

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 27th April, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICE OF MOTION

ESTABLISHMENT OF SELECT COMMITTEE ON COST OF LIVING

Mr. Namwamba: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, noting with big concern the sharp rise in inflation and the cost of living that is devastating the livelihoods of millions of Kenyans and posing a threat to national stability; realizing that this challenge indeed is broad and cuts across a multiplicity of sectors and, therefore, requires multiple remedial measures; appreciating the stated willingness of the Government to consider proposals for lasting solutions to this challenge; cognizance of the urgency to have a solution to these economic challenges; this House resolves to establish a select committee to be known as the Parliamentary Select Committee on the Cost of Living to inquire into the factors fuelling the sharp rise in inflation and the cost of living in the country and table in Parliament within 30 days a comprehensive report with substantive recommendations on both immediate and long term remedial measures. The said Committee will comprise the following:-

Hon. A. Namwamba, MP

Hon. M. Karua, MP

Hon. E. Mbau, MP

Hon. R. Shebesh, MP

Hon. S. Abdallah, MP

Hon. C. Kilonzo, MP

Hon. J. Mbadi, MP

Hon. Dr. S. Eseli, MP

Hon. Dr. Laboso, MP

Hon. ole Lankas, MP

Hon. M. Gabbow, MP

Mr. Deputy Speaker, Sir, this is a party Motion.

ORAL ANSWERS TO QUESTIONS

Question No. 717

ISSUANCE OF WORK PERMITS TO FOREIGNERS

Mr. James Maina Kamau asked the Minister for Immigration and Registration of Persons:-

(a) whether he could inform the House how many foreigners (and of what nationalities) have been issued with work permits to work in Kenya in the last four years;

(b) whether he could also state who their employers are and what work they are permitted to do in the country; and,

(c) what the professions and/or qualifications of the foreigners issued with the work permits are and whether there are Kenyans with similar qualifications.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang):
Mr. Deputy Speaker, Sir, I beg to reply.

There are a total of 26,077 work permits that have been issued to foreign applicants in the last four years. As at 31st December, 2010 only 14,826 work permits were active, 11,251 of them had either expired or had been cancelled for various reasons. The nationalities are as follows:-

In 2007, for Indians there were 2,074, in 2008 it was 2,008, in 2009 it was 3,235, in 2010 it was 3,264 giving a total of 10,581. Those from China, in 2005 there were 450, in 2008 there were 1,103, in 2009 there were 783 and in 2010 there were 1,158 giving a total 3,494. For Americans, in 2007 there were 222, in 2008 there were 275, in 2009 there were 345 and in 2010 there were 751 giving a total of 1,593. For British, in 2007 there were 551, in 2008 there were 662, in 2009 there were 736 and in 2010 there were 751 giving a total of 2,700.

Then there are some minor applicants like South Africans who were 108 in 2007, 137 in 2008, 132 in 2009 and 10 in 2010 giving a total of 387. For Pakistanis, there were 42 in 2007, 39 in 2008, 64 in 2009 and 85 in 2010 giving a total of 230. For Ugandans, there were 97 in 2007, 94 in 2008, 134 in 2009 and 108 in 2010 giving a total of 434 in that period. For Tanzanians, in 2007 there were 61, in 2008 there were 67, in 2009 there were 71 and in 2010 we had 64, making a total of 263. The others are 1,712 in 2007, 1,404 in 2008, 1,842 in 2009 and 1,438 in 2010, making a total of 6,396. The total of all these applicants comes to 26,074.

Mr. Deputy Speaker, Sir, the list is annexed as an appendix. I want to table volumes I to III as appendices for the scrutiny of Members of Parliament.

(Mr. Kajwang laid the document on the Table)

The next question is about their professions. The professions are also summarized in the document.

Mr. Deputy Speaker, Sir, I wish to further clarify that the Ministry issues work permits as guided by the Immigrations Act, Cap.172, the Investment Promotion Act and Non-Governmental Organizations Coordination Act. It is also guided by the international agreements entered into with the international bodies that operate in this country.

The Ministry further implements the Kenyanization policy, which states, *inter alia*, that the economy of Kenya shall be run by Kenyan citizens and that a foreigner shall be issued with a work permit where the same is of benefit to the country.

Mr. Deputy Speaker, Sir, the Investment Promotion Act entitles every investor to bring on board at least three expatriates to protect their interests. When I speak of protecting interest I

mean that if the investment is in some kind of industry, then, of course, it is experts who will be able to run that industry. It is the Ministry's mandate to facilitate investors by issuing permits to expatriates within the aforementioned consideration, notwithstanding the availability of skills in the local labour market. What I am saying is that it is not the law that where a Kenyan also has a similar qualification then no work permit should be issued to a foreigner.

The Ministry has issued permits to investors as per the documents tabled as Appendices I, II and III.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I thank the Minister for the information he has given. I apologize for not being here the last time he was here; I was late. Now that I am here today, I would like to ask him questions. As far as I am concerned the issuance of work permits in this country is guided by the fact that he is not supposed to give them when local skills are available. The reason I asked this question is, when you drive along Thika Road you see Chinese operating earthmovers. At times you wonder what is happening because we have the National Youth Service Training Schools in this country and they churn out young men and women. Why can we not have young people who have been trained using taxpayers' money doing the kind of job the Chinese are doing on Thika Road?

Mr. Kajwang: Mr. Deputy Speaker, Sir, let me give various classes of investors. When recently we were building a new hotel in Parklands area, there was an application from the investor to be allowed to bring in some expatriates to help with some specialized jobs. I asked myself, what could be these specialized jobs that a foreigner would be required to do on a hotel building? When I enquired, I found out that sometimes when you are buying equipment, whether cooling equipment in the kitchen, or air conditioning or many other little things that are bought, you agree with the supplier that he will fix them and commission them. If they do not work, you do not pay him.

Mr. James Maina Kamau: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that an earthmover is special equipment?

Mr. Kajwang: I am coming to that. I was just giving an example. In most cases they ask for a period of between 30 and 90 days, or sometimes fewer days, to bring in the people who come, install the equipment and go back. They may also ask for one or two people to train the Kenyan people to do the job.

On the earthmovers that the hon. Member has referred to, each contractor, before they even sign the contract agreement, agree with the client Ministry, which in this case is the Ministry of Roads, on what kind of technical people they will require to be able to do the job. Before the agreement is signed there is an appendix to that agreement saying they might need one engineer and one earthmover operator. They ask for them and it is up to the client Ministry to ask these questions. In fact, if you ask me because now I receive most of these applications, there are very few Kenyans who can move those things. I know that in my constituency there is none. I am not so sure of other constituencies. I have tried to get an earthmover operator to be employed even by the Constituencies Development Fund (CDF) in my constituency and there is none. We are trying to train them so that we can replace the foreigners.

However, in each of those particular cases an agreement was made. Let me tell you, it is not with us because we do not know the requirements. It is with the Ministry that enters into an agreement with the contractor who signs the agreement. We do not go beyond the agreement.

Mr. Kabogo: Mr. Deputy Speaker, Sir, you have heard the story of the Minister. He is the one who issues permits, and he has said that it is Government policy not to issue permits for jobs that Kenyans can do. If you go around all the big supermarkets in this Republic of Kenya,

you will find Asian young men commonly referred to as “rockets” working there. They are doing normal jobs like attending to a till, yet this Minister has issued them with permits.

Mr. Deputy Speaker: Order! You have to dignify the House! You say, “The Minister” not “This Minister”.

Mr. Kabogo: Mr. Deputy Speaker, Sir, this Minister.

Mr. Deputy Speaker: No! No! No!

(Laughter)

Mr. Kabogo: Mr. Speaker, Sir, it is “the Minister”. Is it in order for the Minister to tell the House that it is Government policy, yet the Ministry is issuing permits for small jobs? Secondly, is there a situation where foreigners are working in this Republic without work permits? Are there jobs that do not require work permits for foreigners?

Mr. Kajwang: Of course if there are any “rockets” anywhere then we will need some information from my friend, and we will deal with the matter. I think the “rockets” should fly out of the country. I do not know of a situation, other than where we have entered into agreement with our neighbouring countries under the East African Community (EAC), that anybody would be allowed to do any work here if he or she is a foreigner without a work permit. If there is any, he or she is doing so illegally.

In fact, I think we have only entered into one bilateral agreement with Rwanda that any Rwandese who comes into this country and gets any job they can do it. The Rwandese have also said that any Kenyan who goes to Rwanda and gets any job, they can do it. That is really broad. With the other members of EAC, we have kind of agreed on the category of job skills that can be allowed to do work here. We still, of course, issue work permits. The only variation is that we now do not charge the applicants a fee. We, of course, need to know who they are and what they are doing.

Mr. Sirat: Mr. Deputy Speaker, Sir, we have heard about “rockets” working in our supermarkets. Are there rackets going on in his Ministry with regard to the issuance of permits to foreigners through dubious means? Secondly, the Ministry has issued 26,000 work permits to foreigners. Is the Minister aware that there are more than 26,000 Kenyan degree holders who can speak English, Swahili and even vernacular languages but have no jobs? Why did the Ministry issue 26,000 work permits to foreigners when there are thousands of Kenyans who need those jobs? Specifically, if I go through the Minister’s answer, he has issued 10,581 work permits to Indians. Why is the number so high? The Minister is alleviating unemployment in India and causing more unemployment in Kenya! Could the Minister explain whether there is a racket going on in his offices?

Mr. Kajwang: Mr. Deputy Speaker, Sir, first of all, and with a light touch, I thought I had a case against the hon. Member of Parliament---

Mr. Deputy Speaker: Order! Order, hon. Kajwang!

(Laughter)

An hon. Member: But he said that with a light touch!

Mr. Deputy Speaker: Order! Mr. Minister, you will apologise and withdraw that remark!

Mr. Kajwang: Mr. Deputy Speaker, Sir, I said “with a light touch” but I withdraw.

(Laughter)

Mr. Deputy Speaker, Sir, of course, I am not aware of any racket and if there is any, I should know. There is a committee that deals with these issues and the membership comprises of immigration officers, members from the Investment Promotion Centre, officers from the National Security Intelligence Service (NSIS), people from Kenyanization and people from the Central Organization of Trade Unions (COTU). So, it is a very inclusive committee that looks into these applications and it decides on merit. We really do not interfere because that is their job which they should know. However, why more Indians? You will probably realise that, historically, Indians have been some of the largest small-scale investors in this country. They invest in various things, including the steel industry and supermarkets. The Indians are followed by the Chinese, who have in recent--- We are happy that they are able to come and invest in this country. We are also happy that they have confidence in this country and can employ thousands of our youths. Although we may allow them three or four to look after their interests, as I said earlier on, they employ thousands more. It is in our interest that they come and invest in this country. So, look at it both ways. Look at it that this person is bringing employment to our youth, maybe a thousand of them and they are asking for three or four positions to protect their technical, financial and managerial interests. So, if you sit where I sit and you want to help Kenya grow, you would like to make the investor comfortable so that they bring in more money and more investments for our youths who are unemployed. If you insist, as I think the politician would insist that “if you are coming to invest in Kenya, we will give you the accountant, the technical person and all that”, then they say: “Well, in that case I am not investing; I am going to Uganda or Tanzania,” you will lose out. I think we need to balance these things and that is the job of that committee; to balance the national interest against, of course, the interest of our citizens in order to make sure that they are not thrown out of jobs which they, themselves, should occupy. You will also see---

Mr. Deputy Speaker: Order, Mr. Minister! It is not an opportunity for you to make a very long speech. This is Question Time!

Yes, Mr. Imanyara!

Mr. Imanyara: Mr. Deputy Speaker, Sir, 26,000 is a very large number, indeed, of foreigners working in this country. I am aware that the Immigration Act which falls under the Minister’s docket allows him to attach conditions to the work permits. Could the Minister tell this House whether, indeed, he requires any of these entities that have brought in 26,000 people also to accept Kenyans to train in those countries so that we have an equal number of Kenyans training in India, China, America, Britain, South Africa so as to equalize so that in the long-term, we are able to get value in terms of skill transfer to this country? He can attach these conditions under the Immigration Act.

Mr. Kajwang: Mr. Deputy Speaker, Sir, first of all, 26,000 is a large number but I started by saying that those are in four years. I also started by saying that by December, 2010, there were only 14 that were working because others had already expired. However, there are many areas that our people are getting skills elsewhere, like in hotel chains. There was a time I was very upset with certain international hotels in this country and I wanted them to show us why Kenyans cannot run those hotels. They said: “No, there are also Kenyans in South Africa and Malaysia we have taken there to train. So, we rotate them so that they get the skills that are

necessary. There is an exchange programme and this happens in many industries". I think this committee looks at all those parameters.

Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Sirat: On a point of order, Mr. Deputy Speaker, Sir. I am not happy with the answer given by the Minister specifically on the issue of the over 10,000 Indians who cannot speak English and Kiswahili. I, therefore, request through the Chair that this Question be referred to the relevant Departmental Committee for further investigation.

(Applause)

Mr. Kajwang: That is for your ruling, Mr. Deputy Speaker, Sir, but I do not think that, that is the way to send issues to the Departmental Committees. These Committees are free to summon me any time and ask me the necessary questions. You do not need to know English to run a business!

(Laughter)

Otherwise there will be no industry or business in the whole world except in areas where people speak English. So, that is neither here nor there!

Thank you very much.

Mr. Deputy Speaker: Last question on the same, Mr. James Maina Kamau! Indeed, as the hon. Minister has said, the Chair does not have to give direction to a Committee. The relevant Departmental Committees can undertake this kind of scrutiny without necessarily having to be directed to do so.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I support the hon. Member who thinks that this issue should be referred to the relevant Departmental Committee because it is very sensitive and the Minister seems to be taking it very lightly. I do not want to be quoted but I know that in his Ministry there are officials who have been surviving on selling these permits. If you go to a place called "Diamond Plaza" in Westlands, you will find that there are very many shops---

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

Mr. Deputy Speaker: Order, Mr. Minister! Let the hon. Member finish---

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

Mr. Deputy Speaker: What is your point of order, Mr. Minister?

Mr. Kajwang: My point of order, Mr. Deputy Speaker, Sir, is very simple. There is a very serious allegation that has been made in this House that some people are surviving on selling work permits and, of course, this is going out to the whole world as we speak. You cannot just come here and claim such a thing unless you can substantiate it!

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, it is very difficult to substantiate the obvious. Everybody knows what goes on in that Ministry. I would like the Minister to give an undertaking that Diamond Plaza in Westlands---

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

Mr. Deputy Speaker: Order, Mr. Minister! Allow the hon. Member to make his point! Proceed, the hon. Member!

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I would like the Minister to give an undertaking to go to Diamond Plaza in Westlands where he will find very many shops that

are run by Indians and there is not even a single African running those businesses. Why can he not do that?

The Assistant Minister for Information and Communications (Mr. Khaniri): On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has made a very serious allegation – and the proceedings of this House are being followed, not just locally but internationally – that there are officials in hon. Kajwang’s Ministry who make a living by selling these work permits illegally.

Mr. Deputy Speaker, Sir, I think it is only fair that the hon. Member substantiates these allegations or he withdraws and apologises.

(Applause)

Mr. Deputy Speaker: Mr. James Maina Kamau, you have made a very categorical and sweeping statement or claims in this case. Are you in a position to substantiate that?

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I withdraw but I know what goes on in the Ministry. I would also like the Assistant Minister to give an undertaking on this. That is because he knows what I am talking about. He should go to Diamond Plaza in Westlands. He will find that there are over 26,000 shops that are being run by Indians. How do you bring Indians here when we have local people; even your own brothers and sisters have no jobs?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. I think we should take this House seriously. We must account for everything that we say. The fact that there are Indians in Diamond Plaza, Westlands, does not mean that those who are occupying the offices of the Department of Immigration are selling work permits. Would I be in order to ask the hon. Member to substantiate the allegation?

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I have withdrawn!

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Assistant Minister is on a point of order!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Wait a second! Mr. Deputy Speaker, Sir, would I be in order to ask him to name the people who are selling the work permits?

Mr. Deputy Speaker: Order, Mr. Assistant Minister! In line with our Standing Orders, when an hon. Member makes a statement, it is upon that hon. Member--- In some cases, the Chair requires that you instantaneously substantiate or withdraw. I thought that the hon. Member withdrew.

In any case, hon. Member, you are talking about matters that are criminal in nature. If you, indeed, know that there are people in Diamond Plaza who are doing the business that you are talking about, the only natural thing to do is to report to the right authorities for action to be taken.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to keep on defending foreigners, when we know that a Kenyan cannot work in Bombay? Is he in order to keep on defending fellows from India?

Mr. Kajwang: Mr. Deputy Speaker, Sir, I think we should not be emotional when we see foreigners working or investing in this country. There are many Kenyans who have invested in America, Britain, China and South Africa. They are doing very well. We have high storey buildings in South Africa made by Kenyans. We have Kenyans working in Botswana and

earning very good money. They are very good professionals. So, you should not just talk carelessly. I am not protecting anybody. But I am saying that if somebody has invested in this country and the investment has been passed as substantial and within out limit--- Even shops are investments. If you have a shop in Britain or Dubai, they will let you run it.

Mr. Deputy Speaker: Let us move on to Question No.783. Mr. Kiuna, I thought you had been delegated by Mr. Waibara to ask this Question on his behalf. Is that right? That is my understanding.

Mr. Kiuna: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed!

Question No.783

ANNUAL REVENUE COLLECTION BY NCW&S

Mr. Kiuna, on behalf of **Mr. Waibara**, asked the Minister for Water and Irrigation:-

(a) to state the annual revenue collection of the Nairobi Water and Sewerage Company and how much, out of this, the Corporation budgeted to spend as corporate social responsibility towards the development of infrastructure in Gatundu North, particularly the maintenance of the Gatukuyu–Ng’ethu Road, considering that the water used in Nairobi is treated at Ng’ethu Water Works;

(b) why the excess water from Ng’ethu Water Treatment Works was diverted back to Chania River while neighbouring households lack water and what plans are in place to ensure that the situation is reversed; and,

(c) what measures the Minister has taken to ensure that sufficient water is conserved and stored during the rainy season for use during the dry season in Gatundu North Constituency.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I also learnt that he had been delegated to ask the Question because Mr. Waibara is in court this morning. That is what I have been told.

However, I beg to reply.

(a) The Nairobi Water and Sewerage Company annual revenue from water and sewerage services for the year 2009/2010 was Kshs3.5 billion. Under the Water Act of 2002, the company is required to ring-fence the revenue for use in rehabilitating, upgrading and extension of water and sewerage infrastructure. The investment required to ensure good water and sewerage coverage in Nairobi is quite huge and stands at almost nearly Kshs40 billion. This, therefore, means that in order to continually improve on services delivery, my Ministry has to ensure that available revenue is ring-fenced and channeled towards development of water and sewerage infrastructure.

(b) The water that is discharged back to Chania River from Ng’ethu Water Treatment Works is not excess water. It is water used for backwashing the filters. This is done periodically to maintain the filter media. My Ministry is keen to improve water services in all parts of the country. Gatundu North Constituency and Ng’ethu areas are under Karemenu Water Company. In order to ensure improved water supply in Gatundu North, my Ministry has completed rehabilitating Karemenu and Ndarugu Water Supply Project at a cost of Kshs265 million. This

has increased water supply to Karemenu Water Project from 6 million litres to 11 million litres per day.

(c) My Ministry is striving to ensure that sufficient water is conserved and stored during rainy season for use during the dry season throughout the country. For Gatundu North Constituency, my Ministry has indentified sites for construction of water storage dams along Karemenu River, Ragia River and Ndarugu River. The assessment and suitability of those dam sites is being considered under the ongoing preparation of a water master-plan for Nairobi and satellite areas for development of water sources to serve the area up to the year 2030.

Mr. Kiuna: Thank you, Mr. Deputy Speaker, Sir. While I appreciate the answer given by the Minister, I would like to inform her that the water has not benefited the local residents at all. Could the Minister ensure that the local residents benefit from the water just like the Nairobi residents?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, yes, it is true that the water that comes to Nairobi from Ng'ethu and, indeed, Sasumua dams, does not benefit the communities in the local area so much. Yesterday, I commissioned another big project in Sasumua. I realized that the people in those areas do not get water. I have made a decision, and, indeed, a policy that in every area that we get water, we must ensure that the communities living around the area get water before it goes to other places. That also applies to Masinga Dam. People in Masinga do not get water even though the people of Kitui and other parts of Machakos drink water from Masinga. In our designs in the past, we have not considered the communities that live around such areas. We have now taken that into account and we will make sure that people living around dams also get water.

Mr. Wambugu: Thank you Mr. Deputy Speaker, Sir. There have been many issues concerning water boards and water and sewerage companies due to mismanagement from the high levels of management. Could the Minister be very specific and give us the details of the rehabilitation works that were undertaken with the Kshs265 million at Karemenu Water Company?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the Kshs265 million that we put in Karemenu was to ensure that people get clean water. The works included treatment works and distribution. That was done so that water coming from Ng'ethu could benefit the people of Nairobi more. We did the same in Gatundu South where we had to get water from Ndarugu River to supply that area. We made sure that the water is treated before it is given to the people. Therefore, we look at other water sources in an area. That is the same thing we will do for the people of Kinangop where Sasumua Dam is located.

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

Mr. Deputy Speaker: Does the Minister need the information?

Mrs. Ngilu: Yes, Mr. Deputy Speaker, Sir. I would like to take that information.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I just wanted to inform the Minister on what she has just said about the communities around the sources of water benefiting. When I was an Assistant Minister for Water in 1998/1999, there was a big problem with the Nol Turesh Water Project because it was designed in a way that the water went up to Machakos and the Maasais and their cattle along the line were not benefiting from it. It was then decided that we should put troughs around these places, so that the people along the line could benefit. I am happy the Minister is saying this and I hope that she will follow it up. This was done many years back, but was not implemented.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I want to thank hon. Chanzu for that information. I have also said that this is now part of the policy. It is not right, at all, to have a project designed

like the Nol Turesh, where water flows from Kilimanjaro through Masailand up to Machakos. It is the same thing with the Masinga Water Project. The water comes from Masinga, leaves all the people of Masinga and Kitui West up to Kitui Town. What sense is there that people along the way do not get water? Within the designs, there should be a way of ensuring that people along the line get water. This will be done. We have also had challenges in the Ministry in implementing the Water Act of 2002 and putting these companies in place. We have had challenges in training people and building capacity. People need to understand what they need to do.

Eng. Rege: Mr. Deputy Speaker, Sir, I would like to take this opportunity to commend the Minister for the bold steps she has taken in distributing water in Kitui and so many other places. Does she have any plans for the rest of the country, especially with regard to water distribution? It is so sad that districts or constituencies that are close to big rivers and fresh water lakes cannot reach that water. I would like to ask the Minister if she has any plans for us to access and understand when our turn will be to get water within reach for our people.

Mr. Deputy Speaker: Did you ask about any specific place? The Minister herself has said that, that is the policy.

Eng. Rege: Mr. Deputy Speaker, Sir, I am asking the Minister if she has any national plans for the rest of the country.

Mr. Deputy Speaker: Madam Minister, do you want to answer that?

(Some Members of the Front Bench consulted with Mrs. Ngilu)

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I do not know which one I am answering because there are also others being asked here!

Mr. Deputy Speaker: Order! Hon. Members on the Front Bench, starting with hon. Kimunya and ending with hon. Kajwang, can you allow the Minister to respond? You are asking questions at the back! Why can you not do it in the Cabinet or in your own offices?

Proceed, hon. Minister and answer the question!

Mrs. Ngilu: Mr. Deputy Speaker, Sir, as I said, we already have a master-plan and I really understand the needs of water in this country, not just in Ndhiwa, Karachuonyo, Nyatike or Mbita, but wherever it is. I really understand the needs of water. What the hon. Member has stated is true because you will find that people around Lake Victoria still cannot get water. Therefore, we have this master-plan to ensure that we will give people clean water. Another thing which I wish to share with the House is that we are also putting in place a design where we should not use treated clean water for watering our gardens, washing cars and flushing toilets. This is within the master-plan and once it is completed, I am sure many Kenyans will be happy with what we are doing. Of course, we need resources to do this.

Mr. Kiuna: Mr. Deputy Speaker, Sir, while I appreciate the answer given by the Minister, I would like to remind her that there is another water project from Loitokitok to Nairobi and the residents of Loitokitok have never benefited from it. How many people will benefit from the project from Gatukunyu to Ng'ethu and when will they start receiving this water?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, once the project is complete people will benefit.

Mr. Deputy Speaker: Which is when?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I need to go back to see how far they have gone with the designs and follow it up. So, I will not be able to answer that one question right now.

Mr. Deputy Speaker: Fair enough! Hon. Questioner, in her own time, my assumption is that the Minister will be in a position to give that specific or tentative date.

Question No.801

PAYMENT OF ALLOWANCES TO 2009 POPULATION CENSUS WORKERS

Mr. Deputy Speaker: Hon. Shakeel!

Mr. Olago: On a point of order, Mr. Deputy Speaker, Sir. Hon. Shakeel is not in the House, but the Question concerns the people of Chiga and Kolwa who cut across Kisumu Town East and Kisumu Town West. May I, kindly ask for the Chair's leave to ask this Question on his behalf?

Mr. Deputy Speaker: The practice in this House, hon. Olago, is that you can be delegated by the hon. Questioner if that arrangement can be there between the two of you. But if you have not been delegated by the hon. Questioner and he is not out of Parliament today on any official or parliamentary business, then you cannot ask the Question on his behalf. Is hon. Shakeel out of the Chambers this morning on parliamentary business anywhere? The Question is dropped!

(Question dropped)

Question No.727

NUMBER OF IDPs IN CAMPS

Mr. ole Lankas asked the Minister of State for Special Programmes:-

(a) whether she could indicate the number and particulars of Internally Displaced Persons (IDPs) who are still in camps and also state their current locations;

(b) whether she could also provide details of the IDPs that the Government is planning to resettle in Mau-Narok area of Nakuru District and also provide an inventory and details of the parcels of land the IDPs were occupying prior to the Post Election Violence (PEV); and,

(c) what measures she is taking to ensure that resettlement of the IDPs in the said area is fully consultative.

The Minister of State for Special Programmes (Ms. Mathenge): Mr. Deputy Speaker, Sir, I wish to respond.

(a) The number of IDPs who are still in camps is 16,179 households, out of which 8,652 are post-election violence victims and 7,527 are forest evictees. Their particulars and current locations are indicated in the schedule that has been given to the Member.

(b) I cannot provide the details of the IDPs that will be resettled in Mau-Narok since the Government has decided that the parcel of land in this area will be used for research purposes.

(c) Since there are no IDPs being resettled in that area, the issue of consultation does not arise.

Mr. ole Lankas: Mr. Deputy Speaker, Sir, if you look at this Question, you will find that I had asked for the number and particulars of the Internally Displaced Persons (IDPs) who are

still in camps. However, the Minister has given me a table with the names of the locations and not the particulars. So, this answer is not complete. The Minister has not answered my Question.

Ms. Mathenge: Mr. Deputy Speaker, Sir, that was an oversight. I have the self-help groups which are 20. They are in the schedule. I wish to table the list so that the hon. Member can have a look at it. However, I would like to have the copy back.

Mr. Deputy Speaker: Order! Order! Once you have tabled a document, it is the property of the House.

Ms. Mathenge: It is okay, Mr. Deputy Speaker, Sir. There is no problem. I wish to table the schedules which are quite bulky, so that the hon. Member can have a look at them.

Mr. Deputy Speaker: This is an Ordinary Question and for the hon. Member to be able to interrogate, at least, a document that size, it is only fair that you give the copies to him in advance.

Ms. Mathenge: Mr. Deputy Speaker, Sir, I will table them and then give him copies. They are all here.

(Ms. Mathenge laid the documents on the Table)

Mr. Deputy Speaker: Fair enough! Do you wish to interrogate this Question further now or you want to have sufficient time to go through the documents?

Mr. ole Lankas: Mr. Deputy Speaker, Sir, I think it is just fair that I get the registers that she has tabled so that I will be able to interrogate further.

Mr. Deputy Speaker: Fair enough! Under the circumstances, the Chair will defer this Question to another date. Madam Minister, when would you like the Question to be deferred to? When are you comfortable for this Question to be deferred to?

Ms. Mathenge: Mr. Deputy Speaker, Sir, next week.

Mr. Deputy Speaker: Fair enough! The Question is deferred to Wednesday, next week at the same time.

Let us move on to Question No.820 by Mr. Linturi!

Question No.820

FATE OF 14-SEATER PSV MINI-VANS

Mr. Deputy Speaker: Hon. Linturi not here? Is he out of the Chamber this morning on any official parliamentary business? That Question is dropped!

(Question dropped)

Question No.690

MINISTRY'S SUPPORT TO DR. ROBERT
OUKO MEMORIAL COMMUNITY LIBRARY

Mr. Olago asked the Minister of State for National Heritage and Culture:-

(a) whether he is aware that the family of the late Dr. Robert Ouko has set aside a part of his Koru Farm and issued a title deed in favour of “Dr. Robert Ouko Memorial Community Library”; and,

(b) what plans the Ministry has to supplement the efforts of the family so as to create a National Heritage Site on the farm to demonstrate appreciation for the services rendered by the late Minister.

The Assistant Minister, Ministry of State for National Heritage and Culture (Mr. Ombui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the family of the late Dr. Robert Ouko has set aside a part of his Koru Farm and issued a title deed in favour of Dr. Ouko Memorial Community Library. Consequently, the Kenya National Library Service, a parastatal in my Ministry, has entered into partnership with the Library Development Committee set up by Dr. Ouko Memorial Community Library. The role of each partner has been defined and the Library Development Committee of Dr. Ouko Memorial Library undertakes to construct and equip with required furniture and install power and water to the projects at an estimated cost of Kshs40 million. The Kenya National Library Service on its part undertakes to stock the library with required reading information materials, provide staff and incur recurrent expenditure on operations and ensure sustainability of the service.

(b) Currently, my Ministry has no plan in place with regard to the creation of a national heritage site on the late Dr. Ouko’s family farm. However, in future, the National Museums of Kenya, a parastatal in my Ministry, if requested, will jointly with the late Dr. Ouko’s family undertake the detailed research to identify or locate a suitable heritage site to honour the late Dr. Robert Ouko.

Mr. Olago: Mr. Deputy Speaker, Sir, the late Dr. Robert Ouko was not just any other Kenyan. He was a Kenyan of international repute and died in the service of this country. There are Kenyans who would wish that the memory of Dr. Robert Ouko vanishes forever. I am worried about the last part of the answer by the Assistant Minister where he states: “However, in future, the National Museums of Kenya, a parastatal in my Ministry, if requested, will jointly with the late Dr. Ouko’s family undertake detailed research to identify and locate a suitable heritage site to honour the late Dr. Robert Ouko.” Why is the Ministry not being proactive and leaving the matter in the hands of the family and the community to take the initiative? Why can the Ministry itself not take the initiative to have the site in memory of the late Dr. Robert Ouko?

Mr. Ombui: Mr. Deputy Speaker, Sir, the Member should also appreciate that we have very many Kenyans who have died under the same circumstances. We have not developed a policy that we can try at any given time to ensure that we set a site for any Kenyan who has died under specific circumstances after giving his service to the country. That is why we are requesting the family to request the Ministry so that it can identify the place. At the same, we have made it very clear that the National Museums of Kenya can carry out the research after the family has put in a request. I do not see much demand on this site from the Ministry. The family should write and request for the same, so that research can be carried out in order to come out with a clear way of doing it, if at all it will be possible to do it, because it will also depend on the financial resources.

Mr. Chachu: Mr. Deputy Speaker, Sir, there are many Kenyans like the late Dr. Robert Ouko who have made significant contribution to the service of this nation in many parts of this great nation of ours. I have in mind the late Dr. Bonaya Godana, the former Member for North Horr. There are many other Kenyan heroes in many parts of our land. Does this Ministry have

any plan to have heritage sites for these great Kenyans wherever they come from so that we can honour them for the services that they have rendered to this nation?

Mr. Ombui: Mr. Deputy Speaker, Sir, the Ministry has a national policy in trying to identify specific places. In this regard, because of the financial resources, we have not been able to bring to record--- We have the names of the great Kenyans who died while serving the country, but because of the resources---

Mr. Deputy Speaker: Hon. Assistant Minister, the question is: Do you have any plans? The answer should be “yes, we have plans or we do not have plans.”

Mr. Ombui: Mr. Deputy Speaker, Sir, we have a national policy on the same. It is only that we have not had financial resources for the same.

Mr. Deputy Speaker: Mr. Olago, ask the last supplementary question on the same.

Mr. Olago: Mr. Deputy Speaker, Sir, if and when the family seeks the assistance of the Ministry to have a site in honour of late Dr. Robert Ouko, what would the Ministry’s reaction be? That is if the family was to ask the Ministry to do that now.

Mr. Ombui: Mr. Deputy Speaker, Sir, I think my answer is very clear. The National Museums of Kenya will carry out research. After the research, we will come up with a very concrete answer that we can provide to the family.

Question No.696

STATUS OF MAUNGU/BUGUTA SETTLEMENT SCHEME

Mr. Mwakulegwa asked the Minister for Lands:-

(a) whether he could provide a status report on the Maungu-Buguta Settlement Scheme; and,

(b) what the cause of the delay is and when the Ministry will issue letters/title deeds for the land.

The Assistant Minister for Lands (Mr. Bifwoli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Planning, demarcation, survey and squatter verification exercise was started in 2009, following a Ministerial directive that the work be repeated and plots allocated to the squatters according to the ground development. This was finalized in June, 2010 and a total of 3,130 plots were realized. The District Settlement Plot Allocation Committee reached a consensus that the plots be allocated to the squatters identified on the ground. The list of the beneficiaries has since been forwarded to the Ministry and the necessary mechanisms have been put in place to facilitate the issuance of the letters of offer.

(b) The delay was occasioned by verification of the maps against the plot numbers and provision of the necessary basic infrastructure within the scheme. The exercise has since been completed and letters of allotment will be issued by the end of April, 2011.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for this answer. However, the verification of maps was completed in August last year. The real reason why there has been a delay is that the settlement manager or officer has been absent for the last four months and is not visible in the settlement office. Could he now confirm that the letters will be issued in the next three days because the end of month is only three days to come?

Mr. Bifwoli: Mr. Deputy Speaker, Sir, if the hon. Member heard me well, I said that we are releasing letters at the end of April which is just three days to come.

Mr. Deputy Speaker: The Chair will assume that you are satisfied with the answer.

Mr. Mwakulegwa: Mr. Deputy Speaker, Sir, I am satisfied as long as I get the letters in three days' time.

Mr. Deputy Speaker: Order! Mr. Assistant Minister, you have a very short period of time to implement your undertakings on the Floor of the House.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, let him come to my office right now so that we can study the process.

Mr. Deputy Speaker: Fair enough. Good answer.
Next Question, Mr. Chachu.

Question No.796

NON-INCLUSION OF MARSABIT IN OLDER PERSONS CASH TRANSFER PROGRAMME

Mr. Chachu asked the Minister for Gender, Children and Social Development:-

(a) why the larger Marsabit which now consists of five districts, has not been included in the implementation of the Cash Transfer to Older Persons Programme; and,

(b) when the Ministry will include the region in the programme.

Mr. Deputy Speaker: Is the Minister for Gender, Children and Social Development here? Deputy Leader of Government Business, Mr. Kimunya!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the Minister has just been here. Perhaps, you could give us some time.

(Dr. Shaban entered the Chamber)

Here she appears!

Mr. Deputy Speaker: Hon. Minister, could you apologize to the House? You do not transact the business of the House by just standing outside the Chambers.

Proceed, Madam Minister!

The Minister for Gender, Children and Social Development (Dr. Shaban): Mr. Deputy Speaker, Sir, I am sorry that I had to go out to answer a very important phone call.

Mr. Deputy Speaker: Proceed, Madam Minister!

The Minister for Gender, Children and Social Development (Dr. Shaban): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The larger Marsabit has not been included in the implementation of the Cash Transfer to Older Persons Programme because of the following reasons:-

1. The Cash Transfer Programme to Older Persons was started as a pilot programme and thus not every area could immediately be included.

2. The Government's allocation provided to the Ministry for implementation of the cash transfer programme to Older Persons in the Financial Year 2010/2011 is Kshs530 million. This money is not sufficient to cover all areas in the country. To improve the situation, the Ministry is in the process of preparing documentation for justification of additional funding.

We have already put up our proposal that the Treasury should give us more money.

(b) Once additional funds are available, Marsabit will be considered along with other regions. We are also progressively increasing staff capacities as well as embracing more efficient delivery mechanisms in order to cover more parts of the country.

Mr. Chachu: Mr. Deputy Speaker, Sir, while I thank the Minister for the response, I am at a loss. As you have clearly heard from her that the five districts of the larger Marsabit have not been included in this programme. However, the larger Marsabit is one of the poorest counties in Kenya. The three constituencies in the larger Marsabit are among the top 10 poorest constituencies in Kenya. North Horr is ranked number three, Laisamis number nine and Saku number five and yet, we have not been included in this programme.

I want her to tell this House the criteria used to identify the targeted areas.

Mr. Deputy Speaker: Madam Minister, the Chair recollects that the criteria was mentioned one time before when you were answering a similar question.

Dr. Shaban: Yes, Mr. Deputy Speaker, Sir. But I also want to mention that in the larger Marsabit, Moyale has been covered. The rest of Marsabit has been left out.

Mr. Chachu: On a point of order, Mr. Deputy Speaker, Sir. Moyale is part of Marsabit County. However, my question is very specific and it is about the larger Marsabit County.

Dr. Shaban: Mr. Deputy Speaker, Sir, we are covering only 44 districts in the whole country because of the amount of money that we have been given from the Treasury. The programme districts were selected depending on their vulnerability. I do agree that North Horr is one of the places which should have been considered first. The indicators used to determine district vulnerability, included poverty index, HIV/AIDS prevalence and regional balancing, among others. The district statistics offices provide data for selection of qualification of the locations for implementation. The eligibility criteria is on household with an older person of 65 years and above; extremely poor households and households not enrolled in any other regular cash transfer programme. The identified older person must not be receiving any kind of pension.

I just want to point out that as much as we know that this programme should cover the whole country, it is dependent on the amount of money we are given. In the last two financial years, we have just been given the same amount of money. We hope we will scale up this financial year and certainly, North Horr or the larger Marsabit will be included.

Mr. Gunda: Mr. Deputy Speaker, Sir, the Minister mentioned that this is a pilot project. Pilot projects have a definite timeframe. Could she tell the House when the piloting will end and the programme now rolled out to the whole country?

Dr. Shaban: Mr. Deputy Speaker, Sir, when it started, we covered three districts only. That was the initial pilot programme. But as the money was being increased, we kept on scaling up. As we are scaling up, we hope that it will be universal.

I just want to give an example of the Orphan and Vulnerable Children Programme which started with 300 households and, finally, now we are covering over 115,000 in the whole country. So, slowly, it grew from Kshs4 million up to now we are at Kshs2.7 billion. As it is, we are at Kshs530 million and for two consecutive years, we have been given the same amount of money. It is difficult for us to say that we will scale up if we will not be given more money. So, the idea for social protection is to cover the whole country, but slowly we can scale it up. We hope that this coming financial year, we will be given a bit more money so that we can add some more districts. Please, bear with us.

Mr. Kigen: Mr. Deputy Speaker, Sir, considering that, that was a pilot project and that sections of this country may have benefitted, what is the Minister going to do to ensure that some

people will not have advantage over others by getting that money repeatedly before some other sections that enjoy the same?

Dr. Shaban: Mr. Deputy Speaker, Sir, I think I have mentioned that we wanted it to be regional. So, we covered Coast, Western, Nyanza, Eastern, North Eastern, Rift Valley, Central and Nairobi provinces. In fact, Nairobi is the only one that has a bit more than the others because it has got a larger population and more districts. But we have covered Lang'ata and Starehe to the tune of 1,300 old persons. All the rest of the districts are only getting 750 older persons being covered. Please, bear with us. So we are hoping that as money is being increased, we should be able to cover more people. But in the next financial year, from the draft, what we saw is Kshs530 million. We asked for more money hoping that we will be given some more. We have asked for Kshs790 million more. If they give us more, then we should be able to cover more. Even if they give us Kshs200 million more---- However, again, looking at the criteria of what has been used, North Horr will be prioritized this time round. That is because when the funds come in, even if they are little amounts of money, we should be able to add North Horr.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, the Ministry is actually charged with the release of various funds that impact directly on the lives of people. That is why it deals with social development. What we want to hear from the Minister is the following: We do recognize that the cash transfer programmes are helping the people at the grassroots. What can Members of Parliament do to help your Ministry not to continue hoping for money, but to ensure that, that money is allocated to your Ministry to stop the pilot programme and to make it a fully integrated programme, so that the people in this country can fully benefit from it?

Dr. Shaban: Mr. Deputy Speaker, Sir, in fact, we are already getting assistance from the Members of Parliament. We have met the Departmental Committee on Social Welfare and they have prioritized our case. They are busy helping us to lobby for more funds. After we put in the request that the Kshs530 million is not enough and they need to add the money, we are also asking to be given a little money to open a national council for the older persons, so that they can be able to deal with their affairs. So, we are already at it and I am hoping that we will all join together to be able to get more money for the older persons in our country. It is true, and I agree with hon. Shebesh, that the money has made a difference to the people who really need it.

Mr. Chachu: Mr. Deputy Speaker, Sir, I really want to commend the Ministry for that very special and unique programme. This is the only programme targeting our senior citizens or older persons. We all know how vulnerable they are. For this effort, I want to thank the Ministry and the Minister. From the Minister's response, I do not get enough comfort that the people of North Horr will be supported. That is because she is saying that if there will be additional funding, we will be supported. That is very conditional and it edges on the availability of resources. For the sake of the elderly people in North Horr who are listening to you, could you give us a guarantee that next time round, the elderly people in North Horr will be considered?

Mr. Deputy Speaker: Hon Minister, can you give an undertaking? It beats logic how this can be based on poverty and the third, fifth and the ninth poorest districts in the country are not involved. You need to give some firm undertaking on this one.

Dr. Shaban: Mr. Deputy Speaker, Sir, as much as I do feel that the people of North Horr should have been prioritized, unfortunately, if the money is not increased, I cannot remove the people who are already on the cash register and replace them with the people of North Horr. I can only say that when we will be added whatever little money, North Horr will certainly be there. Thank you very much.

Mr. Deputy Speaker: Next Question by hon. Kabogo!

Question No.799

DISMISSAL OF EMPLOYEES BY KARURI TOWN COUNCIL

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

(a) whether he is aware that Karuri Town Council un-procedurally dismissed 38 council employees on 7th June, 2007;

(b) why the council has not complied with the court's order in case No.80 of 2006 to reinstate all the 38 employees and pay retirement benefits to employees who have attained the mandatory retirement age; and,

(c) when the council will comply with the court order and why most local authorities are habitually defying court orders.

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

(a) I am aware that the Town Council of Karuri summarily dismissed 38 employees for failure to report to their appointed workplaces between 4th and 7th June, 2007.

(b) This matter is subject of an appeal made by the Town Council of Karuri to the Court of Appeal in Nairobi Civil Application No.115 of 2010, UR86/2010, The Town Council of Karuri *versus* the Kenya Local Government Workers Union and the same is set for hearing on 2nd June, 2011.

(c) The council cannot comply with the order because an appeal has been lodged on the same. I am not aware of any council authority habitually defying court orders.

Mr. Kabogo: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that they are not going to comply with the court order because there is a case pending before the Court of Appeal. The signal he is sending is that if you have an appeal pending in court, you do not comply. My simple understanding of the law is that unless they have a stay of execution under Rule 5 of the Court of Appeal, they ought to have complied. So, why are they not complying and yet, they do not have a stay of execution? In other words, why is the council giving itself a stay of execution of a High Court order?

Mr. Nguyai: Mr. Deputy Speaker, Sir, I do not know what part is *sub judice* and what part is not. But what I know is that the hearing is coming up very soon on 2nd June, 2011 and the council has a dispute. I will look into the issue of whether the stay of execution is in force or not.

Mr. Deputy Speaker: Hon. Kabogo, in the event that there is an appeal, ordinarily, the *status quo ante* has to be maintained; which means there cannot be compliance until the appeal, itself, is determined.

Mr. Kabogo: Mr. Deputy Speaker, Sir, with a lot of humility and respect, I do not agree with that position. The only way a stay of execution will be issued is under Rule 5(2)(B). I am not a lawyer. They sought a stay of that execution which was denied. So, is he undertaking to go and check? If there was no stay, then he should comply with the order. It is simple.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I think 38 employees for a council is a large number. I just want to find out from the Assistant Minister, as I appreciate the problems that the councils face like managerial and so on, whether initially, they tried to find out the underlying problems that could have led to 38 employees being absent from work at the same time.

Mr. Nguyai: Mr. Deputy Speaker, Sir, on 7th May, the council and the Local Government Workers Union discussed a salary conversion. On 16th May, the council confirmed that there was a wrong conversion and recommended the recovery of over-payment after consultations with the Ministry of Local Government. The result is that when that was effected, those people made a surprise strike and failed to report to work between 4th and 7th June and hence, through minutes that were then resolved by the Council, they were summarily dismissed and hence they went to court.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, this is one of the Ministries that enjoys executive authority. I believe that executive authority is so that they can be able to deal with issues that councils are unable to deal with. If there is a gross injustice that is being perpetuated against council workers, I would expect this Ministry to exercise its executive authority. Could the Assistant Minister inform the House why the Ministry, having that kind of power, cannot take it into their hands to reinstate those workers until the council is able to execute whatever appeal they are executing? You have the executive authority to ensure that those people are not victimized any more by the council.

Mr. Nguyai: Mr. Deputy Speaker, Sir, obviously, the executive authority cuts both ways. It cuts in the interest of the staff as much as it cuts in the interest of the council in the sense that we would not want the council to be unnecessarily punished while it still has a case in the Court of Appeal. As such, we are waiting for the outcome of that case in order to then see the way forward. If we find that the ruling of the Court of Appeal is not in favour of the employees, we will comply and use executive powers to ensure that there is compliance.

Mr. Deputy Speaker: Mr. Kabogo, in a civil matter, ordinarily the Chair would not want to be drawn into this debate, but I will allow you to ask the last question.

Mr. Kabogo: Mr. Deputy Speaker, Sir, this is a fairly straightforward matter and the Assistant Minister has undertaken to go and check if there is a stay in the execution of this order. In the event that there is no stay given by the Court of Appeal, then he should also equally undertake to reinstate these 38 workers. The signal that he is sending to the Republic is that non-compliance with the rule of law is acceptable yet the court is where we go to arbitrate between warring parties. These people went to court and got an order. They have also gone and appealed. So, let him confirm to the House that in the event that there is no order, he will undertake to reinstate these 38 workers, whatever the cost the appeal takes, even if it is years. This is employment of Kenyans where they earn a living and we must protect their lives.

Mr. Deputy Speaker: Mr. Nguyai, ordinarily, the Government has a legal advisor. Those are the areas where you do not have absolute competence but the Chair would be comfortable if you say that you are going to consult the Attorney-General.

Mr. Nguyai: Mr. Deputy Speaker, Sir, that is the point that I was going to make. I am going to consult the Attorney-General and then we will find what the legal position is and move on from there.

Mr. Kabogo: On a point of order, Mr. Deputy Speaker, Sir. We would like to get a timeframe. The Attorney-General sits in this House.

Mr. Deputy Speaker: When do you intend to have the advice of the Attorney-General available?

Mr. Nguyai: Mr. Deputy Speaker, Sir, we will seek the advice of the Attorney-General immediately and I believe that since he sits in this House, he should be able to give us a position in the next three weeks.

Mr. Deputy Speaker: Ordinarily, he could give advice in the form of a Statement or in the form of a Question but the presumption is that the Attorney-General can do it in the form of a Statement. Is that an undertaking?

Mr. Nguyai: Mr. Deputy Speaker, Sir, I think it would be better if the Attorney-General gives a formal position through a Statement.

Mr. Deputy Speaker: I think the Question has been covered. Mr. Kabogo, are you comfortable with that?

Mr. Kabogo: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question by Ms. Chepchumba!

Question No.844

EXPANSION OF MEDICAL FACILITIES
IN ELDORET EAST CONSTITUENCY

Is Ms. Chepchumba not here? Is she on any Parliamentary business either inside or outside the country? That Question is dropped.

(Question dropped)

Next Order!

POINT OF ORDER

IMPORTATION OF SUGAR INTO THE COUNTRY

Mr. Washiali: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister for Agriculture on the importation of approximately 25,000 metric tonnes of sugar worth Kshs1.6 billion which arrived at the Port of Mombasa between the months of March and April this year. In the Statement, first, I would like the Minister to clarify the names and/or companies of the importers. Secondly, the Minister should also clarify the country of origin. Thirdly, she should also clarify to the House the duty paid for the consignment.

Mr. Ochieng: On a point of order, Mr. Deputy Speaker, Sir. Before the Minister responds, I have an additional issue that could also be tackled alongside the Ministerial Statement that is supposed to be issued by the Minister.

Mr. Deputy Speaker: What is it that you wish to raise?

Mr. Ochieng: Mr. Deputy Speaker, Sir, just to support my colleague, Mr. Washiali, could the Minister also give us the details of sugar that has been imported in that manner since 2008 to date, that is in addition to the information that Mr. Washiali is seeking?

Mr. Deputy Speaker: That is a different thing. It is a radical departure from the text itself. You should either seek your own Ministerial Statement or you put in a Question by Private Notice. Hon. Members, quite often you ask Questions while seeking Ministerial Statements when essentially they are Questions. When you put it as a Question by Private Notice, you get a much faster response than when you seek a Ministerial Statement because the Government is obliged to have an answer to a Question by Private Notice within 48 hours but a Ministerial Statement takes as much as a month or even more.

Proceed, Mr. Minister and give an undertaking on the same!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I will communicate the same to the Minister. I know she has been away, so expect the answer by Wednesday afternoon next week.

Mr. Deputy Speaker: It is so directed.
Next Order!

MOTION

ENHANCEMENT OF FREE EDUCATION GRANTS TO PRIMARY AND SECONDARY SCHOOLS

THAT, cognizant of the fact that the government policy on free primary school education and free secondary school education has been in place since the year 2003/04; noting that the Kenyan economy was then at the total discretionary national budget of Kshs284 billion and the corresponding Government grant for secondary school education was Kshs10,265 per student and Kshs1,060 per pupil for primary school education respectively; aware that these figures have remained static to date and yet the economy has since grown threefold to a total discretionary national budget of Kshs834 billion for the financial year 2010/11 with the respective nominal GDP of Kshs1.206 trillion in 2003/04 and Kshs2.713 trillion in 2010/11; noting that the cost of living has risen tremendously over the same period; this House urges the Government to double the secondary school grant per student to Kshs20,530 and treble the primary school grant per pupil to Kshs3,180 in order to ease the burden of high cost of education in the country on parents and guardians.

(Mr. Chanzu on 20.4.2011)

(Resumption of Debate interrupted on 20.4.2011)

Mr. Deputy Speaker: This Motion was moved earlier on. Who was on the Floor of the House? Yes, Mr. ole Metito!

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Deputy Speaker, Sir, thank you for giving me this chance. I want to support this Motion. First of all, I want to thank Mr. Chanzu for bringing the Motion to the Floor of the House.

Mr. Deputy Speaker, Sir, free primary education and affordable secondary education as started by the NARC Government in 2003 and also the Grand Coalition Government in 2008 for secondary schools have had a lot of advantages to school going children. One of the most highlighted is the increase in enrolment in both primary and secondary schools. The first beneficiaries of free primary education sat for their Kenya Certificate of Secondary Education (KCSE) last year and there has been an increase, almost threefold in terms of enrolment. This has also gone up with the high cost of education in terms of several issues. The cost of learning material has gone up in respect to things like uniforms and books. The increase in cost has always been transferred to parents. As was ably stated by the Mover of the Motion, Kshs10,265

goes to secondary schools per student. Yesterday, there was a Question in this House where a hon. Member wanted the Minister to show how that amount is distributed.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, I heard the Minister saying that out of that, only Kshs3,000 goes to tuition. Therefore, a lot is being left for parents to pay. For secondary schools, we have Kshs18,627 per year left for parents to pay. I think that is what the Ministry knows but in real sense, secondary schools are paying more than Kshs18,627 per year. This has actually been facilitated through District Education Boards (DEBs) where secondary schools are seeking to increase fees through development projects. That still becomes a burden to parents and every time, whenever there is an increment for development fee in schools, they usually take the bigger parcel of that vote and then the parent is left to pay for tuition fees that is meant for students. I think because of the positive measures we have seen or positive economic growth, it really makes sense that what was been given to primary schools pupils, that is Kshs1,060 per pupil, in 2003; eight years down the line, ought to have been increased in line with the high cost of education that we have been experiencing due to the high cost of fuel.

Madam Temporary Deputy Speaker, the increment in enrolment calls for a high number of school teachers. With the big shortage of teachers, parents employ more teachers and that is an increased cost. It is also very evident that the need for physical facilities in schools has increased. That demand has always gone to the CDF and parents. I think this also increases the cost of education. There has also been a fee increment, for example, in the early childhood development (ECD) institutions like nursery schools, for which the Government does not employ teachers. I think free primary education should actually start from here. With all the employment of ECD and primary school teachers and payment of fees meant for development projects in schools going to parents, I think it is high time the Government appreciated the trickle-down effect of parents efforts.

There has been positive economic growth experienced especially from 2003 to 2007 when the economy grew by about 7 percent per annum. This has given the Government some money, and it should review what goes to primary and secondary schools in terms of subsidized fees. There is no need for its subsidy to be static over a period of eight years.

Madam Temporary Deputy Speaker, my proposal to the Government is to have a percentage of what they pay for the pupils in primary schools and students in secondary school. If the Kshs10,265 is, for example, 30 per cent of what is required for secondary education, the increment should be in line with increased economic status of the country. Currently, if the Government pays Kshs10,265 and leaves Kshs18,625 for the parent, that would be slightly over Kshs28,000 for secondary schools. If the economic growth, which started in 2003 from almost a negative percentage to about 5.5 per cent currently, that should also be used to benefit the parents by paying an equivalent percentage of economic growth. I am sure it would amount to about Kshs20,000 as proposed by the Mover of this Motion. That will leave a balance of about Kshs8,000 for parents to struggle to pay.

I also want to express my support for this Motion. It is legitimate and logical. I think it is affordable for the Government in view of that positive economic growth and therefore, the parents should benefit from this trickledown effect.

With those few remarks, I beg to support.

Mr. Mungatana: Madam Temporary Deputy Speaker, first of all I want to thank Mr. Yusuf Chanzu for bringing this Motion before this House.

Secondly, I want to say that this is the kind of Motion that looks at the realities that affect our economy today. The figures are already in place. You can see that what Mr. Chanzu has done is to reflect the actual reality of the way the economy has improved over the period of time from the time free primary education started.

Madam Temporary Deputy Speaker, in supporting this Motion, I want to start by paying tribute to the immediate former President as far as education is concerned. During the time of former President Moi, many secondary schools were built. Very many universities were also opened during that time. All the time we talk about negative things, but we do not remember that there are some people who have also done some good things in the field of education.

I want to pay great tribute to the time that the current President took over. During his time; from 2003, we started this free primary education programme. It has greatly impacted not only on the lives of many children but also the economy as a whole. Speaking as an hon. Member who represents an area which cannot be said to be within town – it is a rural area in the northern coast, Garsen Constituency - very many children went to school. I also speak on behalf of many hon. Members who are from marginalized areas. Many children went to school because of this promise of free primary education that the President and the the NARC Coalition Government gave in 2003. The figures are there for us to see.

Madam Temporary Deputy Speaker, we must agree that things have changed from the time this policy was initiated. Indeed, it was very commendable and a very good thing. At that time, Kshs1,060 was a big step towards giving people free education, but right now it is not. These are the facts that we need to accept. Things have changed and we need to change with times.

However, this Motion, in my own humble opinion, should have been directed to the Ministry of Finance, and not the Ministry of Education. It is seeking to make sure that the allocations that the Treasury has been giving to the Ministry of Education be increased. The Ministry of Education does not, in fact, decide how much allocation it receives. It only proposes. To me, it is the Ministry of Finance that should correctly be responding to this Motion.

Speaking as a Member of the Budget Committee, I want to take this opportunity and the Floor of this House to repeat something that we have said about the Treasury. I do not know how the Treasury sometimes does their planning, because if you look at something like this--- From 2003 to 2011, the Treasury is still allocating the same amount of money that it ought to have allocated in 2003. Even the salaries of the Treasury employees have been increasing even if it is by Kshs1 or Kshs2. It is not the same as it was in 2003 for obvious reasons.

Madam Temporary Deputy Speaker, as a Member of the Budget Committee, I want to take this opportunity to tell the Treasury again that they must wake up. Making this budget for this nation should not be something that is done automatically; it is not an in and out thing. It is not something that we should do the way we did it last year. We should not say; “It should be enough for this year or next year.” I think we need to have a budget that is responsive to the changes that are happening within the economy.

What greater legacy can the President right now leave other than implementing the new Constitution and returning back the free primary school education? The officers in the Treasury know that this is very critical because it is one of the things that will define the presidency of President Mwai Kibaki. I wonder why they would take such a *laissez faire* attitude towards education.

Madam Temporary Deputy Speaker, I want to state in this House very clearly – if they are listening, wherever they are – that there is need for them to make clear changes even at the risk of saying that they could turn out to be an embarrassment to the system. They must wake up and respond to what the reality is. We cannot say that this Government is giving free primary school education when they are only giving Kshs1,000 to the pupils in Garsen Primary School and other primary schools within the country. The budget-making process ought to be more responsive. It is not enough for the Ministry to simply say that we are allocating 33 per cent of the entire budget to education so that is enough. It is not enough! That is why in the Budget Committee, we have insisted that we need to have clearer lines in terms of what the money is for, so that Kenyans can know when they are reading these books that this money is for this. It is not enough to say that we have allocated 33 per cent of the budget to education. They must say in terms of lines, what is it that goes towards helping the pupils?

I very strongly want to say that, indeed, this Motion must be supported by all hon. Members who are well meaning and we need to increase – in fact, to triple – the allocation that has been made to students from 2003.

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

The Temporary Deputy Speaker (Dr. Laboso): Hon. Ngugi!

Mr. Ngugi: Thank you, Madam Temporary Deputy Speaker, for giving me this chance to support this very important---

The Temporary Deputy Speaker (Dr. Laboso): Mr. Ngugi, you only have four minutes, unless the Minister is willing to donate some of his time.

Mr. Ngugi: I will speak for only two-and-a-half minutes, Madam Temporary Deputy Speaker.

Madam Temporary Deputy Speaker, I wish to support this Motion, which is really timely and congratulate Mr. Chanzu for bringing it before this House. In 2003, if the allocation per student was Kshs10,265 and it is still the same today, and yet the inflation rate per year has gone up by 10 per cent, it means that the value of Kshs10,265 has gone down to almost Kshs2,500. This Kshs2,500 in real money terms is very little and cannot sustain these students. That is why it is very necessary and important to double this amount to Kshs20,000. I would like the Government to look at it in that form because education is very important. If students spend a lot of time at home because they cannot afford school fees, then we are losing on the quality of education that we ought to give our students.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support this Motion.

The Temporary Deputy Speaker (Dr. Laboso): Yes, Mr. Njuguna!

Mr. Njuguna: Thank you very much, Madam Temporary Deputy Speaker. I very quickly rise to support this very important Motion. First, let me thank the Mover and, secondly, thank the NARC Government that established the free primary school and free day secondary school education in this country.

In addition, let me also support the clarion call by the President to request all parents in this country to make sure that their children are taken to school, and where children are not taken

to school, arrests should be done. The enrolment rates in our primary schools have gone up as a result of the new incentives. To guarantee quality education and effective learning in our schools, we need to increase the allocation. As a result, the learning environment in our schools and the provision of materials will also be improved.

Madam Temporary Deputy Speaker, it is also important that we look into the issue of bursary allocations, which is also very important. As we look into the issue of increased funding for the cost and other materials, it is important that the Government addresses the shortage of teachers in our schools numbering 60,000.

Madam Temporary Deputy Speaker, with those few remarks, I fully support the Motion.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we just have a minute before the Minister responds, unless he is willing to donate a little of his time. Mr. Minister, you have 20 minutes!

Hon. Members: Yes, he can donate!

The Assistant Minister for Education (Mr. Mwatela): Madam Temporary Deputy Speaker, may I donate two minutes each to Mr. Kioni and Mr. Mututho?

The Temporary Deputy Speaker (Dr. Laboso): You have two minutes, Mr. Kioni!

Mr. Kioni: Thank you, Madam Temporary Deputy Speaker. I want to thank the Assistant Minister for that kind gesture. I have said it before that this is a Ministry with very committed Minister and Assistant Ministers. Every other time we have Motions of this nature, they are in the House.

Madam Temporary Deputy Speaker, I want to support this Motion for a number of reasons. However, the crucial reason is that if we educate our society or if we enable our young people to go to school and especially attain a Form IV certificate, many are the gains that we will be able to derive as a nation. By and large, research has shown that those who have been able to attain Form IV education are able to help the nation save on the health budget. For example, when you have a Form IV education, you will be able to avoid the issues of HIV/AIDS because you know how to even use those things that have been recommended by doctors, including condoms and the rest. The use of condoms is better within the Form IV bracket than others with lower education.

On infant mortality, mothers who have attained Form IV education are able to take better care of their young ones and, on the whole, we are able to save on our health budget. Secondly, now that education is a right entrenched in the Constitution, when we educate a community, we allow for that trickle-down effect. Before 2007, we were talking about an economy that was growing at 7 per cent. But people in the rural areas could not feel that growth. When you subsidize education at that level, you allow people in the rural areas to feel the effects of the growth of the economy. Even in urban areas and within slums, we have people who are in need of support. It is assumed that those who live in Nairobi and other urban areas do not need support. They need support. That is useful. The bursaries that we have are totally inadequate.

Thank you.

The Temporary Deputy Speaker (Dr. Laboso): Your two minutes are over. Mr. Mututho, contribute for two minutes.

Mr. Mututho: Thank you Madam Temporary Deputy Speaker. I thank the Mover of this Motion for one thing. Unlike what people know, to get professors and consultants, one needs to go through early childhood education, primary and secondary education. There was a lapse over the years when we could not produce very credible and internationally sound professors. However, if you trace back, you will see that, that was the period that we did not have the Free

Primary Education Programme (FPE). If you look at the Prof. “Odhiambos” of this world and the Prof. “Memes” and other big professors, they went to school when there was FPE. One could also go to Form V and Form VI and even get some allowances and so forth. That way, you are able to tap the gene power of the Kenyan people. To tap the gene power of the Kenyan people, you need basic infrastructure. Since you cannot identify which child is gifted in a particular area, the only way to do it is to provide free primary and secondary education.

With regard to the cost, the Ministry should move in and take care of expenses like transport. Schools are buying very expensive buses which are not utilized all the time. We should have a system where buses are held by the Ministry and released when schools have activities, instead of having big fleets holding Kshs2 billion and so forth.

I thank the Mover of this Motion and think that the Ministry is doing very well. I fully support the improvement of the budget.

The Assistant Minister for Education (Mr. Mwatela): Madam Temporary Deputy Speaker, I rise to respond to this Motion. I begin by thanking the Mover of the Motion, hon. Chanzu, for a well thought out idea.

The importance of education in any society cannot be underrated. A number of hon. Members have alluded to that. Hon. Lesrima, hon. Otichillo, hon. Affey, hon. Langat and hon. Odhiambo have impressed upon the Ministry of Education to support this Motion. I stand here, in principle, to say that the Ministry is in support of this idea. I need to delve into the history of FPE as well as FSE.

There was the Kamunge Report that came before 2003, and which made it known to us that the enrolments had gone down. Instead of us increasing enrolment in primary schools, we had actually lowered our enrolments. That is because the burden of education had shifted to parents. The Report gave us the starting point. It was necessary to rethink how to frame our education system so that we can increase the enrolment, access, equity and the quality of education. That led to Sessional Paper No.1 of 2005. This was informed by the Committee headed by Dr. Edah Gachukia. The Committee did not just arrive at the figures of capitation that would be given to FPE. They sat with different stakeholders and visited different areas. Many people contributed and came up with a figure of Kshs1,020 as adequate to cover FPE per student.

The same happened in 2008. There was a Committee led by Dr. Edah Gachukia and the team recommended a figure of Kshs10,265 as adequate for the expenses to be covered by a student in a day secondary school. In both cases, the Report made it clear that these figures should be reviewed upwards depending on the cost of living. That has not happened since that was done. The current situation is as follows: There is a taskforce that has been put in place by the Minister for Education. It is headed by Prof. Douglas Odhiambo. It is supposed to review all the necessary aspects of our education system. This partly has been necessitated by our new Constitution. As you all know, we are in a new era of our Constitution. I would like Members to be alive to that. If I could be allowed to quote here, Article 53(b) of the Constitution is with regard to Children. It says that every child has a right to free and compulsory education. Basic education is inclusive of ECD, primary and secondary education. Article 53(c) says that every child has a right to free basic nutrition, shelter and healthcare. Article 53(d) says that children should be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhuman treatment and punishment, hazardous or exploitative labour.

Article 53(e) says that every child has a right to parental care and protection which includes equal responsibility of the mother and father to provide for the child whether they are married to each other or not. Article 54 of the new Constitution talks about persons with

disabilities. Article 54(b) says that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into our society to the extent that they are compatible with the interests of the person.

Madam Temporary Deputy Speaker, Article 55 on Youth, states that:-

“The State shall take measures, including affirmative action programmes to ensure that the youth-

(a) access relevant education and training”.

Article 56 on Minorities and Marginalized Groups states that:-

“The State shall put in place affirmative action programmes designed to ensure that minorities and marginalized groups-

(b) are provided special opportunities in educational and economic fields”.

I am quoting these sections of the Constitution to lend credit to the fact that we have, as a Ministry, found it necessary to set up a taskforce, so that when we come up with recommendations, they are completely in tandem with the Constitution. This taskforce will definitely be addressing also the cost of education in our country. I am glad that Members have raised pertinent issues here, which will definitely go a long way to inform the report of the taskforce, which will be brought to the Floor of this House for discussion and input by the Members.

With regard to the issue of the ECD teachers, the Ministry had intended all along to have the ECD teachers paid by the State beginning 2010. Unfortunately, due to the economic downturn, it was not possible to factor in that aspect of the payment of the ECD teachers. However, during this financial year, it is the intention of the Ministry of Education to start paying the ECD teachers throughout the country to ensure that our children get the best education right from the beginning as they start their education.

As has been alluded to by Members here, unless we can give opportunities to our people without discriminating against the poor, then we will be missing out on very able people who could turn out to be our future professors. It is true that a good education system has a trickle-down effect on the economy as has been alluded to by hon. Kioni. If we educate our people, they will know how best to take care of their health, do their business and practice agriculture. So, to provide education for our people is a major input for our economy. It is my humble request to the Members that at any given time, whereas this is basically a service sector, it should be seen as an economic input for our country.

Hon. Kioni mentioned about infant mortality. If we have to cut down on infant mortality, we have to make sure that our mothers and fathers get education. It is very easy to tell the difference between a homestead where people are educated from one where the people are not educated. It is my humble submission that, as a Ministry of Education, we wholly support the idea that we need to review the capitation upwards. As we know, it cannot be downwards considering the fact that the cost of living is going up. It has to be upwards. I would like the Members to appreciate that it cannot be done purely by saying double, triple or quadruple it because it could even be more. It could be less, it could be more. It should be informed by certain factual information. We are doing that through the taskforce, so that we can justify what figure it should be. We need to definitely review this because the cost of living has gone up. Probably, through the taskforce, we need to have a system where the reviewing does not wait until a Motion is brought by hon. Chanzu to Parliament. There should be an automatic system to tally with the inflationary trends in the country. If the cost goes up, our capitation should also go up. So, we are in agreement.

With those remarks, I beg to support the Motion in principle. I cannot say that it should be certain figures, but we definitely need to review it.

Madam Temporary Deputy Speaker (Dr. Laboso): Mover of the Motion, it is now your time to respond.

Mr. Chanzu: Madam Temporary Deputy Speaker, I would like to donate two minutes to Mrs. Odhiambo-Mabona.

Mrs. Odhiambo-Mabona: Thank you, Madam Temporary Deputy Speaker. I want to thank the Mover for donating two minutes to me. I want to thank him for bringing this Motion which is very important in realizing the rights under the Constitution to free basic primary education for all our children and also for progressive realization of higher education. I would want to urge the Government that whenever we pass such Motions, it must take them seriously. Parliament dedicates a whole morning to discuss these issues because we consider them serious. When we pass these Motions, we are expecting the Government to take us seriously. We will be requesting the Committee on Implementation to actually follow up the Motions that have been passed here to see if the Government implements them.

It is important, especially for vulnerable children like the girl child, child-headed households, children with disabilities, that unless we reduce the hidden costs of education, even the free primary education will not be a reality. Therefore, I would want to urge the Minister to take this as a matter of urgency. The population of this country in terms of literacy is decreasing. Really, when countries develop, we should be increasing in literacy and not decreasing. Therefore, as a matter of urgency, we should address these issues. I will be raising other issues which would urge the Ministry to look comprehensively at the issue of our education at a later date. I have raised some before, but as a country, we need to ensure integration. Therefore, the policies that make us, as a country, to consider ourselves from very narrow perspectives as communities, as Kikuyus, as Luhyias, as Kisiis, should be absolutely discarded. We should have policies that enable us to integrate as a nation.

With those few remarks, I beg to support.

Mr. Chanzu: Thank you, Madam Temporary Deputy Speaker. I want with great humility to appreciate and thank the hon. Members for not only the immense support but 100 per cent support they have given to this Motion. This is particularly from those who contributed to this Motion from last week. I also want to thank the Ministry because when I was moving the Motion the substantive Minister and the two Assistant Ministers were here and they took note of what we have been discussing.

Madam Temporary Deputy Speaker, I am happy that the Assistant Minister has come here with a heap of documents, trying to make reference to what has happened in the past. This Government has spent a lot of money on many commissions that we have had in the Ministry of Education, the roads sector and all the sectors. If you go to all the Ministries, you will find that the shelves are full of these reports. However, I am happy that with the Ministers we have and the time they have taken--- What we want from the Assistant Minister is the implementation of this Motion.

The Assistant Minister has touched on a very important area which we keep on ignoring. This is on Early Childhood Development (ECD) teachers. This is the starting point. I appreciate that the Ministry has taken that into account and it will make sure that it is factored in the Budget for the coming Financial Year. I think the task force must also have a time limit. The Koech Report was very comprehensive but there was a lot of politics. We should delineate politics from

important issues like this. There are many other things that would have come but maybe we will raise them later on.

Madam Temporary Deputy Speaker, the other point I would like the Assistant Minister to note, now that he has said that they need to be pro-active rather than waiting for Motions to be brought before this House, is with regard to staffing. Allocating money per child will enable us to know how much we are spending on Kenyans and how many of them are benefiting. This is because you can very easily count the population of children in primary and secondary schools and be able to know that you have assisted this much.

Some of the schools are not performing well because of staffing. I have also been carrying out research on my own. I found out that the schools which are performing very well are properly staffed. Among the schools which do not perform well, among a staff of about 30 teachers in such a secondary school, about half of them are employed by the Board of Governors (BoG) which struggles to pay them. Some of them are paid from the money that we give per student. So, it is also good to look at the issue of staffing, so that you can harmonize that. I think the District Education Officers (DEOs) and so on, need to be coached very well and made to understand that harmonizing staffing needs in schools is a very important thing. There is no point of having a primary school which has about two or three streams with 10 teachers, when it is supposed to be having 15 teachers. It is happening in most schools in the rural areas.

I would really like to appreciate the hon. Members who have contributed. Mr. Lang'at seconded and there was support from the Assistant Minister, Ministry of State for Provincial Administration and Internal Security, Mr. Lesrima; Dr. Otichilo from Emuhaya, Mr. Affey (nominated), Mr. Gitari (Kirinyaga), Mr. Lagat (Emgwen), Mr. Odhiambo (Butula), Mr. Ruteere (Imenti North), the Assistant Minister for Regional Development Authorities, Mr. ole Metito, and Mr. Mungatana (Garsen). On the point that was raised by Mr. Mungatana about this Motion being addressed to the Office of the Deputy Prime Minister and Ministry of Finance, I know that, but I think the relevant Ministry must initiate that. This is because the Treasury cannot just sit there and imagine how much they need, since they do not have the statistics about the education needs. So, it is good that the Office of the Deputy Prime Minister and Ministry of Finance knows about this, but I think it is addressed to the right Ministry, which has got the statistics and figures about the enrolment in both primary and secondary schools. However, I appreciate that I got the figures that I used here from the Treasury. I spoke to the Permanent Secretary, Office of the Deputy Prime Minister and Ministry of Finance and his officers and they gave me some of the figures. That is why I believe that they are fairly accurate.

Madam Temporary Deputy Speaker, other hon. Members who supported the Motion this morning include Mr. Ngugi (Kinangop), Mr. Njuguna (Lari), Mr. Kioni (Ndaragwa), Mr. Mututho (Naivasha). Then, there was a response from the Assistant Minister. I do not think that I really need to over-emphasise this because it is well understood that if we want to realise the Vision 2030, I think we must start in the right place. We must start by educating our people and investing in education. This Motion also conforms to the spirit of the new Constitution, where we say that more resources must be devolved. However we cannot just devolve words. We must devolve money to the constituencies and districts, that is, the grassroots.

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

(Question put and agreed to)

WAIVER OF MORTUARY FEES

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

THAT, noting that according to the Kenya Integrated Household Budget Survey (KHBS) of 2005/2006, it was estimated that 17.5 million people, or 46 per cent of the Kenyan population, live in absolute poverty and live on less than one dollar a day; aware that the Government has been unable to provide them with free medical facilities to ease their burden; conscious that many families have had bodies of their loved ones not released for burial in various public and private morgues for lack of money to clear various fees and charges; mindful that every Kenyan family would wish to accord their departed a decent burial at a place of their choice; this House urges the government to waive mortuary fees in all public hospitals for bodies claimed within 21 days and those not claimed become a subject of disposal by the hospital authorities in accordance with the law.

Madam Temporary Deputy Speaker, I am moving this Motion with a heavy heart. As we all know, the cost of living for Kenyans, especially the ordinary *wananchi*, has been on the rise. It has continued to rise over the years making it hard for them even to seek medical attention when they are sick. In fact, life for them has become a nightmare. In contrast, physical facilities development in the health sector has slowed down in most parts of this country. It is sad that most parts of the country have no readily accessible specialized medical attention. This is more pronounced when it comes to the development of morgues, or what people commonly refer to as mortuaries. This has been given a raw deal by both private and public developers.

Even in public hospitals where we have such facilities, services have either been run down or they do not exist at all. Kenya's population has recorded phenomenal growth since Independence. When the Minister of State for Planning, National Development and Vision 2030 released the 2009 Census Results, he alluded to the fact that our population is increasing at a rate of 1 million persons per year.

In contrast, mortuary services have remained nearly constant since Independence. When I look at the hospital facilities in the region where I come from, morgues are very few. People are not attempting to construct morgues for our departed bodies. There has been a high demand for this service because of the population growth in the recent past.

Because there is no relationship between the development of infrastructure and the rise in demand of these services, especially because of the population increase, we have overstretched our morgue facilities and we are not able to provide for the needy in the society. This rising cost of morgue services has further compounded the problem by way of increasing the number of unclaimed bodies in our mortuaries. Failure or inability of the bereaved families to pay hospital bills that may have accrued when a departed one was undergoing medical attention has led to an increased number of unclaimed bodies in our morgues.

Madam Temporary Deputy Speaker, as the Government and as a caring population, I wish to state here the best we can do to bereaved members of a family is to make sure their departed relatives get a decent burial. This is the only way we can ameliorate their suffering and pains. We, as leaders, must come up with policies which ensure that, even if the family of deceased is not able to pay medical bills, the body is released to them for burial. Family members and well-wishers should be given enough time to raise medical bills through harambees. Why should we allow them to suffer for a week, two weeks or even a month before a body is released to them for burial because they cannot pay medical bills immediately?

Madam Temporary Deputy Speaker, I want to submit here that high medical and funeral expenses have continued to impoverish our population today. In the past, we have tried to come up with the medical health scheme for the citizens, but with little success. Our efforts have never borne any fruit. The cost-sharing policy was initiated by the Government a few years ago. However, it has become less effective in assisting our people.

Even though the private sector has tried to remedy the situation by introducing into the market a variety of health insurance schemes and, most recently, an insurance package to cover death expenses, these schemes are still out of reach to a majority of ordinary Kenyans.

The Government-run scheme, popularly called the National Health Insurance Fund (NHIF) does not cater for expenses beyond the hospital ward or bed. Many district hospitals in the country were designed with morgue facilities as part of the infrastructure. However, most of them have not been operationalized and equipped to assist our people. I want to give my very specific situation of Maragwa District Hospital which became a district hospital in 1996. Since then, it has continued to offer services to more than 400,000 people, but it does not have a mortuary. Our people in that particular area have continued to incur very huge burial expenses. They take the bodies of their departed relatives to Thika District Hospital, Murang'a District Hospital, Nairobi and Nyeri. We do not have a morgue in that hospital.

Madam Temporary Deputy Speaker, I urge the Ministry of Medical Services to partner with the Committee of CDF, so that we can at least put up a morgue facility in that hospital. So far, through the CDF, we have been able to allocate Kshs2 million for the construction of a morgue in that hospital. However, we are yet to receive Kshs4 million from the Ministry of Medical Services. This is a situation where we have demand-driven services for the population. However, the Government is not responding to our needs and our people are suffering.

Madam Temporary Deputy Speaker, to respond to this huge need or demand for morgue services in Kenya, in the recent past, we have witnessed a rise in the number of privately-owned funeral homes. These private investments have come up with better products and improved services. However, these improved services come with costs. They have also segmented Kenyans along income streams in death, just as in life. These homes are beyond the reach of many poor Kenyans.

The need for diversity and efficient service delivery has seen two categories of morgues evolve in this country. Several private investors have in recent years ventured into this business to complement a service that was hitherto and traditionally a preserve of Government hospitals.

Madam Temporary Deputy Speaker, however, the quality of service remains the key underlying determinant of the fees in those facilities. The category of morgues otherwise referred to as funeral homes lead the pack in terms of the fees charged. Within Nairobi, the lowest rate is Kshs2,000 per day with discounts of Kshs500 for each day within one week. The rates do not cover other preferential services such as embalming which goes up to Kshs10,000 per cadaver and other costs such as post-mortem or collecting the body outside working hours, among others. Those services are charged separately by those privately owned mortuaries or funeral homes. Depending on the requests that the owners or the families of the deceased put, costs can go as high as Kshs15,000 to Kshs20,000 just for preserving a body that has been lying in a morgue with families continuing to suffer and yearning to bury that kind of body.

Madam Temporary Deputy Speaker, within the public sector, which this Motion targets, rates of mortuary fees range from Kshs200 per day in what is described as the general section while the private section attracts a flat rate of Kshs5,500 per week and a further charge of Kshs500 for every day the body remains uncollected. What I am trying to underline here is that

the bodies do not remain uncollected in morgues because the families do not want to give their departed relatives a decent burial. People may think that the cost of mortuary services is a small fee. That is because a few well endowed Kenyans are able to afford that. But when you move to the countryside where the majority of our people live and where poverty levels are rather disproportionately high, that is when you come to realize that even those people who die do so because of lack of money to cater for them in a manner that may have prevented them from dying. Once they have died, telling their families to raise even what is referred to as a minimal fee becomes a huge challenge.

If you think about treatment or embalming in the Government run morgues, the costs would reach a further Kshs2,500 per cadaver and other services. For instance, the services of post-mortem are not included.

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Member! We can see that we do not have a Member on the Government side from the Ministry of Medical Services. Under collective responsibility, hon. Wekesa, are you going to stand in for your colleague and put down some notes? Otherwise, the Member is contributing and nobody is taking any notes.

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, because I have not been in Parliament - I have just come - I want to stay and listen to the contribution of Members and take notes. Thank you.

Mr. Chanzu: On a point of order, Madam Temporary Deputy Speaker. The Assistant Minister for Education has been here throughout. I presume he must have been taking some notes under the same collective responsibility.

The Temporary Deputy Speaker (Dr. Laboso): We will let the Government organise itself. But we do note with concern that this Government is actually not serious. It has been said severally here that when we have very serious motions like the one before the Floor right now, we do not have the relevant Ministries taking it seriously. So, we would like that message to be passed from Parliament.

Proceed!

Mr. Mbau: Madam Temporary Deputy Speaker, thank you for that intervention and emphasis. It is, indeed, true but even as I continue to make my contribution, I am driven by my conscience knowing that history will note that I did my contribution to this very important subject – one that touches on the majority of Kenyans who are unable and who are easily consigned to levels of feeling under-privileged in a country where they continue to see those that they elected continue to conduct their business in a manner that suits them.

Madam Temporary Deputy Speaker, I was concluding and, as I do so, I simply want to appeal to the Government to note that services at public institutions should take into account affordability and quality. Morgue facilities in the country have not expanded in tandem with the population and subsequent cost of offering such services. Evidently, the financial demands have come to bear heavily on most Kenyans and this exposes bereaved families to further torment and grief as they seek for an extra coin to clear the morgue fees, besides other attendant costs of interring their departed ones. The weakened social fabric in our society today leaves most of the financial burden to be borne by the bereaved family.

The above brings to the fore the unending culture of the elected representatives, Members of Parliament, councillors and others, being sought after to assist constituents on funeral services and expenses every other day. So far, the people have managed because of the culture of goodwill of our society that has continued to be nurtured over the ages. But that might not last as urban life and other individualistic pursuits rapidly catch up with the society, thus

weakening the social fabric and, therefore, exacerbating this grim reality. It is my honest and humble belief that the intervention of this august House---

The Minister for Forestry and Wildlife (Dr. Wekesa): On a point of order, Madam Temporary Deputy Speaker. The Member seems to be reading from a written speech. I do not know whether that is the right way to contribute. But I would like to use his notes since they are all written.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Member, you should not be reading. You should be referring to your notes and then carry on with the debate!

Mr. Mbau: Madam Temporary Deputy Speaker, whereas I agree with what the Minister has said, what I have referred to is what is specific to the Motion. That should be the case. The Motion is specific in terms of what I am urging the Government to do. Otherwise, I agree that the rest of the contribution is as per the Standing Orders and procedures. So, I am urging the Government to consider the development of morgue facilities in each district and sub-district hospital, in addition to ensuring that a requisite budgetary allocation is put in place. That budget will ensure that in future, bodies that are not collected within mortuaries after 21 days are the only ones that can be subjected to public disposal. However, within 21 days, mortuary fees should be waived to ensure that the low end of our population is not inconvenienced.

In the meantime, we have a moral duty to ease the suffering of *wananchi* by supporting this Motion. I urge all honourable Members to kindly support this Motion for the benefit of the people.

Madam Temporary Deputy Speaker, I thank you and urge my colleague, hon. Erastus Mureithi, the Member of Parliament for Ol Kalou Constituency, to rise up and second this Motion.

Mr. Mureithi: Madam Temporary Deputy Speaker, I rise to second the Motion brought by Mr. Mbau, the hon. Member for Maragwa. I support it with a heavy heart because at the advent of our Independence, the founding father was asked a question which went like this: "Who is our enemy as a country?" Everybody expected the founding father to say that our enemy was our colonial suppressors who suppressed this country for many decades but in his reply, he told them that ignorance, disease and poverty were our major enemies. As we look at our country today, with 46 per cent of the people living under abject poverty, one looks at the situation whereby issues that concern family social fabric continue to follow them after nearly 50 years of Independence.

We have seen that most mortuaries in hospitals have remained the way they were. If you come to my constituency and look at Ol Kalou Hospital which was built in the 1970s, the mortuary has remained the same, such that when you have an accident, there is no place to keep bodies. I would like to say that this has led many families to feel completely left out in terms of taking care of their departed ones.

Madam Temporary Deputy Speaker, in addition to those deplorable conditions, you find that those hospitals do not have generators such that if power goes off and does not come back very quickly, you will experience a condition that most of us do not want to experience again. However, as the Mover has said, it is time the Government dealt with the issue of uncollected bodies where the owners know that the bodies are still in the mortuary. This has forced people to organize many *harambees* to raise money for the collection of bodies from the morgues. As a result, families have continued to mourn for a long time. This gives a lot of grief to the people who have been bereaved. You may not be aware that of late, people have invented methods of not taking their dead bodies to the morgues. I had an incident in my constituency where, since

the family was so poor, they decided that the best thing that they could do was to create a charcoal refrigerator so that they could keep the body there for some time. I had to come to their help as a Member of Parliament. When people reach that level, it means that the level of poverty has reached a point where people are not able to take care of their own departed ones.

(Mr. Cheptumo entered the Chamber without bowing at the Bar)

The Deputy Temporary Deputy Speaker (Dr. Laboso): Order, Mr. Cheptumo! Proceed!

Mr. Muriethi: Thank you Madam Temporary Deputy Speaker. Last week, we talked about the cost of living which has gone very high. We have allowed a few people to manage and manipulate the way commodities are handled in this country. With that kind of management, prices of essential foodstuffs have gone way beyond the reach of the common person. When it comes to the departed ones, the opportunity cost is the food and not the money to pay mortuary fees. We have had a complication due to the issues of Internally Displaced Persons (IDPs). Those people are not close to hospitals. So, there are people dying within the camps. Therefore, transporting the bodies from the camps to the nearest hospitals has become a major problem. We are putting up a modern maternity hospital in Mawingu Camp which is the largest. I would propose that the Government teams up with the Constituencies Development Fund (CDF) and well-wishers and put up a morgue, so that people do not transport the dead bodies for 40 kilometres. This becomes an extremely expensive issue and the people are not in a position to meet these expenses.

Madam Temporary Deputy Speaker, therefore, when the Mover is requesting the Government to waive all the mortuary fees, there is merit in it. We have not been able to give free medical facilities to our people and we have found that bodies are kept because there was no money to pay for medical expenses and there is no money to pay for mortuary services. What is happening and which is very dangerous is that families are actually selling their land---

(Mr. Cheptumo started withdrawing from the Chamber without bowing at the Bar)

The Temporary Deputy Speaker (Dr. Laboso): Order! Mr. Cheptumo, please remember that as you leave the Chamber, pay respect to this House. You just left without doing that but you have just done that as you came in!

The Assistant Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Cheptumo): Madam Temporary Deputy Speaker, I apologize for that and I will not repeat it again.

The Temporary Deputy Speaker (Dr. Laboso): Proceed, Mr. Mureithi!

Mr. Mureithi: Madam Temporary Deputy Speaker, you will give me two minutes because they have been taken away. I request that kindly.

As I was saying before that little interruption, we have had people who are squatters who have also increased in number since Independence; they are in the category of poor people who cannot afford both medical and mortuary fees. As a result, I would like to say and support the Mover that as far as we are concerned, the Government should also address itself to the issue of the mortuary. We should have a holistic approach to the growth of this country. Instead of looking at this fees and waiving it, we should look at the general development of this nation so

that poverty does not reduce us to a position where people cannot give their own a very nice send off. This is why I am saying that the Government should look at those three items that our founding father talked about; ignorance, disease and poverty.

Madam Temporary Deputy Speaker, the Motion by Mr. Chanzu comes in handy to solve the issue of ignorance and we are now dealing with the issue of disease and poverty. That is why I am supporting the Mover by saying that people have no choice and we do not want to go back to the time when communities used to throw away the dead into the bush with anticipation that maybe, a passing hyena would eat the body. So, as Kenyans, we should put our energies together and put our political differences aside and seek what we want. We want a Kenya where everybody can afford, not only to bury their dead but to also be able to afford medical facilities for their people. Nobody is happy when people die. For that matter, we should not put pain on top of pain. So, I agree that we would wish to accord our departed ones very decent departure, as is done in other foreign countries where they have addressed the issue of general poverty of the common person. Therefore, as we look at this, let us see how best we can reduce the cost of living.

With those remarks, I beg to second the Motion.

(Question proposed)

The Assistant Minister for Education (Mr. Mwatela): Madam Temporary Deputy Speaker, whereas this Motion touches on the state of affairs after death, it is very much similar to the other Motions that have come here before. This is because it is about the cost of living. Our people are at a point where they can no longer meet very necessary costs. The burial is a very psychologically sensitive thing. The fact that somebody has passed away, you cannot just throw the body away. We need to arrange, plan and give a decent burial to our departed ones. That is how we are.

Therefore, on that score, whereas our Constitution does not address the dead, if you look at Article 29, it talks of freedom and security of the person. It says:-

“Every person has the right to freedom and security of the person which includes the right not to be-

(d) subjected to torture in any manner, whether physical or psychological”

If you do not allow somebody to dispose of his departed one in a manner that is decent, you are subjecting that person to psychological torture. Therefore, I beg to support this Motion.

Madam Temporary Deputy Speaker, I am not very sure whether we should talk of 21 days after the passing away of the person. When people pass away in hospitals, their relatives should be able to remove the bodies without any further charges. They have suffered enough. Maybe, we should reduce the time to a shorter period, so that we avoid this extended time and clogging of morgues. However, definitely, we should allow a period of time that enables the family to remove the body and give it a decent burial without any further torture to them. They have suffered enough. I do not think there is anybody here who has not lost a loved one; we all have lost a loved one. We know how it impacts on us. So, I support the principle and strongly, so. Without even delving into the question of whether we, as Members of Parliament, are called upon to go and assist and all that, the principle is right. We should allow our people to remove the bodies of their loved ones and dispose of them in a decent manner; we should not make them incur extra costs.

Madam Temporary Deputy Speaker, the culture of burying is not a recent thing; it is historical. It is something which has been there. We have just celebrated Easter Holidays; those who are christians believe in resurrection. That was a result of burial. Burial is not something which is to be taken for granted. It is a serious matter. Let us, please, all support this Motion. Remember, we may want to review the period, so that we see that it is done.

I fully support the gist of the Motion.

Mr. Affey: Thank you Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. At the outset, I would like to congratulate my friend Mr. Mbau, for thinking about this matter. Very rarely do we think about the dead. In most cases, we think about the living. However, the dead have an impact on the living. This is because it is the parents, relatives and friends of the deceased who feel the pressure and the pinch not only of the loss of a very close person, but also of the expenses and demands that come with providing the dead with a decent burial.

Madam Temporary Deputy Speaker, I have on several occasions had an opportunity to intervene in a matter like this at the Kenyatta National Hospital (KNH). We unfortunately lost people from home; they travelled all the way from North Eastern Province. They were young people coming here to seek jobs and possibilities of earning a living. There were also elderly people who come to seek medical treatment, because Nairobi is where medical facilities are. Unfortunately, they lose their lives, or die at Nairobi hospitals, where they went with the hope of recovering. Unfortunately, you are confronted with huge medical bills. This is why I would like to thank the KNH; it has in most cases been very sensitive to the dead. I had one occasion when they assisted a family who had lost their loved one. That family was expected to pay a huge amount in form of a medical bill; unfortunately, the family could not raise the required amount. The hospital authorities had to detain the body. After I intervened and told them the reality about the family, they were quite sensitive and released the body.

The intention of this Motion is to ask public hospitals, and even private hospitals--- If you lose your family member, how are you expected to raise money to clear the hospital charges, when the deceased comes from a very poor family?

We need to increase the budgets of the public hospitals because it always boils down to the question of budget. This House must vote more money to public hospitals.

Madam Temporary Deputy Speaker, I think there is need for Kenyans to make burial ceremonies very simple. Maybe, they should try and borrow a leaf from those in the Muslim Faith. In the Muslim Faith, once you lose a relative, a parent or anybody in the society, it does not matter where that person dies. The person could have come from North Eastern Province but die in Kisumu. Within 24 hours or less than 24 hours, you are supposed to dispose of the body. This has made it simple for the community because the more you keep the dead, the more the pressure. First of all, there is pressure because parents and relatives will come from all over, visiting when the dead person is still on earth. There is also a pressure of emotions and on resources. So, there is need for the country to develop systems that can dispose of the dead in a very dignified manner. If a Muslim dies, within 24 hours, you will not only bury the body but you do not even require resources to buy a coffin or do anything. You will just need a white piece of cloth which does not cost more than Kshs1,000 and you bury the body within 24 hours. This has assisted families release emotions fairly quickly.

*[The Temporary Deputy Speaker
(Dr. Laboso) left the Chair]*

*[The Temporary Deputy Speaker
(Mrs. Odhiambo-Mabona) took the Chair]*

Following the intention of this Motion, there is need to educate our people about giving our dead a dignified send-off by making it a very simple matter, so that you do not have to travel--- In some communities in Kenya, once somebody dies, it becomes a ceremony. If the person comes from Kisumu, first, there is a ceremony here in Nairobi and another one in Kisumu. As a result, you pressurize the family. The best way to do it is to dispose of the body within 24 hours. You do not have to wait for weeks or months to dispose of the body. This is even after the body has been released because it remains in the mortuary for two or three weeks and then a few more weeks at home. This is unnecessary pressure and emotional build up. I think this is something we can deal with.

Madam Temporary Deputy Speaker, the intention of this Motion is good. In fact, I would have requested the Mover to reduce it by seven days because 21 days is still long enough a period. If within seven days the person cannot meet the bills, the body should be released immediately to the relatives for a decent burial.

*[The Temporary Deputy Speaker
(Mrs. Odhiambo-Mabona) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, it now comes to the question of cemetery space. There is a huge challenge in Nairobi on where to bury the dead and there is need to give the dead a very dignified send off. We have Langata Cemetery where Christians and Muslims bury their death. I know for sure that the burial site in Langata is almost full while the Kariokor one was full long time ago. Two years ago, I brought a Question to this House and the Minister for Local Government promised that they will expand the cemetery facilities for Muslims in Nairobi. He said that the only one we have is fairly becoming full and there is need for the local government and the City Council of Nairobi to urgently identify land so that the community in Nairobi---

The challenge the Muslims in Nairobi face is that if you die in Nairobi and you are from Kisumu, Eldoret, Lodwar or any part of this country, the body is supposed to be disposed of within 24 hours. Therefore, you get buried in Nairobi and that is why there is a challenge for space for the Muslims in the City. We are now faced with a crisis because if that space in Langata fills up – and it is quickly filling up – there is no possibility of finding a decent burial place for Muslims who die in this City because people come to Nairobi from every part of this country. If you happen to have a misfortune here, there is no need for you to be buried in your home area. In fact, you get buried in Nairobi. However, in other communities, we see ceremonies. We see bodies being transported back to Lodwar and yet, the people died in Nairobi. That is harassing the dead. Why do you harass the dead by taking them for 1,000 kilometers away for burial? That is not necessary. We need to educate our people and tell them that the dead deserve a decent send-off in the shortest period possible.

I support the Motion and thank the Mover for bringing it on the Floor of the House.

Mrs. Odhiambo-Mabona: Thank you Mr. Temporary Deputy Speaker Sir, for giving me this opportunity to support this Motion. I would like to thank hon. Mbau for bringing this Motion. If you noticed, earlier today, we talked about issues of education. Now, we are talking about lifting the burden from people who want to bury their deceased. This speaks to the fact that the country is strained. People are not able to meet basic needs. This calls for a much broader action. This Motion is timely and relevant. But it means that the Government must have a comprehensive policy and law on social protection. That is why I want to acknowledge Dr. Laboso because she will bring a Private Member's Bill on social protection that will help us alleviate some of the challenges we are facing in terms of basic needs.

I know that the issue of burying our loved ones may not be considered as a basic need. However, we do that because of our culture and traditions. It is not really our culture. I have gone all over the world. Everybody and every community treat their loved ones with respect.

At one point, when I was working at the CRADLE, we had an occasion of working with street children. I was shocked that, as a country, we do not think about what happens to a street child when he or she dies. We had information from the street children themselves that we do not take care of them when they are alive. When one of them is dead, they do not have the luxury of buying coffins, mourning or burying because they cannot raise enough money. I have listened to hon. Affey talk about how they bury Muslims, which is very good. However, can you imagine that street children carry their dead ones and throw them into the rivers? These are some of the things that we do not think about. As communities that care about their own, even the dead should matter to us because that is who we are. As African communities, we tend to be more spiritual and have more attachment to our dead. We like giving them a proper send-off. There are some of us who are able to give a proper sendoff to our loved ones. However, there are the very poor who cannot. I am sure that every hon. Member knows that, that is the greatest nightmare of Members of Parliament. Come every Friday, hon. Members look for money to help their constituents bury their dead ones.

I was speaking to one hon. Member from Nairobi and he told me that on average, an MP representing a Nairobi Constituency has to raise money for about 20 to 30 coffins every week. If this is something that an MP must do on his or her own, no wonder we have challenges at the community level where people say that MPs do not help in community development. That is because the demands we put on an MP's time and money are too high.

Before I came to Parliament, I was lucky to have been training Members of Parliament. In one of those trips, and which the hon. Speaker was a party to, I was privileged to sit in the same car with Members from South Coast as we rode to the airport. I was shocked at the information that they were giving me in relation to the work an MP does. I actually came and saw it live for myself when I arrived here.

Mr. Temporary Deputy Speaker, Sir, a lot of people say that an MP is an ATM, which is true. I know that a lot of people have actually been challenging us and saying that even them, they do that kind of work, especially when they are talking about taxes. Yes, I know Kenyans do that, but this is a reality, and I am happy to be saying it as a nominated MP because sometimes, people need to also speak for MPs, especially the elected MPs. The burden that is on an MP in Kenya is unduly high. We must, as a country, acknowledge that we have translated an MP to a social protection system; a social security system. It is the MP, who ensures that people are buried, pays medical bills, provides for maternity fees for his constituents and pays for dowry. I know many people do not know that, but the MPs give money for their constituents to go and marry, get wives and even buy condoms. This is why this Motion is important because we need

to ease some of the pressure of MPs, so that they can do the core-work of being an MP, which is community development but primarily, legislative work. The work of MPs, even though sometimes people challenge us and say that we rarely have enough MPs in the House, they are not here because they are in every Ministry knocking doors to help their constituents get a little here and there.

I want to raise an issue that hon. Affey has raised in terms of timeliness of burials. I think it is a good thing that we should encourage communities to lessen the time within which they bury their dead ones. However, I want to also acknowledge one thing. It is good to borrow one culture from the other and share good practice. So, hon. Affey's culture of burying the dead in a short time is a very commendable one, but I want him to also borrow the culture of the other side, which is mourning. It is excellent. Let the people mourn. Let them cry. The reason is that, that is psycho-therapy. If you do not get that psycho-therapy, that is why we have angry Kenyans. That is why we have Kenyans who are really mean to each other. We have bolted up emotions because we have not embraced the entire western system of dealing with issues through psycho-therapy. Whenever somebody died in the traditional sense, especially in communities where I came from, it was a celebration. People danced, screamed and wailed and that is why people said they are professional mourners. Why? This is because it is therapeutic. But if we do not have that alternative, then you will say that these people have buried very quickly and nicely, but within a year, one of those people will succumb to a stroke because they did not deal with the pent up emotions. So, let us burry in time, but let us either allow people to embrace cultures where they can express themselves or in the alternative, provide alternative psycho-socio support or therapy for bereaved families.

Finally, let us go back to our cultures where we supported families that were bereaved. Now, what happens is that when a family is bereaved, we start withdrawing from them instead of supporting them. We had very beautiful African culture, which we are losing. Let us go back to our roots, whether they are Christian, Muslim or African, which are beautiful and which enable us to grow and nurture the community in a wholesome and beautiful way.

With those few remarks, I support.

Eng. Maina: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support the Motion. I want to thank hon. Mbau for bringing this Motion to the House. We are in a country where it is unfortunate that the leadership of this country has to spend time discussing this kind of matter. Truly, nearly 50 years after Independence, Kenyans should live a decent live. Just yesterday, I was involved in a pathetic case in my constituency, where a child had stayed in Kenyatta National Hospital for three weeks because of lack of medical fees. Fortunately, we gathered together and managed to raise the fees. When all these hon. Members go back to their constituencies, they hear these kinds of stories. They are told that there is a patient who needs an urgent operation but now it is two weeks, he has not had it. They will also be told that there is a body in the mortuary which has been waiting for people to gather and raise money. This is because of the poverty that we have subjected Kenyans to. As leaders, we must bear the responsibility.

Mr. Temporary Deputy Speaker, Sir, I welcome this Motion with a sad heart because we truly fought for Independence--- When we are talking about Vision 2030, there are other things which we should have sorted out. Vision 2030 with all the super highways we are imagining in our minds has nothing to do with a body being detained in a mortuary by the same Government. For example, if it is Kenyatta National Hospital, it is the same Government. This is the case and yet, they know that people cannot afford to pay for the disposal of the body. This is a pathetic

case. There are people who go to hospital and when they see, for example, their father ailing, they request the doctor to release the patient because they want to go and try traditional medicine. This is so because they want to cut down on the cost of transporting the body in case he dies at the hospital. You can imagine how much it costs to transport a body from Mombasa to Western Province. It is terrible. I welcome the Motion, but we must develop the country to a level where Kenyans will afford to lead a decent life. A decent life has to do with one being able to meet basic things; like you have food on the table, educate your children and access health facilities when you are sick. A decent life has nothing to do with the super highways we see in California and Malaysia. Kenya can afford that. Could this House for once, start thinking about taking Kenya along the course of creating policies which will make ordinary Kenyans live the lives that God meant them to live?

Mr. Temporary Deputy Speaker, Sir, it is said that Members of Parliament are paid a lot of money. Let every constituency calculate how much money the Member of Parliament uses to pay for the needs of his or her constituents. Sometimes, we do not have money because we spend it on disposing bodies, paying school fees and doctors' fees for an operation.

A hon. Member talked about disposing of bodies. The Constitution guarantees that every community in this country should have freedom of religion and respect for our traditions. Therefore, as much as I respect Muslims, disposing a body the same afternoon one dies, is not the way to go. Mr. Affey, is my friend but let every Kenyan live the way they feel best and according to their traditions, but we should also educate our people. Some of the expenses we undergo to bury a body are not necessary. Jesus was buried in a very simple manner, but today, we want to create a king out of a dead man by trying to conduct a very big ceremony. If somebody was a poor fellow whom you got out of the mortuary through difficulty, for heaven's sake, dispose his body simply. Do not bring out all these ritual feasting. What are you doing? You are disrespecting that man. Why do you want to buy him a new suit when he is dead? Let him go just the way he lived. God will give him prosperity in heaven. So, we should also change as we go along.

Mr. Temporary Deputy Speaker, Sir, in conclusion, I want to say that the issue before us is not just about the body. The issue before us is what Kenya are we in now? Where are we heading? We have seen demonstrations. I will re-table my Motion on price control. For purposes of amendments, I will call it: "Price Regulation Bill". But the issue is a leadership in a country cannot bury its head in the sand and assume that the difficulties people are experiencing will disappear just like that.

This must stop. We must ask ourselves what policies we have for this country. Why has Kenya been subjected to where it is where we have to have Motion to talk about waiving fees for bodies in the mortuary? Why has it become necessary to do so? We need another Motion to say that this Government should ensure that every Kenyan can afford staple food. Make maize flour affordable to many Kenyans. We will bring another Motion to discuss food prices in this country instead of discussing how we can take Kenya another step in development. Currently, we are preoccupied in our minds with the difficulties we have created.

What are we doing? Politicking? What are we doing? We are busy implementing foreign policies that do not help this country at all? All these years, the whole of Africa has been shedding tears. We have always been told to implement IMF reforms, World Bank reforms and the Structural Adjustment Programmes (SAPs). Let us grow more cassava in Ukambani, so that we can have more food? Have these policies brought better prices for the coffee farmers? Have these reforms assisted a father to be able to educate his children? No.

Can we go back? Actually, I urge this House to re-think about Session Paper No.10 which was written by the late Tom Mboya together with our present President Kibaki. It puts down the policies that this country should have adhered to.

We all remember that during the first years of Independence, we had ample economic growth. Life was better in my area because people followed the policies enacted by Session Paper No.10. But somewhere along the line, things happened and we were told there are other policies from Harvard and wherever, which America does not follow and yet, here we continue aping them.

Mr. Temporary Deputy Speaker, Sir, it is high time Kenyan leaders sat down and came up with policies which we have thought-through. We should look at our history, for example, look at Sessional Paper No.10 and see what it did and turn this country towards the route of prosperity.

I support this Motion but with a sad heart because we should be spending time talking about what rewards to give to our athletes who end up in the first to third position in every marathon, like in London the other day. That is what I would have wished to see a Motion address, saying; let us give each of these people US\$1 million from our kitty. I would have wished to see that.

The Temporary Deputy Speaker (Mr. Ethuro): Order. Eng. Maina. This House passed a Motion to that effect for your information.

Eng. Maina: Mr. Temporary Deputy Speaker, Sir, I support the Motion.

Mr. Shakeel: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute. The intention of the Motion is good, but we have a number of problems and death is emotional. It is not economical.

Mr. Temporary Deputy Speaker, Sir, it does not have economical value. However, as a matter of fact, we must balance our emotions with economics. I speak as the Chairman of a hospital for over 11 years – New Nyanza General Hospital. One of the biggest problems we have had to tackle is the issue of the mortuary. I know the same happens in the mortuary here. Our mortuaries in public hospitals are small, over-populated, under-funded, and it is the poor people who suffer. The service providers go through a lot of emotional stress to the effect that, sometimes, you feel that they are even behaving mechanically and un-emotionally.

Mr. Temporary Deputy Speaker, Sir, to ask for a decent place of burial is a constitutional right. However, in this country, be it in Nairobi, Mombasa or anywhere else, there are no cemeteries. As you know, we had a cemetery situation which caused us a problem. The cemetery in Nairobi is over-populated. People are burying bodies on top of others. As my friend, hon. Affey said, the Muslims have a way of burying very fast. But that, in itself, has a problem. It is known that people in un-populated areas like North Eastern Province find themselves in graves before they are really dead. That is when they fall into a coma.

However, coming back to the issue of bodies, most of the dead bodies in hospitals are of patients who were actually admitted there. So, there is no need for a post-mortem. As such, those bodies can be disposed of, if need be, within seven days. There are other bodies that are picked up and brought by the police, and for which post-mortems are necessary. Those can take up to six months. Those are the major problems that we have. The city authorities are the ones who are mandated to dispose of bodies. But I can tell you from personal experience--- I have been a Mayor and also a Chairman of a hospital at the same time. It is impossible for the city authorities to pick up those bodies. They do not have the funds nor do they have service capability. However, likewise, the hospitals have a major problem. They are there to look after the living

and not the dead. The dead are meant to be disposed of quickly and buried. But, unfortunately as I said, post-mortems are causing a major problem.

Mr. Temporary Deputy Speaker, Sir, in public hospitals, all bodies are embalmed. That is because of lack of cold storage. Those are especially the ones which no post-mortem is required. Those embalmment costs help to keep the body out of cold storage and those costs amount to about Kshs4,000 or Kshs5,000. Those costs are actually borne by the hospital. Most of the people who die within the hospitals and are stored in the mortuaries have un-cleared bills of the hospitals. Now, our general suggestion in the hospital where I was the Chairman for a long time was that for people who had cleared all or part of the hospital bill, their bodies were released without charges as long they pay a small amount of Kshs3,000 for embalming. Without that sort of thing, if you start now urging that public hospitals must waive mortuary fees, they do not have enough funds to treat the living. Now you are asking them to waive those funds to treat the living for the dead. I think that, unfortunately, under the present circumstances, it is going to be a very difficult and emotional decision. What should be the case is either local authorities levy a fund or we have some sort of funding. But as we understand, public hospitals get less than 2 per cent of the budget and yet, they have to carry the burden of a much greater amount.

So, I would like to urge my colleague, Mr. Mbau, to, perhaps, reframe this Motion to state that all mortuary fees must be paid within seven days and those that are not claimed---

The Temporary Deputy Speaker (Mr. Ethuro): Order. Hon. Shakeel! You have a balance of five minutes to proceed when the Motion will be on the Order Paper.

ADJOURNMENT

Hon. Members, it is now time to interrupt the business of House. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.