

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 8th September, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

POINT OF ORDER

DELAYED TABLING OF A REPORT ON EXTERNAL DEBTS OWED BY PARASTATALS

Mr. Speaker: Chairman of the Committee on Energy, Communication and Information?

Eng. Rege: Mr. Speaker, Sir, on 20th July, hon. Daima, Member for Nyakach asked the Minister in charge of finance about the external debts that parastatals may be owing. Thereafter, you asked the Joint Committees of Energy, Communications and Information and the one on Finance, Planning and Trade to investigate, in particular, the amount of money owed by the Kenya Power Company. We did a lot of investigations and today, when we were ready with the report, we found out that we need to look at 15 more parastatals. That is because we found out that the same has been going on in many other parastatals which have not been asked by hon. Daima.

The Assistant Minister for Education (Prof. Olweny): On a point of order, Mr. Speaker, Sir. Who is hon. Daima in this House?

Mr. Speaker: Order, Member for Karachuonyo! Who is hon. Daima?

Eng. Rege: Mr. Speaker, Sir, I meant Pollyins Ochieng, Member of Parliament for Nyakach Constituency.

Mr. Speaker: You, therefore, then have to withdraw the name “Daima”?

Eng. Rege: Yes, Mr. Speaker, Sir, I withdraw the name “Daima”. The most recent problem was with Telkom Kenya where we found out that the Treasury was paying Kshs394 million on a debt that was incurred by that institution. That debt was not taken over when it was being privatized. We need to get into this and even invite the Auditor-General to find out why that has not been investigated. We also need to invite other Committee Members to come and join us in unearthing a lot of those problems. We are requesting for, at least, three months before we come up with the exact picture of what is happening in the Executive.

Thank you.

(Eng. Rege remained standing in his place)

Mr. Speaker: You may resume your seat for a moment! Before I grant the extension, Eng. Rege and Chairperson of the Departmental Committee on Energy, Communications and Information, can you, please, indicate when the matter was directed to the Committee by the Speaker? Secondly, how long have you taken to come to where you are before I can see whether or not that extension of three months is justified? On the face of it, it appears like too long!

Eng. Rege: Mr. Speaker, Sir, when we were just about to bring the report, you instructed us again to investigate Sessional Papers Nos.1, 2 and 3 which were very urgent. This again took us a lot of time to investigate. We had to invite the Ministry and KenGen to come to our meetings and it took a lot of research.

Mr. Speaker: Eng. Rege, the request is unreasonable! Even this House, a lot of the time, we will need a whole day to pass a Bill. Two weeks ago, we passed nine Bills in one day because circumstances dictated so. If this matter was urgent and of national importance, then you must give the requisite information to the Kenyan public urgently. Three months is 90 days! Why would you want to take 90 days when you have already done another 60 days up to where you are?

Eng. Rege: Mr. Speaker, Sir, as I speak, we have a report which is ready. But we assume that other Committee Members will not be available.

Mr. Speaker: If the report is ready, then I will, obviously, direct that you table it. So, you are treading on dangerous ground! I do not understand your request if you have a report which is ready!

Eng. Rege: Mr. Speaker, Sir, we do not want to do a shoddy job. We are asking that---

Mr. Speaker: Order, Eng. Rege! Resume your seat! I have heard you say that the report is ready! Is that the correct position? Is the report ready and you only want to add other things to it?

Eng. Rege: Mr. Speaker, Sir, we could have made the report ready today, but we needed to conclude it properly and bring it to the House. But when we were going through it this morning, we found out that we need to even do more work.

Mr. Speaker: Eng. Rege, in those circumstances, and taking into account everything that you have said, doing the best I can, I will direct that you be accorded a further four weeks to complete the report.

An hon. Member: That is too much!

Eng. Rege: Mr. Speaker, Sir, we can do it within four weeks!

Mr. Speaker: Very well! Do it within four weeks!

NOTICES OF MOTIONS

Dr. Otichilo: Mr. Speaker, Sir, I beg to give notice of the following two Motions:-

FORMULATION OF GEO-INFORMATION POLICY

THAT, noting that sustainable development requires access to data, information, knowledge and understanding about the environment and natural resources including socio-economic opportunities; aware that

about 80 per cent of the data and information required for planning and decision-making is spatial or geographical in nature; geo-information, and is currently processed effectively and efficiently using Geographic Information Systems (GIS) technology; further aware that information is currently not readily available and accessible to users due to lack of harmonized and co-ordinated development of Spatial Data Infrastructure (SDI) among other reasons; concerned that rational planning and decision making, both at the national and county levels is not possible without the establishment of data and information infrastructure; this House urges the Government to urgently formulate a geo-information policy and establish a secretariat that will co-ordinate the development of a web-based SDI at both national and county levels in order to allow the users to readily have access to data and information in line with Article 35 of our Constitution.

FORMULATION OF NATIONAL SPACE SCIENCE AND TECHNOLOGY POLICY

THAT, concerned that despite being one of the pioneers in space technology in Africa, Kenya has to date not developed its own capacity and capability to launch and use its own satellites, unlike other countries in Africa; further concerned that Kenya has no official space policy and law to promote the development and use of space technology for sustainable development; this House resolves that the Government urgently formulates a National Space Science and Technology Policy and enacts the relevant laws that will spearhead the establishment and operationalisation of a National Space Agency.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Very well! Next Order!

QUESTIONS BY PRIVATE NOTICE

PAYMENT OF CONTRACTORS OF ESP PROJECTS

(Mr. Ruto) to ask the Deputy Prime Minister and Minister for Finance:-

(a) Is the Minister aware that projects started late under the Economic Stimulus Programme (ESP) still had balances of funds at the close of 2010/2011 Financial Year?

(b) What measures will the Minister take to ensure that District Treasuries continue to pay contractors on time?

(c) Whose authority is required to enable expenditure of balances of funds at the District Treasuries and could the Minister direct Accounting Officers to issue requisite instructions to effect payments for ongoing projects?

Mr. Speaker: Is the Member for Chepalungu not here?

Question dropped!

(Question dropped)

The hon. Member for Wajir South!

CREATION OF AZANIA STATE BETWEEN KENYA AND SOMALIA

Mr. Sirat: Mr. Speaker, Sir, I beg to ask the Minister for Foreign Affairs the following Question by Private Notice.

(a) Is the Minister aware of the plans to create “Azania State” between Kenya and Somalia?

(b) What are the prospects of such a move and its impact on the image of Kenya?

(c) Who is running and financing the “Azania State” project in Southern Somalia (Lower Jubaland)?

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. I do recall that this is an issue that has previously come before this House and allegations have been made. I am just seeking your guidance on whether that has been investigated before this Question is answered because it touches on the answer that will be provided.

Mr. Speaker: Very well! The hon. Member for Wajir South, is it correct that this Question, in fact, was on the Order Paper yesterday?

Mr. Sirat: Thank you, Mr. Speaker, Sir. This Question was on the Order Paper yesterday. The issue was---

Mr. Speaker: Order! You just answer the Question as I ask. I asked, is it correct that this Question was on the Order Paper yesterday? What is your answer?

Mr. Sirat: Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well!

(Mr. Sirat stood up in his place)

Just resume your seat for a moment!

Is it also correct that you made allegations, claims or assertions that were not necessarily relevant to your asking the Question as at yesterday?

Mr. Sirat: Mr. Speaker, Sir, I had addressed this Question to the Minister of State for Provincial Administration and Internal Security but it was forwarded to the Ministry of Foreign Affairs. I discussed this issue with the Deputy Speaker yesterday and I have no objection to the Minister for Foreign Affairs answering the Question.

Mr. Speaker: Very well! The Member for Wajir South, before I call upon the Minister to answer your Question, I would like to acquaint myself with the claims, allegations and/or assertions that you made yesterday. I would also like to give directions to the House on the import of the allegations that you have made for the future guidance of all hon. Members of the House. So, I will defer this Question until Thursday, next week. As I say so, I am conscious of the fact that there is a Motion for Adjournment on the Order Paper, but that notwithstanding, in Parliamentary parlance, if I say next Thursday, it will be the Thursday when the House is meeting.

(Question deferred)

Yes, Mrs. Odhiambo-Mabona!

ORAL ANSWERS TO QUESTIONS

Mrs. Odhiambo-Mabona: Thank you, Mr. Speaker, Sir. Before I ask my Question, I seek your direction and guidance. In the answer that the Minister has given me, he is indicating that part of his answer is still awaiting the hon. Attorney-General's advice. So, I do not know whether it will be in order for him to be responding to me on matters that he is not seized of because he is still awaiting the Attorney-General's advice on the rules and regulations in relation to child labour. Could I get an indication whether I could get a more comprehensive answer once he gets the advice of the Attorney-General?

Mr. Speaker: Assistant Minister, is what Mrs. Odhiambo-Mabona has said the correct position?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, that is the correct position. We have already submitted the regulations to the Attorney-General and we are awaiting his concurrence so that we gazette them.

Mr. Speaker: How long do you need before you can give a complete answer to this Question?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, as soon as the Attorney-General approves the regulations. So, it depends on how fast he---

Mr. Speaker: In your estimation, how long will it take for you to liaise with the Office of the Attorney-General so as to be adequately equipped to answer this Question?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Speaker, Sir, it might be four weeks.

Mr. Speaker: Very well! I will defer this Question to four weeks away. Mrs. Odhiambo-Mabona, is that okay?

Mrs. Odhiambo-Mabona: I am most obliged, Mr. Speaker, Sir.

Mr. Speaker: Very well!

Question No.964

ENFORCEMENT OF SECTION 53 OF EMPLOYMENT ACT

(Question deferred)

Mr. Speaker: Let us move on to the next Question by the Member for Butula!

Question No.895

CHARGING OF INTERNATIONAL CALL RATES BY SAFARICOM IN BUSIA

Mr. Odhiambo asked the Minister for Information and Communications:-

(a) why M/s Safaricom Ltd is charging Kenyans residing in parts of Busia, including those resident 30 kilometers from the border, international call rates;

(b) what measures he is taking to protect Kenyans from the inflated charges; and,

(c) whether he could ensure that the company compensates the citizens for the loss.

The Minister for Information and Communications (Mr. Poghio): Mr. Speaker, Sir, I must, from the very outset, say that this Question has been answered. I think this is probably the third time it is being read and every time, the Chair has ordered that the Question be put back on the Order Paper. I really need to get to the point where we can understand what the Questioner is interested in, because if the answer does not meet the Questioner's aspiration, then we might want to look at a different way of addressing this Question.

Be that as it may, I beg to reply.

Mr. Speaker: Order, Mr. Minister!

(Mr. Poghio stood up in his place)

Please, resume your seat for a moment!

Is it your contention that you have answered this Question before and that you have answered the same Question on two other occasions? Obviously, there is something the matter. The Member for Butula, would you like to confirm that, that is so?

Mr. Odhiambo: Thank you, Mr. Speaker, Sir. This Question has been answered twice and this is the third time the Minister will answer it. Unfortunately, the first answer was totally different from the second answer and that made it necessary for the Speaker to direct that the Minister goes and gets a satisfactory answer. In fact, it was the Speaker who ruled that and not me.

(Applause)

We wonder why they have given two different answers to the same Question. The third one is that yesterday---

Mr. Speaker: Order! Member for Butula! Minister, is that so?

The Minister for Information and Communications (Mr. Poghio): Mr. Speaker, Sir, that is correct. When the Chair ordered that the answer was not satisfactory in the first instance I tried to go and make it more satisfactory.

The second time the Member was still not satisfied with it and the Chair again ruled that it be taken back and be answered a third time. This is now the third time and I was going to try my best to make it the last time.

Mr. Speaker: Okay, Minister! Proceed, answer the Question as best as you can and we will be able to determine finally that it has been answered.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to suggest that it is the hon. Member who was not satisfied when, indeed, it was

the Chair that was not satisfied? Indeed, it was the Chair that was asking questions. Is it in order for him to impute improper motives on the Member when we know it is the Chair that demanded a satisfactory answer?

Mr. Speaker: Order, Minister! Before you respond to that point of order, maybe the Member for Central Imeni will want to explain this to the House so that it is clear. Are you saying that the Speaker was asking questions and deferred the Question to be answered later because the Speaker's question had not been answered?

Mr. Imanyara: Mr. Speaker, Sir, the Chair as constituted on the two occasions when that this matter came up was not you. On the two occasions I happened to be in the House. The Chair participated fully in questioning the Minister and concluded that the answer was not satisfactory. The House actually applauded the Chair when he came to that conclusion!

(Laughter)

Mr. Speaker: Order, hon. Members! Let the matter rest there. Mr. Minister, could you please furnish your answer this afternoon? Endeavour to ensure that it is complete.

The Minister for Information and Communications (Mr. Poghio): Mr. Speaker, Sir, I want to thank you for the opportunity and to understand that it is not very easy to satisfy the Chair and, therefore, I will try my best.

Mr. Speaker, Sir, on the first part asking why Safaricom is charging citizens residing in parts of the Member's constituency international rates for calling, I would like to reply in this way. I will try and make it easier.

First of all, it is not Safaricom charging and secondly, these are not international rates. These are roaming rates. There is a difference between the two. The roaming rates are surcharged because the International Telecommunications Union (ITU) suggests so; that, if you consume services from another country in your country, you have to pay the rates obtaining at that time which are called roaming rates. The question should be that; how come the citizens of Kenya are consuming the services of a network from another country? I am trying to get outside what is written because I want it to be the final day for us to answer this particular Question.

Mr. Speaker, Sir, signals do not know international boundaries. They do not know where the country ends and where another country starts. Therefore, from time to time if you go to Kacheliba Constituency which is represented here by Yours Truly, the Minister in charge of this sector, your telephone will read "MTN welcomes you to Uganda", yet you are in Kenya.

This is exactly the case and that is what the hon. Member is asking. I think the reason for this is that MTN masts across the border are shooting in the direction of Kenya. There is no control or limit as to how far it can go. Therefore, when those signals arrive in Kenya they show in your handset---

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

Mr. Speaker: Order, Member for Kisumu East! Please, let us hear the Minister! Let us be as attentive as we can and prepare to ask supplementary questions.

Minister, please, proceed!

The Minister for Information and Communications (Mr. Poghisio): Mr. Speaker, Sir, your handset is the one that receives it and declares that it is Uganda. At that particular moment, the charges are not Safaricom charges. They are internationally recognized roaming charges. Therefore, at that particular time, you should go to your phone and search manually if there is another network. Move from that network and go to a properly established network in Kenya. Go manually and search for Safaricom or Airtel and then change it in your phone. That is what we need to educate our people on and that is where lack of knowledge causes our people to suffer.

Mr. Speaker, Sir, in the case of radio as we all know - If you allow me, I will take a little longer because I need to explain this.

Mr. Speaker: Please, do!

The Minister for Information and Communications (Mr. Poghisio): Mr. Speaker, Sir, in the case of the FM radio stations, for example, the West FM which is based in Webuye is picked as far as Mbale in Uganda. It is consumed in Uganda because these are signals. The question that is being asked is why Safaricom is charging international rates. It is not true that Safaricom is charging international rates. It is just that your handset has picked these international calls across the border and we must do something about it. That is what we need to move to.

As to part “b”; “what measure the Minister is taking to protect Kenyans from these inflated charges”; first of all, they are not inflated charges. They are just roaming charges. I want to believe that Ugandans also suffer the same problem if they are on the border. They also pick our signals on the other side and pay the same rates.

Mr. Speaker, Sir, what I have decided is to ask our regulator the Communications Commission of Kenya (CCK) to enter into consultations with the regulator in Uganda to see to it that they can at least minimize the suffering of our people by asking the people on the other side of the border to point their transmission equipment in a direction that does not surpass the boundary. However, that is very difficult but they will have to try and do it. In case it is not possible, they have to find an arrangement but the best thing is to enter into an immediate consultation with the authorities in Uganda on this issue.

Mr. Speaker, Sir, as to part “c” which reads; “could the Minister ensure that the company compensates the citizens for the loss?”, I think I have tried to explain that the company bears no responsibility at this point. Therefore, the issue of compensation does not arise.

Mr. Odhiambo: Thank you Mr. Speaker, Sir. At least, you have tried to make some improvement on your answer. That is the first appreciation I make.

Secondly, you have also tried to say that we should try and enter into negotiations with the telephone service providers in Uganda. I appreciate that. However, you see you are also telling this House and Kenyans--- This issue is not just about Busia as such. I am asking about Busia because I come from there but this is something you have accepted as the Minister that it also affects people in your constituency. Most of the people living along the border suffer because of this. However, as the Minister, you go further to tell us that we should set our mobile phones manually. Are you aware that some people who have mobile phones did not go to school? What will they do? Where do we have that time to be setting mobile phones every time we are moving around border towns?

Mr. Poghisio: Mr. Speaker, Sir, maybe, I should just assure the hon. Member that since we are in this boat, the Minister is working very hard to save us from those

situations. That is why I am saying that we are entering into negotiations to end this problem.

The Member for Butula is concerned about his people, and is also sympathising with Kenyans in the Kacheliba, Namanga and other places; we just have to find a way of manually moving our phones from roaming. The choices are to move or not to move. If you do not move, you pay the charges. If you move, you do not pay the charges.

Eng. Rege: Mr. Speaker, Sir, I appreciate the way the Minister has responded to the Question, which is okay. However, it is not only Safaricom Limited which operates at the borders. There are other Kenyan mobile network operators. To tell Kenyans to actually tune into one network is not democratic. At the borders, anybody using a mobile phone should be free to have his mobile phone handset select the strongest signal. If one is a Safaricom user, one should tune to Safaricom. If there are Airtel users, they should be able to tune to the Airtel network. The network operators, namely Safaricom, Airtel and MTN should have what is called “unidirectional antennae”.

Mr. Speaker: Order! Order, Member for Karachuonyo! You are---

Eng. Rege: Mr. Speaker, Sir, they should have that kind of antennae!

Mr. Speaker: Order, Member for Karachuonyo! You are telling a long story! This is Question Time! As a matter of fact, you must also be relevant to the Question when you are asking a supplementary question. You can see that the Question, as asked, relates to Safaricom. So, the Minister has not done anything wrong. I am afraid, I will rule you out of order.

Yes, Member for Mathioya.

Mr. Wambugu: Mr. Speaker, Sir, about a month ago, in this House, we had the case of Ugandan Government security personnel invading Migingo Island. As it is now, we have the issue of mobile phones and signals from Uganda coming into our airspace. Does the Minister not think that it is an infringement of our airspace when signals from Uganda come to Kenya? What measure is he going to take to make sure that signals from Uganda are not used for propaganda purposes?

Mr. Poghisio: Mr. Speaker, Sir, a signal is received by your handset, and there is no way it can be used for propaganda. Some people may have abused the use of that handset, but the matter does not arise because it is a public address system. It is not a broadcasting network. It comes to your individual phone. So, I do not expect that the hon. Member will have a problem of getting propaganda from the other side of the border.

Mr. Langat: Mr. Speaker, Sir, I would like the Minister to confirm whether we have rules on the locations at which transmission masts should be put at the borders. Do we have such rules? If not, what action will he take to ensure that such rules are introduced between Kenya and neighbouring countries?

Mr. Poghisio: Mr. Speaker, Sir, the only rule is that you cover as much of your territory as possible. In that regard, there is going to be an overlap. Either way, there has to be overlap. That is why we want to have consultations, so that if it is necessary, when you cover the border area, you use short range equipment, and not long range equipment. That is basically what we are going to enter into.

Dr. Nuh: Mr. Speaker, Sir, I want the Minister to put us in the right perspective. He said that Safaricom would not bear any responsibility because he thinks it is not the responsibility of Safaricom. However, when companies try to run a service called “roaming” it must be a partnership; Safaricom went into partnership with a network in

Uganda. If I have a phone fitted with a Yu sim card, it does not automatically pick up a Ugandan network, which has no partnership with a network in this country. So, in the light of the fact that it is Safaricom which has gone into a deal with MTN for the Safaricom handset to be able to pick the MTN network, why would they not compensate the affected people?

Mr. Poghiso: Mr. Speaker, Sir, I want to thank the hon. Member for that question. Technically, it is not possible to stop any signal from coming in because of the International Telecommunication Union (ITU) rules, which say that you cover your country as much as you can. Even if MTN was not in partnership with Safaricom, we would still have the signal coming into Kenya because your handset is capable of picking that signal.

Mr. Keynan: On a point of information, Mr. Speaker, Sir.

Mr. Speaker: Minister, do you want information from hon. Keynan?

Mr. Poghiso: Mr. Speaker, Sir, there is no harm in being informed.

Mr. Speaker: Proceed, hon. Keynan.

Mr. Keynan: Mr. Speaker, Sir, I want to inform the Minister and the House that this is a time when we are encouraging economic integration in East Africa. Therefore, those barriers in the name of borders will very soon not be there. Therefore, the Minister should be courageous enough to say that very soon, we will have the East African economic bloc without those international borders.

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House by saying that it is your handset which picks the networks? In fact, it is not the handset which picks up the network, it is the sim card. So, it is a sim card with specific connection!

Mr. Speaker: Order! Order, Member for Bura! You have made your point.

Mr. Poghiso: Mr. Speaker, Sir, that argument can be extended beyond this House with the hon. Member. As we argue as to whether it is the sim card of the handset which picks the signal, we should appreciate that if you keep your sim card in your pocket, you cannot receive anything. You need to have the handset.

(Dr. Nuh stood up in his place)

Mr. Speaker: Order, Member for Bura! On the face of it, that is a good answer! Yes, Member for Kisumu Town East.

Mr. Shakeel: Mr. Speaker, Sir, although we are in the East African Community (EAC), the Minister knows very well that signal blocking devices are used by many countries. I can point out Israel as an example. Even where I live, signals are blocked. In banks, signals are blocked. Why can the MTN signals, particularly those crossing over to Kenya, not be blocked? The blocking device I am talking about is very old technology. It has been used for many years, even for blocking radio transmission. So, why does he not use signal blocking devices?

Mr. Poghiso: Mr. Speaker, Sir, the reason for blocking signals is so that nobody can use the signal. The Member for Butula wants the signal. If we block it, then nobody uses it. In fact, if we block the signal---

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. The Minister is misleading the House! We are not saying that he blocks all mobile network signals. We are saying that signals coming from Uganda should be blocked. Why are they not being blocked?

Mr. Speaker: Order! That is not a valid point of order! If you revisit your statement, you have been explicit that the Minister is misleading the House. You do not have the privilege of making that finding. So, do not respond to that, Mr. Minister.

Mr. Odhiambo: Mr. Speaker, Sir, the Minister has said that the signal should cover as much of your country as possible. Why then does the Ugandan signal cover areas outside Uganda? They should only cover Uganda which is their country. They should cover as much of Uganda as possible, but they are now covering parts of Kenya. When we go to Uganda, which I have done many times, the same does not happen. When you are in Uganda, your phone does not tell you “welcome to Safaricom”, but when you are in Kenya, your phone tells you “welcome to MTN”. You are supposed to enter into an agreement.

Mr. Speaker: Order, Member for Butula! You have done well. You have asked the question. Allow the Mr. Minister to answer.

Mr. Poghio: Mr. Speaker, Sir, I might have to engage the services of our military and immigration officers because I do not have the capacity to stop signals. Maybe, somebody else can do it. The Minister for Information and Communications---

Mr. Ruto: On a point of order, Mr. Speaker, Sir. The Minister is a very learned man and he has just blocked his mind to the possibilities of using technology to unlock this mess. If the Minister became a little bit more pragmatic, he would not be giving us these answers. Is he in order to tell us that it is the military or the Immigration Department that can block the signals? This is a technical job that can be sorted out by the officers under his charge! It is really unfair!

Mr. Speaker: Order! The way you have prosecuted that, it becomes an argument. Mr. Minister, you need not respond! Carry on with your answer!

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to evade answering the question why the Ugandan network is charging our people inside Kenya? He has claimed that he is not part of the military yet he is part of the Government which should ensure that Kenyans are not charged at local rates.

Mr. Poghio: Mr. Speaker, Sir, really what order have I breached? I have to breach something to be ruled out of order.

Mr. Speaker: Order! Mr. Minister, as I have followed you, you have not delivered any summon although I know you have the capacity to do so. You have provided answers. Proceed!

Mr. Poghio: Mr. Speaker, Sir, I have tried and I believe that you can only do so much. I have decided that today, I am going to be as nice as I can be to explain what has been asked.

(Loud consultations)

I am as nice as I can be because I can go back to the beginning of my answer. At the beginning, I said that signals travel across boundaries. This is East Africa. If you receive this signal and you do not want it, there is a way out. You should switch to manual and you will get the options of Safaricom, Airtel, Yu and the others. Then you

can select Safaricom and that problem will go away. It is something that is so clear that we must allow ourselves to---

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

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Members! Let us hear the Minister!

Mr. Poghiso: Mr. Speaker, Sir, if you can protect me from the nominated Member, hon. Millie!

Mr. Speaker: Mr. Minister, proceed! I have protected you!

Mr. Poghiso: Mr. Speaker, Sir, I said that I was going back to the beginning of my answer.

Mr. Speaker: Which you have done!

Mr. Poghiso: Mr. Speaker, Sir, this is not the problem at all. You avoid the problem by removing yourself from the situation and the way to remove yourself from the situation is to select the network that you want from the available networks.

Mr. Kombo: On a point of order, Mr. Speaker, Sir. No matter how much the Minister tries, he is avoiding to answer the question. The Member for Butula was very categorical that when you are on the Ugandan side, you do not receive signals from Kenya telling you "welcome to Safaricom". Why is it that when you are on the Kenyan side, you receive signals from the MTN?

Mr. Speaker: Mr. Minister, is there any way you can improve that, although that does not pass for a valid point of order according to our Standing Orders? Hon. Kombo, I rule it out, I am afraid!

Question No.972

COST OF UPGRADING ROADS IN
MANDERA/WAJIR/GARISSA COUNTIES

Mr. M.H. Ali asked the Minister for Roads:-

(a) whether he could provide a list comprising names and costs of all roads done or repaired during the last three financial years, excluding the Constituency Fuel Levy Fund;

(b) what plans he has to improve major roads connecting administrative districts to all-weather roads in the three counties of Mandera, Wajir and Garissa; and,

(c) how much money he has allocated these roads in the 2011/2012 Financial Year.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, I beg to reply.

(a) May I table a list showing the names and the cost of all roads done or repaired during the last three financial years, excluding the Constituency Fuel Levy Fund.

(Mr. Kinyanjui laid the document on the Table)

(b) My Ministry, through the Kenya National Highways Authority plans to do the following roads:-

(i) The Garissa-Modika-Nuno Road, A3, C81. The tender for construction and completion of works on this road were advertised on the *Daily Nation* newspaper on 22nd July, 2011.

(ii) The Garissa-Dadaab-Liboi Road, A3. The tender for design of the above road has been awarded. The design consultant is expected to commence work in September, 2011 for a contract period of 12 months.

(iii) The Nuno-Modogashe Road, C81. The Government has secured funding from several development partners and we expect to tender as soon as the relevant documentation is finalized. My Ministry through the Kenya Rural Roads Authority has also earmarked Kshs107 million for the improvement of the Elwak-Fino-Mandera Road in this financial year

(c) My Ministry has made a budgetary provision of Kshs770 million in both Recurrent and Development budgets to be allocated to these roads in this financial year.

Mr. M.H. Ali: Mr. Speaker, Sir I wish to appreciate the Assistant Minister's answer. I also want to thank him for giving me the list and the names beforehand, so that I could scrutinize them. According to the answer in part "a", out of over Kshs150 billion which was used for new roads and maintenance of existing roads, only Kshs252 million was allocated to the North Eastern Province for the last three years. Is North Eastern Province considered the "Third World" province of this country? If so, the Assistant Minister could then tell us that the people of North Eastern Province should always be prepared to use cattle tracks instead of having roads.

Mr. Kinyanjui: Mr. Speaker, Sir, my answer is no. We do not consider it a "Third World" province and, therefore, the subsequent question does not apply.

Mr. Keynan: Mr. Speaker, Sir, the answer given by the Assistant Minister in part "b" has been the same for the last 45 years since we got Independence. In 2007, none other than His Excellency launched the construction of that road, which ended immediately after the election. So, it is a gimmick! Could the Assistant Minister confirm that this is just a ploy simply because again we are approaching another general election and the Government does not have an intention of tarmacking this road?

Mr. Kinyanjui: Mr. Speaker, Sir, I want to assure the hon. Member that we are committed to the improvement of the road network in the entire country and also in the north eastern part of this country. Only yesterday, a team that is supposed to be looking into this matter, and this road in particular, has already arrived in the country and we are confident that we will sign a finance agreement to ensure that the road works commence. I have no doubt that the road works will commence this year.

Mr. Affey: Mr. Speaker, Sir, the issue of roads, of course, is quite disturbing in that part of the country. However, I want the Assistant Minister to be specific in terms of Road B9, particularly the stretch between Modogashe and Mandera. How much money has he allocated this financial year? What arrangements does he have to tarmack the road as was promised by both the President and the Prime Minister?

Mr. Kinyanjui: Mr. Speaker, Sir, for the Nuno-Modogashe Road, that is, C81, we are at an advanced level in discussions with our financial partners, who are the Abdare, Kuwait and Organization of Petroleum Exporting Countries (OPEC). As I have said, we are about to sign a financial agreement to ensure that the construction of this road takes off.

Mr. M.H. Ali: Mr. Speaker, Sir, the Assistant Minister has said that they are consulting and looking for funding from the development partners. This is the same answer that has been given in this House for the last four years. Is North Eastern Province not entitled to revenue collected in Kenya to develop the roads in the province? Why is it that the Ministry of Roads always has to look for development partners to do a stretch of ten kilometers, for example the Modika-Nuno Road? This road has been pending for the last five years. The existing ten kilometre stretch of tarmac was done during the 2007 campaigns. Is the Assistant Minister waiting until the next election in order to start the construction of the road so that people can be told that the road will be completed after the election?

Mr. Kinyanjui: Mr. Speaker, Sir, if the hon. Member listened to me, I indicated that we have already advertised for these contracts. The adverts appeared on 22nd July, this year. We are evaluating the bids and we will award that contract within this month.

Question No.1003

REPAIR OF AHERO-KATITO-SONDU ROAD

Mr. Ochieng asked the Minister for Roads:-

(a) when he will repair Ahero-Katito-Sondu Road and fill the potholes on it; and

(b) whether he could also re-carpet and expand the road.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry, through the Kenya National Highways Authority (KeNHA) awarded a maintenance contract for Ahero-Katito-Sondu Road in April, this year. However, the contractor failed to meet the contractual obligations as stipulated in the contract agreement. The KeNHA is processing termination of the contract so that the works can be re-tendered afresh.

(b) Concerning the expansion of the road, a consultant has already been awarded the contract to carry out design of the road from Ahero to Mukuyu under which the expansion of the road will be undertaken. The consultant has already begun the design work and we expect that within the next three months we will get the final design.

Mr. Ochieng: Mr. Speaker, Sir, could the Assistant Minister explain how much he intends to use in terms of repairs on this road?

Mr. Kinyanjui: Mr. Speaker, Sir, the maintenance contract was awarded to UBA Construction Limited at a contract sum of Kshs86,412,928. The scope of works were to repair and install the damaged guard rails, pothole patching, reconstruction of selected damaged pavement layer, resealing of reconstructed sections and sealing of cracks with 80 to 100 grade bitumen.

Mr. Njuguna: Mr. Speaker, Sir, emanating from the answer given by the Assistant Minister, this contractor failed to execute the contract. What action is the Ministry instituting against the contractor?

Mr. Kinyanjui: Mr. Speaker, Sir, the default clause in every contract is very clear. As I have indicated, we want to invoke that. We are terminating the contract and the contractor will have to bear the consequences that come with that.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I have noted with concern that the roads around that area are either very poorly done or the ones that are meant to be done afresh take very long to be done.

(Mr. Waibara was applauded as he entered the Chamber)

I note that Mr. Waibara has received a stay and that is why hon. Members are excited. However, I would like the Assistant Minister for Roads to explain why the road from Homa Bay to Mbita is taking unduly long? Could he tell us whether the road will suffer the same fate or not? Why is that road taking so long to complete? We know that the contractors are working but it is taking unduly long. The roads in Nairobi are being done much faster. What is the reason for taking long to complete roads in that area?

Mr. Kinyanjui: Mr. Speaker, Sir, I want to correct the hon. Member that we have not had any evidence of roads in that particular area delaying or taking long to complete. Having said that, it is important to agree that every road contract has a time schedule which shows when the work is supposed to commence and when it is supposed to end. However, most members of the public do not know that and, as soon as construction on a road starts, they want it to be completed within a very short period. I want to assure the hon. Member that the contract is on schedule. As soon as the contractor falls behind schedule, we will be able to take remedial action.

Mr. Ochieng: Mr. Speaker, Sir, in part “b” of his answer, the Assistant Minister has indicated that the expansion of this road is being designed. Could he tell us when the designer’s report will be ready?

Mr. Kinyanjui: Mr. Speaker, Sir, as I indicated earlier on, the consultancy for the design of the road was awarded to Kass Consultants at a contract sum of Kshs54.3 million. The date of commencement for the design was 7th March, 2011 and the expected date of completion is 7th March, 2012. The contract period, therefore, is 12 months and we are on schedule.

Question No.1028

LIST OF KKV PROJECTS IN MAKUENI CONSTITUENCY

Mr. Kiilu asked the Minister for Youth Affairs and Sports:-

(a) whether he could table a list of all the projects/programmes undertaken by the Ministry under the *Kazi Kwa Vijana* programme in Makueni Constituency since its inception; and,

(b) how much money was allocated to each project/activity.

Mr. Speaker: Is anyone here from the Ministry of Youth Affairs and Sports? Mr. Deputy Leader of Government Business, your Ministers are not here!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, they are not here and it is all to do with the games in Maputo. We will try to ask them, but I think they are thinly spread out.

Mr. Speaker: Very well! The Member for Makueni, the Ministers are not here. One of them had to travel to Daegu, South Korea and the other one to Maputo. They are all not yet back. We will defer the Question to Thursday, next week.

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

Mr. Speaker: Order, the Member for Gwass! Sometimes it takes time for some Ministers to turn round.

(Question deferred)

Question No.1143

CONFISCATION OF JOSHUA MARITIM'S TRADE
LICENCES BY BURETI COUNTY COUNCILS

Dr. Laboso asked the Deputy Prime Minister and Minister for Local Government:-

(a) whether he could clarify why officers from Bureti County Council confiscated a trade licence and trading equipment belonging to Mr. Joshua Maritim, the proprietor of Mingingo Resort Club, on 24th May, 2011 and yet he had paid the annual trading licence fee to Bomet County Council on 11th May, 2011;

(b) what measures he is taking to ensure that there is proper demarcation of the boundary between County Council of Bomet and County Council of Bureti; and,

(c) whether he could consider compensating Mr. Joshua Maritim for the loss and damage occasioned to him by the confiscation.

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Mr. Speaker, Sir, I respect your yesterday's ruling. However, let me give an apology which I also sent to you in writing for failing to be here on time. I wish to table a copy of that letter which was actually delivered to your office.

(Mr. Nguyai laid the document on the Table)

Mr. Speaker: Order, Mr. Assistant Minister! You will have to resume your seat for the time being because I had not seen this letter! Let me digest it and if I accept it, then perhaps, you will transact business here. Otherwise, you and your colleague, the Deputy Prime Minister and Minister for Finance, are barred from transacting any business in this House yesterday and today. You are now doing this as the Assistant Minister for which Ministry?

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

Mr. Speaker: I thought that is the one against which sanctions were imposed yesterday!

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government (Mr. Nguyai): Just a clarification, Mr. Speaker, Sir. It was the Deputy Prime Minister and Minister for Local Government whom you imposed sanctions on and not the Office of the Deputy Prime Minister and Ministry of Finance.

Mr. Speaker: Very well! If that is so, you understand the substance of it. Those sanctions are not yet vacated! I will just read through the letter. In the meantime, let us take the Member for North Imenti!

Question No.951

NUMBER OF ENNDA- FUNDED PROJECTS
IN NORTH IMENTI CONSTITUENCY

Mr. Ruteere asked the Minister for Regional Development Authorities:-

(a) whether he could provide a list of all the projects/programmes that have been undertaken or funded by the Ewaso Nyiro North Development Authority in North Imenti Constituency since 2008;

(b) whether he could also indicate the location of those projects/programmes as well as the budgetary allocations for each project; and,

(c) why the projects which were earmarked and provided with budgetary allocations have not started.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Speaker, Sir, I beg to reply.

(a) The answers to parts “a” and “b” of the Question are shown in the detailed tables. I hope the hon. Member has got the written answer.

(c) The three projects that were allocated budgetary allocations are:- Three Youngsters Borehole, Njuruta Njiiri Borehole and Maitei Borehole. These three projects were awarded to In-depth Water Services Limited and the contract signed on 30th March, 2009. The company, however, did not take up the contract. After the lapse of the contract period, it was subsequently cancelled. During the same period, disbursement of funds for the projects was suspended and lifted after one-and-a-half years.

Mr. Ruteere: Mr. Speaker, Sir, the detailed answer which I have with me is very misleading. This is because some of the places that are talked of as being in Buuri are not there, but in Imenti North District. This shows that the Assistant Minister is not aware of what he is saying. The monies said to have been used could not have done that kind of work. An example is a project given to one John Ngatia regarding water in Timau. This is an individual in Kisima who was given Kshs19 million. Why is it that the Ministry found it fit to fund an individual when there are a lot of projects, like this Three Youngsters Borehole which belongs to young people who want to do farming there and have been waiting for the last four years and have not been funded? If the contract was cancelled when will it be re-advertized because the ban was lifted?

Mr. ole Metito: Mr. Speaker, Sir, the contract was cancelled and re-advertisement has already been done. The contract will be awarded next week. But I also want to agree with the hon. Member that the answer is very detailed and the projects listed are very many. Without anticipating debate, if this House approves the Motion for Adjournment, I am prepared to visit that area next week, from Tuesday to Thursday and see the projects.

Mr. Imanyara: Mr. Speaker, Sir, I would encourage the Assistant Minister to do precisely that because I have seen the written answer which refers to two projects which are, in fact, in Meru Central District and Central Imenti District. What is amazing about this answer is that it actually refers to the same primary school with a budgetary allocation of Kshs2.795 million and Kshs2 million not in Buuri, but in my Central Imenti District. The amount spent cannot possibly be more than Kshs100,000 because they have put four water tanks. I cannot see how four water tanks could have cost Kshs2.7 million, which is replicated again in the last answer. Could I invite him to really go back and look at this because it contains false information. It is important in the public interest to ensure that public funds are not used contrary to policy or stolen under the guise of supporting projects that are not in existence.

Mr. ole Metito: Mr. Speaker, Sir, I really want to invite the hon. Ruteere that we visit these projects from Tuesday to Thursday next week. However, I am going to confirm because the information I have about the water tanks for the schools is that there are ten water tanks per school. We will verify that on the ground on Tuesday, next week.

Mr. Mwangi: Mr. Speaker, Sir, the answer given by the Assistant Minister and the comment given by hon. Imanyara differ quite a lot. What the hon. Member has alluded to is that a lot of money was not spent on what it was meant for and the Assistant Minister says the money was not spent. Would I be in order to ask him go back, research and prepare an appropriate answer to this Question?

Mr. ole Metito: Mr. Speaker, Sir, for the record, I have not said that money has not been spent for the purpose that it was meant. What we are in agreement with the hon. Member is that we will go to the site and verify the projects done and ascertain the amount used on them.

Mr. Speaker: Last question, Member for North Imenti!

Mr. Ruteere: Mr. Speaker, Sir, you have heard the Assistant Minister say that he is not aware of how much money has been used for each project and that he wants to verify. Could we defer the Question until next Tuesday when we visit the site to verify the projects?

Mr. ole Metito: Mr. Speaker, Sir, I have not said that I am not aware of the money spent. In my answer, I have indicated that Kshs2.7 million has been spent on ten tanks per school for the three schools. It is the hon. Member who is questioning whether that amount was all used for that purpose. That is the reason I have told him that we should go to ground and ascertain that.

Mr. Ruteere: On a point of order, Mr. Speaker, Sir. Since the Assistant Minister wants us to go and verify the projects, I would request that this Question be deferred and be answered when we come back.

Mr. ole Metito: Mr. Speaker, Sir, it is not an issue of really deferring the Question, I have said that I have scheduled to visit these projects on the ground between Tuesday and Thursday next week. I request the hon. Member to accompany me. I think at that point we can sort out issues if there will be need to do so.

Mr. Speaker: Very well! Mr. Assistant Minister, I will direct that this Question appears again on the Order Paper six weeks hereafter, for the Assistant Minister to just give an update and not for further questions to be asked. That is what the HANSARD will say.

Mr. ole Metito: Much obliged, Mr. Speaker, Sir.

(Question deferred)

Question No.952

STATUS OF NYAYO PIONEER MOTOR VEHICLE PROJECT

Mr. Kaino asked the Minister for Industrialization:-

(a) whether he could inform the House what became of the *Nyayo Pioneer* motor vehicle project; and,

(b) whether the Government could consider reviving the project, considering that motor vehicle importation is a hindrance to industrial development.

Mr. Kaino: Mr. Speaker, Sir, the Minister called me and requested that the Question be deferred to a later date and I accepted.

Mr. Speaker: Very well, I will direct that the Question is deferred to Thursday next week.

(Question deferred)

Mr. Speaker: The next Question is by the hon. Member for Kisumu Town West.

Question No.1027

REINSTATEMENT OF SAMUEL DANIEL WAFULA BY KU

Mr. Speaker: Hon. Members, the hon. Member for Kisumu Town West is away to receive some medical attention in Europe. So, this Question is deferred until such time that he will return.

(Question deferred)

Mr. Speaker: Next Question by hon. Member for Konoin!

Question No.1055

REFUSAL BY TSC TO EMPLOY LORNA CHEBET

Dr. Kones asked the Minister for Education:-

(a) whether he could inform the House under what circumstances Ms Lorna Chebet, who holds a KCSE Grade B and BEd. (Sciences) 2nd Class Honours, Upper Division certificates, was denied employment by the Teachers Service Commission at Chemalal Secondary School after having emerged the best during interviews in the last recruitment exercise; and,

(b) whether he could order her employment by TSC.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) Following the advertisement placed by the Teachers Service Commission (TSC) in August 2010 Chemalal Secondary School was given a slot to recruit a Biology/Chemistry teacher. The school conducted a selection interview as per the TSC guidelines for the selection of the post-primary teachers for employment of contract 2010. Ms. Lorna Chebet attended the interview but the guidelines require that a teacher must have attained a KCSE minimum mean grade of C+ and also C+ in each of the two teaching subjects. Following TSC vetting of the interview results from Chemalal Secondary School, Lorna Chebet was disqualified because she attained grade C in Chemistry which is one of her teaching subjects. In view of this requirement, another qualified candidate was therefore selected.

(b) I cannot give an order to employ Ms. Lorna Chebet since she lost her chance in the stated interview which was done competitively.

Dr. Kones: Mr. Speaker, Sir, while appreciating the response from the Assistant Minister, I am really shocked that TSC has guidelines that seem to override university admission criteria. This girl had performed very well in Form Four, she had a mean grade of B and was admitted to Moi University to undertake a Bachelor of Education Degree to teach Biology and Chemistry. She scored an average of B in both teaching subjects and yet here is a case where TSC uses a Form Four certificate to deny the teacher who is qualified from the university just because she got a C in secondary school. Is the Ministry in order to issue such guidelines that seem to downgrade the status of the university and upgrade the status of TSC?

Prof. Olweny: Mr. Speaker, Sir, unfortunately those are the regulations that we have as of today. Unless they are changed, we shall stick to them.

Mr. Mbadi: Mr. Speaker, Sir, this is a very sad case of a lady who has done very well in her studies and is being denied a chance by the Ministry of Education to teach the children of this country. My question to the Assistant Minister is; based on what he said that this lady did not meet one qualification in one subject that should have been a requirement at the shortlisting stage, why did the Ministry through the board invite her for interview if they knew from her papers that she did not attain the minimum qualification?

Prof. Olweny: Mr. Speaker, Sir, the advertisement indicated the qualifications, she applied and she was given an opportunity to come for the interview. We still have that requirement today and unless it is changed---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. The Assistant Minister is definitely evading and avoiding my question. I asked that if the lady was disqualified on the basis of her papers, why was she invited for interview because she should have been disqualified at the point of shortlisting? Why did they invite her knowing very well that she did not meet the minimum requirement?

Dr. Kones: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House that she did not qualify yet during the interview, the lady was ranked the best and her name forwarded to TSC by the school management board which carried out the interview. Is he in order to mislead us that she did not qualify and yet she underwent the interview?

Mr. Speaker: Please respond to both. Respond to the point of order by the hon. Member for Gwassi.

Prof. Olweny: Mr. Speaker, Sir, according to the regulations we have today, unless they are changed, she had a C plain in Chemistry. Unless we change those regulations which I cannot change on the Floor of the House---

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. You have heard the Assistant Minister say three times that “according to the regulations”. Could he cite the regulation number and the regulations that he is referring to because there cannot be a regulation that places a Form Four qualification above a Bachelors’ Degree from a university like Moi University. Could you table those rules?

Mr. Speaker: Order, hon. Member for Central Imenti! Yes, you stood on a point of order but if you go back and examine what you have raised it is just another question. So, I am afraid that as a point of order, I will rule that out. If you asked it as a question, maybe it would have been permitted.

Mr. Njuguna: Mr. Speaker, Sir, in my view, this is a very sympathetic case where a very qualified teacher was denied a chance and if we are not careful---

Mr. Speaker: Order, hon. Member for Lari! You are supposed to ask a question and not give your opinion. If you look at the Standing Orders they say that you do not take advantage of Question Time to give an opinion.

Mr. Njuguna: Thank you, Mr. Speaker, Sir. This is a very qualified teacher. When is the Ministry going to review the policy that is demoralizing qualified Kenyans?

Prof. Olweny: Mr. Speaker, Sir, we have a policy in the Ministry that if someone fails to meet a requirement based on KCSE results, that individual can take a bridging course or exam in that particular subject. There is room for that.

Mr. Baiya: On a point of order, Mr. Speaker, Sir. The Assistant Minister says that this teacher was not taken because she had not met the specific grade in Form Four yet it is on record from the Assistant Minister that she took a Chemistry subject at the university level. He also says that there is also a policy allowing for upgrading of the subject. Is he not misleading this House to defend the decision that was made in view of the fact that the course taken at the university amounted to more than overgrading?

Prof. Olweny: Mr. Speaker, Sir, I am not misleading the House. What I would have opted for is a suggestion to be made so that we review these regulations. That is a better approach. Otherwise, we are not going to go against the rules that we have and we have been using unless we change them.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, this matter is very serious, especially for women. Issues of gender discrimination are very subtle. If I came here and male hon. Members want to discriminate against me, they will not tell me: “You woman, walk out.” It is in subtle things like the Assistant Minister is doing that we see discrimination. Is this not a case of corruption and gender discrimination? Indeed, I am going to take it up with the Committee on Equal Opportunity. We saw it in the recruitment by the army and it is ridiculous!

Mr. Speaker: Order, Mrs. Odhiambo-Mabona! You stick to the question that is relevant to this matter.

Prof. Olweny: Mr. Speaker, Sir, there is no gender discrimination in this. That is because the rule affects the two sexes - both men and women. It affects everybody. Even if a man does not meet the qualifications, he will not get the position. If a woman does

not meet the qualifications, she will not also get it. So, there is no issue of discrimination here.

Dr. Kones: Mr. Speaker, Sir, may I ask the Assistant Minister where the rules are. Could he table the TSC rules that he is referring to?

Prof. Olweny: Mr. Speaker, Sir, I was not asked to bring the rules. If you want them, I can go and get them from TSC. I do not have them with me. I am ready to go and bring them from the TSC, if the House wishes so.

Mr. Speaker: Order, Member for Konoin! The Assistant Minister will make those rules available to you. Please, confirm to the House, in whatever manner you can, that the rules have been availed to you. If they are not, you will rise at some point - on a point of order - and we will revisit the matter. Is that clear?

Dr. Kones: Yes, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! There is Question No.1143 directed to the Minister for Local Government, who is also the Deputy Prime Minister. I am afraid that this Question cannot be transacted this afternoon. That is because I imposed sanctions on both the Deputy Prime Minister and Minister for Local Government and any other Minister under that portfolio, until and unless I receive a satisfactory explanation. Those sanctions will continue to apply, as I said, strictly so, yesterday and today. I have seen a letter from the Deputy Prime Minister and Minister for Local Government. However, I am afraid that the letter is not sufficient for me to lift those sanctions. It tells me that the Minister arrived late because he had a problem with traffic. All of us have problems with traffic. So, it is not a good explanation. I am afraid the sanctions will continue to apply for today, until next week. So, for today, both the Deputy Prime Minister and Minister for Local Government and his Assistant Minister will transact no business in the House.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. While I appreciate your ruling, it is the Deputy Prime Minister and Minister for Local Government who, in this case, made a mistake. However, the sanctions affect even the Questioner! Could I, kindly, ask the Chair to reconsider this in future because it hurts the Questioner as much as it hurts the Ministry?

Mr. Speaker: Member for Gwassi, I hear you! We shall cross that bridge when we get to it. However, for this afternoon, the Member for Sotik has communicated to me that she will not be prejudiced if this Question is answered even next week. So, that being the position, before the Question is asked, you are not seized of it. You understand that, I hope.

Mr. Mbadi: Yes, Mr. Speaker, Sir.

Mr. Speaker: Are you sure?

Mr. Mbadi: Yes.

Question No. 1143

CONFISCATION OF JOSHUA MARITIM'S TRADE
LICENCE BY BURETI COUNTY COUNCIL

(Question deferred)

Mr. Speaker: That brings us to the end of Order No.6.

Next Order! We are now at Order No.7, which is Statements. Are there any Statements which are ready for delivery? Yes, Mr. Ojode.

POINTS OF ORDER

INSECURITY IN UASIN GISHU

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I was ordered by the Chair to issue a Statement regarding the insecurity in Uasin Gishu yesterday. The hon. Member who sought the Statement is not in the House. I spoke to him and he said that if he did not come on time, I could deliver it next week. I do not know what the Chair will say.

Mr. Speaker: Very well! That will be fine!

KILLING OF JOHN KIMURI/PETER IRUNGU /KENNEDY WAITWIKA

Mr. Mwangi: On a point of order, Mr. Speaker, Sir. This is my fifth time to request the Minister of State for Provincial Administration and Internal Security to table a report on the killing of John Kamuri, Peter Irungu and Kennedy Waitwika. It was Question No.810 of 6th April, 2010. The Minister has committed to answer this Question every Thursday since last month, but he never does so. Could I get your guidance on this one? Is he the Minister of security or insecurity?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I am in charge of security and not insecurity. The Question had already been answered by the substantive Minister. There was some information which was missing. When I delivered the message to the substantive Minister, he said that he will give him that information. I beg the hon. Member to remind me or the Minister about the matter, so that we bring it. It was not even listed among the Statements which we were supposed to bring. Some information was missing on the part of the Minister and him. I can still come up and give him the information that he needs.

Mr. Mwangi: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House. Last week, I spoke to the Minister, hon. Prof. Saitoti. Mr. Speaker, Sir, you gave me guidance to talk to the Minister; which I did. I gave him the Question number and the names of the boys who were killed. Is it in order for the Assistant Minister to come and say that it was not on the Order Paper, while the Minister committed himself to answer the Question last week? This Thursday, he is still talking about the same thing. Those boys were killed!

Mr. Speaker: Order, Member for Kiharu! Please, relax. Mr. Assistant Minister, are you able to explain whether the substantive Minister, your colleague, was, in fact given the requisite information and, perhaps, the Member seems to imply that the Minister has deliberately chosen not to be here because he knew that the matter would be raised?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): No. Mr. Speaker, Sir, when my colleague answers a

Question and then he is asked for information, just like the Questioner is alluding; it becomes very difficult for me to know which areas we need to act on. He has also said that he had seen my colleague. So, it is up to the Chair to decide. If I am briefed by my colleague, I will deal with the issue.

Mr. Speaker: Member for Kiharu, I will give you this commitment. I will personally take up this matter with the Minister and expect that he comes with that Statement next Thursday, failure to which I will impose sanctions on him.

Mr. Mwangi: Thank you, Mr. Speaker, Sir. I oblige.

INSECURITY IN TRANS NZOIA

Mr. Wamalwa: Mr. Speaker, Sir, the same Minister had undertaken last week to issue a Ministerial Statement on insecurity in Trans Nzoia, particularly about an incident where a G3 rifle was found in the hands of a suspect who was lynched at Moroki Market in Saboti Division.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, we agreed that I issue this Statement on Wednesday, next week although the hon. Member wanted me to combine it with the one of Mr. Kutuny. So, even if you check the roster today, there is no Ministerial Statement which was supposed to be delivered by myself, except the one of Kutuny.

Mr. Speaker: When can you bring that Statement then?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I still stand by what I said, by Wednesday, next week that is if we are not going on recess. In the event that we are going on recess, I will ask---

Mr. Speaker: It is adequate if you say on Wednesday!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I will bring it on Wednesday, Mr. Speaker, Sir.

Mr. Mbadi: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Attorney-General---

Mr. Speaker: Order, Member for Gwassi! Just resume your seat for a moment. First, we need to take those Statements which are due.

ERRORS OF OMISSION/COMMISSION BY GOVERNMENT PRINTER

Mr. Ogindo: Mr. Speaker, Sir, I was expecting a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security in connection with the Government Printer on the errors of omission and commission that have been perpetually and notoriously perpetrated by the Government Printer in connection with the insertion during the printing of the new Constitution, in connection with the failure to publish the Ligale Report, in connection with the mix-up in the dates of the Independent Electoral and Boundaries Commission and lately, with the error that was detected by Mr. Gitobu Imanyara. This has been pending for the past one and a half months. I seek your guidance.

Mr. Speaker: The error detected by the Member for Central Imenti, I am not certain that, that has been pending for one and a half months. So, you will need to correct that. That is not accurate.

Mr. Ogindo: Thank you, Mr. Speaker, Sir. I withdraw that portion of my submission.

Mr. Speaker: Very well!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, indeed, you are right in asking him on that particular issue. The reason why I could not bring the Statement was because of the inclusion of that particular section. I want to say that on Wednesday morning, we will bring the comprehensive Statement with regard to all those parameters which he is talking about.

DELAYED STATEMENT ON LIBYAN INVESTMENTS IN KENYA

Mr. Imanyara: Mr. Speaker, Sir, there is a pending Statement from the Minister for Foreign Affairs regarding Libyan investments in Kenya. It was due yesterday and I would like to get from the Leader of Government Business when this Statement will be given.

CORRECTION OF ERRORS IN ETHICS AND ANTI-CORRUPTION COMMISSION ACT

Secondly, the Minister did indicate when I pointed out the errors in the Ethics and Anti-Corruption Commission Act that they would be corrected the following day. I would like an assurance that this has been done.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, starting with the last one, the process of the correction started even before the matter had been raised. So, we are just waiting for the publication of the corrigenda.

In terms of the other matter on the Statement from the Ministry of Foreign Affairs, as you are aware there is a regional meeting taking place today and tomorrow on the state of famine in the horn of Africa. The Ministry of Foreign Affairs is deeply involved in the organization of that. So, they cannot be here to provide the Statement. With the indulgence of the House, that can be provided next week.

RE-APPOINTMENT OF THE MINISTER FOR FOREIGN AFFAIRS

Mr. Gunda: Mr. Speaker, Sir, there is a Statement pending from the Leader of Government Business on the re-appointment of the Minister for Foreign Affairs and his Permanent Secretary. This Statement was said to be given by the Prime Minister. Yesterday, you directed the Prime Minister to come today to give the Statement. I seek your guidance on the same.

Mr. Speaker: Very well! I recollect that position being so and I expect that the Right hon. Prime Minister is here to deliver the Statement. So, I am now calling upon him to deliver the Statement.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, we did communicate to the Right hon. Prime Minister your directive. He would have wished to be here today to make this Statement, but unfortunately and for good reasons, he is engaged with the meeting that is discussing the state of famine within the horn of Africa at the UN, co-chaired by Kenya and the UN. Today was the Ministerial day and tomorrow is the summit.

In addition to that, there is also the funeral of one of the heroes of this country, the late Wambui Otieno. The Prime Minister was also involved in that. So, I want to communicate the apologies of the Prime Minister. He could not be here to issue this Statement and would wish to do that at another opportunity next week.

(Several hon. Members stood up in their places)

Mr. Speaker: Hon. Members, I will allow those who have concerns on this matter to speak to it beginning with the Member for Bahari.

Mr. Gunda: Mr. Speaker, Sir, it would appear the Executive is having a strategy to postpone giving this Statement in the hope that the matter might die soon. Could we be specific as to when this Statement will be given because this is a serious matter?

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, the next available opportunity is Prime Minister's Time on Wednesday. As you remember, this was actually scheduled and was even circulated to hon. Members for last Wednesday, but the Prime Minister could not be here. The meeting that is taking place was scheduled long before the request came to this House. The funeral was scheduled long before the matter came to this House. So, we are not actually using those as excuses for not issuing this Statement.

Mr. George Nyamweya: Mr. Speaker, Sir, this is a lot more important than the Leader of Government Business wants to put it. It is a matter of whether Parliament has any authority over its own matters. This arises from a decision of this House that certain measures must be taken by the Executive.

I do not understand how the Executive can think that they can bypass Parliament by assigning themselves whatever duties they want to as heavy as they might be--- The respect of this House is an issue.

We did, indeed, seek your guidance that in the event that the Executive chooses to ignore the Legislature what is the recourse of Parliament? Do we simply then say the Executive can do whatever it wants? They are about to come here in the next Order to seek money. Are we to say, perhaps, we can go to other functions because that is okay? Clearly, it is a lot more fundamental than the Leader of Government Business wants to. We need to address it properly.

If it is a matter of delivering a Statement, could the Prime Minister not give it to the Leader of Government Business to deliver it, if they respect this House? The Prime Minister has two deputies, what is so difficult in one of them being able to deliver that Statement?

Mr. Speaker: Order! Deputy Leader of Government Business, I will want you to respond but just wait. Let us take the balance of those points of order, you will then respond and finally I will give directions. First, with respect to the matters canvassed by hon. George Nyamweya, I think it is important that you speak on whether or not the

Prime Minister could very well have given that statement to you to deliver. That is important to note.

Yes, Mr. C. Kilonzo

Mr. C. Kilonzo: Mr. Speaker, Sir, it is very clear that the Government has no intention of responding to this matter, because there is no justification that it can give to this House. I am seeking your advice and ruling on this matter. Clause 156 reminds us that there is principal legal adviser to the Government, whose one of the duties is to promote, protect and uphold the rule of law and defend the public interests. For that reason, I would wish to ask that when the Prime Minister, or his representative does appear to respond to this matter, he tables a written legal statement from the Attorney-General's office on the reinstatement of one. hon. Wetangula, Minister for Foreign Affairs and his Permanent Secretary, Mr. Thuita Mwangi, telling this House the legal position on this matter.

Dr. Khalwale: Mr. Speaker, Sir, this matter has started snowballing into something that we never appreciated. It has come to the attention to the Public Accounts Committee (PAC) of the National Assembly of Kenya that in or around January 2011, the Controller and Auditor-General produced a special audit report; this report is now in public domain and the PAC is not seized of that matter. I would like you, when you are giving your guidance, to consider Section 26 of the Public Audit Act which provides that once the Controller and Auditor-General produces a report, in this case in January 2011, seven days after the first sitting of this House, the Minister for Finance is supposed to table that report in this House. Because I am not angelic, I would like to request that in your giving direction, you ask the Prime Minister to tell us why the Minister for Finance has sat on this report; if he is sitting on this report because he wants to protect the corruption that is going on in this Government, then let them be aware that the Ministry of Foreign Affairs represents this country in very important fora outside. Therefore, because the people who sit in such conferences with the Minister are aware that the Minister has been suspended as a result of allegations of corruption--- Even if they sit with him, does the Minister still have the moral standing before the international community if he purports to go there by force when this House has not been satisfied that the man has nothing to answer for?

Mr. Speaker, Sir, finally, hon. C. Kilonzo has referred to the opinion of the hon. Attorney-General in respect of hon. Moses Wetangula. I want to add my voice to that by saying the following: In order for it not to look as if this Parliament is trying to focus on one scandal and leave out others, we would like the Attorney-General when giving his opinion to comment on hon. Wetangula in respect of the Tokyo scandal and also on the hon. Amos Kimunya in respect of the former Grand Regency Hotel.

Mr. Keynan: On a point of order, Mr. Speaker, Sir. Parliament, as one of the three arms of the Republic of Kenya, has rules. Under these rules, the committees under Standing Order No.198 have their mandate clearly stated. In line with that mandate, the Departmental Committee on Defence and Foreign Relations interrogated some of the activities of the Ministry of Foreign Affairs and came up with a report and that report was accepted. Again, in line with Standing Order No.181, that report was tabled, debated and adopted by this august House in October, 2010.

Mr. Speaker, Sir, even before getting a substantive report from one of the investigative agencies of the Government--- They are many, we have the Kenya Anti-

Corruption Commission (KACC), the Efficiency Monitoring Unit (EMU), the Criminal Investigations Department (CID), the National Security Intelligence Service, and the Controller and Auditor-General's Office. What the Government ought to have done was, in line with Standing Order No.183 - I want to read it; it states:

“Within sixty days of a resolution of the House or adoption of any report of a select committee, the Minister under whose portfolio the matter raised in the report or contained in the assurance or resolution fall, shall provide a report to the House”.

Mr. Speaker, Sir, to the best of my recollection, I do not remember in the last nine months any interim report from whoever was in charge of that portfolio of the Ministry of Foreign Affairs.

Having said that, I stand here on behalf of the Departmental Committee on Defence and Foreign Relations and, indeed, on behalf of the Members of the august House. Today I feel vindicated simply because when this report came to the Floor of the House, there were so many issues. I want to table here a report from the Controller and Auditor-General dated January this year. This report clearly confirms all the issues that this House adopted as a result of the recommendations of the Departmental Committee on Defence and Foreign Relations.

Mr. Speaker, Sir, we need to be honest. Criminal responsibility is an individual issue. This report has been with the Government in the last nine months.

Mr. Speaker: Order, hon. Keynan! I have to interrupt you because even as you want to table that report, you must tie it in with the matter that is currently being deliberated in the House. What is being deliberated on, as I understand it up to where we are, is failure on the part of the Right hon. Prime Minister to be here to deliver a statement as I directed he should. So, make sure you tie it in with this. Do not just throw in words or documents without tying them to the situation that we are sticking to.

Mr. Keynan: Mr. Speaker, Sir, the suspension of the former Minister for Foreign Affairs and the Permanent Secretary was as a result of the report that we adopted. This report of the Controller and Auditor-General is on the same substance, Tokyo Report. I want to table this because it is one of the---

Mr. Speaker: Relate it to the question that we are dealing with. I think it is possible to do so, hon. Keynan.

Mr. Keynan: Mr. Speaker, Sir, this is when---

Mr. Speaker: Hon. Keynan, let me help you because you are not impressing me at all, I am afraid!

If you want to claim that, perhaps, one of the reasons the Right hon. Prime Minister is not here to deliver the statement is because of a report of the Controller and Auditor-General which indicates that what the Committee found is, in fact, true, say so.

(Applause)

Mr. Keynan: Mr. Speaker, Sir, actually, I am saying the same thing.

Mr. Speaker: You are not, hon. Keynan!

(Laughter)

Mr. Keynan: Mr. Speaker, Sir, what is contained in the report is, indeed, what the Committee tabled in this House and that was adopted.

Why has this not been implemented in the last nine months? It confirms all the issues that we have raised. Therefore, when the Prime Minister comes, we expect him to tell us how many of these individuals have been arraigned in court? It is the same report as that of the Controller and Auditor-General.

Mr. Speaker: Order, hon. Keynan! If you proceed on those lines, then I am afraid, I will disallow you from tabling the report. Just tie it in; link it for God's sake!

Mr. Keynan: Is it because of this report or any other report? Therefore, I want to table the same.

(Applause)

(Mr. Keynan laid the document on the Table)

Ms. Karua: Mr. Speaker, Sir, I will begin by being very upfront that, indeed, I was at the heroines funeral and I saw the Prime Minister there delivering his own condolence and that of the President.

Mr. Speaker, Sir, I think that Parliament has a duty to be fair and to appear to act fairly. Parliament has a responsibility not to appear to be drawn into factional wars within political parties. I am, therefore, asking for your direction. Is it possible that when the Prime Minister brings this report he could also bring reports of the various other investigations touching on Ministers, including that which has already been mentioned, and also including that on water and on any other scandal that has recently been investigated, including the maize report, so that Parliament does not appear to be acting without any consistence?

Mr. Duale: Mr. Speaker, Sir, I think this matter is of great national importance. I hope you will rise to the occasion like many other times when you stood up and gave decisions that affect the people of this country.

Mr. Speaker, Sir, the genesis of this problem was a Member who stood up and asked for your guidance. You asked the co-ordinator of Government, Right hon. Prime Minister yesterday to issue a statement to this House.

However, he was nowhere to be found yesterday, but you directed that he must be here today to address this House and the nation on the issue of re-appointing the Minister for Foreign Affairs and his Permanent Secretary. This nation wants to know whether this Government is very selective in its war on corruption. We want to know whether the two principals or anybody else in this Government wants to protect some sacred cows. Whether it is today or tomorrow or next year, this House needs answers as to the circumstances under which the Minister for Foreign Affairs was re-appointed. The people of this country are waiting for answers. Whether it is the Deputy Prime, Leader of Government, or the President himself who will come to this House, we want a proper answer stating the circumstances under which the Minister for Foreign Affairs, hon. Wetangula was reinstated into the Cabinet. We need answers and we need your guidance on this matter.

Mr. Namwamba: Mr. Speaker, Sir, when the Prime Minister is finally and hopefully gets the opportunity to address this matter, may it also go on record that he

should also use that occasion to draw to the attention of this House and to the country inconsistencies between this audit report that has just been tabled here and the report tabled in this House by the Committee. I say so, because the Chairman of the Committee has with much authority told this House that the audit report confirms every allegation made in the report of the Committee.

Mr. Speaker, Sir, just running thorough this report that has just been tabled quickly, there are a number of fundamental differences between this audit report and the report tabled in this House by the Committee.

Mr. Speaker, Sir, allow me for the record to just draw the attention of the House to three of those differences. One, in the Committee report we are told that the property that was being sought to be purchased was in a slum area which was actually compared to one of the not so famous addresses in this country. But the Controller and Auditor-General says and I quote the report that the Chairman of the Departmental Committee on Defence and Foreign Relations has just tabled:-

“The property is located ---” I will skip the address. “...a respectable residential cum commercial neighbourhood in ward that is favoured by other embassies, including eight from Africa, six from Europe, and one from the Pacific. In addition to being close to various international schools and financial institutions, the mission is also conveniently accessible by rail or bus from central Tokyo.”

Mr. Speaker, Sir, that is a material fact that is fundamentally different from the position that the Committee tabled here.

Mr. Speaker, Sir, secondly, we were told in the Committee Report that the Government of Japan had offered free land to the Government of Kenya, which was declined. Again, the Controller and Auditor-General says the following, and I quote:-

“Records available during the audit do not, however, show any evidence of a formal offer of land by any authorities in Japan.”

Again, that is a fundamental material difference between this report of the Auditor and the report of the Committee. Finally---

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

Mr. Speaker: Order! Allow, the Member for Budalangi to finish.

Mr. Namwamba: Mr. Speaker, Sir, I am on a point of order. If the Member could just check the Standing Orders, again---

Mr. Speaker: Order! You are protected. Proceed!

Mr. Namwamba: Mr. Speaker, Sir, again, the Committee did sensationally announce that the Government had lost over Kshs1 billion. With regard to the exact amount of money that the auditor calls into question, he says the following:-

“However, and for reasons which are not clear, the Ministerial Tender Committee appears to have disregarded the valuation of Kshs1.2 billion provided by the Commissioner of Lands for the property and instead approved a purchase price of Kshs1.4 billion. Consequently, and as a result of the decision by the Committee, the value of Kshs1.2 billion given by the Commissioner of Lands was exceeded by an amount of Kshs185,502,899 or approximately, 14 per cent, apart from---”I will not go into that.

Mr. Speaker, Sir, again, that is a fundamental variation between the figure that the Controller and Auditor-General call into question which is at 14 per cent and the figure that the Committee claims was lost. Therefore, I want to plead that, when hon. Prime Minister makes his statement he should also for the benefit of the record, and for the

benefit of this House and the nation at large, call attention to those fundamental variations between the report of the Controller and Auditor- General and the Report of the Committee. Indeed, the Controller and Auditor General does not appear to be confirming the allegations of the Committee.

Mr. Speaker: Order! Order! What did you say just before you concluded? “The Controller and Auditor-General does not appear to confirm the allegations of the Committee”.

Mr. Namwamba: Mr. Speaker, Sir, those were exactly my words---

Mr. Speaker: Order, Member for Budalangi! The Committee does not make allegations. The Committee makes an inquiry. It then goes on to make recommendations and/or findings. That you must correct.

Mr. Namwamba: Mr. Speaker, Sir, may I, therefore, given that English is not necessarily my first language of communication, amend and say that on the basis of the few excerpts that I have read to the House from the report of the Controller and Auditor-General, the Controller and Auditor-General does not appear to confirm the findings contained in the report of the Committee.

Mr. Speaker: Very well! Member for Githunguri

Mr. Baiya: Mr. Speaker, Sir, I am asking you to consider, in giving directions, that the matter is pretty serious in view of the fact that, the Executive has actually made an appointment to one of the most important portfolio in the Government - the Minister for Foreign Affairs and the Permanent Secretary, against a background of a report by this House questioning the suitability of the Minister to continue holding that office. In light of the new Constitution and the new standards which have also been set with regard to Chapter Six on suitability of public officials to hold office, we would also want the Prime Minister to use this forum to alert the country as a whole whether they can still support that appointment, notwithstanding the further revelations on the same effect by the Auditor-General. The substratum of the Auditor-General’s report is that it does not absolve the officials involved of the allegations that were laid and supported by a finding of this Parliament.

(Applause)

So, we would want the Prime Minister to tell the country whether, in spite of those reports and in spite of the House, the Executive believes that they should continue to stick with the appointment that they have made.

Mr. Speaker: I will want to take the last contribution on this matter from the Back Bench and I will want to go back to the Front Bench. I am afraid I will finish with just one! Member for Central Inmenti.

Mr. Imanyara: Mr. Speaker, Sir, you can sense that this is a matter that is attracting a great deal of interest, and it is also generating a great deal of interest out there among the Kenyan people. Given that the Prime Minister appears to be an extremely busy person; given what we were told this morning on this issue and also, given that the hon. Member had requested this information from the Leader of Government Business, if the Prime Minister is that busy, the Leader of Government Business, the Vice-President of the Republic of Kenya can issue that Statement in the House.

(Applause)

(Mr. Mbadi stood up in his place)

Mr. Speaker: We will now come back to the Front Bench. I am sorry Mr. Mbadi. But before the Deputy Leader of Government Business speaks over this matter, I will want to hear the Deputy Prime Minister and Minister for Finance. Mr. Kenyatta, I am sorry if I am catching you by surprise. But I have good reason to do so. The matter pertaining to the report which has been tabled by Dr. Khalwale, I have a few issues there. Is it Dr. Khalwale?

Hon. Members: It is Mr. Keynan!

Mr. Speaker: Yes, the Chairman of the Departmental Committee on Defence and Foreign Relations. That report will have been prepared pursuant to the Public Audit Act which is Act No.12 of 2003. That Act and its operations fall under the ambit of the Deputy Prime Minister and Minister for Finance. By the provisions of Section 10 and 11 as read together with Section 26 of the Public Audit Act, you are expected to have been seized of this report within seven days after it was prepared. There is an allegation here by Mr. Keynan that it was prepared on 11th January, 2011. The report, itself, from what I see, has no exact date in the sense that it does not have the date when it was prepared in January. But it has a date which says January 2011. Now, pursuant to Section 26 which I have alluded to, and I want to read it out so that all hon. Members know, it provides as follows:-

Section 26(1) reads: “If in the course of an examination and an audit, a matter comes to the attention of the Controller and Auditor-General that he feels should be brought to the attention of the National Assembly immediately, the Controller and Auditor-General shall submit a special report to the Minister responsible for finance.

(2) The Minister shall lay the special report before the National Assembly not later than seven days after the National Assembly first meets after the Minister has received the report.

(3) If the Minister fails to lay the special report before the National Assembly as required under this section, the Controller and Auditor-General shall forthwith submit a copy of the report to the Speaker of the National Assembly to be presented by him to the National Assembly.”

So, with respect to sub-section 3, I can confirm that I have not, in the month of January or any time later, been served with this report by the Controller and Auditor-General. I have further checked with the Office of the Clerk and he has confirmed to me that his Office has not been served with any such report. That, therefore, Minister, except as you will now explain, leaves the report in your office.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, that report, to the best of my knowledge, has not been received in my office. But given the fact that Mr. Keynan has tabled a copy of that report, I can undertake to this House and I will, indeed, confirm with my office and the Controller and Auditor-General. If that report is there, I will table it next Tuesday.

(Applause)

Mr. Speaker: Very well! Deputy Leader of Government Business, you may now proceed and respond.

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, nine comments have been made or clarifications sought on this matter and looking at them, two relate to the subject matter, which is the presence or absence of the Prime Minister this afternoon. Seven relate to extra information that the Prime Minister should include in his Statement when he makes it.

If I take the two that are related to the presence or absence thereof, is the issue raised by Mr. Nyamweya who wanted to know whether the matter could not have been delegated and whether this matter was not more important than the matters taking place outside. I want to state that the meeting that is being co-chaired between Kenya and the UN on the horn of Africa, on responding to the famine and drought which has captured the entire region including Kenya, is a matter of international attention and importance that this House has even taken time, even through a Motion for Adjournment to discuss. This House has discussed the famine situation in the north and, hence, I would not want to rank between the two and say which one is more important than the other. I would say both are important but, on this occasion, the Prime Minister had to be on that matter because he could not delegate it, him being one of the co-chairs of that meeting.

In terms of delegating this matter to somebody else, it was very clear that he was specifically requested to come and issue the Statement as the coordinator of all the Ministries. It would have been unfortunate for any of us on the Front Bench to rise here and discuss the matter relating to a colleague. I think that is a constitutional duty that has been given to the Prime Minister and not to the rest of us.

Mr. Speaker, Sir, if I recall, Section 17 of the former Constitution restricts even the advice that Ministers can give and not involve matters touching on a colleague. I think it is important that we appreciate the fact that it will be good for the Prime Minister himself to do it as part of his constitutional duties as the co-ordinator. It is only him and the President who would have sat in that meeting to discuss and agree on those appointments.

In terms of the question raised by Mr. Keynan on whether the Prime Minister did not come to this House because of this audit report, I believe that the Deputy Prime Minister and Minister for Finance has made it very clear that this report has not even been in his office and I would highly doubt that the Prime Minister – knowing him as brave as he is – would have avoided to come just because there is a matter in a report. So, I think that, that is a bit farfetched and I would like to take it that the reason is really the business of the matter.

In terms of all the other seven issues that were requested, Mr. C. Kilonzo asked for extra information and a legal opinion to be annexed to the report by the Prime Minister and we will communicate that. Dr. Khalwale wanted more clarifications to be brought in, including on other investigations that have been done in the past, including by this House, on the Grand Regency Hotel in 2008. Ms. Karua added to that by raising the issue of the Ministry of Water. I believe, we will all be happy to have all those things clarified at ago so that these lingering issues that we think were wrong can be clarified once and for all.

Mr. Speaker, Sir, we will communicate this and, perhaps ask the Public Accounts Committee to also include within its review what happened in 2008. With Dr. Khalwale

being the Chairman, he might want to brief this House on whether the Controller and Auditor-General had anything to say on that sale so that we know whether there was anything wrong or not.

Mr. Duale was asking for other information to be included in the report. Mr. Namwamba also wanted the contradictions between the two reports to also be featured in the Prime Minister's report while Mr. Baiya wants more clarification. Basically I think it may well appear that it was a blessing in disguise that the Prime Minister was not here today so that he can then take on all the other issues which have been canvassed over and above what was originally asked and then issue a comprehensive statement to cover all these matters. I do view it from that angle.

Mr. Speaker, Sir, Mr. Imanyara also requested whether this could be issued by the Leader of Government Business. This is a matter that I will leave to the Prime Minister to make that decision based on the other matter I requested earlier on that as the co-ordinator of Government Business and as a constitutional duty, whether that duty can be delegated to any other person. However, I would like to say that it is a blessing in disguise that he is not here today. Several other matters have been requested for that were not originally requested and we will communicate that so that they can then be included in the comprehensive statement that will come as promised earlier on in the next Prime Minister's Time.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! I have listened very keenly to the point of order as raised by the hon. Member for Bahari, Mr. Gunda and as supplemented by further points of order raised and taken by Mr. George Nyamweya, the Members for Yatta, Ikolomani, Gichugu, Dujis, Githunguri, Central Imenti and Mr. Keynan--- I am sorry I cannot remember Mr. Keynan's constituency immediately off head---

An hon. Member: Wajir West.

Mr. Speaker: Yes. I have heard all of you and like I would normally say when faced with a matter of this nature, the issues you have spoken to are, indeed, very serious.

(Applause)

It is a weighty matter; it is a matter which can be addressed and which can be spoken to. I want to disclose, because in matters of this nature we must all be fully accountable and transparent. The Right hon. Prime Minister did see me this morning to discuss other parliamentary business that he is interested in at my office and he did intimate to me that he was in a dilemma as to how to proceed, because he was---

(Applause)

He was expected to be at the UN meeting in Gigiri, Nairobi to co-chair a meeting to discuss the famine situation in the horn of Africa. The horn of Africa includes Kenya and this is a matter that you are all aware is very grave because it is a matter of life and death. Indeed, we know that our nationals have succumbed to the ravage of famine, particularly in North Eastern Province and other counties. Obviously, that also becomes a matter of great national if not international importance.

The Right hon. Prime Minister said to me this morning that he has tremendous respect for Parliament and what the Speaker directs, he wants to do or he wants to comply. However, he was now torn between two worlds. That is abandoning international delegates in our country and coming to Parliament or ensuring that they deliberate on matters pertaining to famine with a view to tapping into possible international goodwill and support that may be forthcoming to save our people from dying.

(Applause)

So, admittedly, hon. Members, on my part I understood that dilemma and was sympathetic. The Deputy Leader of Government Business has intimated in this House that, indeed, the Right Honorable Prime Minister would have been prepared to deliver this statement, save for the circumstances in which he found himself.

Secondly and not to demean this, the Right hon. Prime Minister is said to have had also, apart from being at the UN in Gigiri, to attend the funeral service of a former freedom fighter. As to how you will judge the contribution of the late Wambui Otieno, I leave it to the conscience of each of us, but on my part, I appreciate and acknowledge her contribution.

(Applause)

All of us, being patriotic as we are, I think we must respect the late Wambui Otieno more so in death. We must give her the respect that she deserves for the contribution that she made to this country. If the Right hon. Prime Minister did find time to go to that funeral service, then I think it is for a good cause and all of us, really, must support that initiative.

Given those circumstances, I am persuaded that he had good reasons not to be here this afternoon. Notwithstanding my direction and, particularly, given his recognition of the importance of Parliament and his going on record to expressly say to me that he has tremendous respect for Parliament; going by the manner in which he has attended to Parliamentary business whenever required to be here for Prime Minister's Time, I have no reason to doubt that what he said to me was in absolute good faith.

For those reasons, hon. Members, I will want to defer the delivery of this Statement to Tuesday next week. Deputy Leader of Government Business, you have heard the sentiments of all hon. Members. You know the importance of this matter. You know the bearing that it has on the relationship between the three arms of the Government and the kind of damage that it can result into if not acrimony that is potentially present in this matter. Just ensure that it is properly managed so that it does not spill over beyond the level where it is.

I thank you hon. Members.

Next!

WITHDRAWAL OF FUNDS FROM THE
CONSOLIDATED FUND

Mr. Mbadi: Mr. Speaker, Sir, I rise to seek---

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

Mr. Speaker: Order, Member for Chepalungu! It cannot be before that! You do not decide what comes before the other!

Member for Gwassi, please, proceed!

Mr. Mbadi: Thank you, Mr. Speaker, Sir, for giving me this chance.

I rise to seek a Ministerial Statement from the Attorney-General as the Principal Legal Advisor to the Government of Kenya on an issue concerning the withdrawal of funds from the Consolidated Fund.

Mr. Speaker, Sir, could the Attorney-General clarify the following; whether the withdrawals from the Consolidated Fund from 1st July to 7th September, 2011 which is yesterday, have been made in line with the provisions of the Constitution as spelt out under Articles 206(2) and 221 (6).

I really do not need to go into details as to what the provisions of these Articles are all about.

Mr. Speaker: Very well! You are looking for that from the Deputy Prime Minister and Minister for Finance?

Mr. Mbadi: Mr. Speaker, Sir, from the Attorney-General as the principal advisor.

Mr. Speaker: From the Attorney-General! Very well!

Deputy Leader of Government Business, please, proceed!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I will communicate to the Attorney-General and have this by Thursday next week.

Mr. Speaker: Member for Chepalungu, please, proceed!

Mr. Ruto: Mr. Speaker, Sir, with great respect and humility and for purposes of record including the HANSARD, I only wanted to request that in honor of the great freedom fighter, you would probably be better referring to her in her proper names; that is Wambui Otieno-Mbugua. I am sure that will be better for the record.

(Laughter)

Mr. Speaker: Very well, Member for Chepalungu! Order, hon. Members! I am in concurrence with Member for Chepalungu. All he has done is added a third name which I did not remember even as I put the late Wambui-Otieno's name. So, that is fine.

SPEAKER'S DIRECTION ON QUESTION NO.676

Ms. Karua: Mr. Speaker, Sir, I rise to seek your guidance. On the 17th of May, Question No.676 was on the Order Paper and I rose and asked it. An hon. Member, Mr. Kiema Kilonzo, rose on a point of order claiming it was *sub judice*. You did rule that you would look at the documents that he presented and rule whether the Question would go on and give your directions.

To date, no directions have been given and I am seeking your direction as to when the ruling will be given.

Mr. Speaker: As a matter of fact the ruling is actually ready. I stand reminded. We will deliver that ruling on Thursday next week.

STATUS OF REVENUE ACCOUNTS

Mr. Mbadi: Mr. Speaker, Sir, on the 21st of April, 2011 I sought a Ministerial Statement from the Deputy Prime Minister and Minister for Finance regarding revenue accounts. There was an outstanding ruling from the Chair because the Minister did contest that he could not answer to that Ministerial Statement. It is of great concern to this country because when the Controller and Auditor-General continues to question and query our revenue accounts, it is worrying because as a country, we are not sure whether all that is collected really reaches the Consolidated Fund.

Mr. Speaker: Deputy Prime Minister and Minister for Finance, are you able to indicate when that Statement will come?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, can we do it on Thursday next week?

Mr. Speaker: Very well, that is fair. What is it Member for Githunguri?

DEPRECIATION OF THE KENYA SHILLING

Mr. Baiya: Mr. Speaker, Sir, in relation to the Deputy Prime Minister and Minister for Finance, I also sought a Ministerial Statement on the 21st of July concerning the depreciation of the Kenya Shilling in relation to certain banks. It had been indicated that the Statement would be made but it has not been made for quite some time.

Mr. Speaker: Yes, I can recollect that. Deputy Prime Minister and Minister for Finance, when will this come?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Speaker, Sir, I can do that on Tuesday next week.

Mr. Speaker: Tuesday next, it is so directed.

Order, hon. Members! That brings us to the end of Order No.7.

Next Order!

PROCEDURAL MOTION

EXTENSION OF SITTING TIME

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, notwithstanding the provisions of Standing Order 20(2) this House orders that the sitting time of today's sitting be extended until conclusion of business appearing on the Order Paper.

Mr. Speaker, Sir, today we have scheduled the Appropriations Bill which goes through three sittings. As hon. Members will notice, it is just about 5.00 p.m. and ordinarily we would only have about one hour and a half to go. It is very important that Members have enough time to deliberate on the different stages especially in the Second Reading and the Committee of the whole House on this important matter.

In addition, we also have a Motion on the constitution of the CDF Board which is very relevant to all of us. It would be important that we also dispose of that matter today

so that the CDF Board can start operation and get the monies to the constituencies to keep moving.

Mr. Speaker, Sir, the rationale of the House Business Committee (HBC) was that in the usual way, let us be generous with our time and dispose of the matters appearing on the Order Paper today. By the time we finish those Motions, we will then be proposing to the House that it will be time to take a break so that Members can also go and do some work in the constituencies and recharge their batteries ahead of the next tranche of Bills on the implementation of the Constitution following the energy that was shown last time round.

Mr. Speaker, Sir, this is a request to the House in order for us to finish all the business we have and make a decision on the last item on the Order Paper in terms of the break that we all deserve to take and do other work in the constituencies, the details of which I will discuss at the point of moving that Motion.

I beg to move and request hon. Dalmas Otieno to second the Motion.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I beg to second the Motion and say that the business before us is fairly urgent as it is, even without pre-empting the outcome of the Motion for Adjournment. This is business we need to complete. If we keep our performance that has made us achieve high productivity in the last three weeks, we should be able to handle all the items on the Order Paper.

With those remarks, I beg to second.

(Question proposed)

Mr. Mbadi: Mr. Speaker, Sir, I thank you for giving me time to oppose this Motion.

Mr. Speaker, Sir, I am not opposing the Motion because I do not want to do what we have been requested to do; but, listening to the Mover of the Motion, I am convinced that we really do not need to extend the sitting time of this House. He has mentioned a number of Motions here but I am only concerned with the Motion under Order No.13. On the Appropriation Bill, I would urge that this House should not rush this Bill because we need to look at it.

Mr. Speaker: Order! Order, Mr. Mbadi! You are now straying. You can only speak to that one when we get to Order No.10.

Mr. Mbadi: Mr. Speaker, Sir, the Deputy Leader of Government Business did mention it. That is why I was also referring to it. If he did not mention it as the reason---

Mr. Speaker: Order, Mr. Mbadi! After I direct, you do not go to the "but".

Mr. Mbadi: Mr. Speaker, Sir, my position is still valid. I oppose the Motion on the extension of sitting time because I am convinced that the time we have between now and 6.30 p.m. is adequate for us to address the matters before us and conclude them.

With those remarks, I beg to oppose.

Mrs. Shebesh: Mr. Speaker, Sir, I would like to support this Motion. In supporting it, I want to say that we have proved in this House that we can work late hours. We have done a lot of work for this country. I believe that Kenyans know that we have worked very hard. It is important for us to complete the work that is necessary, as contained on the Order Paper.

Therefore, I beg to support the Motion.

Mr. Ruto: Mr. Speaker, Sir, I stand to support the Motion that we sit until we finish the business on the Order Paper, because none of the items listed today is a matter we can postpone.

Mr. Speaker: Order, hon. Members! This is a fairly straightforward matter. It is just a Procedural Motion. We have got the mood of the House, having listened to contributions both ways. So, I will now put the Question.

(Question put and agreed to)

MOTION

APPROVAL OF NOMINATION OF HON. NKOIDILA OLE LANKAS TO PAP

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in conformity with Article 7 of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament and Rule 8(4) of the Rules of Procedure of the Pan-African Parliament, this House approves the nomination of Hon. Nkoidila ole Lankas to the Pan-African Parliament to replace Hon. Musa Sirma.

Mr. Speaker, Sir, as we all know, hon. Musa Sirma has since been appointed a Cabinet Minister, and this has created a vacancy in our representation at the PAP.

Mr. Ogindo: On a point of order, Mr. Speaker, Sir. I have just heard the Minister, in moving the Motion, talking of “Hon. Nkoidila ole Lankas, MP”, but I am not seeing the word “MP” in the Motion.

Mr. Speaker: Indeed, it is not there.
Proceed, Minister!

The Minister for Transport (Mr. Kimunya): Mr. Speaker, Sir, indeed, the word is not there but I have a lot of respect for Members of Parliament and, therefore, I wanted to refer to him with his full title even though it has been left out in the Motion. Therefore, we can take it as an amended Motion to include the full title of the Member of Parliament.

Mr. Speaker, Sir, the House Business Committee received this nomination, deliberated on it and approved that hon. Lankas replaces hon. Musa Sirma. So, again, this is a matter which is straightforward. We need to have our representation in the PAP uninterrupted because of the deliberations that take place there. Once this House approves this Motion, we can send hon. ole Lankas to continue with the work that hon. Musa Sirma has been carrying out, together with the other Members of the team that represents us in the PAP.

Mr. Speaker, Sir, I beg to move and request hon. Imanyara, who is well versed with PAP matters, and who leads our delegation to the PAP, to second the Motion.

Mr. Imanyara: Mr. Speaker, Sir, I am happy to second this Motion. In seconding the Motion, I would like to thank the House Business Committee for recommending hon. ole Lankas to fill the vacancy that was created when hon. Musa Sirma was elevated to the Cabinet.

At the same time, let me take the opportunity to thank hon. Musa Sirma and hon. Rachael Shebesh, who have recently been replaced as Members of the Kenyan Delegation to the PAP; this now leaves five hon. Members, with me as the Leader of Delegation; the Members are hon. Gideon Mungaro, hon. Abdi Bahari, hon. Peris Chepchumba, and the new Member whose nomination we are seeking to approve.

The five of us constitute the complete complement of the Membership of the PAP as set out in the Protocol establishing the Parliament, and also in the Rules of Procedure.

Mr. Speaker, Sir, there is really not much to add to what the Deputy Leader of Government Business has said, and I am happy to second this Motion.

(Question proposed)

Mr. Ogindo: Mr. Speaker, Sir, I rise to support the Motion. In supporting the Motion, I want to thank the House Business Committee, and particularly the Leader of Government Business, for having dealt with this matter so expeditiously.

On the same note, I would like to request the Leader of Government Business to similarly deal with the issue of the second Deputy Leader of Government Business, because I understand that there is such a vacancy. In dealing with that, I would like to ask the Leader of Government Business to ensure that the principle of gender equity is observed.

With those remarks, I beg to support.

Mr. Njuguna: Thank you, Mr. Speaker, Sir, for the opportunity also to add my support for the nomination of hon. ole Lankas. Hon. ole Lankas is fit for the job. He is very aggressive in his effort to discharge his responsibilities. Secondly, regional balance has also been maintained. I am certain that the Member will represent the interests of this House and of the country satisfactorily.

With those few remarks, I support his nomination.

Mr. Speaker: Order! Member for Samburu West, somehow you appear to be reluctant. Even when you were close to catching the Speaker's eye, you were slow. Hon. George Nyamweya!

Mr. George Nyamweya: Mr. Speaker, Sir, whereas I would have no objection whatsoever about any of my colleagues moving from one place to the other, and from the Executive to the Back Bench, I would have thought that the enthusiasm being expressed about the House Business Committee needs to be challenged. This is because the same House Business Committee promised and undertook to deal with the Committee on Justice and Legal Affairs. I find it extraordinary that on the one hand, they are able to expedite certain matters and on the other hand, certain matters are particularly difficult for them. I think we need to show a little bit more courage on these sort of matters. That is one of the most important Committees of the House. It has been left that way and with some sort of friction between the House Business Committee, the Liaison Committee, the Committee itself and this Chamber. I honestly believe that the House Business Committee ought to explain to us why it is unable to do this.

Mr. Speaker: Order, hon. George Nyamweya!

Mr. George Nyamweya: Mr. Speaker, Sir, I would like to support my good friend in his journey to the PAP.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Speaker, Sir, I also wish to add my voice in support of this Motion. I take this opportunity to congratulate hon. Musa Sirma for his elevation. I also want to confirm that hon. ole Lankas has the capacity to serve in this new appointment.

(Question put and agreed to)

BILL

First Reading

THE APPROPRIATION BILL

(Order for First Reading read – Read the First Time - Ordered to be read the Second Time today)

[Mr. Speaker left the Chair]

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

Second Reading

THE APPROPRIATION BILL

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am rising on a point of order on a matter of constitutionality. Looking at this Appropriation Bill that is just about to be moved, I have checked the Vote for the Ministry of Education, Teachers Service Commission, and seen that it is not in conformity with what this House approved. It is not in line with Article 221(6) of the Constitution which says that:-

“When the estimates of national Government expenditure and the estimates of expenditure for the Judiciary and Parliament have been approved by the National Assembly, they shall be included in an Appropriation Bill, which shall be introduced into the National Assembly to authorize the withdrawal from the Consolidated Fund of the money needed for the expenditure---”

If you read this particular provision, it is very explicit that the report of the Committee which was adopted by the House shall be included in an Appropriation Bill. When the word “shall” is used, it is mandatory that what we passed here on 27th July, 2011, with regard to the various Votes, shall be included in the Appropriation Bill. That has not been done and, therefore, I find proceeding with this Bill in its present state to be violating the very Constitution that we took an oath to defend and protect at all costs.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I subscribe to the same view as hon. Mbadi, that once this House passes a resolution proposed by the Budget Committee, which moved an additional Kshs5 billion to the Vote of the Ministry of Education for the

teachers, the Appropriation Bill following that resolution must be in conformity with what this House passed. Article 221(6), which has been read out uses the word “shall”, to show something is mandatory. If you look at the entire Article 221, the Budget proposal by the Minister is a mere wish list. It is Parliament that has the power to look at that Budget and re-organize it. Therefore, it is imperative that the amendments, or adjustments, in the Budget proposed and passed by this House be included in the Appropriation Bill. Therefore, the Appropriation Bill before the House is unconstitutional to the extent that it does not include the resolutions passed by this House.

Yesterday, I heard the Deputy Prime Minister and Minister for Finance alluding in this House to a subsequent discussion with the Budget Committee. The Budget Committee is a creature of the House and once a resolution is passed, the Budget Committee cannot go behind the back of the House and sit with the Deputy Prime Minister and Minister for Finance to make any other adjustment. This is the first Budget after the promulgation of the new Constitution; that being so, how we steer its implementation will lay a basis; a foundation, for how we will steer future Budgets.

It is very clear from the reading of Article 221 that the power to approve is with Parliament and not with the Minister for Finance or the Government. Therefore, Parliament must jealously guard its power to approve. Parliament ruled on certain adjustments to the Budget proposals, or to the Government’s wish list, if I may call it that, and the Appropriation Bill should be in conformity with the resolutions of this House proposed by the Budget Committee. If this is done, we will solve the teachers’ crisis that we are undergoing today. Let the Government obey the law and let this Appropriation Bill be withdrawn until it is adjusted to be in conformity with the Constitution. We need your guidance.

The Minister for Transport (Mr. Kimunya): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am surprised by the Members for Gwassi and Gichugu, who were here when the Speaker was very categorical on this matter when we were discussing the Votes during the Guillotine procedure. The Speaker went through a very elaborate statement specifying, step by step, what needed to be done. Their memories seem to have failed them on a matter that was so explicit.

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

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I am on a point of order. The matter that is being raised is a selective interpretation of the Constitution. Section 221(4) talks about what happens before the National Assembly considers the estimates. It states that a committee of the Assembly shall discuss and review and make recommendations to the Assembly. Section 221(5) obligates the Committee to seek representations from the public. However, Section 221(6) is a totally different matter and it states that when the estimates of national Government expenditure and estimates of the expenditure for the Judiciary and Parliament have been approved by the National Assembly, they shall be included in an Appropriation Bill, which shall be introduced into the National Assembly to authorize the withdrawal of expenditure. This is when the estimates have been approved by the National Assembly.

The approval was given when the Motion on all the Votes was passed last week. Hon. Members were here and may have voted. I remember Mr. Mbadi voting against the Motion by shouting very loudly to proclaim he was declining to give that matter the approval that it required. So, he was here and he participated in the approval process. It

may not have gone his way and we cannot come back and try to misinterpret the Constitution, which we have all sworn to defend, basically to achieve personal objectives.

Mr. Temporary Deputy Speaker, Sir, the Speaker ruled on this matter and I am not even sure why hon. Members are challenging the ruling that was given by the Speaker. I think they are going through a roundabout way by saying that we cannot move on now when the matter was very clearly articulated. The inclusion of the Appropriation Bill on the Order Paper is confirmation that the Speaker was himself satisfied that this matter does not breach the Constitution.

As you rule on this matter, I would like you to find that this is part of filibustering to play to the galleries and introduce the issues of teachers; a matter which could not be achieved at the Committee level and in all the previous interactions.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Minister! Did I here you say; “Play to the galleries”?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I withdraw that in the interest of us making progress today. The country is waiting for the Appropriation Bill so that we can start withdrawing the money and pay all those expenses, including ensuring that the funds are released to schools so that children can learn. The money will also cater for the development expenditure that is pending.

Mr. Temporary Deputy Speaker, Sir, we do not want to spend a lot of time on a matter that has been ruled by the Speaker. I urge the two hon. Members to look at their papers, especially the Member for Gichugu, a reputed lawyer who ought to read these things and understand them as they should be rather than misinterpret them and mislead the whole House.

Ms. Karua: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Member for Kipipiri, who is long and windy whenever he rises on a point in order to contribute imputing improper motive against me or even the Member for Gwasssi instead of contributing to the point of order we raised? He does not appear to ever learn.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, my being long and windy, but correct is better than being brief, but totally out of line. It is important that we correct the impression that has been created. The statement made by the two is a total misinterpretation of the Constitution for our own purposes.

Mr. Mbau: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to also give my opinion regarding this subject which is about to call for your direction. While making my observations, I would like to draw you back to the ruling of the Speaker made on 7th June, 2011 when it was argued in this House that the Budget had not been presented to this House 60 days as was required by the Constitution. Since it was apparent that some sections of the Constitution had not been complied with, the Speaker acknowledged that, indeed, a section of the Constitution had not been complied with. However, he appealed for moderation and reasoning acknowledging that, as a country, we were in a situation of transition and there was need for us to see things in a manner that gives everybody the benefit of the doubt.

The Speaker then ruled that even though mistakes may have been committed, the country needed to move forward. He clearly stated that it would not be upon his hands to rule in a manner that would bring this country to a halt. The matter before us regards the Appropriation Bill that is supposed to ensure that the Government operations pertaining to the 50 per cent of the Budget are applied. Failure to do that spells grim consequences

for all of us. I urge that we see this matter globally in a way that takes us forward as a country and leadership.

I plead.

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I just want to add my voice to what the Chairman of the Budget Committee has said.

I am a member of the Budget Committee. We have had problems with processing our Budget in this financial year solely because we are in a transition period. For all practical purposes, we should not have had the Budget Committee Report co-existing side by side with the Committee of Supply. But be that as it may, we put this Question to vote in this House. It is important to appreciate that matters in this House are never won on points but on votes. We lost the vote because we wanted to live with the Budget Committee Report and the Committee on Supply came in. For that reason it is my view that in the interest of this country, we let the process move on, but we take note of the mistakes that we have made and we live to correct those mistakes.

The Temporary Deputy Speaker (Mr. Manyara): Hon. Members, I have heard all the issues that have been raised and I am satisfied that all those issues were fully canvassed and that they were the subject of a ruling by the Speaker delivered on 30th August, 2011. I need not go through that ruling because it would amount to a backdoor procedure of overruling the Speaker's ruling. Therefore, I overrule the points of order and direct that the Minister continues.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you very much, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker, Sir, I beg to move that the Appropriation Bill, 2011, be now Read a Second Time. His Excellency the President has signified his consent to this Bill.

Mr. Temporary Deputy Speaker, Sir, the Appropriation Bill basically seeks statutory approval by Parliament of Government expenditures contained in the Estimates of Expenditure for the Financial Year 2011/2012. The Estimates for Recurrent and Development Expenditure were laid before this House on 8th June, 2011 and the House approved the Vote on Account again on 16th June, 2011. The Government has since been disbursing funds on the basis of that authority.

Mr. Temporary Deputy Speaker, Sir, the Budget for the Financial Year 2011/2012 presented to this House in June was formulated, as I have stated before, within a tight fiscal framework and against the backdrop of new challenges stemming from rising international commodity prices, including fuel, food and also challenges associated with delayed rainfall and drought. Drought related issues have put pressure and, indeed, needed provision for additional budgetary resources to mitigate against the impact of drought and, in particular, to support Kenyans requiring emergency famine relief assistance. In this regard, the Cabinet, indeed, met in July, 2011, and approved Kshs10.9 billion for emergency drought mitigation measures which has since been included in the adjusted Budget Estimates.

Mr. Temporary Deputy Speaker, Sir, Members will recall that while reviewing the Financial Year 2011/2012 Budget, Parliament did recommend some adjustments to the Budget which were to be funded through reallocations and spending cuts. We have tried as much as possible to implement most of the recommendations, but taking into account that the financial implication was not fully costed of the issues that I have just mentioned

earlier, we had to rationalize the requirements to ensure that we operate within a sound fiscal framework.

Mr. Temporary Deputy Speaker, Sir, in view of the financial constraints and the need to ensure sustainable domestic borrowing, we considered priority areas which included, Regional Development Authorities, requirements for the Albino Community, Rural Electrification Authority, Judges and Magistrates Vetting Board and the political parties, amongst other priorities. To fund additional expenditures and close the financing gap, the following measures were proposed:

They include using the existing contingency provision and Budget reserve totalling Kshs2.5 billion, realignment and reallocation of expenditures in some areas as proposed by Parliament and directing the savings amounting to Kshs10.3 billion to emerging needs. Further, cuts on domestic and foreign travel amounting to Kshs749.6 billion were made. Enhanced tax measures, again, amounting to Kshs3.1 billion and miscellaneous revenue of Kshs980 million.

Mr. Temporary Deputy Speaker, Sir, the funds sought will be used for payment of salaries of public servants and to meet operational and maintenance expenses under Recurrent Votes, while those sought for under the Development Votes are to be used to implement development programmes.

Mr. Temporary Deputy Speaker, Sir, I wish to assure hon. Members that funds shall be utilized efficiently to achieve the purposes and provide services for which this House has approved. Financial discipline and economy will, indeed, continue to be our guiding principle to achieve macro-economic stability and facilitate the achievement of our development goals, as articulated in Vision 2030. We, indeed, are aware of the challenges facing our education system. This is an issue that, as a Government, we have been addressing and will continue to address. I want to assure teachers and all concerned that through discussion and dialogue, we are sure to reach not only just an amicable solution, but a solution that will provide us with the ability to continue to provide adequate and quality schooling for all our children in our public institutions.

Mr. Temporary Deputy Speaker, Sir, yesterday evening, we did meet, indeed, with the President, Vice-President and Prime Minister, amongst others, and went through a number of alternatives, including the possibility of hiring an additional 20,000 teachers on contract basis. These are proposals that we will continue to dialogue on with the Committee on Education, Research and Technology and the two teachers' unions, with a view of finding an appropriate way forward.

Mr. Temporary Deputy Speaker, Sir, I now wish to present the Appropriation Bill, 2011 which contains details of supply for each Vote and the amounts to be applied as Appropriations-in-Aid. Clause 2 of the Bill provides for the issue out of the Consolidated Fund of a sum of Kshs742,660,672,336 to appropriate the funds for the various services and purposes during the year ending 30th June, 2012. Out of this amount, Kshs482,190,901,515 relates to Recurrent expenses and Kshs260,468,778,821 is for Development expenses. The sum includes the amount authorized by the National Assembly on 16th June, 2011 by Vote on Account under Section 221 of the then Constitution of Kenya. Clause 3 of the Bill makes provision for sums to be applied as Appropriations-in-Aid for the various services and purposes.

Mr. Temporary Deputy Speaker, Sir, I wish, once again, to thank all hon. Members, and especially Members of the Budget Committee, indeed, for their dedication

and constructive deliberation as we discuss the issues of public expenditure management. I want to assure you that all the recommendations and guidance given have been taken positively for better management of resources at our disposal. Indeed, I look forward to working with them and also look forward to their continued support and guidance.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to move and ask hon. Kinyanjui to second.

The Assistant Minister, Ministry of Roads (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, I wish to second the Appropriation Bill as moved by the Deputy Prime Minister and Minister for Finance.

Thank you.

I beg to second.

(Question proposed)

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, I rise to reluctantly support the Appropriation Bill that has flouted the understanding that was there with the Budget Committee. However, in the interest of the country, it is important that we pass this Bill.

Mr. Temporary Deputy Speaker, Sir, the Minister has said that they are negotiating with the teachers. In the Budget Committee, we set aside Kshs5 billion for the teachers, but that has been altered. In the public view, there has been misinformation that the money that is being used to pay taxes for Members of Parliament is the same money that was allocated to the teachers. That is not true. We know that the money that is being used to pay the salaries is the money that was ring-fenced out of the Grand Regency Hotel sale. I think you better look at it. The one that has been hidden behind is the ring-fencing. Besides that---

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have just heard the Member for Kisumu Town East say that some money that was ring-fenced has been made available. Could he substantiate or withdraw that because all the money comes from the Consolidated Fund?

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, Mr. Kimunya himself informed the House of the ring-fencing.

The Temporary Deputy Speaker (Mr. Imanyara): Order! There is an issue which you raised and which you need to address.

Mr. Shakeel: Mr. Temporary Deputy Speaker, Sir, that is what I want to address. We were informed by Mr. Kimunya himself that the money that was the proceeds of the sale of the Grand Regency Hotel was actually ring-fenced for use of the Lamu Port. I remember that. If necessary, I can produce the HANSARD. It is my understanding that the money that was ring-fenced for the Lamu project is the one that has perhaps been used for this. However, the public has been misinformed and we have been at pariah with the public that we have used the teacher's money to pay our own taxes.

A few weeks back, I was nearly run down by an irate motorist at a zebra crossing because of his hate for Members of Parliament due to the issue of taxation. When the rumors were added - I am not suggesting that the Minister or anyone actually said that - that the money that was meant for teachers has been used to pay the taxes for Members of Parliament. That has really made things very difficult for us. However, I support this Bill on the understanding that the Minister will, at a later stage, bring Supplementary

Estimates so that we can deal with the issue of teachers. For whatever reason it is, that is the understanding that we have. I would also like to get an undertaking from the Minister that together with his Permanent Secretary and the Treasury team, they will be at Naivasha post-budget workshop where we can actually understand some of the mechanisms. We are looking forward to meeting Mr. Kinyua and yourself if you can spare the time so that you could take us through some of these issues to remove the misunderstanding and we talk from the same script.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the chance to support this Bill. It is really important that this House approves the Appropriations Bill to enable the Government to deliver services to *wananchi*. I want to plead with the Government on Vote D19 concerning the Ministry of Livestock Development, that since the livestock growing areas of northern Kenya have been facing drought but the rain season is about to start, there is a likelihood that livestock diseases will come up. As it has been reported, PPR has been spotted in some areas---

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. I appreciate the contribution by the hon. Member but in the light of the fact that we have to finish all the business before 6.30 p.m. including the Committee of the Whole House and the more fundamental Motion of the nominees to the Constituencies Development Fund (CDF), I would really like to encourage you to call upon the Mover to reply.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, I was talking on Vote D19 – Ministry of Livestock Development. The Government should speed up the vaccination of animals to protect them from diseases especially PPR.

Mr. Ogindo: On a point of order, Mr. Temporary Deputy Speaker, Sir. In view of the fact that we need to get to the other Motion by 6.30 p.m. and in view of the fact that several hon. Members would be interested, could I be in order to call upon hon. Members to be considerate of other people so that we share the time between now and 6.30 p.m. as we dispose of the matter? I think five minutes or two minutes would be sufficient for each Member.

The Temporary Deputy Speaker (Mr. Imanyara): I think your sentiments have been heard by your colleagues and I hope they will follow the advice.

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Except that the Order Paper has a notice which says: “Not Later Than 6.30 p.m.” for the Motion of Adjournment, between now and then, we have Order Nos.11, 12 and 13 which must be finished between now and 6.30 p.m. So, they cannot just argue that we deal with Order No.11 between now and 6.30 p.m.

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, we passed a Procedural Motion that we will be here until the end of business on the Order Paper. Having taken into account the interest of other hon. Members, I want to take two minutes on Vote D01 – Provincial Administration and Internal Security and the importance of buying police vehicles.

There is also the Vote D06 – Ministry of State for Planning, National Development and Vision 2030. As much as CDF has been earmarked, it is also good that the Deputy Prime Minister and Minister for Finance takes into account the issue of the arrears of CDF of Kshs6 million per constituency and also the Kshs17 million per

constituency for the ongoing projects. It is really important that we complete those ongoing projects.

Also on Vote D31 – Ministry of Education, the Deputy Prime Minister and Minister for Finance should take into account the completion of the schools to serve as centres of excellence that were started under the Economic Stimulus Programme

With those few remarks, I beg to support.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I rise to support the Appropriations Bill. I want to say that it has been a long journey going through our Budget under the new constitutional dispensation. I think we have learnt our mistakes and we are going to correct them in due course.

As a Member of the Budget Committee, there are a few areas that we thought would have been areas of priority and we made recommendations. I know that the Deputy Prime Minister and Minister for Finance took notes but I want to emphasize that the issue of teachers is still fundamental. I want to congratulate and thank the Deputy Prime Minister and Minister for Finance for the initiative that they have taken but we need that position summed up so that we could see teachers in classrooms before the end of third term.

Mr. Temporary Deputy Speaker, Sir, we also made a recommendation that funds be made available to the Ministry of Lands because the funds made available are investment expenditures which will go into generating more revenue for this Government. Lastly, I want to say that we need to pass this Bill so that we can create economic activities which are necessary for the growth of this country to enable us generate more revenue to take care of the more ever demanding needs.

With those few remarks, I support.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I rise to oppose the Bill and I think that by opposing it and calling for it to be withdrawn, rectified and brought back, does not put the country into any jeopardy. We passed the Vote on Account and every arm of Government is functioning. I oppose it because I believe that the Government's priorities are wrong. In most of the areas, it is okay but a Government that does not prioritize the education of our children, that over-funds areas that necessarily do not need as much funding, some Ministries which requested for less and got more, I think the Government needs to go back to the drawing board, re-arrange the priorities and get the Kshs5 billion for teachers. It is not right for them to tell teachers that they are negotiating with them knowing fully well that after we pass this Appropriation Bill, teachers will be locked out of this particular Budget. Unless next year there will be Supplementary Estimates, when we pass this, teachers will be locked out. Why mislead the teachers that anything will come out of the negotiations when we know that we are locking them out?

The Budget Committee and several Members of Parliament, including myself, had sat down to try and move some money towards teachers. That is what was removed from this House last week and it is what is being now locked out. I think Parliament is making a fundamental mistake and we are laying a terrible foundation for future Parliaments. That is because the power of the purse does not lie with the Government or the Deputy Prime Minister and Minister for Finance. In a presidential system, the power of the purse lies with the House. This House had become complacent. We have failed to be assertive. We have let things pass even when we know they are wrong.

Yesterday, almost every Member in this House was supporting the Motion of Adjournment saying that teachers need to get additional money. Where are those voices today? Is it that we were contributing to pacify teachers and make them think that we wanted money found for them? Today, there are no voices for teachers. I think we better be very upfront. Let teachers and Kenyans know: “Sorry, it is not this year. Anybody going to negotiate with teachers must be frank enough to tell them: “We locked you out through the Appropriations Bill and you will not get a cent this year. The teachers on contract will not be employed.”

I am urging the teachers on contract to look for a lawyer and sue because they are being discriminated. The Constitution does not allow discrimination. Our labour laws do not allow discrimination. They cannot be employed on contract and yet, they are doing the same work as the people on permanent and pensionable basis. We better seriously think on how well we want to uphold the Constitution we swore to uphold as Members of Parliament, and which Members of the Cabinet swore to uphold. We better know that this is a war, not against teachers, but against our own children. I want to stand here and proclaim that I am a product of a public school. I am certain that a majority of Members of this House are products of public schools. We are talking about access to quality education and not just access to any type of education. We have no right to deny our children and the future of this country access to quality education. Let the Government stop playing lip service. This is the time to act. The only action available is to withdraw this Appropriation Bill and to bring a Bill that truly puts the money where the mouths are. If you say you support teachers, let the teachers have money. Let our children have money to have instructions in the classrooms. I need not enumerate the many areas we could shift money to---

The Temporary Deputy Speaker (Mr. Imanyara): You need to start concluding, Ms. Martha.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I appreciate that, although this is a matter of great national importance. I will wrap up by saying that there are many areas where the money could be taken and given to teachers. We do not need new furniture in Government offices for now. We do not need to buy motor vehicles. We do not need to give money beyond what the NSIS had requested, just to shower them with money which, most likely, will end up being misused for partisan political campaigns.

I beg to oppose.

The Temporary Deputy Speaker (Mr. Imanyara): I received a notice of amendment. I will allow the Mover of the amendment so that we debate together.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, I want to thank you very much for giving me this opportunity. If I was not moving this amendment, probably, I would have opposed the Motion. However, I beg to move---

The Temporary Deputy Speaker (Mr. Imanyara): You can give notice. You can only move the amendment during the Committee Stage. I allowed you to speak so that you give notice.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, as the Bill stands, I find it difficult to support it in its current form. I would like to give notice that I will move an amendment in Vote R08 – Ministry of State for Defence, by reducing the amount stated there of Kshs52,016, 693, 310 by Kshs5 billion to the new figure which should be

Kshs47, 016, 698, 310. I am intending to do this because I am concerned about the plight of our children.

The Temporary Deputy Speaker (Mr. Imanyara): You will have that opportunity when you are moving because you need to wind up. You indicated that we must conclude the business on the Order Paper now. You must conclude now.

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, with that indication, I will reserve my comments to the time when I will move my amendment.

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute. I support the Appropriation Bill because it is very healthy and timely. We need to guarantee Government operations and services to our people. We need drugs in our hospitals and roads to be improved. We also need security to be enhanced in the country. I also support the very appropriate consultations that have been initiated by His Excellency the President, the Right Honourable Prime Minister, the Vice-President and Minister for Home Affairs and the Deputy Prime Minister and Minister for Finance, to look for a solution to the strike by our teachers.

It is worth noting that there have been fruitful deliberations. The intention of the Government is to employ additional 20,000 teachers. The sooner that number is employed the better. That is because we do not want to compromise the standards of KCPE and KCSE this year. It is also important, as I conclude, to note that our teachers are out on lawful demonstrations. Therefore, it is important that those teachers are not harassed by security agents as they move about doing their demonstrations.

With those remarks, I support.

Mr. Namwamba: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to reiterate something that I said in this House yesterday; that the hallmark of honour is to say what you mean and mean what you say. On three occasions when I raised the matter on absorption of contract teachers, the Government made an unequivocal commitment that as soon as we passed the Budget, 18,000 contract teachers would be absorbed. It is a harsh indictment on the Government that, that commitment; repeated here three times, is one that the Treasury did not take seriously when preparing the Estimates. I believe that the challenge we are facing today with the teachers' strike is one that we cannot ignore. The best opportunity we have to address this matter is now as we debate this Appropriation Bill. I would like to say that we should applaud the action taken by teachers and appreciate that, unlike in the past, when industrial action by teachers has been in respect of their own interests in terms of income and higher salaries, this time round, the teachers have gone on strike to protest the plight of our children. They are saying that there is no way a single teacher can continue to effectively handle a classroom of 160 students.

Mr. Temporary Deputy Speaker, Sir, looking at the figures in this Bill, look at the figure in Arrow 1 - Kshs55,940,155,169 that is the budget for the provincial administration and national security. Contained in that budget is Kshs2 billion which was added to the budget of the NSIS. I do believe that the NSIS could survive easily without those additional funds.

Arrow 8, the budget of the Department of Defence – Kshs52,016,698,310; again, that is another budget line that received additional funds amounting to Kshs6.4 billion. Therefore, I do believe that the Treasury still has the opportunity to revise these figures

and raise funds to absorb 18,000 currently on contract and another 10,000 which is a figure that is quite reasonable.

I want to applaud the Treasury and the Ministry of Education for the commitment they have made to address this matter. However, the best beginning point that would send a clear message to the teaching fraternity in this country and the whole country is if the Government set aside funds to start by absorbing the 28,000 additional teachers that teachers are demanding should be absorbed. That can be achieved through adjustments to this Budget. This is something that the Treasury should really consider.

In the absence of those adjustments, I do oppose this Motion.

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to support this Appropriation Bill.

Let me start by saying that last week, the House made history by approving the estimates in an amended form. I believe for those who were here, no less than the Chairman of the Budget Committee was full of praise for this House. It made history that for the first time, the budgeting process involved consultation between the Ministry, the Treasury and the Committee and necessary amendments were made.

We were all very happy as we went home that, indeed, we now have budget estimates approved that should now be brought in an Appropriation Bill to facilitate not a second approval, but the withdrawal of money from the Consolidated Fund. That approval was given last week by the House.

Mr. Temporary Deputy Speaker, Sir, a number of the discussions that I am hearing now is what was actually canvassed last week. For some who missed that session, they brought it in today.

I want to say this with regard to teachers in this country because we seem to be mixing issues, we all know there is a shortage of teachers. For example, I know in my constituency, we have huge shortages. However, the huge shortage will not be addressed by converting contract teachers to permanent teachers. In fact, that compounds the problem. The problem will be resolved by having many more contract teachers. This has been done in the USA and other places. By so doing, we will increase the teacher-pupil ratio by hiring more teachers on contractual terms. We also save the burden that we are now putting on the boards of governors to hire those teachers instead of the Government hiring them at Kshs5,000 or Kshs4,000 yet they are qualified. We could hire more teachers on contract rather than spending all the money we have on permanent teachers. The interest in this matter by the union is just the Kshs300 they receive from every teacher who moves from contract to permanent and increases the amount of money that is available to them. This money is not available to them when teachers are on contract. They are confusing the matters here while our children are suffering.

As I said, the House made a decision last week; it approved the estimates as negotiated. What we are asking the House to do today and what we have all come here to do today is to authorize the withdrawal of the funds now from the Consolidated Fund in accordance with the Constitution. We are not seeking a second approval as some of the hon. Members may actually be misunderstanding the process to be. This is part of the transition from the old Constitution to the new Constitution which basically lays out this process.

Mr. Temporary Deputy Speaker, Sir, I agree that it is a matter we have already made a decision. I would urge the House, let us move together. Let us finish this task,

withdraw the money, and let us start getting the process of carrying out the development that is required.

With those few remarks, I beg to support.

Mr. Mututho: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. In supporting this Motion, I would like to draw the attention of the House to a more fundamental issue and this is on famine and food insecurity in the country.

Every five years we have a bumper harvest followed by four years---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order. Hon. Members! Let us give Mr. Mututho an opportunity to be heard.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, every five years, we have one bumper harvest and then four years of food shortages. This means that we must be prepared to have famine in this country every other four years. The most vulnerable are those people in northern Kenya, Upper Eastern Province, among other areas of the country. I would like to encourage the Deputy Prime Minister and Minister for Finance this time round to look at a lasting solution using the funds that are already apportioned to the Kshs10 billion plus that is said to be ready for mitigation in respect to the drought and drought-related matters.

I would like to say that among those measures which, in my view, and that of my Committee's view, would be very viable is inclusion of the NYS in the overall food production policy, so that this perennial one million bags of maize that we lack can be produced using drip irrigation technologies.

(Loud consultations)

There is very high consultation, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Once again, order, hon. Members! The hon. Member is complaining that he is not able to make contributions because you are very loud. Please, lower the levels of your consultations.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, the one million bags situation has been made worse now with the opening of Southern Sudan. That has opened up a market for a further 15 million people to be fed, up and above the 38 million people. Whether we want it or not, that will affect the demand and supply and push our domestic prices of maize to a level which is not affordable to most Kenyans. That is why we need this innovative idea to produce that maize.

In conclusion, it has already been officially announced that we will have long rains all the way to December thereafter followed by a prolonged drought. If we do not plan now for that prolonged drought and squander this water that we have now either by not producing adequate or taking measures that we are talking about here, then we will face more hardships in January to June. We will have all our roads washed off by this expected heavy rains and we end up not having food to feed our people.

Mr. Temporary Deputy Speaker, Sir, I support.

Mr. Mwachugu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Gauging the mood of the House, am I in order to ask that the Mover be now called upon to reply?

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): You are perfectly in order and I put the question.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank all Members for their contribution. Once again, I want to reiterate that the Government continues to consider education to be one of its priority areas. No other sector receives more money than the Ministry of Education. In this year's Estimates alone, this House approved approximately Kshs202 billion. This budget has been growing year after year.

Mr. Temporary Deputy Speaker, Sir, all I can say with regard to the comments by hon. Mbadi, is that as I did say yesterday, I want to appeal for reason in this House. Secondly, as I have said today, we have been in discussions again with the teachers. There is already a proposal that is on the table by the Government to the teachers. We will continue negotiating with the teachers with a view to reaching an amicable settlement in the interests of our children.

Mr. Temporary Deputy Speaker, Sir, the proposal that has been put there by hon. Mbadi is nothing more than a proposal to rob Peter and pay Paul. The additional amount that we put forward for the military was given because the Pay Review Board for the military had concluded its normal four year-term discussions on the salaries of the military. The Government has continued to keep its pledge, and it kept its pledge with regard to salary reviews for teachers, lecturers, and all public servants. Why should the military be denied a salary rise when they are public servants like everybody else? Why should the military be denied their normal pay review like everybody else?

I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House today)

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

THE APPROPRIATION BILL

(Clauses 2 and 3 agreed to)

Schedule

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

THAT, the Schedule be amended at Vote R08 - Ministry of State for Defence - by reducing the amount of Kshs52,016,698,310 by Kshs5 billion to the new figure of Kshs47,016,698,310, and the reduction be readjusted on the sub-total and grand total respectively.

Mr. Temporary Deputy Chairman, Sir, yesterday, in this House, we adjourned proceedings on the business on the Order Paper to discuss the plight of the children of the people of Kenya for over one hour, Members contributed and we said that we needed to have money to put 18,000 teachers, who are on contract, on permanent terms, and to employ a further 10,000 teachers to reduce the number of the shortfall that we have in the country, so that our children can learn.

Mr. Temporary Deputy Chairman, all of us are aware that our children in public schools, which constitute over 50 per cent, have---

The Minister for Nairobi Metropolitan Development (Mr. Githae): On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. I just want your guidance. Hon. Mbadi has reduced the budget of the Ministry of State for Defence by about Kshs5 billion, but he has not told us where this money is going. So, could he clarify to us where it is going after being taken from the Vote of the Ministry of State for Defence?

Mr. Mbadi: Mr. Temporary Deputy Chairman, Sir, I have reduced the amount-- Hon. Githae knows very well the laws of this country and the laws regarding money matters. I cannot add it to any line. If you listen to me until I conclude, then probably you will get an answer.

Right now, the Government is negotiating with the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post-Primary Education Teachers (KUPPET). I am just making it easy for the Government to have Kshs5 billion, which this country needs to put the temporary teachers in permanent employment and also employ additional teachers. If yesterday, Members of this House were genuine and honest, if we really want this country to have more teachers, then this amendment should be supported.

I want to say that the Budget that the Deputy Prime Minister and Minister for Finance read in this House on 8th June, 2011, the figures for the Vote for the Ministry of State for Defence were less by well over Kshs6 billion. What the Government has done is to use the expertise of the Budget Committee to initiate Budget cuts in particular lines, which we made available for employment of more teachers, and take the amount of the cuts to the Vote of the Ministry of State for Defence. It had not thought about this initially. So, the question of increasing the salary of Defence Forces did not come as a

surprise. If the Government really wanted to give the military a salary increment, it would have done this in the Budget Speech on 8th June, 2011.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): On a point of order, Mr. Temporary Deputy Chairman, Sir. I think it is wrong for the hon. Member to play with national security issues. I think it is very well known that without security, there will be nothing else. Is the hon. Member in order to keep on trivializing national security, especially defence?

Mr. Mbadi: Mr. Temporary Deputy Chairman, Sir, it is unfortunate that hon. Nkaisserry really does not listen to understand finance matters. It is very sad.

I have said that if the Government was so concerned about the military and security matters, it would have incorporated the figure for increment of military salaries in the Budget of 8th June, 2011, but it excluded it until when the Budget Committee made money available. That was when it remembered its military. Why did you not remember that they wanted a salary increment before the Budget was read?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): On a point of order, Mr. Temporary Deputy Chairman, Sir. When I was moving the Second Reading, I made it quite clear that what happened was that the Pay Review Board concluded its review after the Budget Estimates had been prepared and the Budget itself read. The fact of the matter was that we tried to negotiate with them and asked them: "Can we push this to next year?" It became difficult because they said when it came to the police, pay review came, and they were paid. They also said that when it came to the pay review of the prisons, they were paid. The Administration Police had their pay review and they were paid. When the teachers review came, they were paid. When the lecturers review came, they were paid. Why do we want to continue? I agree with hon. Nkaisserry, that when it comes to matters pertaining to our military or to national security, there are hon. Members who will consistently say that those are areas that are not important. They are public servants like all the others and they need to be considered.

Mr. Mbadi: Mr. Temporary Deputy Chairman, Sir, let me conclude.

The hon. Minister has said that the military cannot wait. Therefore, our children have to wait at home for the Supplementary Estimates because the military cannot wait. Why can the military not wait for the Supplementary Estimates because our children are at home and they are not being taught because teachers are on strike?

The Temporary Deputy Chairman (Mr. Ethuro): Order! Hon. Members, let us close that now. I think all the views have been expressed.

(Question of the reduction proposed)

Mr. C. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I would have been much happier if the proposal from the hon. Member was to reduce the salaries of Members of Parliament.

(Applause)

The hon. Member should not use his office here to target other civil servants. That is not in good faith.

Hon. Members: Shame! Shame!

The Temporary Deputy Chairman (Mr. Ethuro): Order! Hon. Members, hon. C. Kilonzo has the Floor and must be heard.

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Chairman, Sir. Is it in order for the hon. C. Kilonzo, who is a hon. Member like me and enjoys all the privileges of this House, not to utilize his privilege by proposing amendment to reduce the salary of Members of Parliament and trivialize my amendment? Why can he not do so? He has also powers like I have done.

The Temporary Deputy Chairman (Mr. Ethuro): Order! Hon. Members, let me just clarify.

Hon. Members, every Member has a right to propose an amendment to any vote. That is why the votes are brought here. If they were not to be amended, it would have been an executive function.

Proceed, hon. C. Kilonzo!

Mr. C. Kilonzo: Mr. Temporary Deputy Chairman, Sir, I do not know why somebody is not happy with me opposing this amendment. He is not an angel to know what proposals I am about to bring.

Mr. Temporary Deputy Chairman, Sir, as a Member of the Departmental Committee on Defence and Foreign Relations, this is an institution which has been run down for many years. Let us give credit where it is due. In one way or another, the Kibaki administration has tried to change things over eight years. These are challenges. This House, indeed, is pushing the Government to come up with a solution. The Government only understands pressure. Put pressure on them to come up with other sources of money. We should not give them the option of slashing from this sector to benefit that sector. Let us not rob Peter to pay John.

I oppose.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Temporary Deputy Speaker, Sir, from the outset, I wish to say that I am particularly very disturbed that this House would allow one arm of Government, that is the military to be pitted against the teachers. Those of you who are saying so are parents but you are not more of parents than we are. We also have our children back at home, but we all know that we have a neighbour called Somali that has been a big problem to the whole of Africa. Now you want to sit here and say that education is so important. All the Deputy Prime Minister and Minister for Finance is saying is that January is coming. It is only three months away.

Mr. Temporary Deputy Chairman, Sir, it is not time for populism. Those who would want us to improve our education, we are there. We have a deficit of 78,000 teachers. If you add 10,000, you still have another 68,000 that you must add. The Minister is asking us to wait for January.

Mr. Temporary Deputy Chairman, Sir, on issues of national security, we cannot allow this matter to be compromised or to be diluted by partisan interests.

The Temporary Deputy Chairman (Mr. Ethuro): Order! Just give brief comments.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Temporary Deputy Chairman, Sir, I beg to oppose.

The Minister for Nairobi Metropolitan Development (Mr. Githae): Mr. Temporary Deputy Chairman, Sir, I stand to strongly oppose that amendment. This was a

negotiated Appropriations Bill. Once something is negotiated and agreed, you must be a gentleman enough to accept what has been negotiated.

Mr. Temporary Deputy Chairman, Sir, secondly, teachers are important, and the military is important. Now, why is a whole Member putting us in a position, where he is making a decision that this is more important than the other? The Deputy Prime Minister and Minister for Finance has given his undertaking that whatever negotiations that are agreed upon with the teachers, KNUT and TSC as the employer will be effected in January during the December Supplementary Budget. What more do you want?

Mr. Temporary Deputy Chairman, I strongly oppose.

Ms. Karua: Mr. Temporary Deputy Chairman, Sir, I want to say that the blame cannot be laid on hon. Mbadi who has brought the amendment. The blame squarely lies at the hands of the Government. When they brought the Budget, they should have balanced properly the various needs. But to stand and tell the teachers half truths that they are negotiating for the next Budget or for January--- They should be telling the teachers, sorry, we are locking you out. It is not wrong for a Member to try and do some balancing. It may not be the best way. But it is to dramatize the problem that has been brought by the Government and the Ministry of Finance. The long and winding Member is at it again, but this is to balance. Due to the ineffectiveness of the Government, our children cannot wait and the military cannot wait. All the things that should have been done ought to have been done. Why is pocket money being given to NSIS of Kshs2 billion which they did not request for? That is the money the Minister could have easily moved. There are many items in the various Votes of Ministries which are unnecessary. I have stood here and said that we do not need new furniture in a year that we are in a crisis. We do not need new vehicles. There are many things. Now that salaries of Members have been mentioned, we also did not need our taxes paid when our children are out. Those are the issues of priorities. We must be very upfront and say our priorities are upside down. Whether we give long and widened statements here which mean nothing, the truth of the matter is: We have failed this nation, and the Ministry of Finance and the Government have failed.

Hon. Members: Put the Question! Put the Question!

The Temporary Deputy Chairman (Mr. Ethuro): Last one from hon. Duale! Hon. Members, I am on the Chair and not you. I will exercise my power to the best of my ability.

Mr. Duale: Mr. Temporary Deputy Chairman, Sir, I stand to oppose this amendment. As the leadership of this country, we must offer leadership. Soldiers who are getting these increments are as important as teachers. They are as important as nurses. I do not see why teachers are more important than any of the people we represent in this House.

Mr. Temporary Deputy Chairman, Sir, secondly, the NSIS is a very important institution, particularly for those who want to become Presidents. If you do not know the importance of NSIS and you want to become a President of this country, I think----

(Laughter)

The Temporary Deputy Chairman (Mr. Ethuro): Order! What is it, hon. Karua?

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

Hon. Duale still thinks he is an Assistant Minister. He has forgotten that he is on the opposition side. Is he in order to claim that I am not appreciating the importance of NSIS when I only questioned the excess money they were given over and above what they had requested for?

The Temporary Deputy Chairman (Mr. Ethuro): Indeed, hon. Members, while that is a valid point of order, the Standing Orders also require that we remain relevant to the amendment itself. The amendment here is on the Vote of the Ministry of State for Defence. So, I would really disallow any more contribution.

(Question, that the question of the reduction be now put, put and agreed to)

(Question of the reduction put and negatived)

(The Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Mr. Ethuro): Yes, Mr. Deputy Prime Minister and Minister for Finance!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Appropriations Bill and its approval thereof without amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker

(Dr. Laboso) in the Chair]

REPORT AND THIRD READING

THE APPROPRIATION BILL

Mr. Ethuro: Mr. Temporary Deputy Chairman, Sir, I beg to report that the Committee of the whole House has considered The Appropriation Bill (Bill No. 45 of 2011) and approved the same without amendment.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Transport (Mr. Kimunya) seconded

(Question proposed)

Mr. Mbadi: Madam Temporary Deputy Speaker, I wish to oppose. It is really a sad day for this country again. I said this on 30th August, 2011, and I was vindicated. Yesterday, all the hon. Members of Parliament spoke in support of employing more teachers. They accused the Government and the Executive for failing to provide money for the employment of teachers. I am sad today that the same Parliament has decided to deny the children of this country an opportunity to have more teachers. I also want to go on record that even the members of the military that we are talking about have children who go to school and would want their children in classes.

(Applause)

I am really saddened that we are an insensitive Parliament. We do not regard our children who are the future of this country as important and I cannot support the Appropriations Bill.

I beg to oppose!

(Applause)

(Question put and agreed to)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, I want to thank all hon. Members for their contributions and I want to say that---

The Temporary Deputy Speaker (Dr. Laboso): Mr. Deputy Prime Minister and Minister for Finance, you are supposed to be moving!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, I beg to move that The Appropriations Bill be now read the Third Time.

The Minister for Transport (Mr. Kimunya) seconded

(Question proposed)

(Question put and agreed to)

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Madam Temporary Deputy Speaker, I am sorry, I do not want to take too much time. However, I just wanted to say that, indeed, the Government has heard the House and the Government has heard the teachers. I just wanted to stand and say that we will continue to discuss and negotiate with the teachers with a view to ending this stalemate in the shortest time

possible and to ensure that we do get our children back to school and we do address ourselves, as the Government and as a nation, to the fact that we have a big shortage of teachers.

I will continue, as I said, to work with this House, with the relevant Committee and the unions to ensure that we do get an amicable solution in the shortest time possible.

Thank you, Madam Temporary Deputy Speaker.

(Applause)

Dr. Khalwale: Madam Temporary Deputy Speaker, I am equally happy that we have finally passed this Bill. But having listened to the Deputy Prime Minister and Minister for Finance say that he has got good plans for the teachers, that we all support, as parents of children, I want to urge the Deputy Prime Minister and Minister for Finance that when he enters into the negotiations with these teachers to consider hiring those teachers immediately. Since he will come to this House during his Supplementary Estimates, he hires them immediately and issue them with letters of permanent employment, continue paying them and when we pass the Supplementary Estimates, you pay them in arrears.

(Applause)

I can assure the Deputy Prime Minister and Minister for Finance that from Monday, children will go to school, we will all be happy, the teachers will be happy, members of the military will be happy and our country will be safe because the money allocated to the NSIS is there for a purpose!

I beg to support.

Mr. Ruto: Madam Temporary Deputy Speaker, I also want to request the Deputy Prime Minister and Minister for Finance and the Government at large to, in future, listen to Parliament and Kenyans. When we told him about a month ago that there is need to ensure that there is available money for teachers, it all fell on not too receiving ears.

I want to request that the Government considers employing more teachers. This Parliament expects a minimum of 25,000 teachers and that is what the parents want to listen to.

Thank you, Madam Temporary Deputy Speaker.

Mr. Ogindo: Madam Temporary Deputy Speaker, I want to request the Deputy Prime Minister and Minister for Finance, in his further negotiations, because Parliament has spoken through the Departmental Committee on Education, Research and Technology be represented in the negotiating table so that we duly get our report.

Mr. Ethuro: Madam Temporary Deputy Speaker, I also wish to thank the Deputy Prime Minister and Minister for Finance for being successful on this one. However, he has a tendency to make us make very hard decisions. He puts us between a rock and a hard place.

I want to believe that the Deputy Prime Minister and Minister for Finance has promised that come January, he will pay those teachers. I hope it will not be another empty promise. It is on the HANSARD and it is time that the Executive really took this House very seriously. This is why we adjourned the business of the House yesterday to

discuss the teachers' strike. We want to thank him for the move he made last night, but it is not enough. I wish he could employ the 18,000 teachers who are on contract on permanent and pensionable terms and then look for some more on contract basis.

Madam Temporary Deputy Speaker, I beg to support.

Ms. Karua: Madam Temporary Deputy Speaker, the majority must have their way, but the minority must also have their say. I think Parliament has ceded its authority. With the new dispensation, we should stay conscious that we have the power of the purse and that the Executive's proposals are a wish list until approved by this House. Having failed to do that, let us hope that future Parliaments will re-establish this principle.

About the teachers, we need to treat them like the intelligent beings they are. We need to tell them that, sorry, they have now been locked out of this year instead of telling them that there is negotiation. The negotiation should be futuristic and, therefore, even when we supported them yesterday, I think we supported them to play politics. We have locked them out and it is a sad situation.

Mr. Njuguna: Madam Temporary Deputy Speaker, Sir, it is notable that the parents of this country and Kenyans want children back to school. The cry of Kenyans must be addressed. I, therefore, urge the Government and the two principals, the Vice-President and Minister for Home Affairs and the Deputy Prime Minister and Minister for Finance to make sure they heed this cry and immediately release teachers to schools to guarantee learning in our schools.

I, therefore, support.

Mr. James Maina Kamau: Madam Temporary Deputy Speaker, I would like to thank the Minister for showing us the way forward. At the same time, he has mentioned that there was a promise made to the military and that promise was kept. I would urge the Minister to make sure that the promise he has made to the teachers of this country is kept.

Thank you.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, I think we have ventilated on this.

Mr. Mbadi, you have had your say. Therefore, I want to put the question.

(Question put and agreed to)

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

Next order!

MOTION

ADOPTION OF REPORT OF CONSTITUENCIES FUND COMMITTEE ON APPROVAL OF MEMBERS OF CDF BOARD

Mr. Ethuro: Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House adopts the Report of the Constituencies Fund Committee on the approval of Ms. Jennifer Nafula Barassa, Eng. Hillary Ntabo Nyaanga, Dr. Jane Nyawira Kabugi, Mr. Xavier Maina Nyamu,

Mrs. Rosalia Shida Nyalle, Major Rose Mbula Kioko, Mr. Odongo Mark Okeyo, Mr. Ahmed Ibrahim Abass, Dr. John Ongege Wamakonjio and Mr. David Tito Kiprono Koross as members of the Constituencies Development Fund Board laid on the Table of the House on Wednesday 7th September, 2011.

Madam Temporary Deputy Speaker, as I move fast, I want to plead with the House that we will retain these numbers if we are really serious with the business of this House, if not for the other purposes that we had come to do here.

The CDF has made a major impact in this country in terms of socio-economic development in its stated purpose of fighting poverty and also, the other purpose of doing general development.

Madam Temporary Deputy Speaker, we have continued as a House to strengthen the Board in order to put our resources in a more efficient and prudent manner as required by the CDF Act. If you remember when we started the CDF, it was managed by the Clerk of the National Assembly as the Chief Executive Officer. So, it had a lot of teething problems because also, there was a Committee managing it; the National Management Committee. Towards the end of the last Parliament, we thought it wise to amend the law so that we get a Board that is independent and functioning. This is a process of strengthening the institution in the way we manage the CDF to the extent now that each constituency has an account manager on behalf of the Board that is managing the CDF in consultation with the CDF Committee.

I want to thank the Members of the Constituencies Fund Committee (CFC) for the dedicated commitment with our job. I can report without fear of contradiction that we have held many meetings. In fact, I think we take the trophy for the number of meetings we held in the House. These meetings are also some of the ones with the highest quorum you will ever get. We have hardly lacked quorum in our meetings. I want to thank the entire membership of my Committee for a job well done.

Madam Temporary Deputy Speaker, the composition of the Board has three components. The first has statutory offices of the Clerk of the National Assembly, the Attorney-General, Permanent Secretary, Ministry of Planning, National Development and Vision 2030, and the Permanent Secretary, Office of the Deputy Prime Minister and Ministry of Finance.

The second category, which we are considering, is where the Act allows certain organizations to appoint individuals to represent them in the Board. These are eight organizations. The Act has also provided for four other persons to be appointed by the Minister for Planning, National Development and Vision 2030, Mr. Wycliffe Oparanya, in order to consider that the nominees that have come through these other considerations will now be able to meet regional diversity, ethnicity and gender consideration.

Madam Temporary Deputy Speaker, I want to say from the outset that the outgoing Board did a wonderful job. They put systems and procedures in place. They have come up with a strategic development plan for the CDF Board and we have also been able to ensure that the CEO signs performance contracting. For any doubting Thomas, the fact that our CEO of the CDF Board has been appointed the Controller of Budget can only communicate one thing; that we have had a very effective CEO. This in effect means we have had an effective Board and it means that the CDF management has been extremely useful.

I also want to take this opportunity to challenge the National Taxpayers' Association. Even on their own admission where they have classified projects according to A, B, C, most of the projects of CDF on A and B categories in terms of complete, money well spent or money spent and incomplete on B, they still come to 95 per cent. I need the Executive to challenge me on even the performance of their own Ministries and the Government collectively, if they have ever realized that kind of percentage. I have no problem with the Executive *kupinga*. We will demonstrate how effective we are. It is for their own good. Let them try.

Madam Temporary Deputy Speaker, the CDF Board has a three year term. Therefore, the people we are considering for these positions will serve on a three year basis.

I want to comment on the process. We decided that because the new thing within the constitutional framework is that Parliamentary Committees vet nominees, the Minister for Planning, National Development and Vision 2030 was able to submit the names to the Clerk of the National Assembly who then forwarded them to us in accordance with Section 27 (4) (b) of the CDF Act. This Section demands that the Committee will make recommendations before the names are approved by Parliament.

Madam Temporary Deputy Speaker, the Committee met three times. These are the findings of our Committee. The Minister submitted 12 nominees according to the requirements. We were able to approve ten out of the 12. The ten are the ones that I have read. There were two nominees that we were unable to approve for your consideration on two accounts; one, we got an objection from the nomination organization that the nominee had not been submitted by them and so we wondered where the Minister got the name from. We have left it to the Minister because our job is not to deal with that. We have left it for the Minister to sort out and bring us the proper name.

The second nominee has serious challenges in terms of what we considered was good enough for the Board. The Board is not just a depository of rejects. The Board is not only supposed to approve projects but also to think ahead on how CDF can make progress and impact in this country. It also failed on a fundamental issue of regional consideration.

(Mr. Muthama gestured at Mr. Ethuro)

Madam Temporary Deputy Speaker, you need to protect me from hon. Muthama. I am going to take my time because I had warned you but you ignored the warning. This is a very important Motion.

With the ten members we have approved, three are continuing. So, there is continuity in-built in the organisation. The other seven are fresh faces. We wanted to make sure that as we continue, we also inject fresh blood in the future of the CDF. I also want to confirm that the Minister proposed the names of the nominees in accordance with the new Constitution, and 40 per cent of them are women.

Madam Temporary Deputy Speaker, I want to make a few observations. The first category of statutory positions was meant to make the performance of the CDF very effective. Unfortunately, I must report that, as a Committee, we have not seen the value that these people are giving to this Committee. We do not see value in the representative

of the Permanent Secretary (PS) of the Ministry of Finance. That is why our disbursements are delayed.

We do not see the value in the representative of the Attorney-General. That is why even when we go to court, we have to hire a lawyer outside the Board to represent us. I thought in the wisdom of the framers of the composition of the Board, representation was supposed to be an in-house thing; we are all represented on the Board.

Madam Temporary Deputy Speaker, we have, indeed, not seen the value of the representative of the PS of the Ministry of Planning, National Development and Vision 2030 because some of the problems we have emanate from the District Development Officers (DDOs) and the District Accountants, whose representatives sit on the Board. We thought that they would be able to help us sort out some of the problems.

Of course, the Ministry of Public Works could be forgiven for not being represented on the Board, but we now have one of them. In fact, the engineer is from the Ministry of Public Works. We have decided to bring him on board, so that we can sort out some of the issues we have encountered.

Madam Temporary Deputy Speaker, as I conclude, I would like to appeal to the Minister for Planning, National Development and Vision 2030, and to the Treasury--- The CDF legal framework is not a wish list. It is not at the convenience of a Minister of Government. The CDF has had impact in all the 210 constituencies in this country. The law requires that the Treasury releases the CDF money at the beginning of every quarter of the financial year. As we speak, the money has not been released, even as the Deputy Leader of Government Business is forcing us to approve the Appropriation Bill. This is something which should be improved. We will be on the lookout knowing that we are racing against time. The Minister is always the first one to say that we are not utilising the money when he is not working hard enough to disburse the money in good time.

Madam Temporary Deputy Speaker, we also want to inform the Board that all projects must be completed. We also ask for support from hon. Members. As a Committee, we are discouraging the spreading of projects in a piecemeal manner and giving little amounts of money to such projects. This will not lead to complete units. We will be calling upon not only the Board, but also Members of Parliament, to ensure that, that is done.

We are also going to strengthen the auditing of the CDF Board, so that we deal with reports audited by the Government, and not by busy bodies, who have nothing to say but just to exaggerate small things that happen here and there. When we asked them: "What are your competencies? Which structural engineers do you have? Which accounts do you have to evaluate this project?", we realised that they had nothing.

Madam Temporary Deputy Speaker, they do something called "social auditing". Social something is creating an impression of what you think should have been spent. Surely, we can do better as a nation. We have professionals in this country who should be able to evaluate projects. We have proper Government auditors, who should go out and audit us. You cannot just get somebody from the streets, ask him to audit a particular project and be given the information, which they "broadcast" all over the place.

We also expect the new Board to ensure that the CDF is aligned with the new Constitution. Aligning the CDF with the Constitution means that we expect the life of the CDF to continue even after the next general election. This should be a notice to the Government because in the Medium-Term Framework, we have not seen the CDF in the

next financial year's figures. I wish the Deputy Prime Minister and Minister for Finance could have stayed here a little longer. This is a notice we are giving him. We want to see more CDF money in the next estimates.

Madam Temporary Deputy Speaker, the CDF concept is in many countries in the world. It is in all the East and Central African countries, where we belong. The CDF has enabled this country to implement the Free Primary Education (FPE) programme effectively by ensuring that more classrooms and dormitories were built.

We have made our modest contribution to the development of this nation, and I cannot understand any form of justification for non-disbursement of CDF money. We have already devolved as CDF. Now that the rest of the country is in pursuit of devolution, you can assume that because we have now devolved to the county level, we cannot devolve further. In fact, even the Constitution contemplates devolution beyond the county level. So, I do not see why we cannot devolve beyond the county level through the CDF.

Madam Temporary Deputy Speaker, I beg to move and ask Eng. Gumbo, my very good friend, an eloquent speaker and a son of a peasant like me, who is totally committed to the CDF initiative, to second me.

Eng. Gumbo: Madam Temporary Deputy Speaker, as I second this Motion, I want to say that this is not a ploy by the peasants to marginalise the rest. I would like to thank my Committee Chairman, a man I sometimes call the Chair of Chairs, for eloquently moving this Motion.

I stand to second the Motion and recommend that this House approves the list as submitted by our Committee. I want to echo the words of my Committee Chairman by saying that we all must truly, as Members of Parliament, appreciate the good work that the CDF has done in just over six years that the CDF has existed. There is no gainsaying that the CDF today is the most visible public Fund ever in the history of Kenya in the nearly 50 years we have been independent.

Madam Temporary Deputy Speaker, a survey has shown that over 95 per cent of Kenyans, both young and old, have at some point heard of or come into contact with the activities of the CDF, which is mostly the good work that the CDF is doing. In fact, I think that percentage is now higher. Virtually, everyone in this country knows about the CDF.

I want to pay tribute to the engineers of this country, more particularly the person who brought the CDF idea to this House, my good friend and senior colleague, Eng. Muriuki Karue. This was truly a revolutionary idea that he came up with, and it has changed the face of our country.

Madam Temporary Deputy Speaker, as the CDF Committee, we have walked the length and breadth of this country. In one of the constituencies we went to, we were so honoured and so happy to find that in just six years, the CDF had increased the number of secondary schools in that part of the country six times, from two secondary schools to 12 secondary schools. These are achievements which even the central Government could not claim to match in any way. These are the examples we need to show. As has been eloquently said by my able Chairman, hon. Ethuro, even the harshest critics of the CDF, who by the way, use very questionable tools to audit the CDF, have admitted that the success rate of the CDF is sometimes as high as 95 per cent. Being a highly educated

Kenyan woman, you realize that a margin of error of 5 per cent is acceptable. So, there is no question about it. The CDF is a success story.

Madam Temporary Deputy Speaker, I have said in our meetings and to the Minister that one of my biggest concerns with the Board of the CDF, as we inaugurate and propose to have the Board approved today, is its apparent inability to demonstrate the extremely good work that the CDF has done. They have left it to activists like the National Taxpayers' Association who have no proper tools and who sometimes engage sociologists to audit a building to try to make the CDF look bad when the Board has the resources. We give them a lot of money every year. As we recommend the approval of this Board, I want to ask the Minister that one of the things the Board should do is to engage on an aggressive impact assessment of the CDF as it is and most importantly highlight, through publicity campaigns, the good work that the CDF has done. This does not require anything. It only requires picking out the facts.

As I rush to conclude, as the Members of Parliament, let it be our duty to ensure that the CDF is accommodated within the new Constitution. We need to - and I have informed my Chairman - propose amendments that will guarantee continuity of the CDF under the new environment. I say this because for some of us who have hopes of defending our seats as Members of Parliament, the CDF has made us more assertive. It has made us more relevant. These days, you hardly hear a Member of Parliament coming here to say that a toilet has collapsed in his constituency and whether the Government could help him to build it because we have a guaranteed resource envelop that helps us to do these things.

Therefore, it is important - and we will come forward as a Committee - to propose that we do the necessary amendments. The public out there seems to think that the CDF is money owned by the MP, but speaking for myself, I have been here for almost four years, I have never even seen the CDF cheque book. So, really, it is these misconceptions that make the CDF, a very good thing, perhaps the best thing ever to happen to Kenya, to look bad. This is what we should look into. As we look forward to making these amendments, we should also look at the apparent contradictions that are there between the CDF and some of the laws that exist in the country, for example, the Public Finance Management Act, which gives a lot of powers to the office of the Accountant-General to come up with some controls that necessarily impede the progress of the CDF.

I want to call upon my colleagues, Members of Parliament, that when we bring the proposals here to amend the CDF Act to align it with the Constitution, we must still build in the guarantees that will make sure that even as we route the CDF through the county assemblies, it guarantees every single constituency in Kenya an optimal resource envelop that we can use to do the work that the CDF has been doing.

With those remarks, I wish to second.

(Question proposed)

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, I stand to support this Motion. In doing so, I want to make three observations. This new Board has a lot of work to do. Currently, when you look at the distribution of the CDF, there is an outrageous unfairness. How can Kajiado Central be richer than Kabete Constituency? A constituency like Turkana North with

373,000 people has 329,000 poor people. How come the constituency that is represented by the Minister of State for Planning, National Development and Vision 2030 has 139,000 people and 80,000 are poor? The people of Kajiado Central Constituency are on relief food yet we are not poor.

When the Board gets in office, it must move with speed.

The Minister of State for Planning, National Development and Vision 2030

(Mr. Oparanya): On a point of order, Madam Temporary Deputy Speaker. I want hon. Nkaisserry to substantiate that 80 per cent of my people are poor. Where did he get that figure? The correct figure is 56 per cent.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Minister, are you giving the answer or are you asking the question?

The Minister of State for Planning, National Development and Vision 2030

(Mr. Oparanya): Madam Temporary Deputy Speaker, is he in order to mislead the House?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, we do not want Kenyans to be poor, but we want fairness. This House cannot marginalize Kenyans. We must be fair in the distribution of resources. If you look at the list which will be laid on the Table of this House today, you can minus 7,000 people from Butere and you will get 73,000 poorer people out of 139,000 people.

This Board will have to move and confirm this. The Ministry of State for Planning, National Development and Vision 2030 failed to confirm this. The CDF National Management Committee also failed to do this. It is important that we---

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Ethuro, you will be called upon to reply!

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. There is a difference between a point of order where you want to correct a misleading statement and my right to reply. Is the Assistant Minister in order to persistently mislead this House that the Minister or the Committee or the Board failed in its job when actually the matter that he is talking about was about allocation on the basis of population and poverty indexes? We came to this House and resolved that matter. We were taken to court and the court made a judgement in our favour. Is he in order?

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Madam Temporary Deputy Speaker, I am 100 per cent in order. This is a report. I paid money to the lawyer who went to court. We told the Minister to go and find out the difference between Kajiado, for example, and Kabete. For example, how can 325,000 out of 378,000 Turkana be poor? *Hakuna!* It cannot happen!

The Temporary Deputy Speaker (Dr. Laboso): Order, Maj-Gen. Nkaisserry! I think we need to dispense of this matter.

Mr. Duale: Madam Temporary Deputy Speaker, this Report the hon. Member is talking about was prepared by Prof. Anyang'-Nyong'o when he was the Minister for Planning, National Development and Vision 2030. It is a Government document and it was tabled in this House. In fact, Maj-Gen. Nkaisserry went to court. Is he in order to say that the Turkana--- We know that Turkana is a very important community in this country. They are the most poverty stricken in this country today. Is he in order?

The Temporary Deputy Speaker (Dr. Laboso): Maj-Gen. Nkaiserry, do not take us down that route. That matter has already been disposed of.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaiserry): Madam Temporary Deputy Speaker, we want to correct the wrongs.

The Temporary Deputy Speaker (Dr. Laboso): But honestly, we are not---

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisery): Madam Temporary Deputy Speaker, please, give me the opportunity to explain. This is my time. It is very important that when this Board gets to work, we correct the wrongs that were made.

Eng. Gumbo, who is a member of the CDF Committee - I went to court over this matter because it was not fair. So, Mr. Duale is trying to play politics by bringing in the name of Prof. Anyang'-Nyong'o. What was placed here is for 1999 and we are now in 2011. It has changed totally. When the Board starts work, these are some of the things it is required to address. The CDF Committee must move with speed and address these issues. I went to talk to the Minister himself and the Ministry also needs to move with extra speed to correct this. We cannot allow him to just come here and table documents because he wants to report and this House continues to marginalize the rest of Kenyans.

Madam Temporary Deputy Speaker, although I support, those are the observations I want to make.

Mr. C. Kilonzo: Madam Temporary Deputy Speaker, I will be very brief. There is no pride in being poor. The CDF has tried as much as possible to address the issue of poverty and it is one of the best economic stimulus package. So, it is us, hon. Members, to ensure that CDF does not disappear under the new Constitution. You can try to visualize a situation whereby you will be going to beg a governor to give you money. So, it is up to us to ensure that the CDF continues under the new Constitution.

As a member of this Committee, I looked at the names which were forwarded to us. The 10 names we have brought to the House belong to people we vetted as a Committee and we have all reasons to believe that they will be able to work or will be up to the task.

During the last Parliament, we had very many differences on issues of allocation, but no Member of Parliament went to court. This time round, we have had two cases where Members of Parliament have gone to court to contest decisions which have been made in this House. I request hon. Members to avoid going to court so that we solve our issues here.

With those few remarks, I beg to support.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity.

I want to thank the parliamentary Committee on CDF for approving the names. They have approved the 10 out of the 12 names that I submitted. I have had challenges when I request names from institutions. From one institution, I got four letters giving me different names. There are other institutions where I got two letters each submitting different names. I want the Clerk to look at the two letters.

(Mr. Oparanya laid the documents on the Table)

With regard to the two names that have been rejected, I will move with speed to see that we have a replacement. I am hopeful that in two weeks time, we will have the two names approved by the Committee. I will move with speed to gazette the names that have been approved by the House so that the new Board receives project proposals which I will expect Members of Parliament to submit as soon as possible.

Madam Temporary Deputy Speaker, I will also expect the new Board to start the process of recruiting the new Chief Executive Officer. As you are aware, the current Chief Executive Officer has been appointed to be the Controller of Budget. That is a very important responsibility. In order to ensure that there is no gap, they need to carry out the recruitment process as soon as possible.

I have tabled the allocation list covering all the 210 constituencies. If you look at that list, you will find that I am allocating Kshs17.515 billion as agreed with the Deputy Prime Minister and Minister for Finance. That has been allocated in accordance with the new population figures of 38 million Kenyans. I want to clarify one issue. I got a court injunction. People from the constituencies that we cancelled the census went to court and I have been ordered to use the figures as published in the population booklets and those are the figures I have used. There is a court case going on and as soon as it is determined, there is likely to be a variation in the figures if they lose the case. However, if we lose the case, then the figures will remain as they are.

Madam Temporary Deputy Speaker, I want to respond to two or three issues that were raised by the Chairman of the Committee. These are in respect of the representatives from the Office of the Deputy Prime Minister and Ministry of Finance; the Ministry of Planning, National Development, and Vision 2030; and the Attorney-General's Chambers. As you are aware, the CDF Board Secretariat gets 3 percent. We have worked out that the 3 percent is not adequate to enable the Board employ adequate staff at the constituency level. In order to ensure that these representatives are not involved and the CDF Board Secretariat works independently, we need to add five more senior staff at the constituency level to ensure that there is adequate segregation of duties and control of the finances. This is one of the issues that we will bring to this House for amendment to ensure that the percentage that is taken to the Board is reviewed upwards.

On the issue of poverty index as raised by Maj-Gen. Nkaisserry, the poverty index figures were done in 2005/2006. Ideally, these figures are supposed to be reviewed every five years. We were supposed to undertake the same exercise last year; that is, 2010/2011. We requested for Kshs500 million to enable us carry out this exercise. Unfortunately, this amount of money was not granted to us. We requested for the same amount of money this financial year to enable us carry out the new poverty indices, but so far, we have received nothing. I want to thank the outgoing Board and the Chief Executive Officer (CEO) for the wonderful job they have done. The CDF has been strengthened both at the headquarters and constituency level.

Madam Temporary Deputy Speaker, Kshs10.6 billion is supposed to have been released by now. Unfortunately, we have not received any cent. However, we are hopeful that with the establishment of the Board, we will get that particular money. I will request the hon. Members as they go on recess, they move with speed to ensure that we have project proposals, so that as we get this money, we will be able to release it to the constituencies. There is a balance of Kshs3.6 billion which I have not included in the allocation. The reason is that I have been advised by the Office of the Deputy Prime

Minister and Ministry of Finance that this is a conditional grant. They are looking at it and will advise me on how I will share out that particular money among the constituencies. However, the Office of the Deputy Prime Minister and Ministry of Finance had hinted that this money will go towards the completion of education, health, water and sanitation projects. He assured me that this money will be shared equally. That will come to about Kshs17 million to every constituency. So, as I table the distribution schedule, let me clarify that the Kshs17 million to every constituency is not included. It will be provided later.

Madam Temporary Deputy Speaker, I want also to clarify one other additional issue.

Dr. Khalwale: On a point of order, Madam Temporary Deputy Speaker. Since the point raised by the Minister on the Kshs17 million is so important in planning, could he give an indication of when “later” is later?

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Madam Temporary Deputy Speaker, as mentioned, discussions are ongoing. I have submitted a formal request to the Office of the Deputy Prime Minister and Ministry of Finance to clarify the terms of the conditional grant. I have even discussed it with the relevant Committee and have agreed that we wait as we bring our proposals. Some of this money might go towards completion of the Economic Stimulus Projects (ESP). We have not concluded on this.

Madam Temporary Deputy Speaker, finally, this particular table, as mentioned earlier is based on the actual population figures that we presented in 2009, plus the eight districts that we cancelled. We had used projections, but the affected parties went to court. We have been ordered to use those particular figures that we published. If the outcome of the court case favours us, it will mean that we revise these figures downwards. Because of that, if you look at Manderu Central, it had received Kshs101 million using the projections of 1999. However, using the inflated census figure, it is now getting Kshs141 million; a difference of Kshs30 million. Also, there are changes in others. So, we will have to wait for the court case to be determined---

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Minister to start judging that the figures are inflated when that matter is before the court? In any case, he is the one who published these figures and nobody else.

The Temporary Deputy Speaker (Dr. Laboso): Are you in order, Mr. Minister, to discuss matters which are in court?

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Madam Temporary Deputy Speaker, you are aware that these figures were cancelled by the Government and they stand cancelled unless otherwise.

Madam Temporary Deputy Speaker, with those remarks, I beg to support.

Mr. Ethuro: On a point of order, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Ethuro, I think you have ventilated enough. You are out of order!

(Question put and agreed to)

MOTION FOR ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO A DAY OTHER THAN THE NEXT NORMAL SITTING DAY

The Minister for Transport (Mr. Kimunya): Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, this House do adjourn until Tuesday, 11th October, 2011 at 2.30 p.m.

Madam Temporary Deputy Speaker, as the hon. Members are all aware, we have had, perhaps, the most fruitful and productive session in the history of this Parliament. It is during this Session that we passed a historic number of constitutional implementation Bills and saw them enacted well within the schedule that was set out for us in the Constitution. Against all odds, we beat all the people who doubted the capacity of this House and actually worked. Within that period, the hon. Members will remember that they volunteered a record 27 extra hours to the nation by working until midnight and on Thursday morning, Friday morning and afternoon and ensured that the nation got the laws that they needed as part of the implementation of the new Constitution. This House deserves applause for that.

Madam Temporary Deputy Speaker, working so hard has also meant that the hon. Members have not had the opportunity to be with their families and constituents. They have also not had the opportunity to actually go and monitor the activities taking place in terms of the CDF projects that they have initiated on the ground. The hon. Members have also not had enough time to look at some issues that need to be deliberated further within the Committee. It was the feeling of the House Business Committee that we need to create this time, so that the hon. Members can go and do the extra work in the Committees and constituencies. They can also go and join their families and constituents and give them some quality time. In addition, we have our hardworking staff at the National Assembly who also need to be given some time to also reconnect with their families and take their leave which they could not do so long as the House is sitting.

Madam Temporary Deputy Speaker, this break which is very well-deserved comes at an appropriate time when we can go celebrating that, yes, we have done what Kenyans wanted us to do. We are not leaving behind any pending business that we can say, when we are on recess, that we should not have taken a break this time because we had this and that. We have just passed the Appropriation Bill which we hope by that time, the Deputy Prime Minister and Minister for Finance will have started actualizing. We have also passed all those other Bills regarding the police reforms. So, we hope that by the time we come back, to pass the other laws on the oversight, we will have seen the implications of the reform measures that we did.

Madam Temporary Deputy Speaker, as we go, I hope that we will also take this time and engage with the teaching fraternity within our constituencies because we have invested eight years in our children who have been in school from Standard one to Standard eight. We cannot jeopardize the remaining two months before they sit for exams just because of our political considerations. We cannot jeopardize the four years that we have invested in our children who have gone from Form One to Form Four and who will

be sitting for their exams in six weeks' time by continuing to talk about teachers and encouraging them to miss work or to miss to be in class to teach our children.

With those words, I beg to move and ask Dr. Shaban to second this Motion of Adjournment.

The Minister for Gender and Children Affairs (Dr. Shaban): Madam Temporary Deputy Speaker, I stand up to second this Motion of Adjournment. As my colleague has already said, the Tenth Parliament has done a lot of work towards the implementation of the new Constitution and it is time we go back to our constituencies to be able to work with our constituents. As Parliament goes for recess for this few weeks, it should be noted that parliamentarians have done an extremely excellent job. I think it is time we take a break because any human being cannot be pushed so hard. As we are going home to talk about what the Constitution entails and how we are going to move on with the development, implementation of the new Constitution and what was done by the Committees, it is important for us to share with our constituents so that they can know what their representatives have been doing.

Madam Temporary Deputy Speaker, it is the wearer of the shoe who knows where the shoe pinches. Most people think parliamentarians earn a salary without working so hard but they have been proved wrong. So much work has been put in. The Cabinet was even meeting over weekends. Members of Parliament were meeting over weekends in the Committees to make sure that they are able to do all the work and bring their reports to the Floor of the House.

With those few remarks, I beg to second.

(Question proposed)

Mr. Wambugu: Madam Temporary Deputy Speaker, I also stand to support this very important Motion of Adjournment. I think it has come at the right time---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, just a clarification, each hon. Member has five minutes---

An hon. Member: Let it be three minutes.

The Temporary Deputy Speaker (Dr. Laboso): Three minutes for each person. Is that agreed by the whole House?

Hon. Members: Yes.

The Temporary Deputy Speaker (Dr. Laboso): So, it is three minutes each so that we can move fast with this programme.

Proceed, Capt. Wambugu!

Mr. Wambugu: Madam Temporary Deputy Speaker, that is well understood. I would also propose about one minute only so that everybody can contribute and be able to get home early and travel to the constituency tomorrow.

First of all, I want to commend the Members of Parliament for the good work that they have done in this session especially the approval of various Bills that were before the House. I think this is the first Parliament that has ever worked so hard to get the implementation of the Constitution in its right place.

There are issues which we will need to look at as we go on recess. I was not able to contribute when we were discussing the Motion on the Constituencies Development Fund (CDF). We will be asking the Board to move with speed and release the funds for

those constituencies which were left behind when the Board expired. It would also be a good time when hon. Members go to the constituencies to go and prepare their students especially as they are going to sit for the Form Four exams and also for primary schools which will come at the end of the year.

The Temporary Deputy Speaker (Dr. Laboso): Your three minutes are over!

Mr. Wambugu: I beg to support. It was one and a half minutes.

Eng. Gumbo: Madam Temporary Deputy Speaker, I wish to support the Motion for Adjournment. As I do so, I want to register my satisfaction, as a Kenyan, with what we have been able to achieve as Members of Parliament but also most importantly, with what our athletes did in the past one week. I think we take some of these things for granted. After we debated the Motion of Adjournment on the athletes, I watched the BBC in the UK where an athlete from the UK had won a silver medal and they showed it for a whole day. It was the main item in the news. So, we take these things for granted but they are big achievements.

More fundamentally as leaders of this country and as we go on recess, let us borrow from our athletes. When the likes of Edna Kiplagat and Kemboi were winning gold medals, nobody cared which part of Kenya they come from. As politicians, let us borrow a leaf from what the athletes did and accept that come next year when we hold elections, only one person can be the President of Kenya and we must accept that whatever the result of the elections, Kenya has to remain as one unit. Let us borrow from our athletes and let us do politics without asking where Gumbo, Kimunya or Naomi Shabaan comes from. We are all Kenyans and we have equal entitlement and it is important that we build national unity that will last for our children and our children's children.

I support.

Mr. Muthama: Madam Temporary Deputy Speaker, I also stand to support the Motion of Adjournment. The recess that we are taking will enable us to attend to issues in the constituency. I only have three issues. First, I want to encourage the Deputy Prime Minister and Minister for Finance to try and work out during this time of recess the issue of teachers and make sure that it is solved. We cannot continue like that. If the problem of teachers is not solved, we shall go back to square one.

Secondly, I wish to congratulate the Minister for Planning, National Development and Vision 2030 for coming up with good allocation that will enable us to deal with outstanding and complete the remaining projects. I want to urge him to make sure that the money is disbursed to the constituencies as soon as possible so that we can implement the projects which are outstanding.

Thirdly, I want to thank the CDF Committee led by Mr. Ethuro for making sure that we have a new Board without delay and it accommodates a good number of women.

Mr. C. Onyancha: Madam Temporary Deputy Speaker, I stand here to support the Motion of Adjournment and in so doing, I want to mention a few things that are of concern. The first one is that this House has worked very hard but every time we open a newspaper in the morning, all we see is criticism, abuse and words bordering on hate speech against parliamentarians. I think it is time that Parliament took this matter seriously and tried to engage the media owners so that this issue can be addressed. Honestly, we do work very hard but many Kenyans think that we only work when we are on the Floor of the House. That is something that we need to look into very quickly. The

other point I want to talk is about teachers as well. Those demonstrations are giving us a very bad name. I urge the Deputy Prime Minister and Minister for Finance, Mr. Kenyatta, to ensure that this matter is put to rest as quickly as possible.

Madam Temporary Deputy Speaker, I also want to address the issue of the census which partially is a determinant in allocation of CDF money. My constituency has 65,000 voters. Many people come to me and tell me that they were not counted. The count in my constituency, Bonchari, Kisii South District, gave 114,000 people. I do not understand why it cannot be understood that 65,000 voters cannot, each, have only one child. We produce very well in Kisii. I can assure you. I hope that the Minister will consider Bonchari in the near future.

In conclusion, let me say one thing about education. As we discuss with teachers, we have heard about new curriculums being introduced. We have not even perfected the current curriculum for students in primary and secondary schools. I urge the Minister for Education to take into account the fact that we have not yet perfected that due to lack of teachers. Let us perfect the one that we have. It is not a bad curriculum. Let us do that before we decide that it is not good.

With those few remarks, I beg to support.

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): Thank you, Madam Temporary Deputy Speaker. I will speak only for two minutes. I stand to support the adjournment Motion and thank the Leader of Government Business for bringing it.

Two, I would like to urge the Minister for Planning, National Development and Vision 2030 to release the funds we requested. That is because we have passed the Appropriation Bill. Those funds should reach the constituencies so that when we are on recess, we can continue to develop the country.

Three, I would like to inform the Minister for Planning, National Development and Vision 2030 that the grant of Kshs3 billion should be put under CDF, so that we can use it to complete unfinished projects. Four, I want to ask a very simple thing which this House must follow. We cannot have a constituency with 200,000 people and yet, 70,000 are voters. When you look at the voters in some of the constituencies that lack population, you will see that, that is a fraud. So, the new Board needs to go down and look at the situation of poverty levels so that the constituencies are given resources fairly.

I support.

The Assistant Minister for Education (Prof. Olweny): Thank you, Madam Temporary Deputy Speaker. I stand to support the Motion. This House must be congratulated for the good work it has done. Unfortunately, Kenyans - and I do not know which schools they went to - whatever you do, however, hard you work for them, they will always have the worst words for you. Where I was trained, I was told that if you do not appreciate what others have done, you fail. So, according to me, all the media people have failed.

Last week, we took our students to Uganda under the Federation of East African Secondary Schools Sports Association. We beat the whole of East Africa, but that has not been highlighted. We have just been talking about Daegu and All African Games. However, our students went to Uganda and, out of 13 gold medals, we took ten. Our girls beat the whole of East Africa in soccer. We got a gold medal for soccer and a silver

medal too. Nobody has appreciated the Ministry of Education for doing all that. So, let us appreciate everybody.

We are having rains in some parts of Kenya today, including floods. Let Kenyans take advantage of the rains and plant. The weather man has said that there will be good short rains. So, let us prepare and plant. However, my concern is about my constituency where we have serious floods. A lot of water comes from the hills. So, I am appealing to the Ministry of Water and Irrigation to help us in controlling those floods. We have already experienced a lot of damage so far.

I support.

Mr. Baiya: Madam Temporary Deputy Speaker, I also rise to support this Motion of Adjournment but with some reservations. It is true that the House has done a commendable job, particularly in the implementation of the Constitution. My concern is the issue of the Committee of Justice and Legal Affairs. That Committee of the House was set up in accordance with the Constitution and the Standing Orders. We were promised that this issue will be resolved in one way or the other. There have been delays again and again. The House is now about to adjourn without a solution to the matter. Allowing this issue to take that long is not only hurting Members of the Committee, but also the whole mechanism of implementing the new Constitution. The alternative strategies that have been identified to deal with this, namely, to refer the work of the Committee to another organ of the House should be understood clearly that it is flawed and ridden with constitutional challenges. The decision arrived at can easily be challenged on a constitutional criteria. Therefore, I am urging the House Business Committee, even as we proceed on recess, to move fast and resolve this matter.

It is quite clear that one of the political parties may have had its own disagreements. However, to allow disagreements in a political party to hold into paralysis one of the organs of this House is creating a very unfortunate precedence.

I, therefore, hope that the House Business Committee will address this issue.

The Minister for Energy (Mr. Murungi): Thank you, Madam Temporary Deputy Speaker. I do not speak very much these days. Thank you for giving me this opportunity to support this Motion. I think this is a very well deserved recess. I would like to thank all my colleagues, Members of Parliament, because we have really worked very hard during this Session. We have moved this country to another level. Let us not mystify what we are doing today. We are not just Members of Parliament. We are also fathers and grandfathers. We need time for our extended and nuclear families. We need some time to be with our constituents. Members of Parliament are not just talkers. We also lead by example. We know that rains are about to come. I think it is time for us to go back to the constituencies to plant. As for me, I will go to plant bananas because the rain is coming. I will also look at other important things concerning the community.

I would like to wish my colleagues a very fruitful contact with their constituents. This is also the time to build for the next elections. It is time to be at the corners of the constituency that we have not been to, and we need the recess for that purpose.

Mr. Ogindo: Thank you, Madam Temporary Deputy Speaker. I beg to support with the following three reasons. First, I would like to congratulate the House for a job well done. Secondly, I want to agree with the Minister that we need to go back home not for recess, but to reconnect with our constituents and to oversee what is going on.

Last but not least, we need to take this opportunity to inculcate a culture of mature politics that enables us to experience economic growth. By that, I mean that we should not use this opportunity to raise political temperatures. Let us use it to educate Kenyans so that we can live together harmoniously.

The Assistant Minister for Energy (Eng. M.M. Mahamud): Madam Temporary Deputy Speaker, I would like to support this Motion. I must congratulate the House for a job well done. We have managed to meet the deadline for most Constitution Bills. This is a well deserved recess. As we go back to our constituencies, we need to reconnect with our people so that we see what kind of development we can carry out with them, especially in areas where there is drought now. We need to meet people so that we can be with them through the season.

As we go on recess, we would like to urge the Ministry of Education and the Ministry of Finance to take serious the issue of teachers' strike. As we go back to the constituencies, this matter must be dealt with.

Madam Temporary Deputy Speaker, on the issue of teachers on contract, we said before that we do not want low-cost teachers. We need all teachers to be equal. We would like teachers to be employed on equal basis. Money must be found so that teachers can be employed to educate our children. This is a matter which we need to take seriously.

I would like to thank the CDF Committee for bringing members of the Board for approval. This has been outstanding for a long time. Issues have been pending in the Board due to lack of members of the Board. I would like them to move with speed because there are key issues, especially in our constituencies, which require money for reallocation. As we know, there is a big drought. We are spending a lot of money to mitigate against the effects of drought which affected many people and livestock.

I would like to thank the Minister also for bringing the allocation and assure him that the figures are not exaggerated. We wish him the best in this Ministry as we move forward. I would like to urge him to ensure that this money is disbursed quickly before the term of this Parliament is over to enable us implement the projects and finalize them.

With those few remarks, I beg to support.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Madam Temporary Deputy Speaker, first of all, I want to really support this Motion for Adjournment because I think we really deserve a bit of a rest for doing a sterling job.

This Parliament will go into the annals of history as a Parliament that actually came up with the highest number of Bills within a short timeframe. I think we need to thank everybody; all my colleagues, for burning the midnight oil to make sure that at least over 20 Bills were approved within one week. That is not a simple job. If you look at the Lancaster Constitution, those MPs who were in their thirties at that time, Mboya and the rest, did almost the same job. So, I want to thank all my colleagues for that good performance.

I also want to thank the Kenyans who contributed in the Kenyans for Kenya Campaign. As we talk now, about Kshs1 billion was raised. Our brothers and sisters who were hungry and suffering from drought and famine are actually getting food.

Madam Temporary Deputy Speaker, we need, as a Government, to look into the plight of teachers. Let us not side step this. This is a real issue. It is a national challenge at the moment. So, I want to call upon our Right hon. Prime Minister, the Deputy Prime

Minister and Minister of Finance and the Minister for Education to really burn the midnight oil to ensure that a solution is found.

Lastly, on the issue of CDF, I want to congratulate my good friend, Mr. Oparanya, for liaising with the CDF Committee to come up with the names of the members of the Board and also ensuring that the tabulation of this money is done. However, we want the Kshs17 million to go to the CDF committees in every constituency. When you look at the Economic Stimulus Project, at the moment, it is really a challenge to finish these projects because they are being controlled by several Ministries. So, as we talk now, quite a number of them have actually not been finished. So, I want this money to go to the respective constituencies.

With those few remarks, I beg to support.

Mr. Githunguri: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion. I will do so on a few points.

I am a very worried man because the cost of living in this country has risen very high. Our people can barely survive because of the high cost of fuel, basic food and electricity. The list is endless. We need the Cabinet to sit and urgently come up with a solution. Things are very bad.

Another point is the problem of road accidents. This is a serious problem. In the recent months, we have lost more than 100 lives in our roads. These are particularly accidents involving the public service vehicles. We cannot continue losing our people on the roads. I urge the new Minister for Transport to take the opportunity of the recess to come up with a solution. It is no longer a laughing matter. It is a serious matter.

I also wish to thank our athletic team which once again has placed our country on the world map by winning 17 medals in Korea. To mention a few, I salute Kemboi, Rotich, Cheronon, Kirui, Cheruyiot and the rest.

Finally, the two principals; hon. Mwai Kibaki and the Right hon. Raila have done us proud particularly in respect of the recent appointment of the Attorney-General and others. God bless us. Let us go out and talk to Kenyans because they need our advice and help.

Thank you, very much.

Mr. Langat: Thank you very much, Madam Temporary Deputy Speaker. I want to also support the Motion and say many congratulations to the hon. Members for what we have been able to achieve in the last few weeks.

As many of my colleagues have said, this House will go down in history as having been the one which has done the most work within a short time. I want to congratulate my colleagues for the work that we have done in the past few weeks.

Madam Temporary Deputy Speaker, as we go out, we call upon the CDF to release the money. We are also calling upon the Minister for Roads to release the money, so that we are able to do our roads, especially given that time is running out very fast and it is raining very heavily in some of our areas.

Madam Temporary Deputy Speaker, I also want to join my colleagues in telling the Government that there are so many problems in this country. The cost of living is increasing every day. The cost of fuel, electricity and everything is going up every day. I want to call upon our colleagues who are Ministers that they must come up with a working solution on how to manage the cost of living. Unless that one is done, I think we are headed to a very serious situation. So, I am calling upon the Executive to ensure that

they come up with practical ways of maintaining the cost of living so that our people can be assisted.

Finally, teachers are out of classrooms. The Government seems to be saying they have no solution. They must have a solution. Our teachers must go back to class. The Government must come up with a working solution. If it is free primary education, it must be truly free. We do not want parents to pay teachers when we are saying it is free primary education.

With those few remarks, I support.

Mr. Kiuna: Thank you, Madam Temporary Deputy Speaker; I also want to support this Motion. Before I proceed, I also want to join my colleagues in congratulating ourselves for a job well done. We have done a lot of work and I feel---

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): On a point of order, Madam Temporary Deputy Speaker. Am I in order to move that the Mover be now called upon to reply since there is no opposition to the Motion?

The Temporary Deputy Speaker (Dr. Laboso): Hon. Minister, in a Motion for adjournment, we cannot call upon the Mover to reply. We have to allow the hon. Members to contribute for up to three hours, but when we do not have an hon. Member interested in contributing, we will stop.

Proceed!

Mr. Kiuna: Thank you, Madam Temporary Deputy Speaker. Some people tend to think that since they are a little bit privileged, and are normally given time, they can disrupt other peoples' chances. This is our time.

As we go for recess, I have three issues to raise. First of all, I think that the Government has failed Kenyans on the issue of the Internally Displaced Persons (IDPs). Now, we are in the fourth year and these people are still in the camps. I take this opportunity to challenge the Government to take this issue very seriously. Let them go out and sort out the genuine and the fake IDPs. Let all the genuine IDPs be resettled. If there are pretenders, then they can be moved from the camps.

Madam Temporary Deputy Speaker, it is also painful to see that in the northern part of our Republic people are dying because of drought and famine, yet in the Central Province and South Rift, farmers' produce is rotting in the *shambas*. Surely, if the Government is serious on this issue, it should not be importing food. I have a feeling that Kenyans are capable of producing enough food to sustain themselves. So, let them sit down and see how the food in the southern and central Kenya can be taken to our brothers and sisters in the North Eastern Province.

With those few remarks, I support.

Mr. Gaichuhie: Thank you, Madam Temporary Deputy Speaker. I rise to support the Motion for adjournment. I also want to thank my colleagues for having agreed to work extra hours and pass all the Bills that were brought here. On this note, I also want to urge the Government and the Minister for Justice, National Cohesion and Constitutional Affairs that we still have many constitutional Bills. This time round, we are not going to work overtime because of his delay. So, I urge the Minister to prepare all the Bills in time so that we can debate them in time and pass good Bills.

Secondly, I also want to tell the Deputy Prime Minister and Minister for Finance that it is good that we have passed the Appropriation Bill, but we have had so many

hiccups. When it comes to Budget preparation next year, I can assure him that we will follow the Constitution to the letter. We are not going to say that we are transiting since we have already sent him a signal as the Budget Committee. We should start working together, so that we can harmonize everything. We are ready to work hand in hand with the Government. If we use our extra time well, I am sure we are going to work well. We are willing to do so.

Madam Temporary Deputy Speaker, I also want to thank the Constituencies Development Fund (CDF) Committee because of the CDF Board members that they were able to bring to the House and we have approved them. It is now upon the Minister for Planning, National Development and Vision 2030 to release the funds. That is why we are going on recess. The Constitution is very clear that we need public participation when we are prioritizing projects. So, we are going to use this time to prioritize our projects and bring our lists to him very soon. As soon as we bring the reports, we will expect money to flow. We will expect our money, so that we are able to use it.

I also want to inform the Ministry of Agriculture that those who come from the food basket of Kenya, the Rift Valley, are now harvesting. We urge them to open the NCPB stores, so that when we harvest our maize, we have ready buyers in form of the Government.

With those few remarks, I want to support the Motion for Adjournment.

Mr. Koech: Madam Temporary Deputy Speaker, for giving me this opportunity to support this Motion. In doing so, let me start by sincerely thanking the Members of this august House for having ensured that we sat beyond normal sitting time to be able to pass all the Bills. I want to tell my colleague, hon. Oparanya, at the relevant time, we sat until midnight. Right, now it is 8.00 p.m. I think it is good that we are able to ventilate on more issues.

Madam Temporary Deputy Speaker, secondly, I am thankful for the very success story that we have had, as a country, this year. That story has partly come from our athletes who have really made us proud. I want to use this opportunity to sincerely thank them for the good work that they are doing for this country. I urge the Ministry of Sports and Youth Affairs to put in more money and focus in the Sports Department; as a country. That is one department that is taking us high up internationally.

I only have one concern about our athletes going out. When they were in Daegu, this august House was not represented, yet we are the representatives of the people. I urge that during international and very important championships, we have, at least one or two hon. Members out there representing this august House, and, maybe, even bring a report to this House informing us of what went on for adoption by the House.

Madam Temporary Deputy Speaker, some challenges that need serious attention have already been mentioned. One of them is the high cost of living. This is an area that should form the first agenda in all Cabinet meetings starting now because it is a serious time bomb. Today, you cannot go to a supermarket with Ksh1,000 and buy two items. Remember that very many Kenyans cannot even make Kshs1,000 a day. So, it is important that we seriously address this issue of the high cost of living. Many Kenyans have even sacrificed their lunch. They take breakfast and supper only. Of course, there are certain parts of this country where Kenyans take one meal a day. This is a very serious issue that needs to be addressed.

On the money for roads, I want to indicate that some parts of this country have been blessed with a lot of rains this year. As a result, many roads are impassable. So, I urge the Minister for Roads to release roads money immediately, so that we can utilize it immediately the rains subside.

Madam Temporary Deputy Speaker, on the part of CDF, this is a very special year and I thank the Minister for Planning, National Development and Vision 20340, for the good work. Today, we have approved members of the Board. Being a very special year, we, as Members of Parliament, wish to start and complete new projects this year. So, there is need to release this money in advance.

The issue of accidents on our roads is a very serious matter, and the Minister for Transport is here. Even this afternoon, about eight people have died. As indicated, most of the accidents, almost 90 per cent of them, involve *matatus*. If he cracks the whip, I believe we will save so many lives in this country.

Madam Temporary Deputy Speaker, the issue of IDPs is still with us. We are coming to an electioneering year, and we are asking the Government to ensure that all the IDP camps are closed within the shortest time possible, and that the people suffering there are resettled.

On the issue of education, I want to, first of all, thank the Government for really putting in a lot of money in education. It is only through education that we can bridge the gap between the rich and the poor. However, the way things stand today, we seem to be almost widening the gap between the rich and the poor. We want this problem to be sorted out almost immediately. I heard the Deputy Prime Minister and Minister for Finance indicate that he wants to consult further. But that consultation should not take more than another one week so that we see normalcy returning to our schools.

With those few words, I beg to support this Motion.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Madam Temporary Deputy Speaker, I stand here to support the Adjournment Motion.

Madam Temporary Deputy Speaker, there are two important issues that I want to raise; one of them is the teachers issue. I call upon the parties concerned to resolve this issue as soon as possible. The Vision 2030 advocates for quality education. We cannot have quality education unless you have adequate teachers to make sure that we move forward.

Madam Temporary Deputy Speaker, on the Constituencies Development Fund (CDF), I have had opportunity of moving around to various constituencies. As at now, we propose to make new proposals. I would advise Members to make sure that they try as much as possible to complete the projects that they had proposed last financial year. I have visited some constituencies and you find that the Committee that deals with the CDF at the constituency level distributes this money very thinly. You find a school has been given Kshs150,000 to build a classroom, another school has been given Ksh50,000 to build a classroom and so on. This is a new project. This means that it will take you several years to complete that particular project. So, I would request that, please, the allocation that we have got today, make sure that your target is to complete the existing projects.

Madam Temporary Deputy Speaker, on census issue, this has been a sensitive issue and I know that members of the public have been concerned, if we are going to carry out census---

Baiya: On a point of order, Madam Temporary Deputy Speaker. The Minister has said that the proposal that we keep this year ought to be for completing the ongoing projects. Could he clarify what the Kshs17 million is for, if it is not to actually assist us complete some of these projects which we would not be able to complete within the proposals that we are going to give in the first allocation?

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Madam Temporary Deputy Speaker, I am just emphasizing a point. As hon. Members do the allocation for the constituency allocation that I have released today, please, make sure as you anticipate to get plus the other Kshs17 million, this will enable you to complete the projects. I am saying so because during the last general election, we left about Kshs3 billion outstanding in various bank accounts. In the process, CDF lost about Kshs17 million through frauds. So, this time around, we are saying that as we go for the general election, make sure your money has been exhausted. That is the point I am emphasizing.

The census results which were cancelled for certain districts have been a matter of interest to us. Already, the Treasury has given us Kshs450 million and we are proceeding---

Mr. Outa: On a point of order, Madam Temporary Deputy Speaker. Is the Minister in order to speculate about Kshs17 million without telling us when this money will come into our accounts to be able to finish all these projects?

The Temporary Deputy Speaker (Dr. Laboso): Hon. Outa, I think that has already been addressed.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Madam Temporary Deputy Speaker, hon. Outa has just walked when I had explained this issue.

Madam Temporary Deputy Speaker, on the census issue, this has been a very sensitive issue. It has attracted a lot of interest in the public. But let me assure the public that the process of repeating the census in the eight constituencies is going on. We have just suspended it temporarily because of the hardship that is in those particular regions. As soon as the problems are sorted out, I want to assure the public that we would proceed and carry out census in those areas. Meanwhile, we will continue to use projected figures in our planning purposes. However, as I mentioned last time, they have gone to court. The figures that I have used today are based on those wrong figures that we published.

Madam Temporary Deputy Speaker, I would also request Members of Parliament to visit other constituencies and see what they are doing so that you share experience as concerns implementation of CDF projects.

The Minister for Water and Irrigation (Mrs. Ngilu): Madam Temporary Deputy Speaker, I rise to support this adjournment Motion.

Madam Temporary Deputy Speaker, all Members of Parliament have earned this recess this time for the good work that they have done. As we go on recess, we all feel satisfied that we have done what Kenyans never expected. So, we have rested our case in the sense that what they kept on saying that Members of Parliament do not work as hard as they expect us to do. We have shown that we are equal to the task.

Madam Temporary Deputy Speaker, as we go on recess, unfortunately some of us are facing some extreme difficulties and challenges when we go to our constituencies. In ASAL areas, people are going through hard times because of acute shortage of food, famine and some areas lack of water. I think time has come for us, as a country, to really address the issue of food shortage squarely. Today and tomorrow, we have this very important and big conference taking place in Gigiri, with the UN and all the donors meeting here, what we are calling the Horn of Africa Conference, to address food security. But, surely, it looks like we are trying to hold conference and talk about problems that affect our people as if we do not know what we need to do to ensure that we can now put this problem of food out of our way once and for all. If Zimbabwe, a country that has not known good governance for all the years, today is able to feed its own people, how come we, Kenyans, cannot feed our own people? Zambia and Malawi are able to feed their own people, yet we are not able to feed our own people. Everyday, you would see us talk about water. We say Kenya is a water scarce country, and for that reason, we are unable to feed our people.

Madam Temporary Deputy Speaker, sometimes back, the President of Egypt called the President of Kenya and said, "Mr. President, I know your people are going through acute famine." Our President said, "Oh, the reason is that we do not get enough rains." The President of Egypt promised to send food to Kenya. The President of Egypt laughed because he feeds his 80 million people with water that comes from Kenya and here our President says we do not get enough rains. We are taking the wrong approach to solve this problem. We need to stop these conferences that we hold everyday to talk about the problems of our people. We should invest in water storage and irrigation to ensure that our people get food. This is surely wasting our people's time. We are giving lip-service to this country. We are talking about their problems whether it is Prime Minister, the President or all of us. We are all giving lip service to our people. As long as we cannot feed our people, we cannot be proud of our nation.

Madam Temporary Deputy Speaker, finally, I want to wish all hon. Members of Parliament a good time when they go out there and ensure that all the projects that we have started – whether in water and others – are properly done and completed.

I beg to support.

Mr. Kigen: Thank you, Madam Temporary Deputy Speaker. I rise to support the Adjournment Motion. I would like to do so by, first and foremost, congratulating the Members of this House for a wonderful job done through this Session. The Kenyan people, at least, can see that their representatives have heeded to their call to serve them and I think we have served them very well.

As we adjourn, I would like to highlight a few things concerning what we think is very important for us to address or for the Government to look at, particularly the shortage of food to maintain our people in the Internally Displaced Persons (IDPs) camps. This is because it has been proved that we will not honour what we had promised. We had told our people that come December last year, there would be no IDP camp in this country. But as we speak in this House and go on recess, one of the things that we will encounter out there will be to answer to the questions that the Kenyans in the camps will be asking. For example, in my constituency, I have four IDP camps and we do not know what we will tell them because the promises of the past have not been honoured.

We had given definite dates but we have not gone back to explain why we were not able to settle them at some place as a country.

Madam Temporary Deputy Speaker, we have also said that we have set aside funds to buy farms. I want to say here that farms are not missing or we are not lacking land to buy. I think there is a problem in our procurement system in the Government. If, for example, valuation is done in a place like Rongai for a parcel of land offered for sale by willing sellers at about Kshs60, 000 in an area where land ordinarily goes for a range of about Kshs400, 000 between willing buyer and willing seller, I think the Government is joking. The Government is not serious and it is high time it became serious to ensure that we provide settlement to our people who have been suffering. They suffered not because they wanted to come to this Parliament but because of our politics. So, it is really our responsibility to ensure that they have a place to go to.

Secondly, I would like to talk about the issue of teachers. I am glad that the Deputy Prime Minister and Minister for Finance has given an undertaking that he will consult widely to ensure that the issue affecting teachers is sorted out. As we speak on this, we may not enjoy our recess because every child is now at home and teachers are out there in the streets. It is something that we need to emphasize and we need to ask the Government to take urgently.

With those few remarks, I support the Adjournment Motion.

Prof. Kaloki: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute on the Adjournment Motion.

Let me begin by thanking the hon. Members for doing such a wonderful job in making sure that the implementation of the Constitution and all the Bills that were brought here were passed. Hon. Members worked for long hours to make sure that all the Bills that came here were debated and passed.

Madam Temporary Deputy Speaker, I must also take this opportunity to thank the Deputy Leader of Government Business, Mr. Kimunya, because he has been in this Parliament making sure that the business of the House has been transacted. I must also thank the Speaker for being able to provide that wise leadership to make sure that Parliament has lived to the expectations of Kenyans.

Madam Temporary Deputy Speaker, let me also thank the Minister for Energy especially in making sure that our rural areas are connected to electricity. In my own constituency, the Government has been able to fund a lot of projects. The projects are helping our young people. Schools and markets have been connected to electricity. All these raise development in an area. I thank the Minister for making sure that such programmes continue. I know other parts of this country have already been connected to electricity. The programme is going on and it is good.

Water has been an issue especially in the area I come from. We are asking the Government to construct big dams for the public to access water and provide water for irrigation. Members of Parliament from North Eastern Province, Turkana area and some areas of Rift Valley Province have been talking about this. Our area needs big dams to do irrigation. If the Government can spend 50 per cent of what it is spending in making sure they purchase food supplies, it will be adequate to fund irrigation programmes. In the long run, the Government will save. This is one area we are urging the Government to spend more funds to make sure irrigation programmes are funded so that people can get work and income in rural areas.

Madam Temporary Deputy Speaker, on the issue of teachers, Members have contributed and we are urging the Government to employ the 10,000 teachers on contract and another 18,000 to deal with the shortage of teachers. The Office of the Deputy Prime Minister and Ministry of Finance should take up this matter and source for funding to make sure that the welfare of teachers is taken care of.

Thank you very much for the opportunity to contribute to this Motion.

Mr. Njuguna: Madam Temporary Deputy Speaker, let me also give a few reflections as I support this very important Motion.

Let me start by thanking the Deputy Leader of Government Business for his very excellent role in this House. I would urge him to continue providing that vigor and spirit.

In addition, let me also thank the Speaker, the Deputy Speaker and the Speakers Panel for providing critical leadership in this House.

*[The Temporary Deputy Speaker
(Dr. Laboso) left the Chair]*

*[The Temporary Deputy Speaker
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, regarding road accidents, it is vivid in our minds that many Kenyans have already lost their lives on the roads, families have been orphaned and students have perished on the roads. I would urge the Government to take decisive action to reduce the rate of accidents on our roads. The issue of corruption on the roads by our traffic police must also be addressed.

Regarding school buses, I would urge the Minister for Education to reinstate the withdrawn insurance covers because if these buses are driven without insurance covers, it is like jeopardizing the lives of innocent students.

On the issue of Internally Displaced Persons (IDPs), I would urge the Government to make sure that the settlement of IDPs is speeded up so that these people are given land and funds. The Minister for Lands jointly with the Minister of State for Special Programmes should make sure that these people are settled immediately. As they wait to be settled, they must be given tents because we realize their habitation is very poor. Food and medicine must also be provided.

Regarding the Constituencies Development Fund (CDF), this is a very important commodity and it has done a very commendable job and should not be phased out.

Mr. Temporary Deputy Speaker, Sir, concerning security, there have been attacks in our homes. Kenyans must live in peace and be secure.

Concerning the current strike by teachers, which is affecting our students, I would encourage the two principals to continue with their discussions and consultations and conclude the same in the interest of our students. We cannot maintain standards and quality of education in our schools this way, not unless the students go back to school.

With those few remarks, I fully support the Motion for adjournment.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, it is now time for interruption of business. The House, therefore, stands adjourned until Tuesday, 11th October, 2011, at 2.30 p.m.

The House rose at 8.35 p.m.