencies. The period for recess is adequate for us to see what goes on so that we can report back. We also need to give guidance on what goes on in our constituencies. As a developing country we have got aspects which require our intervention and attention, for example, matters to do with education. Hon. Members should be able to play a crucial role during this time, or demonstrate what they can achieve.

Recently the Government released some funds for several projects like roads. It is time for hon. Members to go round and see how this money has been spent. I only hope that when hon. Members go on recess this time they will come back more refreshed to contribute to the issues which require their attention. A Head of State is a symbol of unity and it is for all of us to accord this position the due respect that it deserves.

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

Mr. Murungi: Mr. Deputy Speaker, Sir, I would like to oppose this Motion. This Parliament is becoming a joke. We convene today, go home tomorrow and come back the day after tomorrow. Why should we not have a calendar which permits us to work for at least six months before we can go on recess? We have heard the President say almost all the time how he loves the people of this country. From the evidence on the ground, I am convinced that this Government hates the people of Meru. We have carried out an analysis, especially on the utilisation of the road resources in this country. For the last 20 years all the road resources have been spent in a few districts between Nairobi and Kericho. The Attorney-General says justice is blind; it is not. We would like justice in this country to have its eyes wide open so that it can see where the road resources are being spent in this country.

I am talking about one specific road which every MP from Meru has talked about for the last 15 years, that is the Meru-Githongo-Chogoria Road. President Moi came to Meru on three occasions and promised that, that road will be tarmacked, but this has not been done to date.

In the last Budget, Kshs20 million was allocated for the technical survey of this road. We are already at the end of the year and the Kshs20 million will be returned to the Treasury. The technical survey will not be done. At the same time, I understand that Kshs1 billion of the road maintenance levy has been spent in the Minister's home district. The road in my area connects five different tea factories. How many tea factories are there in the Minister's district? It is not only the pastoralists who are being marginalised. We, from the high potential agricultural areas have also been marginalised. We will not forgive this Government because it has shown open discrimination towards the people of Central Kenya.

In *The People* newspaper yesterday, there was an analysis of how the STABEX funds have been moved from bank to bank to benefit a few people while the coffee farmers in this country are suffering. Does this Government not have shame? After holding the STABEX funds for ten years, the President made a tour in Kiambu the other day, and the Chairman of KANU announced that he will release those funds. The STABEX funds do not belong to KANU; they belong to the coffee farmers. We have heard of various political strategies being hatched. One of KANU's strategy is to make sure that the courts, the police and the National Security Intelligence Service unleash harassment fully against the DP and other forces of change in this country. The same strategies Mugabe is using to maintain his hold on power in Zimbabwe are the same strategies that KANU is employing.

This tells you that the colonial government was worse. It killed and sent many people to detention but finally it was removed by the will of [Mr. Murungi] the people. It does not matter how many guns or policemen you have. President Mengistu had the biggest army in Africa, but he ran away and left that army intact in Ethiopia.

Mr. Deputy Speaker, Sir, what will run this country in the end is justice. Our people are not going to be cowed until we remove this oppressive regime from power.

I do not support.

Mr. E.T. Morogo: Mr. Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Motion which I support.

Mr. Deputy Speaker, Sir, I will ask the Ministers to take the opportunity and visit the constituencies in the countryside. I want them to visit particularly Rongai Constituency and see the problems we have there. I am calling on the Minister for Public Health to come over with mosquito nets and distribute them to the residents who have had serious problems with malaria.

I would, in the same breath, ask the Minister for Labour to come over and visit the sisal estates and give reasons and answers to the estate workers as to why they have not been paid for the last two years and have arrears of about Kshs14 million. The Minister is aware of this and yet nothing has been done.

Mr. Deputy Speaker, Sir, I would, in the same

breath, thank the Government for coming to our aid during the famine outbreak in the country. I am happy that no one died in Rongai because the Government contained the hunger. I would ask the Government to continue doing so, not because we have rain now, but because famine is still serious in that area. I am happy that the Ministry of Agriculture, Livestock and Rural Development has helped farmers with some grain seeds, but I will still ask for more since they are not enough.

Mr. Deputy Speaker, Sir, I want to ask my colleagues from Central Kenya not to incite the people of Kenya. I would want them to have the freedom of association but not to use it to insult Kenyans. I am appealing to the people of Rift Valley, especially those in Nakuru District, to ignore incitement from within and without Nakuru District. Let them maintain their peace. Let us remain as friends and as Kenyan patriots and not people from certain sections of the country.

Mr. Murathe: On a point of order, Mr. Deputy Speaker. Is it in order for the hon. Member for Rongai, where the President sleeps, to mislead this House that the people of Central Kenya are inciting violence when it is the KANU paper, *The Kenya Times* and KBC which have been inciting Kenyans?

Mr. Deputy Speaker: Order, Mr. Murathe! The hon. Member did not say anything to that effect. In fact, he pleaded with Kenyans to live in peace. Proceed!

Mr. E.T. Morogo: Thank you, Mr. Deputy Speaker, Sir. I would have replied him but he is my friend. He is not like the hon. Gatabaki who says he is-- (inaudible).

Mr. Deputy Speaker: Order! All Members are friends!

Mr. E.T. Morogo: Thank you, Mr. Deputy Speaker, Sir. I also want to comment on the intimidation that is meted out on the Members of this House. Recently, hon. Murungi, the Shadow Attorney-General, said that any Member who brings a Motion in this House to extend the life of this Parliament and, therefore, the tenure of President Moi is crazy or mad. I want to say that we cannot be intimidated and I will move such a Motion when the time comes. I, as E.T. Morogo from Rongai, will move that Motion and whoever will not support that Motion will be crazy and mad!

Mr. Deputy Speaker: Order! You know that the Shadow Attorney-General paid the price for using those words. Will you now stand up instantly and withdraw and apologise?

Mr. E.T. Morogo: Mr. Deputy Speaker, Sir, I will not withdraw the obvious!

Mr. Deputy Speaker: Order! I am giving you one more chance. Mr. E.T. Morogo! Could you withdraw and apologise?

Mr. E.T. Morogo: I will not withdraw the obvious!

Mr. Deputy Speaker: Mr. E.T. Morogo, I

now require you to leave the Chamber!

(Mr. E.T. Morogo withdrew from the Chamber)

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! We still have a stranger in the House! Mr. Karume!

Mr. Karume: Bw. Naibu Spika, asante sana kwa kunipatia nafasi hii. Mimi nimekuwa nikiunga mkono Hoja hii ya kuenda likizo kila wakati, lakini wakati huu ninafikiria na ninaangalia na kujuliza: Kwanza, ile sababu tuliyoambiwa ya kuwa tunatakiwa tuende likizo ili Waziri wa Fedha aweze kutengeneza Bajeti yake, haitoshi kufanya tuende nyumbani. Hii ni kwa sababu tukienda nyumbani tutapata matusi ya wananchi. Tukienda kuwambia wananchi tumekuja nyumbani ili Waziri wa Fedha atengeneze Bajeti yake, watatuuliza: Ile Bajeti ambayo ilitengenezwa mwaka jana na mkapitisha na hii barabara na hospitali bado ziko vile zilikuwa hapo awali, ni kwa nini mnaipitisha Bajeti nyingiine?

Bw. Naibu Spika, hakuna haja ya kuenda nyumbani leo na tuache mambo muhimu sana kama Mswada huu wa KACA. Tunajua vile umeumiza wananchi wa Kenya kwa sababu Benki ya Taifa **[Mr. Karume]** imekataa kutupatia pesa na wamesema sababu ya kufanya hivyo. Ukikumbuka, tulikuwa na ule Mswada wa Donde wa riba ya benki. Tuliupitisha mwaka jana, lakini ukaenda ukafanyiwa marekebisho na Rais wa nchi hii na ukarudishwa na bado hatujazungumza juu yake. Kwa hivyo, mimi sioni sababu gani ya kuenda likizo ya wiki tatu na tuache kazi hapa na huko nyumbani hakuna kazi ambayo tunaenda kufanya. Hakuna kazi tunaenda kufanya kwa sababu ukiangalia siku hizi na zaidi wananchi ndio wanatusaidia--- Wao ndio wanafanya kila kitu. Hata wao ndio wanajenga vituo vya polisi. Na wakati wanaenda kujenga, wengine wanakatazwa. Kwa mfano, tarehe 26 mwezi jana, tulikuwa na Harambee. Mimi ndiye nilikuwa mgeni wa heshima kwa Mheshimiwa Ndwiga kule Embu. Wakati ambapo tulienda huko, hatukufanya Harambee hiyo kwa sababu askari walikuwa wamejaa huko wakiwa na bunduki na kila kitu, ilhali tulikuwa tumeenda kujenga kituo cha polisi kwa sababu Serikali imeshindwa kujenga kimoja kule. Tulienda kuchanga pesa kwa sababu watu wanauawa huko sana. Njama ilikuwa imefanywa na ikaptishwa na OCPD na Serikali eti tunataka tujenge ile ambayo inakaa namna hii. Tulipokwenda huko, tulikatazwa na askari na tukaambiwa turudi na pesa zetu. Kwa hivyo, hatujui ni mambo gani yanayoendelea.

Wiki jana, kule Meru kwa Mheshimiwa Mwiraria, kulikuwa na Harambee ya maji. Tulipofika huko, na mgeni mheshimiwa, tulikuta askari wamejaa na tukaambiwa hakuna Harambee na turudi nyumbani. Tungependa Serikali itupatie orodha ambayo itaonyesha ni Harambee ngapi ingependa tufanye ili tusichoke bure. Juzi niliondoka Kiambu na kuelekea Embu ambako tulitarajiwa kuwa na

Harambee lakini nikakuta kwamba ilikuwa imefutuliwa mbali. Pia, ninakumbuka kwamba tulienda Eldoret na Kiongozi wa Upinzani Bungeni kufanya Harambee ya shule tisa, lakini tulipofika shule ambayo tungefanyia Harambee, tulipata askari 200, na watu wote wamefukuzwa. Pia, tuliambiwa kwamba hata Padre ambaye alikuwa amekuja kuombea Harambee hiyo alikuwa ametiwa korokoroni. Sijui ni mambo gani yanaendelea na ni kwa sababu gani Serikali inafanya hivyo. Sijui kama inafanya hivyo kwa sababu inaogopa au ni kwa sababu gani. Ningependa kusema kwamba kama Harambee haiwezi kufanywa katika sehemu fulani, tunashindwa tunaelekea wapi.

Bw. Naibu Spika, tuna shirika la utangazaji la Kenya Broadcasting Corporation (KBC) na kazi yake ni kuchafua majina ya watu wengine. Kwa mfano, wiki iliyopita shirika hilo lilitushambulia sana tulipotoka Meru. Lilishambulia, Bw. Mwiraria, Bw. Murungi na mimi. Shirika hili lilitangaza kwamba mimi nina mali nyingi sana, hata nyingine ni ya kuharibu Serikali. Ni Serikali gani niharibu? Ningependa kusema kwamba nilipigania Serikali hii. Nilihamishwa nikiwa na miaka 24, nikaacha mama yangu na watoto wangu na nikaenda kukaa kizuizini ili *Mzungu* aondoke tujitawale. Huku ndiko kujitawala? Ningependa kusema kwamba hii ni mipango ya Serikali. Hata kodi ambayo ninalipa Serikali hii inatumiwa kutukana watu fulani. Hatujui tunaelekea wapi. Hii ni Serikali ambayo inaleta matata sana, na sijui ni kwa sababu gani inadharau wananchi wa nchi hii.

Bw. Naibu Spika, ninapinga Hoja hii.

The Assistant Minister, Office of the President (Mr. Too): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion of Adjournment. I would like to support it because, as we go on recess, I think the most important thing every hon. Member has talked about is rampant poverty in this country. I would like to point out that it is the duty of all of us, as hon. Members of this House, to go and liaise with wananchi and find ways and means of improving their living standards.

The other day we passed, in this House, a Motion on Parents and Teachers' Associations (PTAs) and we said that they should join hands with the Boards of Governors and help our children. I would like to say that there have been many problems which our secondary schools have been facing, for example, what we saw recently in Kyanguli Secondary School in Machakos District and Bombolulu Girls Secondary School. It is high time we visited our schools because most of them--- The PTAs have been supporting cost-sharing in some secondary schools when they want to carry out a development project for the school, but the headmaster of that particular school colludes with the board to embezzle funds. For example, if they want to buy a bus, they make sure that they get a share of the

money. I think we will use this opportunity, as hon. Members of this House, to ensure that we assist wananchi.

(Loud consultations)

Mr. Speaker, Sir, there are some hon. Members here who are consulting loudly.

Mr. Deputy Speaker: Order! Order!

The Assistant Minister, Office of the President

(Mr. Too): Mr. Speaker, Sir, could the Chair protect me?

The other thing I wanted to point out is that, if we are serious on the question of alleviating poverty in this country, it is high time the Ministry of Agriculture, Livestock and Rural Development thought seriously about our farmers. The Agricultural Finance Corporation (AFC) should be called upon to write off all the debts which are owed by the farmers. This is because, at the end of the day, there is no way a farmer will afford to repay [**The Assistant Minister, Office of the President**]

that loan which has been compounded, and yet, some of them had no security. I would like to inform this House that the AFC is "chasing" our farmers today. Last year and the previous year, farmers were not given any credit by the AFC. The farmers have been selling whatever they produce and it is high time the AFC considered writing off these loans. Some hon. Members here have talked about the STABEX funds which we do not have in our areas. I am only advocating for fair distribution of resources because at the end of the day it is this aspect that will enable us move forward.

On the Constitution, I would like to thank the Parliamentary Select Committee, which is headed by Mr. Raila, and Mr. Kibaki for agreeing on the merger. I am totally against some hon. Members--- I would like to say that this was a Committee of the House, and it was ridiculous the other day for Mr. Muite to try and sneak in some amendments. He did not participate in the whole process. It is important that, when we agree on something, we agree as hon. Members of this House. It was not in the interest of the KANU side or the Opposition side that the two processes should fail to merge.

I would also like to say that people have been complaining about some roads which are in a pathetic condition. It is high time the Government found a way of rehabilitating them. Mr. Murungi has talked about a road which is impassable in his area. If there is a way, the Government should privatise some of these roads so that hon. Members, like Murungi, do not have problems accessing these areas. The Government should put in place a policy to privatise these roads, like it happens in England and South Africa. I know that there have been some problems on the Fuel Levy Fund, but it is high time the Government devised another way to assist wananchi. If there is a shortage of funds, the Government should privatise these roads.

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

I support this Motion.

Mr. Kanyauchi: Thank you, Mr. Deputy Speaker, Sir. I will support this Motion, first, because a change is as good as a rest. We have been here for the last one or so months, and during that time, we have seen some landmark Bills being passed in this House, one of which is The Constitution of Kenya Review Commission (Amendment) Bill. This Bill has brought in a merger. I would like to take this opportunity to thank all those people who participated, particularly the Chairman of the Parliamentary Select Committee, Mr. Raila and also the Leader of the Official Opposition in Parliament, Mr. Kibaki, who steered a historic meeting about two weeks ago which brought about the merger.

Having said that, I would like to say that Kenyans are yearning for a comprehensive constitutional review. Let us go full length now that the review will start. We want to use this one-month recess period to educate our constituents on what and where there are shortfalls in the old Constitution.

I would like to urge my fellow Parliamentarians to try and use this one-month recess period to try and lower the political temperature. It appears that the temperature of politics will reach a boiling point and there is no need for that. All we need is dialogue as was demonstrated in the meeting which was chaired by Mr. Kibaki two weeks ago. If we do that, we will go a long way.

Mr. Deputy Speaker, Sir, there is something which has gained vogue in Africa; this is the so-called "third term". I would like to say that "third term" has become the new "currency", but I would like to say that Kenyans are tired of these third terms. I would like to say that we will oppose it in this House and outside Parliament just like the Zambians have done.

Mr. Deputy Speaker, Sir, I want us to use this one month recess to emphasize on the need to revamp the economy of this country. Without a sound economy, which should act as the engine of the country, we will get nowhere. I wish to go back to my constituency where we have a serious problem. I want to thank today's newspaper, the *Daily Nation*, for carrying a story on the tsetse fly menace in my constituency. There is a resurgence of the tsetse fly menace which should have been eradicated several years ago, but it has come back with force. I am so grateful that the *Daily Nation* carried a long article on the menace today. They even went up to my village. The Ministry of Agriculture, Livestock and Rural Development and all other relevant organs of the Government, should visit Gwasi Constituency and find out how they can curb the tsetse fly menace because, in Gwasi Constituency, livestock is our mainstay and our livestock is dying hence crippling our economy in the region.

With those remarks, I wish to support.

Mr. Angwenyi: Thank you Mr. Deputy

Speaker, Sir, for giving me an opportunity to make a brief contribution to this important Motion. First, I support the Motion, but I would like us to go for a recess of three months. The reason why I am advocating for a three-months recess is because I want the Minister for Finance to have enough time to prepare the Budget. We gave him enough time when we went for the December break, but apparently that was not adequate. I do not think a one-month recess will be adequate for him to prepare the Budget and do other matters pertaining to the Budget.

I would like to raise the following points in this House: Our economy is in comatose. Three

[Mr. Angwenyi]

years ago, Mr. Nyachae said that the economy was in "Intensive Care Unit" but today it is in comatose and we do not know how to revive it. We can bring all those life-supporting equipment and, maybe, it will not revive it.

Last year, we got into an arrangement with donors and we agreed to implement some conditionalities. The donors suspended disbursement of funds to this country five months ago and yet the Minister for Finance and the Attorney-General have not done their jobs. I thought the Bills would have been brought to this House and we would have approved them by now and we would have received disbursements before going on recess.

As we speak here today, I know that the Kenya Anti-Corruption Authority (KACA) Bill has been published, but it has not been brought before the Floor of this House. The Code of Conduct and Ethics Bill has not been brought to this House although six months have passed since donors suspended assistance to Kenya, and yet we are saying that we are concerned about the welfare of the poor Kenyans who are going without medicine because they cannot afford. They cannot even afford to buy inputs for their farms.

Mr. Deputy Speaker, Sir, we passed the Kenya Roads Board Bill sometime late last year and said that we were going to deal with our roads. But as the Chair is aware, there are no passable roads in Kenya. Members of Parliament were removed from those boards in their constituencies on flimsy grounds that their membership would contravene the Constitution. However, there is no single clause in the Constitution that hon. Members have contravened, yet our Judiciary allows a fictitious person to block them from deciding on priorities which should be done on roads in this country! On roads, the Kisii-Chemosit Road has been there for the last 30 years.

Mr. Deputy Speaker, Sir, when the Budget is brought here next month, it must show how many jobs will be created. Every item must show how many jobs will be created in this country, otherwise, I am asking hon. Members of this Parliament to vote that Budget out unless it will provide jobs for our people. We must pass that message to the Minister for Finance so that he prepares a proper Budget which will show the number of jobs that will be created.

We declared the HIV/AIDS scourge a national disaster two years ago, but what have we done about that except establishing the Aids Committees in the constituencies? I want to ask the Minister for Public Health and the Minister of State, Office of the President in charge of the anti-HIV/AIDS scourge campaign, to think about this during this recess.

Finally, we have got insecurity in the country. We have tribal clashes in Gucha District, Kepkelion area of Kericho District, Marakwet District and in Samburu District. Maybe next time we will have clashes in Nairobi. Could the Government take up its responsibility and provide security to all Kenyans in this country? I cry for my people in Gucha District who are being butchered like dogs!

Mr. Murathe: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to vehemently oppose this Motion. I oppose the Motion for two reasons.

First, we will be made the laughing stock of this country should we proceed on recess today. These media people here will discuss us during their breakfast tomorrow and say that we are not earning the money which the public is paying us.

Mr. Deputy Speaker: Address the Chair and not the Gallery!

Mr. Murathe: Mr. Deputy Speaker, Sir, I am addressing the Chair and I am talking about the media people who will discuss us tomorrow during their breakfast.

Hardly one month down the road, the reason why we are going on recess is because it is the Government business to bring business here. We are going on recess because, purportedly, there is no business. The business ahead of us is a lot. The Intellectual Property and the Kenya Anti-Corruption Authority Bills are ahead of us. The Donde Bill, which we passed in this House last year in November, seven months down the road, has never become law and we are supposed to go on recess.

Mr. Deputy Speaker, Sir, we are supposed to go out there and tell Kenyans that we passed the Donde Bill here to reduce bank interest rates in October last year, and up to now it has never become law. We are now being told to go on recess before we can discuss the memorandum from the Head of State and translate it into a law which will benefit Kenyans. This must be the joke of the year.

I wish the Attorney-General was here because this Government has a tendency of using the *sub judice* rule. Everywhere in the world, people comment even on matters in court; an example was the O.J. Simpsons case in USA. The Press in other countries even conduct opinion polls to decide or determine whether somebody is guilty or not. It is only in this country where people are trying to gag hon. Members of Parliament by rushing

matters to court so that hon. Members cannot comment on them. I am submitting that people should be free to comment on any matter, particularly those matters that we feel are unfairly tackled. We have the habit of every Kenyan rushing to court and frustrating the legislative agenda. Whenever we pass something here, people run to court to challenge us. What are we doing here? Courts must also know the intention of Parliament when it passes certain laws so that

[Mr. Murathe]

they can stop allowing people to use them to advance political agendas. I am talking about the Kenya Roads Board and the KACA.

Mr. Deputy Speaker, Sir, I also want to talk about one very painful experience which we have had from the media, particularly the state media and the KANU media organ called the "Kenya Times Group". It is highly irresponsible for the public broadcaster to air materials of an inflammable nature which can cause tribal hatred and animosity. Even if somebody says that so-and-so is a mad man, particularly when referring to the Head of State, the state media should not air that. If you air that, you will be telling Kenyans throughout the country to go to war against each other. We want to know why the Kenya Broadcasting Corporation (KBC), which is funded by the taxpayers' money, is airing news items that can cause bloodshed, as it happened in Rwanda, which led to the genocide in which one million people died. Who is responsible for that? Why has he not been sacked? Where is the Minister for Information, Transport and Communications? Who is running the KBC? Those issues must be tackled with the seriousness that they deserve. Otherwise, we are throwing this country to the dogs.

Mr. Deputy Speaker, Sir, I think we must come back together. I would like to support the sentiments expressed on the other side of the House; that as leaders, we have a responsibility to this country. We must lower the high temperature which is building up here, and try to move some things forward. We know that the merger Bill has been passed in this House. But we also know that there are some people here who are not interested in the constitution-making process moving forward for different reasons. We are saying this: Those small details which people refuse to accept, particularly about entrenching that Act into the Constitution and defining who nominates the 12 additional Commissioners, will bring problems. If you remember, at Safari Park, it is because we did not agree on numbers which would come from each party, that we ended up in a stalemate. Similarly, I can foresee a situation where we will land in another stalemate.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Thank you, Mr. Deputy Speaker, Sir.

An hon. Member: He is a policeman!

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, could you protect me? Some

Members on the other side of the House are calling me a policeman. I am not a policeman! I am the Member of Parliament for Keiyo North!

Mr. Deputy Speaker: Order! Proceed, Mr. Sumbeiywo!

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to support the Motion on adjournment. One thing that I would like to agree with Dr. Omamo who contributed earlier, is that there is a new baby born, called merger! But before we talk about the merger, we have to talk about provision of water to our people in areas where people have been forced to marry two wives! Why? Because one wife walks for 20 kilometres to fetch water and the other one remains at home to look after the children. That is in Kerio Valley. I would like to appeal to hon. Ministers to visit various constituencies during the recess. There are many things that are happening in this country, that the Government is not aware of.

(Mr. Mwenje stood up in his place)

Mr. Deputy Speaker: Order! Mr. Mwenje, this is Parliament!

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. Is Mr. Sumbeiywo in order to imply that women are married to fetch water, and do other jobs that are normally done by a donkey? Is that not very serious?

Mr. Deputy Speaker: Order! Proceed, Mr. Sumbeiywo!

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Thank you very much, Mr. Deputy Speaker, Sir. What I am talking about are serious issues that affect our common people in the rural areas. As I was saying, I would like to appeal to the Ministers, me included, to visit some of our areas to see the kind of poverty that we are talking about. We have been holding meetings in various places, discussing about poverty. We cannot eradicate poverty without knowing the causes of poverty. It is incumbent upon our Ministers to visit those areas.

(Loud consultations)

Mr. Deputy Speaker: Order! Order, Mr. Odoyo! Those who do not wish to continue with these proceedings had better retire quietly! Otherwise, kindly consult in very low voices, so that we can hear what the hon. Member is saying.

The Assistant Minister for Agriculture, Livestock and Rural Development (Mr. Sumbeiywo): Thank you, Mr. Deputy Speaker, Sir, for giving me the

opportunity to contribute to this Motion.

Mr. Temporary Deputy Speaker, Sir, I would like to echo the sentiments expressed by hon.

[The Assistant Minister for Agriculture, Livestock and Rural Development]

Too regarding the Agricultural Finance Corporation (AFC) loans. We would like to urge the Government to write off the interest accrued from those loans so that farmers can pay the principal amounts. That way, we will be helping our farmers to reduce or eradicate poverty.

In the Kerio Valley, we have a problem of one community marauding in the area and harassing other communities thus forcing some schools to be closed. Consequently, our children have been denied a chance to acquire education. In that area, the physical structures for schools are put up using wooden materials. When those schools are deserted, termites invade them and destroy the structures. So, when security is finally restored, parents are forced to put up new structures. This causes unnecessary expenses to be incurred by our people.

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

Mr. Deputy Speaker: Could you proceed, Mr. Muchiri?

(Loud consultations)

Mr. Deputy Speaker: Order! Order!

Mr. Muithia:---(inaudible)

Mr. Deputy Speaker: Order! Mr. Muithia, you are not a policeman over other hon. Members. The Chair has two eyes which, for the time being, function very well.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I rise to oppose the Motion. We came from recess just the other day. This House has not completed what it is supposed to have done since its resumption from recess recently.

Secondly, I would like to point out that the Government is using the police to prosecute Members of Parliament. It is pointless to misuse public funds to arrest a Member of Parliament in Nakuru and escort him, in a convoy of ten vehicles, full of armed policemen, all the way to Meru. All that the Government should have done was to ask the hon. Member to report to court. We have got that experience. Members of Parliament are a civilised lot. They are their constituents' advisors.

Mr. Deputy Speaker, Sir, the other issue I would like to talk about is police brutality in this country. What is happening in this country? It is a sad situation to see the Office of the President using police officers to suppress political meetings organised by hon. Members. We request the Chair to protect hon. Members when we go on recess. It is very serious to see police disrupting political meetings organised by hon. Kimeto, who is the Chairman of Administration, National Security and Local Authorities Committee of this House. He is one of the hon. Members who are harassed by police whenever they organise

political meetings. This is a shame! Why should police stop Harambee meetings organised by hon. Members? The Government wants us to go to our constituencies and advise our constituents on what to do. What does this Government want us to do during recess?

Mr. Kiunjuri: On a point of order, Mr. Temporary Deputy Speaker, Sir. Are hon. Members of NDP in order to chase away Mr. Nyanja who belongs to the same party with them?

Mr. Deputy Speaker: Order! Mr. Kiunjuri, that is a frivolous point of order. Since the Chair does not want to reduce any side's voting power, I will let you stay in the House.

Proceed, Mr. Muchiri.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I would like to request the Minister in charge of Provincial Administration to ask police officers to respect hon. Members. Let them respect Government Ministers. It takes very little to do so, but it matters a lot.

I would like also to request the Government to accept that there are so many people in remand homes, and there is need for them to be taken to court so that we reduce their number. Their stay in remand costs taxpayers a lot of money. I would also like to request this Government to look into the issue of security in Nairobi. So many people in this country have been murdered. Every day, there are more than 20 carjackings in this City. Why can the Minister not beef up the security in the City? Otherwise, the investors will run away because nobody can invest in an unsecured situation. People are running away from estates like Korogocho, Githurai and Kayole, among others. I would like to request the Minister in charge of the Provincial Administration to ensure that there is security in this City. I wrote a letter to the Minister and I told him that one day, God forbid, he might be a victim of carjacking in this City. That time, he will realise that there is no security in this City. Cases of insecurity are on the rise. Nairobians are prisoners of insecurity in this country. There is no estate that is secure in this country. Nobody is assured of his own security.

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

Mr. Deputy Speaker: Order! Hon. Members, this is a Motion which, as you know, the Mover has no right of reply. So, I will put the question straightaway.

(Question put and agreed to)

(Several hon. Members stood up in their places)

Hon. Members: Division! Division!

Mr. Deputy Speaker: Order! I can see there are enough Members on their feet to indicate that they

want a division. Ring the Division Bell.

(The Division Bell was rung)

Mr. Deputy Speaker: Order, hon. Members! The Division Bell has rung for five minutes, and I have been supplied with the names of your tellers. The tellers for the Ayes are Col. Kiluta and Mr. Gitonga while those for the Noes are Messrs. Badawy and Kariuki.

I can see that the Bar has now been drawn, and the door is locked. I will now put the Question again. Now, the Ayes will proceed to the lobby to my right and the Noes will proceed to the lobby to my left. There will be ten minutes within which those hon. Members wishing to vote should proceed to their respective lobbies. Those hon. Members not wishing to vote should come and register their names with the Clerk-At-the Table. You should now proceed to your respective lobbies.

DIVISION

(Question put and the House divided)

(Question carried by 72 votes to 55)

AYES: Messrs. Achola, Achuka, Affey, Dr. Anangwe, Dr. Awiti, Messrs. Ayoki, Biwott, Chanzu, Ekirapa, Ethuro, Dr. Godana, Messrs. Gumo, Imanyara, Kalulu, Kanyauchi, Karauri, Khaniri, Col. Kiluta, Messrs. Kimkung, Kochalle, Kofa, Koske, Lengees, Leting, Lotodo, Maj. Madoka, Messrs. Maizs, Eng.

Shaaban, Shidiye, Sirma, Sumbeiywo, Sungu, Sunkuli, Haji, Mrs. Kittony, Dr. Wako, Dr. Wamukoya, Mrs. Mwewa and Mr. Too.

Tellers of the Ayes: Col. Kiluta and Mr. Gitonga.

NOES: Messrs. Badawy, Gatabaki, Gitonga, Kajwang, Kamau, Kariuki, Ms. Karua, Messrs. Karume, Katuku, Keriri, Kibaki, Kibicho, Kihara, Kihoro, Kiunjuri, Kombo, Keynan, Magara, Maina, Maore, Mbitiru, Mboko, Michuki, Muchiri, Mrs. Mugo, Muihia, Murathe, Dr. Murungaru, Messrs. Murungi, Munyao, Muya, Mwakiringo, Mwangi P.K., Mwangi P.G., Mwenda, Mwenje, Mwiraria, Nderitu, Ndicho, Nyagah N., Nyanja, Dr. Oburu, Messrs. Ochilo-Ayacko, Mr. Oloo-Aringo, Dr. Ochuodho, Messrs. Omamba, Dr. Omamo, Messrs. Onyango, Parpai, Mrs. Seii, Eng. Toro, Messrs. Waithaka, Wamae, Wambua and Wanjala.

Tellers of the Noes: Messrs. Badawy and Kariuki.

ADJOURNMENT

Mr. Deputy Speaker: Order, hon. Members! It is now time for the interruption of business. This House, therefore, stands adjourned until Tuesday, 5th June, 2001.

The House rose at 7.00 p.m.

Manga, Messrs. Marrirmoi, Maundu, Mkalla, Mohammud, Mokku, Muchilwa, Mudavadi, Mukangu, Munyasia, Moroto, Ms. Mwachai, Messrs. Mwakalu, Nooru, Ntimama, Ntutu, Ntwiga, Nyagah J., Nyenze, Obure, Odinga, Odoyo, Ojode, Kiangoi, Otita, Otula, Pogishio, Eng. Rotich, Mr. Ruto, Prof. Saitoti, Messrs. Samoei, Sankori, Sasura,