

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 18th May, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPER LAID

The following Papers were laid on the Table:-

Abstracts of Accounts of the Municipal Council of Malindi for the year ended 30th June, 2006 and the certificate thereon by the Controller and Auditor-General

*(By the Assistant Minister for Co-operative Development and Marketing
(Mrs. Kilimo) on behalf of the Deputy Prime Minister and Minister for
Local Government)*

The Financial Statements of Mavoko Water and Sewerage Company Limited for the year ended 30th June, 2010 and the certificate thereon by the Controller and Auditor-General

The Financial Statements of Ruiru/Juja Water and Sewerage Company Limited for the year ended 30th June, 2010 and the certificate thereon by the Controller and Auditor-General

The Financial Statements of Lake Victoria North Water Services Board for the year ended 30th June, 2010 and the certificate thereon by the Controller and Auditor-General

The Financial Statements of Oololaiser Water and Sewerage Company Limited for the year ended 30th June, 2010 and the certificate thereon by the Controller and Auditor-General

*(By the Assistant Minister for Co-operative Development and Marketing
(Mrs Kilimo) on behalf of the Minister for Water and Irrigation)*

Abstracts of Accounts of the County Council of Mbeere for the three years ended 30th June, 2010 and the certificate thereon by the Controller and Auditor-General

Abstracts of Accounts of the Municipal Council of Vihiga for the years ended 30th June, 2004/2005 and the certificate thereon by the Controller and Auditor-General

Abstracts of Accounts of the Municipal Council of Vihiga for the ten years ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General

The Financial Statements of the Town Council of Kepkelion for the years ended 30th June, 2008/2009 and the certificate thereon by the Controller and Auditor-General

The Financial Statements of the Town Council of Narok for the year ended 30th June, 2008 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Co-operative
Development and Marketing (Mrs. Kilimo),
on behalf of the Deputy Prime Minister and Minister
for Local Government)*

ORAL ANSWERS TO QUESTIONS

Question No.752

NUMBER OF INDUSTRIAL ESTATES IN KENYA

Mr. Deputy Speaker: Is Mr. Anyanga not here? We will come back to the Question. Next Question, Dr. Wilbur Otichilo!

Question No.850

DISTRICT CIVIL REGISTRAR FOR EMUHAYA DISTRICT

Dr. Otichilo asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that residents of Emuhaya District have to travel to either Mbale or Kakamega (over 30 kilometres away) to apply for birth certificates, and that they are made to pay for application forms;

(b) whether he is further aware that it takes at least three months after application to get the document; and,

(c) when the Government will post a District Civil Registrar to the district and what measures he will take to speed up issuance of the document.

Mr. Deputy Speaker: Is the Minister of State for Immigration and Registration of Persons not here? We will come back to the Question.

Next Question, hon. Charles Kilonzo.

Question No.757

TABLING OF REPORT ON SQUATTERS IN NDALANI LOCATION

Mr. C. Kilonzo asked the Minister for Lands:-

(a) whether he could table the report by the probe Committee led by the then Deputy Provincial Commissioner, Calistus Akello, on the problem of squatters in Ndalani Location of Yatta District, which was conducted in 1989-1990;

(b) why the Government has failed to solve the problem of the squatters; and,

(c) what action the Government is taking to ensure that the squatters are not harassed and/or evicted by the "absentee landlords".

Mr. Deputy Speaker: Is the Minister for Lands also not here? We will come back to the Question.

Next Question, hon. Sheikh Mohamed Dor.

Question No.731

NON-REFUND OF SHARES TO KASSIM MUHAMMED MUHUMED BY ULINZI SACCO

Mr. Yakub asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that Mr. Kassim Muhammed Muhumed of Kenya Navy (No. 8904456) has not received refund of his shares from Ulinzi Savings and Credit Co-operative (SACCO); and,

(b) what steps he is taking to ensure that Mr. Kassim is paid.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo):
Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mr. Kassim Muhammed Muhumed of Kenya Navy (No.8904456) has not been refunded his shares by Ulinzi SACCO Limited.

(b) Arising from the acute financial constraints faced by Ulinzi SACCO Limited, the Ministry of Co-operative Development and Marketing has put the society under liquidation. The liquidator will prepare a refunds schedule for the refund of shares to members, and it will include Mr. Kassim Muhammed Muhumed.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Yakub: Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for the answer. We all know that savings and credit co-operatives receive money that is deducted from the salaries of members. Why has Ulinzi SACCO Limited, and other SACCOs, reached this stage when they receive cash money that is deducted from the salaries of members? What measures will she put in place to ensure that the performance of SACCOs does not deteriorate to this stage?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I agree with my colleague that SACCO money is cash money. We also know that in SACCOs, people are given loans three times their shares. Where a SACCO goes under, for example, the Ulinzi SACCO during the 1994 retrenchment exercise, they did not take into account the people's shares. So, when people are refunded their shares, the liquidation of the SACCO is compromised. We passed the Co-operatives Act of 2008 in 2010 and now we have in place SACCO Societies Regulatory Authority (SASRA) that helps us to check the performances of the various SACCOs. The other day, we also put in place the co-operatives ethics where members can judge their managers using the code of ethics of the co-operative movement.

Mr. Chanzu: Mr. Deputy Speaker, Sir, the Ministry, just like the Government, owes the citizens the duty of care. The issue of regulation and overseeing the activities of the SACCOs should be the responsibility of the Ministry, not only now, but even before. What led to this SACCO getting into these financial difficulties which forced the Ministry to put it under liquidation?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I appreciate that this is the Member's first term in Parliament.

Mr. Deputy Speaker: Order, hon. Assistant Minister! Your memory does not serve you right! You are wrong! This is not the first term for hon. Chanzu. He is an old Member! As a matter of fact, he was in the Government like you!

Mrs. Kilimo: Mr. Deputy Speaker, Sir, then his memory has failed him because he knows that in 2004, we did not have anything governing the co-operative movement until we reviewed the Co-operatives Act in 2004.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister is not listening. She is just answering her own questions. I said that the Ministry, just like the Government, owes the citizenry the duty of care. It does not have to be law, but the Ministry has been there since Independence. This is something that the Ministry should have documented. What led to this SACCO getting into financial difficulties? Is she in order to avoid answering the question and talk about my history in this Parliament? I have been here since 1997, long before she thought of going into politics.

Mrs. Kilimo: Mr. Deputy Speaker, Sir, the Ministry just plays an oversight role on co-operative societies. The societies operate independently. When people come together to raise funds, they set regulations. Before we reviewed the Co-operatives Act--- He is not paying attention.

Mr. Deputy Speaker: Who is not paying attention?

Mrs. Kilimo: The Member for Vihiga.

Mr. Deputy Speaker: Proceed!

Mr. C. Kilonzo: On a point of order, Madam Speaker, Sir, is the Assistant Minister in order---

Mr. Deputy Speaker: Order! You are out of order. There is no Madam Speaker!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House that co-operatives operate independently? We know very well that in every annual general meeting of SACCOs, Co-operative Officers from her Ministry must be there to ensure the proper running of the SACCOs. This has been there for the last 20 years. Is she in order?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, when annual general meetings are held members of the SACCO should pay attention to what is going on in their co-operative. We do not gauge their independence. However, before we reviewed the Co-operatives Act in 2004, and that is where I began, there was a lot of mismanagement in the co-operative movement. The coming in of SASRA has given the Ministry power to see what is happening in the co-operative sector. I think I have answered my colleague from Vihiga.

Mr. Mureithi: Mr. Deputy Speaker, Sir, from the time the co-operative societies were enacted in 1966 by the late Ronald Ngala, they are governed by the law or rules and regulations which are generally gazetted by the Minister. All the by-laws are passed and recommended by the Ministry. Is the Assistant Minister aware that for somebody to have left a SACCO in which he had been contributing throughout his life, he is entitled to the payments of his contributions?

The incoming of the SACCO law did not change the main Act that requires that somebody must be paid back his money. It only came to give rules for the SACCOs. Since 1966, anybody who leaves a SACCO gets back his money. Therefore, is the Assistant Minister going to make sure that this gentleman gets his contributions from his SACCO?

Mr. Deputy Speaker: Madam Assistant Minister, while answering that question, you had better bear in mind that the supplementary question is asked by a former Commissioner of Co-operatives. Hon. Mureithi, if your memory serves you right like it serves me right, is a former Commissioner of Co-operatives. So, he is talking from a point of knowledge.

Mr. Mureithi: Mr. Deputy Speaker, Sir, I was Commissioner of Co-operatives for five years.

Mr. Deputy Speaker: Proceed, Madam Assistant Minister!

Mrs. Kilimo: Mr. Deputy Speaker, Sir, it is true and is the common practice that when a member leaves a SACCO, he is paid his dues. However, this is subject to availability of funds. As I stated earlier, members take more than they have contributed. In the case of Ulinzi SACCO, there was a massive retrenchment in 1994. Members contribute minimal amounts but take out more. As I stated earlier, the Ministry of Co-operative Development and Marketing has appointed a liquidator and by May next year, the members of the Ulinzi SACCO will be refunded their money.

Mr. Ruteere: Mr. Deputy Speaker, Sir, is the Assistant Minister aware that when a member of a SACCO applies for a loan, he gives names of guarantors who should be pursued in case the member defaults in paying the loan? Were there members who took loans without guarantors in the Ulinzi SACCO?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, I am not aware of people who took loans without guarantors. But definitely there is a problem at the Ulinzi SACCO which started way back in 1997 when there was misappropriation of about Kshs37 million. They did not manage to surcharge the managers because something terrible happened that in 1997, they died one by one. So, there was nobody to surcharge. As I speak, we know that Ulinzi SACCO lost about Kshs37 million. In 1999, an inquiry was conducted by the society and there is a backlog of about Kshs40 million against a monthly share contribution of Kshs600,000. Members' contributions were less than the money that was available especially after the misappropriation of Kshs37 million.

Mr. Deputy Speaker: Last supplementary question on the same, Mr. Yakub!

Mr. Yakub: Mr. Deputy Speaker, Sir, right now all the children of Mr. Kassim Muhammed are at home and not studying. It is very unfortunate because this Ministry is supposed to regulate and make sure that SACCOs work properly. There is mismanagement and corruption in the SACCOs. Could the Assistant Minister tell us roughly by the end of which month she thinks the issue of liquidation will be completed?

Mrs. Kilimo: Mr. Deputy Speaker, Sir, the liquidation process takes one year and it will be May next year. The liquidator who has been appointed, Mr. Mwangi Maina, will have to draw up a list of all the members of Ulinzi SACCO. When we say that a SACCO is under liquidation, it means that it is no longer viable to exist. We only have 400 members and the earliest this exercise will be completed will be May, next year. Maybe the hon. Member could call for fundraising for this man so that he and others could assist him.

Question No.854

USE OF DEVELOPMENT BUDGET BY WATER MINISTRY

Mr. Deputy Speaker: Is Mr. Nyamai not here?

Question No.893

MEASURES TO INCREASE FISH EXPORTS

Mr. Odhiambo asked the Minister for Fisheries Development:-

(a) whether he is aware that the campaign to increase fish exports is hampered by inability of small-scale farmers at the centre of the drive to meet the high standards required in international markets;

(b) what measures the Government is taking to forestall imminent loss to the farmers, considering the resources invested to promote fish farming in most parts of the country; and,

(c) what regulatory policy framework the Government has put in place to ensure that the quality of water, fingerlings and feeds used by fish farmers meet international threshold.

The Minister for Fisheries Development (Mr. Kingi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the campaign to increase fish exports is hampered by inability of the small-scale farmers at the centre of the drive to meet the high standards required in the international markets. However, I am aware that Kenya is able to meet the fish exports, Sanitary and Phytosanitary Standards (SPS) required in the international markets, as we are already accessing the market. This has been made possible by our ability to implement the internationally applied Hazard Analysis Critical Control Point (HACCP) system for fish safety along the value chain. Fish Quality Assurance Regulations of 2000 and 2009 are enforced to ensure compliance. Further, cold chain facilities for use by our fishermen to enhance the quality of our fish and fish products along Lake Victoria and the Indian Ocean have been provided. The Directorate of Fish Inspection and Quality Assurance under my Ministry is setting up a Veterinary Drug Residue Monitoring Programme for aquaculture products to ensure that when supplies are adequate, we can access the international market.

(b) The Government has taken the following measures to address possible losses to fish farmers:-

(i) ensuring that there are proper fish ponds and construction based on a developed suitability mapping by technical officers in our Ministry;

(ii) my Ministry is developing mini-processing plants across the country for cold storage and processing;

(iii) we are encouraging the formation of clusters of farmers so that delivery of services including training on quality control, pond management and marketing is done;

(iv) the Ministry is encouraging formation of a National Aquaculture Association for fish farmers for marketing and information delivery/service on quality standards; and,

(v) the Ministry is developing guidelines to enable farmed fish in Kenya to be exported to non-European Union countries. Additionally, we are developing an Evaluation and Monitoring Programme to enable Kenya initiate a certification process that would allow farmed fish to be exported to the European Union countries.

(c) The Government has the Ocean and Fisheries Policy in place to ensure that the quality of water, fingerlings and feeds used by the fish farmers meet the required threshold. From the Oceans and Fisheries Policy, my Ministry has, in addition, developed a National Aquaculture Policy and a National Aquaculture Strategy, all addressing the quality of our final aquaculture products. Water used for aquaculture is analyzed for suitability after every three months. The Fisheries Management and Development Bill is in the final stages of development to be brought to this House.

Mr. Deputy Speaker, Sir, on fish feed, my Ministry has formulated a rural-based quality fish product and the feed and the feed production technology are being rolled out in all aquaculture regions in the country, to ensure there is cost effective quality production of farmed fish.

Mr. Deputy Speaker, Sir, on fingerlings, the Ministry is producing quality fingerlings at Sagana National Aquaculture Research and Training Institute. The Ministry is certifying farmers to participate in the fingerling production across the country.

Mr. Odhiambo: Mr. Deputy Speaker, Sir, I wish to thank the Minister for his elaborate answer to this Question. However, on preservation of fish, it takes a very short time for fish to rot or decay. Along Lake Victoria the facilities which have been installed for fish preservation are inadequate. What has the Minister done to ensure that we have adequate facilities for preserving fish for the farmers, especially along Lake Victoria?

Mr. Kingi: Mr. Deputy Speaker, Sir, we will not only add the facilities around the lake region, but we will do so across the aquaculture region. At the moment, we cover about 160 constituencies. In these regions we intend to construct mini cold storages and processing plants. Therefore, as we do this we will also increase the number of cold storages around the Lake Victoria region. Under the East African Community (EAC) arrangement, we will oversee the construction of cold storages being funded through the EAC arrangement.

Mr. Sambu: Mr. Deputy Speaker, Sir, since the introduction of these fish ponds there has been a lot of interest in fish farming, particularly in the western part of the country. Many fish ponds have been constructed and fish is ready for harvesting. But, unfortunately, we do not have storage facilities and fish processing plants installed anywhere. When will the Minister provide storage and fish processing facilities in this area?

Mr. Kingi: Mr. Deputy Speaker, Sir, before we could proceed to construct these facilities, we had to get specifications from the Ministry of Public Works. That has been concluded because we have the specifications and we need to roll out a tender, so that the successful bidder can start immediately to construct these plants, so that the losses on fishermen can be minimized.

Mr. Mbadi: Mr. Deputy Speaker, Sir, I see a lot of obsession at the Ministry to construct fish ponds, even though I am really against the idea. The Minister is constructing many fish ponds in Central Province, and yet we do not grow coffee and tea in Nyanza and he wants to kill our lake economy. The biggest problem that fishermen have, especially the small-scale fishermen, is that they have no resources to acquire proper fishing gear which would not catch the small fish. What has the Ministry done to set up a fund so that small fishermen can get loans to acquire proper fishing gear in order to facilitate their fishing?

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to suggest that people in Central Province should not eat fish?

Mr. Deputy Speaker: Order, Mr. Mwangi! You should have risen on that point of order at an appropriate time.

Mr. Kingi: Mr. Speaker, Sir, as a Ministry, we are encouraging fishermen to come into clusters and form co-operatives that will enable them access loans. Also, there are other Government funds that fishermen can actually access including the Youth Enterprise Development Fund (YEDF) which I believe they can be able to---

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to answer his own question other than addressing mine? My question was---

Mr. Mwangi: Mr. Speaker, Sir, when I raised my point of order, he had not finished answering the question.

Mr. Deputy Speaker: Order! Order!

Mr. Mbadi: God is not a fool to have given us fish and gave the people of Central Province coffee.

Mr. Mwangi: Protect me, Mr. Deputy Speaker, Sir. He cannot continue---

Mr. Deputy Speaker: You are out of order, Mr. Mwangi. You do not have the Floor.

Mr. Mbadi: Mr. Deputy Speaker, Sir, is the Minister in order to avoid answering my question which is whether the Ministry is considering setting up a special fund to give fishermen loans; rather than relying on the generalized funds such as the YEDF which belongs to all kinds of businesses? We want a specific fund for fishermen so that they can buy fishing gear. That is my question.

Mr. Deputy Speaker: Minister, the hon. Member is asking for fishing gear that is also eco-friendly – if the Chair got it right. The presumption is that we are going to protect our small fish which get caught in these nets. It is a valid question and very relevant. Could you please answer that?

Mr. Kingi: Mr. Deputy Speaker, Sir, I am afraid that at the moment, as a Ministry, we do not have a fund. However, it is a good idea. Certainly, as a Ministry, we will consider it to make sure that our fishermen access funds to enable them purchase fishing gear.

Mr. Kiuna: Mr. Deputy Speaker, Sir, while I appreciate the work being done by the Ministry of Fisheries Development on the ground, I would like to request the Minister to find a way of accounting for that fund that belongs to farmers. This is because in my constituency, I have seen some officers from the Ministry go on the ground to give assignments, but they do not pay the workers who dig the ponds.

Mr. Kingi: Mr. Deputy Speaker, Sir, indeed, it is unfortunate if there are Fisheries Officers who are not paying the youth who have been given the work of constructing the ponds. As a Ministry, we disburse the funds. Before any officer engages the youth in constructing the ponds, normally the funds are in the account. Therefore, if there are any incidents where officers have not paid the youth who have constructed the ponds, I hope that the hon. Member will give us the details and we will deal with those officers accordingly.

Mr. Ogindo: Mr. Deputy Speaker, Sir, I want to thank the Minister for his answer. However, reading through his answer, I have found out that the Minister is a good man, but the technical input to that answer is lacking time frames. Could he clarify if he is considering developing aquaculture on Lake Victoria? The natural fish that we have there is fast fading and yet the fish in the lake is of high quality compared to the pond fish.

Secondly, could he consider establishing a Fish Development Authority so that these fishing issues could be dealt with in a more comprehensive manner?

Mr. Kingi: Mr. Deputy Speaker, Sir, under the proposed Bill that the Ministry intends to bring to this House, those are the reforms that we need to bring. We want to come up with an authority that will spearhead fisheries issues. I hope the hon. Member will be here to support me.

Mr. Ogindo: Mr. Deputy Speaker, Sir, I want to encourage the Minister – he is a good friend of mine – to consider giving timelines to his answers. They are too open ended. They amount to stories. Could he give us timelines on when he is going to do what?

Mr. Kingi: Mr. Deputy Speaker, Sir, three weeks ago I was in Lamu with the relevant Departmental Committee to consider that particular Bill. On 7th April, 2011 we will be engaging a wider stakeholder. We will have a forum where many stakeholders will be coming to give us their take on the Bill. After that we will fine tune it and it will be ready to be brought to this House.

Mr. Deputy Speaker: Mr. Alfred Odhiambo, ask your last supplementary question on the same.

Mr. Odhiambo: Mr. Speaker, Sir, we know that under the Economic Stimulus Project (ESP), there are many fish ponds which were prepared all over the country. During the time of preparation, the fisheries officers were the ones to supervise and to give the technical assistance and knowledge to the farmers who were granted the opportunity to have these funds.

Is he aware that most of the fisheries officers are not making any meaningful follow up of the fish farms that were developed all over the country?

Mr. Kingi: Mr. Deputy Speaker, Sir, I am not aware that my officers in the field are not providing effective monitoring of the aquaculture programme. However, now that the hon. Member has brought it up, we will certainly take the necessary action to audit the activities done by our field officers.

I beg hon. Members that if there are any instances where they have evidence that an officer is not effectively discharging their duty on the ground, we will be happy to get that report. We will be happy to get that report and we will certainly move into action. This is because we want to provide good services to the citizenry. We cannot sit and watch officers idling in the field of duty.

Question No.914

UNDERSTAFFING IN SCHOOLS IN MUTOMO/IKUTHA DISTRICT

Mr. I. Muoki asked the Minister for Education:-

- (a) if he is aware of the serious understaffing in schools in Kitui South (Mutomo and Ikutha districts), which is affecting learning; and,
- (b) what urgent measures he is taking to address the problem.

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

(a) Yes, I am aware of the serious shortage of teachers in both primary and secondary schools countrywide which now stands at 35,930 after recruitment of 13,860 teachers on contract. This understaffing includes Mutomo and Ikutha districts.

(b) The Ministry has requested for budgetary allocation in the coming financial year for recruitment of teachers. If granted, the Teachers Service Commission (TSC) will allocate the vacancies proportionately to the level of understaffing in each county. In that respect, Kitui South will also get its share.

Mr. I. Muoki: Mr. Deputy Speaker, Sir, I am aware of the national shortage of teachers. However, with this national shortage, there are some areas which are over-staffed while others are extremely under-staffed. That includes my constituency and other arid areas of this country. What measures is the Assistant Minister taking to address this problem urgently? If he talks of employing teachers and posting them equally like he did with the contract teachers, it means that those areas like my constituency which are under-staffed, will still continue to be understaffed while other areas will be just as right or over-staffed.

Prof. Olweny: Mr. Deputy Speaker, Sir, at the moment, the Ministry is having an exercise of redistribution of teachers to take care of that. The hon. Member's district will be taken into consideration. We are doing that now.

Mr. Letimalo: Mr. Deputy Speaker, Sir, one of the factors that contribute to poor performance of national examinations in the country, and more specifically in the ASAL areas, is poor staffing in our schools. Is it sufficient for the Assistant Minister just to say that he has requested for funds from the Ministry of Finance instead of telling us what deliberate efforts he is making to ensure that he finishes this problem of under-staffing, once and for all?

Prof. Olweny: Mr. Deputy Speaker Sir, that is a very good question. The teachers that we employ must be paid salaries. Currently, we have teachers that are not employed in this country. However, we cannot engage them in schools because we do not have money. If the Treasury gives us enough money, we will employ enough teachers.

We are not happy with shortage of teachers in schools. Nobody is happy about the poor performance in this country. As I said, once we get money, we will employ and post teachers to the hon. Member's constituency and other deserving areas.

Mr. Koech: Mr. Deputy Speaker, Sir, shortage of teachers in this country is a serious problem. Our public schools are not performing as well as the private schools. Every year, every time we ask the Ministry to post more teachers, they claim they have requested Treasury for money. Could the Assistant Minister tell this House how much he has requested for in this financial year to employ how many teachers, so that this House can take him seriously and assist him to get the number of teachers that he needs?

Prof. Olweny: Mr. Deputy Speaker, Sir, we have requested for funds to hire 10,000 permanent and pensionable teachers. We want to recruit teachers on permanent and pensionable terms for the next financial year.

Mr. Njuguna: Mr. Deputy Speaker, Sir, while thanking the Minister for the answer given, I would request him to inform this House what active measures he has put in place to make sure that the recently recruited teachers on contract are well paid at the end of the month without experiencing any difficulties?

Prof. Olweny: Mr. Deputy Speaker, Sir, I do not think there is any of those teachers that is not paid. They are paid their salaries. If there is any of them that is not paid, let that person come forward. We will ensure that, that person gets his or her salary.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, when the current Government took over from KANU, the first budget was Kshs256 billion and we still have the same problem of shortage of teachers. Today, the budget is four times. It is Kshs1 trillion and we still have the same problem. So, is it about shortage of money or is it lack of commitment and poor planning?

Prof. Olweny: Mr. Deputy Speaker, Sir, this is a problem that has several factors around it. First, when the NARC Government came in, in the year 2003, we came in with free primary education. Thus, there was an influx of pupils in the schools that created the shortage. The more students you have, the more teachers you need. The Government did not have sufficient funds to hire enough teachers. Furthermore, there has also been an increase in teachers' salaries. All these factors are as a result of these pressures we have as regards recruitment of teachers.

Mr. I. Muoki: Mr. Deputy Speaker, Sir, although the Assistant Minister has tried to address the issues raised, listening to the answers he has been giving, they are not quite satisfactory as to whether he is addressing this issue or not.

The parents have employed PTA teachers and they are paying them from their pockets. There is famine in those areas. This problem has been persisting for a long time. Could he assure this House that when he employs the teachers, he will address the issue of those areas which are arid and which are under-staffed and where performance is being affected in terms of posting of teachers first?

Prof. Olweny: Mr. Deputy Speaker, Sir, the teachers are posted depending on the need; that is, on the curriculum-based establishment. So, those places which need more teachers will definitely get a higher share than the others which need less teachers. For example, Nairobi will not get as many teachers as the hon. Member's district which he is complaining about.

Question No.919

NON- PAYMENT OF TERMINAL DUES TO FORMER EMPLOYEES OF NYAYO TEA ZONES

Mr. Nyammo asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that employees who worked for the Nyayo Tea Zone in Tetu Division in 1996 – 1990, among them Ms. Ruth Muthoni (ID. No.9353450), David Karimi (ID. No.1425374) and Ms. Sarah W. Nderitu (ID No.5544960) were not paid their salaries, terminal dues and other benefits;

(b) whether he could also confirm that the Ministry of Agriculture recommended to the Ministry of State for Provincial Administration and Internal Security to pay the former employees in 2005; and,

(c) what measures the Government has taken to ensure that the persons are paid their dues.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, I wish to seek permission of the House and your permission to answer this Question next week because I am still doing consultations to get a proper answer.

Mr. Deputy Speaker: You are not satisfied with the answer you have or you do not have an answer?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Mr. Deputy Speaker, Sir, the answer I have is not complete. So, I need to do further consultation since the Nyayo Tea Zone was under the Office of the President and it is now under the Ministry of Agriculture. There are certain facts I want to confirm. We have discussed with the hon. Questioner. With your permission, I could answer this Question on Thursday afternoon, next week.

Mr. Deputy Speaker: Mr. Nyammo, are you comfortable with that?

Mr. Nyammo: Mr. Deputy Speaker, Sir, the Assistant Minister approached me. I am disappointed but since he has no answer, I am prepared to wait. But let them take into account the fact that these people have not been paid their dues all these years. Therefore, whatever solution is being considered should be expedited.

Mr. Deputy Speaker: Fair enough. The Chair directs that this Question appears on the Order Paper on Thursday, next week. Is Thursday okay with you, Mr. Nyammo?

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

Mr. Deputy Speaker: Fair enough. The Question is deferred to Thursday, next week.

(Question deferred)

Question No.752

NUMBER OF INDUSTRIAL ESTATES IN KENYA

Mr. Deputy Speaker: Mr. Anyanga still not here? In any case, the Minister for Industrialization, if the memory of the Chair me serves right, he was barred from transacting any business on the Floor of the House until an adequate explanation is given for his or her absence last time.

Under the circumstances, this business has---

The Assistant Minister for Industrialization (Mr. Muriithi): On a point of order, Mr. Deputy Speaker, Sir.

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

The Assistant Minister for Industrialisation (Mr. Muriithi): On a point of order, Mr. Deputy Speaker, Sir. I rise to apologise to the House for the mishap of last week and seek the Chair's indulgence.

Mr. Deputy Speaker: You do not seek the Chair's indulgence over the matter on the Floor of the House. When you are given sanctions, you approach the Chair in the Chair's Chambers. The Speaker or the Deputy Speaker, once he has given an explanation--- I know you have a very valid explanation. He intimated it to me on the corridors here. But, in any case, you are supposed to put that in writing and bring it to my office. Under the circumstances, until such time that you do that formally and officially, you cannot transact business here. So, the preserve of the Chair is that you take it seriously now.

Next Question by Dr. Otichilo!

Question No.850

DISTRICT CIVIL REGISTRAR FOR EMUHAYA DISTRICT

Dr. Ottichilo asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that residents of Emuhaya District have to travel to either Mbale or Kakamega (over 30 kilometres away) to apply for birth certificates and that they are made to pay for application forms;

(b) whether he is further aware that it takes, at least, three months after application to get the document; and,

(c) when the Government will post a District Civil Registrar to the district and what measures the Minister will take to speed up issuance of the document.

Mr. Deputy Speaker: Unfortunately, the Minister of State for Immigration and Registration of Persons faces the same sanctions before he answers this Question.

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, I have two apologies to make, if you allow me.

Mr. Deputy Speaker: Order! Hon. Minister, you cannot transact any business here, including apologizing on the Floor of the House, until such time that the matter is brought to the office of the Deputy Speaker or the Speaker and the sanctions lifted!

The Minister of State for Immigration and Registration of Persons (Mr. Kajwang): Mr. Deputy Speaker, Sir, I thought the sanctions could be lifted here.

Mr. Deputy Speaker: Order! You are out of order! The Question is deferred until when the Minister will be allowed to transact business here.

(Question deferred)

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: On the same?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Lesrima): Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Chair has given direction on that and so, you are out of order! Under the circumstances, I think we are through with Questions. No, we are not! Next Question by Mr. C. Kilonzo!

Question No.757

TABLING OF REPORT ON PLIGHT OF SQUATTERS IN NDALANI LOCATION

Mr. Kilonzo asked the Minister for Lands:-

(a) whether he could table the report by the probe Committee led by the then Deputy Provincial Commissioner, Calistus Akello on the problem of squatters in Ndalani Location of, Yatta District, which was conducted in 1989-1990;

(b) why the Government has failed to solve the problem of squatters; and,

(c) what action the Government is taking to ensure that the squatters are not harassed and/or evicted by the “absentee landlords”.

Mr. Deputy Speaker, Sir, I am asking this Question for the second time, assuming that they have come to see you in the office.

The Assistant Minister for Lands (Mr. Rai): Mr. Deputy Speaker, Sir, first, I want to apologise for coming late. I was photocopying documents in the library. As I came in, I found that my Question had already been called out. I thought I was number three.

However, I beg to reply.

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. If my memory serves me right, I remember this Ministry was also sanctioned.

Mr. Deputy Speaker: Order! That memory is not supposed to be in your domain! That memory is deposited in the Chair’s domain! In any case, when the sanction is lifted, it is not shared with you. The Assistant Minister for Lands can transact business here. Proceed Mr. Assistant Minister!

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

(a) I hereby table the Report by the Probe Committee in respect of the problems of squatters in Ndalani Location, Yatta District.

(Mr. Rai laid the document on the Table)

(b) The recommendations of the Probe Committee have not been implemented due to disagreements between the local leadership and the Government on sub-division of the plots between the legal allottees and the squatters. The local leaders want the entire land left for squatters who have invaded the land by displacing the rightful allottees. The new generation

squatters, who are now adults, are children of the original beneficiaries. Plots that did not have disputes have been invaded by the new generation of squatters, hence perpetuating the squatter problem.

(c) Plot verification exercise is currently being undertaken by a team comprising of the District Settlers Selection Committee (DSSC) to establish the current group status. The ground report will be matched with the ministerial probe committee report to determine the current ground and record status. The way forward will be informed by the findings and recommendations of the verification exercise which is expected to be completed by the end of June, 2011. In July, 2011, a leaders meeting will be convened to ratify the recommendations of the DSSC which will then be forwarded to me for policy direction. Meanwhile, the status quo remains until the exercise is completed and its recommendations implemented.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, why there are disagreements between the Government and the leadership is because that land, which the Ministry, indeed, confirms was meant for genuine landless people--- That was the intention of the scheme. The so-called absentee landlords - or who Assistant Minister is calling the rightful owners - were people with land elsewhere. Those squatters have been in possession of that land for over 35 years. So, it cannot be that they are not the rightful owners. When the land was being allocated, it was given to the wrong people who had land elsewhere. So, the policy of sub-dividing that land will only create Internally Displaced Persons (IDPs). So, could the Assistant Minister confirm that when they are making recommendations, they will ensure that they will not give land to people who have land elsewhere? That is because that land was meant for people who are landless?

Mr. Rai: Mr. Deputy Speaker, Sir, for us to achieve a permanent solution through that exercise, we have decided that, once I receive the report, we will call a leaders meeting - where I believe my colleague will be in attendance - so that, at least, we can have a permanent solution to the problem of squatters in that particular area. It is a burning issue.

Mr. Mbai: Mr. Deputy Speaker, Sir, Ndalani Location happens to be my neighbour. The absentee landlords were settled there in 1970s and because of the persistent drought in that area, they decided to leave the land. Other people came in and settled there. Could the Assistant Minister allow the people who have settled there from that time to own the land?

Mr. Rai: Mr. Deputy Speaker, Sir, once the report is out--- This is not a confidential issue. I will ensure that all those issues are put into consideration so that, at least, those who are in possession of that land are actually settled in this particular area. That is why we have set up a committee to look into these issues and once the recommendations are out, I can assure the hon. Member that, that matter will be solved.

Mr. Kioni: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm whether the Government has a policy on squatters? They cannot be developing a policy this late in the day? The issue of squatters has been with us since 1963. Dealing with it in a haphazard basis will not help this nation. I have squatters in Ndaragwa. Does the Government have a policy? How are you implementing it?

Mr. Rai: Mr. Deputy Speaker, Sir, lack of a proper land administration has caused all these problems. But I believe with the new Constitution in place, those issues are going to be addressed and I am sure a permanent solution will be forthcoming.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to hide under the dispensation of the new Constitution? I am asking him whether the Government has a policy since 1963. The Ministry should be having a policy. You should be telling us that you are at this level of implementation.

Mr. Rai: Mr. Deputy Speaker, Sir, failure to have a proper policy because of poor administration has actually caused all these problems. That is why we are saying that with the new Constitution, we will address all these past injustices so that, at least, we can bring order into the land administration.

Mr. Yakub: Mr. Deputy Speaker, Sir, could the Assistant Minister confirm to the House that his Ministry is in the process of acquiring land in Lamu and transferring IDPs there?

Mr. Rai: Mr. Deputy Speaker, Sir, there are no plans whatsoever, to look for land in Lamu to settle IDPs in that particular area.

Mr. Deputy Speaker: Last question on the same, Mr. C. Kilonzo.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, barely four months ago, one Benard Musyoki Makau was evicted, after having been in possession of that land for 37 years. This is in Ndalani Location. The Assistant Minister promised to take action; I would want to know what action he is taking to ensure that Benard Musyoki is reinstated to the land, and ensure that the so called *status quo*, as he says it in his answer, remains until we have a final solution. No more evictions.

Mr. Rai: Mr. Deputy Speaker, Sir, there were about ten cases like the one of Benard which were filed. We have maintained the *status quo up to now*. Once we get this report, I promised the hon. Member that Mr. Makau's case will also be taken into consideration. It was actually wrong for him to have been evicted. Once the report is out, which is by the end of June, we will call a leader's meeting to address the problem of Mr. Makau, so as for him to get his land back.

Mr. Deputy Speaker: Next order!

The Minister for Water and Irrigation (Mrs. Ngilu): There is a Question!

Mr. Deputy Speaker: Order, hon. Members! There is Question No.854 by Mr. Charles Nyamai.

Question No.854

USE OF DEVELOPMENT BUDGET BY WATER MINISTRY

Mr. Nyamai asked the Minister for Water and Irrigation:-

(a) how the total Development Budget for the Ministry was used in the 2009/2010 and 2010/2011 financial years;

(b) whether she is aware that Ministries which have allocated funds along CDF framework have had more significant impact at the grassroot level than the Ministry of Water and Irrigation; and,

(c) what plans she has to allocate funds through the CDF.

Mr. Nyamai: Mr. Deputy Speaker, Sir, I am sorry that the Question was called the first time when I was not in. I thought I was No. 5. It was called when I was just coming in.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, the hon. Member should be waking up a little earlier!

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

(a) The total development budget for the Ministry in the year 2009/2010 and 2010/2011 Financial Years was used strictly in accordance with the budgetary provisions, which included water resources management, water supply and sewerage, rural water supply, urban water supply and informal settlement and development of irrigation and drainage infrastructure programmes.

(b) I am not aware that there are Ministries which have allocated funds along the CDF framework.

(c) My ministry allocates funds through districts. From the next financial year, we have decided to form Constituency Water Committees, which will prioritize projects to be implemented in each district.

Thank you.

Mr. Nyamai: Mr. Deputy Speaker, Sir, I think for the sake of the Minister, I would wish to inform her that I am normally in the office before 7.00 a.m. every day from Monday to Sunday. She is aware of that and I have got an SMS from her congratulating me for that.

Nevertheless, I would like to thank the Minister. I think what the Minister was looking for was a chance to inform hon. Members that her Ministry is planning--- Is she planning to set up a fund like the CDF in which we can have Kshs10 billion available to Members of Parliament to allocate to various projects? Is she planning to set up such a fund which will be specifically meant for water, and which Members of Parliament will allocate to their constituencies?

Mrs. Ngilu: Mr. Deputy Speaker Sir, that is not the policy at the moment. The policy at the moment is that to every district, we allocate so much money. We work with the District Water Officers and Members of Parliament are part and parcel of the District Development Committees (DDCs). Therefore, they need to check on how much money we have allocated.

Over and above that, we also put so much money--- With the new Constitution, we are practising affirmative action. It is only last week when I responded to a Question by the hon. Member on how much money and what we were going to do in some of the districts. I told him that we have already put money outside the budgetary allocation that we will give to the constituencies to ensure that Mutonguni, Upper Yatta and Matinyani districts are going to get water. This is funded by the AFD. Some of this money does not go through the Budget books. I want to assure the hon. Member that what we are doing is to ensure that each district gets its own share.

Mr. Langat: Mr. Deputy Speaker, Sir, I sympathize with the Minister that she does not seem to know that there are Ministries which have allocated money using the CDF framework. I would wish to inform her that some of the Ministries are the Ministry of Roads and the Ministry of Energy. That is why these Ministries are very much ahead in terms of rural development. As a result of the Minister not being aware of this, the Ministry of Water and Irrigation is the only Ministry which was not considered under the Economic Stimulus Programme (ESP), which was rolled out two years ago. Now that the Minister is aware of this, what is she doing to ensure that we have an economic stimulus way of financing water projects? Water is key to development in this country.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, it is true that the Ministry of Water and Irrigation was not considered in the ESP, and I think it is so important that this is done. There will be no meaningful development in this country without putting more resources into water. The amount of time people spend looking for water for domestic use or livestock, the amount of money that the Government spends in importing food that we can grow in our own country is something that should make us wake up, as the Government. It should make us ensure that we put more resources into the water sector.

I hope that we leaders in this august House, will do our work and push the Government to do that. I will do my part and you also need to do your part. I appreciate your sentiments and thoughts.

Mr. Kioni: Mr. Deputy Speaker, Sir, the Minister is giving us answers which we were given by the Minister for Roads, Mr. Franklin Bett, when he was trying to run away from what the Members of Parliament were asking for. This Question is about the Ministry of Water and Irrigation informing us, as a House, when and how they are going to devolve funds to the constituencies, so that we can ensure that the level of corruption in the Ministry, which is as it was in the Ministry of Roads, is brought down. The existence of DDCs is of no value and is not going to be useful. We want money allocated to the constituencies and disbursed in line with the constituency framework that is working and ensuring that development is realised in every corner of this country.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, the hon. Member may not be aware that every constituency in this country is a district. Therefore, when we take money to the district, we are taking it to the constituency.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to say that every constituency is a district when in essence, we have constituencies which have even three districts? If that was to be done on the basis of districts, then you would create inequality, because one constituency will be given money three times more than another.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, by the way, that is actually the position. Those constituencies that have three or four districts should get much more. This is not only so in the Ministry of Water and Irrigation, but also in other Ministries like the Ministry of Roads. Even the appointment of teachers and police officers is done on the basis of districts. I, however, know that today, every constituency is a district. Therefore, we send money directly to the districts.

Thank you.

Mr. Mbai: Mr. Deputy Speaker, Sir, there are boreholes which the Ministry drilled a few years ago and recently but have not been equipped. Could the Minister tell us what we should do with those boreholes?

Mr. Deputy Speaker: Is that not a different question from the Question which is being asked?

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

Mr. Deputy Speaker: Order, the Member for Masinga! If you want to ask a Question, then file it!

Mr. Mbai: Mr. Deputy Speaker, Sir, we have some boreholes which were drilled by the Ministry---

Mr. Deputy Speaker: Did you remember that you had boreholes that have not been equipped this morning after hon. Nyamai asked the Question on CDF Framework and how to make the synergy between the Ministry of Water and Irrigation and the CDF? You had better go and file a Question! Do your work! Do not try and hijack the Question that has been filed by somebody else!

Proceed, Mr. Mbadi!

Mr. Mbadi: Thank you, Mr. Deputy Speaker, Sir. First of all, I want to appreciate this Ministry because, at least, there is some improved service delivery in the Ministry. I think we need to appreciate that. Having said that, I wanted to ask the Minister a Question which has been asked, but I want to put it differently. Could the Minister tell this House whether she is ready to support the initiative of setting up Constituencies Water Services Trust Fund in the model of the roads fund? This will ensure that each constituency knows that it will receive this much every year so that it can determine how to spend it, monitor the expenditure and the implementation of the projects.

Mr. Deputy Speaker, Sir, I have asked this question because there is an amendment to the Water Act which is almost coming to this House through me.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, hon. Members should know that we are still in the process of implementing the Water Act, 2002. We are also putting the Water Act of 2002 in line with the current Constitution, where we have to ensure that every Kenyan gets water because it has now become a right of every Kenyan. Therefore, we are trying to put that in place. We also have eight Water Services Boards which have not provided services closer to the people because of the distances and we are studying that at the moment. I have put a task force in place to study this and see how we can narrow the gaps that exist, so that we can serve people better.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the Minister has said that the Government needs to wake up. We would be very curious to know when the Government will wake up on this matter. However, my question is---

Mrs. Ngilu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to put words in my mouth? I never used the words "wake up." I think he better uses the word that I used so that he does not misquote me.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I stand corrected. I think the words were "the Government is asleep." I thought I heard that "the Government needs to wake up."

In any case, the question here is about the framework and it is not putting money in the CDF. The question is about following the framework of the CDF. The Ministry of Roads has a nice committee that decides where the money for roads goes and we get Kshs40 million. Under her Ministry, there is no clear cut policy on the minimum each constituency should get and that is why hon. Members want to know that. Will the Ministry adopt the framework of the CDF? This is not about giving the money to the CDF, but following the CDF framework, so that we can know that the Committee the Minister will set up will be responsible for what amount of money in every constituency.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I think if the Ministry of Water and Irrigation did that, we would do disservice to very needy constituencies; that is those which are needier than others. Therefore, if on a blanket basis we say that so much money will go to each constituency, some constituencies that do not need money for water will get more than those that need the money. I think that will be the wrong policy as far as I am concerned.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. I think the Minister is misleading this House. We have the Ministry of Energy where we have the Rural Electrification Program and the money is not allocated on a blanket basis. On the concept of the CDF, it has 75 per cent distributed equally and the rest is distributed on the basis of affirming constituencies. Is the Minister in order to say that if she adapts the CDF policy, she will actually allocate money on unequal basis to every constituency? I do not want to say this, but hopefully, we will go over this in the next one-and-a-half years. Otherwise, we will be lucky because we will not deal with these issues on the Floor.

Mr. Deputy Speaker: Mr. Ogindo, what is your question?

Mr. Ogindo: Thank you, Mr. Deputy Speaker, Sir. The clarification I want to seek from the Minister is alongside the one sought by Mr. C. Kilonzo. The CDF framework is a policy of distributing funds. The Minister could choose to distribute 25 per cent equally and 75 per cent on a need be basis. The reason we want this is because in Rangwe, for example, the need for water is there and a few areas have been allocated funds. But because we do not know who is handling those funds, the impact is never seen. We have Achune, Omenda and Auchimuga dams which were supposed to be done. The dams have been pending for three years because there is no

framework for this money to reach the ground. You are aware that when money is decentralized, it is more accountable than when it is consolidated. Could the Minister come out and clarify whether “he” appreciates the need to pursue the CDF framework?

Mr. Deputy Speaker: Order! It is “she” and not “he”!

Mr. Ogindo: It is she, Mr. Deputy Speaker, Sir.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I would like to refer hon. Members to the Budget books. They should go through them. We have allocated money to every district. That money may not be as much as in the other district. It depends on where because we look at the area when we allocate resources. We may have allocated more money last year and less this year, so that we can allocate more funds to another district. I do not think hon. Members have really gone through the Vote of the Ministry of Water---

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

Mr. Deputy Speaker: Order, Mr. Ogindo!

Mrs. Ngilu: Mr. Deputy Speaker, Sir, our districts receive money directly. We have been able to post a district water officer in every district. All of them are not engineers because we do not have enough because of the number of districts we have, but for sure, we have posted district water officers. If you go through the books, you will find that money has been sent there. If you also look at the other projects that we carry out through the Water Services Boards, you will find that we have allocated resources in the constituencies. I agree that, may be, the follow up, evaluation and monitoring of the projects may not be well done, but we will ensure that, that is done.

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

Mr. Deputy Speaker: What is your point of order, Mr. Ogindo! What is not in order?

Mr. Ogindo: Mr. Deputy Speaker, Sir, is the Minister in order to avoid a simple question, which is; could she consider the CDF framework? After she has given money to the Water Services Boards, can they proceed to follow the CDF framework so that we can ensure that each and every area gets value for its money?

(Applause)

This is what we are asking for, Mr. Deputy Speaker, Sir.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, resources for water are very sensitive and you have got to check on exactly where we need to put more resources where water is concerned. It is not like roads or electricity. If you asked me today, I will tell you that I need more money for water than I need for electricity. If I get to my house and find that I have no electricity, I will be okay because I will light a candle and sleep. However, if I go home and find that I have no water, each one of us here knows that there will be an outbreak of diseases and, therefore, we will lose lives *et cetera*.

We are talking about the CDF framework. Some constituencies are not as needy as others. However, this is something that can be studied.

Mr. Deputy Speaker: Hon. Minister, let the Chair get it right. Hon. Members are not talking about how much is to be allocated where. The issue is: Could you decentralize the management of those funds so that, within the framework of the CDF, the priorities can be determined on the ground. There should be follow up to make sure that the money goes to where it is intended. That can be followed up on the ground, instead of being done from a central place. That is the point.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, that is what I said. I said that from next year, we are going to have constituency committees that we are going to allocate money. At the moment, we are allocating money to districts. You asked me whether the money could be given out under the CDF framework. If money is already being sent to the districts - and the districts are constituencies - what stops us from using that money the way the CDF is being used?

Mr. Deputy Speaker: Order! The question by the hon. Member is whether the CDF could have a certain role in the management. The framework does not mean that the CDF manages the road funds there. However, they should have a certain role; it is my presumption, in the committees. Could you give have a system that is essentially in line with that? That is the question.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I said, in my first answer that from next year, we will have constituencies water committees. Those committees will work the same way that CDF committees work. Once we send money, the committees will decide on where and how the money will be used.

Mr. Deputy Speaker, Sir, could I bring to your attention that the Front Bench has very badly torn seats which are spoiling these gentlemen's suits.

Mr. Deputy Speaker: Fair enough! The Chair has taken note of that. Indeed, the Parliamentary Service Commission will attend to it, hopefully, in the soonest time possible.

Mr. Nyamai: Mr. Deputy Speaker, Sir, I must admit that I have not received a satisfactory answer from the Minister. I believe that is why you intervened. Honestly, the Minister has tried to avoid answering questions from every hon. Member who has raised a supplementary question. If you look at Part (a) of my Question - although it was doctored and I do not know how it happened - I had asked how much the total development budget was.

With your indulgence, I was asking that so that we can be told whether it was Kshs20 billion. I know about the budget for the Ministry. If Kshs10 billion could be removed from the Ministry's budget, which is the amount we get in the CDF, each constituency would get about Kshs60 million. That can do a lot in the constituencies. When the Minister says that she is not aware or not that will change, I would like to tell her that the CDF framework was adopted because it was an effective way of reaching the grassroots, which she has talked about. In view of that, I would like to say that I am not satisfied and leave that matter at this point in time.

Mr. Deputy Speaker: Hon. Nyamai, there is no practice that says that you can leave it at that. You sought an answer and if you feel that it is inadequate---

(Mr. Nyamai interjected)

This is not a family affair! This is the business of the House; the Kenya National Assembly!

Mr. Nyamai: Thank you Mr. Deputy Speaker, Sir for the guidance. When will the Minister present the framework to this House so that we can adopt it?

Mr. Deputy Speaker: Hon. Minister, I think the concern of the hon. Member is about the water resources. They want to see that in line with the roads. The roads boards have members of the CDF committees who determine and evaluate the monetary component. This is more of how much value you are getting out of the taxpayers' money, and how much the locals can be involved in the grassroots. Is that not what your question is all about, Mr. Nyamai?

Proceed, Madam Minister. Tell us how soon you can put the framework together.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I would like to tell the hon. Member that I will sit with my technical people and see how that can be done. However, I would like to tell the hon. Member that he should not feel defeated that I have not given him the answer to the first part of his Question. If you look at the way I have answered the first part of his Question--- He sought to know how the total development budget of the Ministry was used. I have told him how it was used. He did not ask how much was used in this, that and the other. Let me also say that this is very different. If you said that under roads, we allocate a certain amount for water, we may just get water from one constituency and it flows. For instance, today, let us say we have set aside Kshs2 billion for water that comes from Masinga to Kitui. That Kshs2 billion will serve Kitui West---

Mr. Nyamai: On a point of order, Mr. Deputy Speaker, Sir. I raised the issue of how the Minister is going round this Question and trying to avoid it. Could I request that it be deferred so that she can get a satisfactory answer, given the interest that it has raised plus the points of orders? Almost every Member has said that the Minister is avoiding the Question!

Mr. Deputy Speaker: Indeed, the Chair recognizes the interest that this Question has generated. The hon. Minister has very graciously undertaken to go back and consult with her officers on how this Question can be optimally answered, both in terms of action and policy. Under the circumstances, the Chair directs that the Question be deferred to another day when the Minister will come with a comprehensive answer on the same. I have arrived at that decision given the fact that water is a very sensitive thing and water is life.

How much more time do you need, hon. Minister, to hold consultations with officers in your Ministry and come up with a comprehensive answer?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I really believe that I have done justice to this Question. I have told the hon. Member that it is different when you allocate an amount of money to each constituency, for instance, for roads and electrification. If you look at the way we allocate money to water, you will see that water could be coming from one constituency to another. Therefore, you have to decide how much you will give to that constituency. I just gave him an example of his own constituency.

Mr. Kioni: On a point of order, Mr. Deputy Speaker Sir, I thought what you did actually amounted to a ruling or a direction? What the Minister is now doing is challenging the Deputy Speaker. Is that in order?

Mr. Deputy Speaker: Indeed, the Chair has given direction on that. Hon. Minister, the Chair is conscious of the fact that even in the CDF, all constituencies do not get the same funding. There are constituencies which, based on poverty index and other issues, get as low as Kshs40 million, while others get as much as Kshs100 million. If you go back and study the HANSARD with regard to the sentiments expressed by hon. Members here, and indeed, which you have alluded to yourself, is how to create synergy, so that there is an optimum impact on the ground. That is basically what hon. Members are saying. The Chair has already given a direction. How much more time would you like? Just tell us how much more time you require. That is the only question you are required to answer now.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, honestly, I do not think I will bring a better answer than what I have given today. If I say that I am going to bring a better answer and bring the same answer, the House will think that I am not very serious with the work I am doing.

Mr. Deputy Speaker: Madam Minister, the Chair is not satisfied that you have answered this Question optimally. If you are satisfied, the Chair is not. The tradition of this House is that when this kind of ruling is given, you go back to your office and study the HANSARD to see all

the issues raised by the hon. Members, and then question your officers once more time to establish whether the Question was indeed optimally answered. In this case, the Chair is not of the opinion that the Question was optimally answered. So, just tell us how much more time you need. If you go back and find that you are stuck with the same answer, it will be up to you. So, ask for more time.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I can answer the Question tomorrow afternoon.

Mr. Deputy Speaker: Are you sure that you can come with a comprehensive answer tomorrow afternoon?

Mrs. Ngilu: Yes, Mr. Deputy Speaker, Sir. I will bring more or less the same answer.

Mr. Deputy Speaker: Minister, have you said that you will bring the same answer tomorrow? The practice and the traditions of the House are that you go back and take this House seriously. Business in this House is not transacted under dictatorship, but under democracy. When all the hon. Members assembled here raise issues, and the Chair is satisfied that those issues are valid, indeed, it is an abrogation of our trust for you to, as the Minister, stand up and say that you will come back with the same answer.

Hon. Minister, can you apologise for that one?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I apologise. As I said, I will bring the answer tomorrow afternoon.

Mr. Deputy Speaker: The Chair directs that this Question appears on the Order Paper next week, on Wednesday morning.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I will answer the Question next week.
Thank you.

(Question deferred)

Mr. Deputy Speaker: Next Order!

MOTIONS

ESTABLISHMENT OF OPINION POLLS CONTROL BOARD

THAT, appreciating that the freedom of speech and information is a fundamental right for all Kenyans as enshrined in our constitution; realizing that this right ought to be exercised with utmost care and responsibility so as not to send false alarm and thus cause social disharmony; noting that recently there have been a proliferation of polls conducted by private entities and results which may not reflect the realities of the moment; aware that the country is geared towards a General Election next year; cognizant of the fact that propaganda and misinformation are potent tools for destabilization of peace and stability especially during electioneering period; this House urges the Government to develop a framework that includes an Opinion Polls Control Board for the regulation and conduct of opinion polls that are factual and adhere to the rule of law.

(Mr. Jamlek Kamau on 11.5.2011)

Mr. Deputy Speaker: Hon. Members, the Motion under Order No.8 is deferred to Wednesday, next week, for reasons that are, in the opinion of the Chair, satisfactory. Therefore, we will move on to Order No.9.

Mr. Jamlek Irungu Kamau: Mr. Deputy Speaker, Sir, I concur with your ruling that we defer this Motion to Wednesday, next week. I understand that the Minister is not around to respond to debate. He said that he needed to be around to respond to debate on the Motion but, with your indulgence, I wish to request you that you allow the Seconder of my Motion to reply to debate next week, because I will be away on official business.

Mr. Deputy Speaker: Fair enough. Your request is accepted, and it is so directed.

(Motion deferred)

Mr. Deputy Speaker: Next Order!

ESTABLISHMENT OF A SCHEME TO ASSIST THE ELDERLY

Mr. Deputy Speaker: Hon. Members, the Chair is conscious of the fact that this Motion is directed to the Office of the Deputy Prime Minister and Ministry of Finance. The Minister for Finance has been barred from transacting business in this House but, in any case, this is a Private Member's Motion. Therefore, the Mover will move the Motion and the Motion will be debated. It is the presumption of the Chair that by the time of reply the sanctions will have been lifted. It is upon the Leader of Government Business, who has intimated to the Chair that the issues that brought about the sanctions against the Minister for Finance will have been sorted out.

So, proceed, hon. Mbadi.

Mr. Mbadi: Mr. Deputy Speaker, Sir, I thank you for that directive.

Mr. Deputy Speaker, Sir, I beg to move:-

THAT, noting that the latest National Population Census indicates that there are about 1.8 million people aged over 60 years, a majority of whom are poor and cannot support themselves; aware that Article 57(d) of the Constitution makes it a requirement that the elderly receive reasonable care and assistance from their family and state; this House urges the government to create a scheme to pay any person who is over 60 years and is not in receipt of a pension or benefit from any organization or state agency, an amount of not less than Kshs2,000 per month to enable them live in dignity and respect.

Mr. Deputy Speaker, Sir, if you look at the recent National Population Census data, you will realise that about 4 per cent of Kenyans are aged 60 years and above. This translates to about 1.4 million people if you apply this percentage to the population of 38 million. A good number of the senior citizens of this country who are aged 60 years and above are people who have exhausted their productive potential. These are people who were very useful at their formative years. They were very useful in building the economy of this country. God has blessed them with many years, but they cannot continue to sustain themselves.

Any country that is responsible, and which cares for her citizens, would not leave her senior citizens to languish in poverty and suffering. It is, therefore, important for us, as a country, to consider these elderly people and give them reasonable care. The Constitution now makes it mandatory for the State and the society to care for these individuals.

Mr. Speaker, Sir, some hon. Members have raised concern about the proposal to pay them Kshs2,000 per month. Probably, this is less than the minimum amount that one requires to lead a reasonable life, but the Constitution talks about the elderly receiving reasonable care and assistance, not only from the State but also from their families. Therefore, my Motion does not seek to transfer the entire responsibility of caring for the elderly to the State. I am cognizant of the fact that we are living in an African society, which has its own values pertaining to the way we care for the elderly. Therefore, my Motion seeks to spread the responsibility between the State and the families of the elderly Kenyans.

Mr. Deputy Speaker, Sir, there is a standard unbelievable figure of 1US\$ per day which is the bare minimum that one should live on, although it has become unrealistic in our circumstances. If we did not have the current skyrocketing of inflation, then one could reasonably argue that if you give an elderly person, at least 1US\$ per day, he could live, not comfortably but reasonably. The Kshs2, 000 per month translates to about Kshs65 per day which is below 1US\$. The difference should be left to the families of the elderly people to subsidize, so that this responsibility is shared.

It should be noted that, currently, the Government has initiated a pilot programme and picked 44 districts, but the criteria it used is not known. These 44 districts are piloting cash transfers of Kshs1, 500 per elderly person per month. Even among the 44 districts, the elderly are not entirely covered. You will find that in one district, only one location is covered. My argument, which I want this House to support, is that even though your district may not be picked, that does not mean that in that district there are no poor elderly people. Therefore, the Government should devise a scheme which it will use to support all the elderly persons in this country who cannot afford to meet their expenses, regardless of where they come from. I am very careful and I have excluded from this bracket any individual who is in receipt of pension or any other support from the Government. Therefore, I am urging this House to approve this Motion. I hope that once this Motion is approved, the Government will move with speed to put in place this scheme, so that the elderly persons can receive reasonable care.

Mr. Deputy Speaker, Sir, when we visit our constituencies, this question comes up often from the elderly persons. Some feel discriminated against. For instance, in my constituency, only one location is covered and only 398 elderly persons are receiving cash transfer. The other locations feel discriminated against and do not understand why there is this discrepancy. Some even think that it was their Member of Parliament who decided that others should receive the cash transfer and others are supposed to be left out. If this Motion is approved and the Government implements the prayer in it fully, then this problem will be eliminated.

If we manage to contain the current inflation and give the elderly persons Kshs2, 000 each, I have no doubt that we are going to improve the standards of living for a good section of the citizens of this country. It is my prayer and wish that my colleagues are going to find favour with this Motion and support it in its entirety, so that the Government can implement this programme, which I believe, is a noble one.

With those remarks, I beg to move. I want to request my friend and colleague from Lari, hon. Njuguna, to second the Motion.

Mr. Njuguna: Mr. Deputy Speaker, Sir, I take the opportunity to thank the Mover of this Motion. I want to indicate that this Motion is very timely and legitimate. It is a Motion that should have come to this House many decades ago.

You will realize that there are many elderly people in this country who are uncared for. We have families which are not able to care for their aged ones and even the neighbours are not

able to extend any generosity to the elderly persons in the society. Our churches have already exhausted their resources in terms of supporting the aged in the society. Our Government has not taken a decisive action to address the plight of the old people in the society. This Motion, therefore, calls for a drastic change to address the plight of the elderly persons in this society. You note that there are more than 2 million Kenyans in the society who are very vulnerable and poor. We need to do something about them. You also note that life expectancy has gone down tremendously. Our people are passing on at the age of 45 years and we need to improve on this.

Mr. Deputy Speaker, Sir, when you consider the diseases that affect the elderly in our society against the high cost of medicine, you start wondering how the Government cares for its people. Lack of food is another issue that is affecting the elderly in our society. Currently, we have a high inflation rate and the cost of food prices has gone up. Water does not reach the old people. Insecurity is also being felt by the old in this society. Decent shelter for these people is also not realized. The elderly have resorted to engaging in evil activities in our society. If you look at our streets in Nairobi, you will find the elderly persons begging for food. This very important segment of our society must be given attention and financial support, so that they can survive through their twilight years. This is the time that the Government must rise to the occasion to address some of these concerns.

The Catholic Church has done very well. It has constructed the *Nyumba ya Wazee* where the late Cardinal Otunga retired. He was treated very well. He had food, peace and even interacted with other elderly persons in the society. Therefore, the older people in this society must be given maximum support by our Government, so that we can lengthen life expectancy. In countries where elderly persons are considered, like in Norway, Japan, France and China, they live up to their 80s and 90s, but in our country, we are only talking about between 45 and 50 years. Therefore, a monthly allowance of Kshs2, 000 is peanuts. It is a small amount of money. I suggest that more money be set aside to cater for the elderly in our society.

Mr. Deputy Speaker, Sir, it is important to note the great role that was played by the *Mau Mau* veterans who we see during national days dressed indecently and underfed. These are the people we should be celebrating. If these people are given this small amount in the villages, their lives and health would improve tremendously. You will also remember that we passed a Motion in this House to address the concern of the freedom fighters. Therefore, I appeal to His Excellency the President to assent to this Motion so that when these people retire, although aged, they can also get some land. This is a very important Motion and I fully support it.

(Question proposed)

Mr. Chanzu: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion. I want to congratulate the Mover of this Motion, Mr. Mbadi, because the Motion should have been in place. What the hon. Member asks for in this Motion is actually the responsibility of the Government. The Government should take care of its citizens, whether they are elderly, young or those in employment.

Mr. Deputy Speaker, Sir, the reason for the high number of people without livelihoods in this country is failure on the part of the Government to create employment opportunities. The reason why the Mover of this Motion has excluded those who are on pension is because the people being addressed in this Motion have never been in formal employment. If they were working, they would have had some savings in some contributory schemes, pension and so on,

but they do not have. To avoid segregation, this Motion is very important, so that the Government takes care of its citizens.

We have seen a number of programmes that the Government initiates, where we budget and allow money to be spent in this House. However, through information that has filtered back, there is a lot of wastage in Government spending. It has been said that out of the almost Kshs1 trillion that was budgeted for in this Financial Year, the wastage was expected to be about Kshs275 billion. If there was care and prudence on the part of the Government on the way they spend money, there would be enough money to be saved. The budget that we are talking about for the financing of this, assuming that there are about 600,000 people is about Kshs1.2 billion. It is because of this that it is very urgent that the Government considers allowing this Motion to go through and then sets aside this money, so that it can cater for the elderly. In fact, I would have liked a situation where the Government also takes care of those who are unemployed, like it happens in other countries, as it was alluded to by one of my colleagues who spoke earlier on. The Government should take care of the unemployed people, because it is its responsibility to create employment opportunities for its citizen and where it has failed, it should be able to take care of its citizens.

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

The Minister for Gender, Children and Social Development (Dr. Shaban): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to also contribute to this Motion. I wish that the hon. Member who came up with this idea could have sat down with the implementing Ministries. The truth is that the Government already has a policy on older persons and it is implementing it. Unfortunately, the funds which are available are not enough to cover the whole country. The Kshs1,500 is not cast in stone but it is money which will be scaled up. We do appreciate that although the Kshs1,500 can help the elderly persons a little, it has not been able to cover most of their expenses. We intend, as the Government, to cover the whole country, because this scheme is supposed to be universal. Considering the fact that several other programmes are in place, including the Orphaned and Vulnerable Children (OVC) programme, which cover over 115 districts in our country, and which started with very few districts--- In fact, it started from just a few households but it has grown now and we cover very many beneficiaries. Although the OVC programme just covers a few beneficiaries, one of the criteria used in identifying and targeting the beneficiaries is the issue of having an older person in the family. This is because most of these OVC are being taken care of by their grandparents.

Mr. Deputy Speaker, Sir, I appreciate the frustration of hon. Members hoping that the whole country should have been covered – and that is the intention of the Government – but unfortunately, we have to bear with the Treasury where the funds come from. We have been asking for the scaling up of the funds and we hope that in the next financial year, a little more money will be added. In fact, we have asked for the money to be doubled from the Kshs530 million that they have given us to slightly over Kshs1 billion. The hon. Member who has brought this Motion, has added something else. He has gone down to the age. We have been dealing with 65 years and above, but he has increased the bracket of the age group to cover the 60 year olds.

Some funds have also been availed for the disabled persons. Again, priority is also given to the elderly persons. I do appreciate and understand that the 44 districts which are covered do not cover the whole country. We should be able to add some people in that safety net in the next financial year.

Mr. Deputy Speaker, Sir, on the problems that we had in 2008 and having increased the number of Ministries that we have in this country, it means that most of the money from the

Treasury had to be spread across very many Ministries. I appreciate that the Ministry of Gender, Children and Social Development is supposed to be given way above what we are being given, but we got slightly less than one percent of the Budget. I appreciate the hon. Members' frustrations. We will appreciate the increment so that we can cover a bit more. We hope to go to Kshs2,000 and even beyond when we cover most of the country.

Mr. Deputy Speaker, Sir, I wish to encourage hon. Members to bear with us so that we can be able to work together to cover the whole country. The Government means well. It wants to cover its people. It is only that financially you cannot give out what is not there. So, I beg my colleagues to bear with us and to work with us towards making sure that this goal is achieved.

I beg to support.

Mr. Mwakulegwa: Ahsante Bw. Naibu wa Spika. Naomba kuunga mkono hoja hii ambayo kupitishwa kwake kutasaidia watu walio na umri wa miaka sitini na zaidi. Watu hawa hupatwa na magonjwa, hukosa chakula, na hawaangaliwi na jamii zao.

Huduma za matibabu zimeangamia na kwa hivyo wazee wanapata taabu. Tunaomba Serikali iwapatie msaada huu hawa watu 1.8 milioni. Hawa wazee walizalisha uchumi wa nchi wakiwa na umri mdogo. Sote tutafika umri huo wa miaka 60 na zaidi. Ukifikisha umri huo, usifikirie kwamba umeachwa uende kaburini. Serikali, kuambatana na Katiba mpya, ina jukumu la kuhakikisha kwamba wale wazee wameangaliwa hasa kiafya kwa sababu hali ya matibabu imedidimia mno.

Wazee wakipewa pesa hizi, wataweza kujilisha na kujigharamia kimatibabu na kwa hivyo siku zao humu duniani kuongezeka. Vile vile, tunaomba Serikali kwamba itakapongeza pesa hizo ibuni pesa za kusaidia wazee ambao wana nguvu na uwezo wa kuchukuwa mikopo ili waweze kuendeleza shughuli kama vile kilimo. Wengi wa hawa wazee hurudi mashambani kuendeleza kilimo. Kwa sababu ya msingi wa umri, utapata kwamba mikopo haipeanwi watu walio na umri wa miaka 60 ama 65. Kama kungekuwepo na kiwango cha pesa kilichotengewa hawa wazee walioko mashambani, basi wangeweza kuzalisha mali na kujimudu kifedha.

Bw. Naibu wa Spika, sisi hupata shida kule mashinani tunapoulizwa maswali kwa nini Serikali iliamua kwamba katika kila eneo bunge kupeanwe hela katika lokesheni moja. Zikipeanwa katika lokesheni moja katika eneo bunge, sisi wengine tunaonekana ni kama tunapendelea maeneo yetu. Ikiwa kwa bahati mbaya ni lokesheni unayotoka wewe, basi inaonekana wewe ndiwe uliamua watu hawa wasaidiwe kwa sababu wanatoka kwako. Tunaomba katika bajeti ijayo, kiasi cha fedha kiongezwe na zipeanwe wilaya zote ili sisi tusiwe katika hatari ya kuambiwa kwamba tumechagua. Kama sivyo, kila mbunge atakuwa anaulizwa katika kila mkutano na wazee ambao ni baba zake. Kila mara inatubidi kuwaambia kwamba hela zitaongezwa. Tunaomba Waziri anayehusika azingatie hili katika bajeti yake na hela ziongezwe. Hivyo, wazee watapata malipo hayo ili wanapoishi duniani wakingojea siku zao za mwisho wawe na afueni. Waweze kucheka mpaka siku ya mwisho.

Katika hizi kaunti 47 ambazo tumebuni, ingekuwa vizuri ikiwa tungewajengea majumba. Hivyo, wazee ambao hawana watu wa kuwalinda kama vile wajukuu ama watoto wao wapate chakula na matibabu. Kwa sasa utapata mzee hana chakula wala mtu wa kumwangelia ama kumsalimia. Kwa hivyo tunaomba Wizara inayohusika ifanye hivyo.

Naunga mkono.

Mr. Namwamba: Bw. Naibu wa Spika, shukrani kunipa nafasi kuchangia Hoja hii. Ningependa kuanza kwa kumshukuru mhe. John Mbadi kwa kupendekeza hoja hii muhimu sana. Naunga mkono hoja hii kwa dhati.

Ifahamike kuwa Hoja hii inaenda sambaba na inaunga mkono kipengee 57(d) cha Katiba. Kipengee hicho kinaeleza kinaga ubaga kwamba ni jukumu la familia na Serikali kuhakikisha kuwa inatazama na kushughulikia vilivyo maslahi ya wazee wenye umri wa miaka zaidi ya 60 wanaoishi kati yetu. Kwa hivyo, hata tunapojadili suala hili na kuzingatia mbinu jinsi tutashughulikia maslahi ya wazee, tujue kwamba ni suala la kikatiba na ni jukumu la Serikali kuhakikisha kwamba haki hiyo iliyomo ndani ya Katiba inatimizwa kwa niaba ya wananchi hawa.

Bw. Naibu wa Spika, ni vema na bora Bunge hili lijue kuwa kwa sababu ya janga la Ukimwi wazee wengi katika jamii yetu leo hii wamegeuka kuwa wazazi na wanashughulikia maslahi ya mayatima wengi. Kuna familia nyingi sana kote nchini ambako wazee wa umri huu ndio wanawakuza mayatima ambao ni wajukuu wao. Ikiwa Serikali itachukuwa hatua hii na kuhakikisha kwamba inaangalia maslahi ya wazee hawa, vile vile msaada huo utawafikia watoto wengi sana ambao wanashughulikiwa na wazee hawa kama wazazi.

Hali ya maisha hapa nchini imedorora sana. Jinsi tunavyofahamu wiki iliyopita Bunge hili lilizungumzia suala la gharama ya maisha. Ni suala nyeti na ambalo Serikali haina budi kulishughulikia. Mzigo huu wa gharama ya maisha ni mzito zaidi kwa wananchi wenye umri huu mkubwa. Hawa ni wananchi ambao hawajawahi kupata nafasi ya kuhudumu katika nyadhifa zozote ili kuweza kupata mapato na malipo ya uzeeni. Wanapoendelea kuzeeka, ndivyo uwezo wao wa kujimudu maishani unavyoendelea kupunguka.

Kwa hivyo ni muhimu Bunge hili lisisitize hatua hii. Baada ya Hoja hii kupitishwa ni muhimu Serikali ihakikishe kwamba mpango huu unatekelezwa bila kuchelewa. Ningependa kuihimiza Serikali hata tunapojadili Hoja hii kwamba hoja kama hizi zinapitishwa ni bora Serikali ichukuwe hatua mufti kuhakikisha kwamba mipangilio kama hii inatekelezwa.

Mwezi ujao, Bunge hili litajadili Bajeti ya mwaka huu yaani makadirio ya pesa ya 2011/2012. Ningependa kumhimiza Waziri wa Fedha kwamba anapokamilisha Bajeti yake, kwa sababu Hoja hii ninayo imani tutaipitisha asubuhi ya leo, aweke mpangilio huu katika Bajeti ili wananchi hawa waweze kuona matunda ya Hoja hii pindi tu Bajeti ya mwaka huu itakaposomwa na kupitishwa na Bunge hili.

Bw. Naibu Spika, mwisho, naona kuwa imependekezwa hapa kuwa wazee watakaonufaika na mpango huu ni wazee ambao hawapati malipo ya uzeeni. Lakini ni bora Bunge hili pia lifahamu kuwa hata wale wanaopata malipo haya ya uzeeni, wanashida nyingi sana. Hii ni kwa sababu malipo wanayoyapata ni duni sana.

Hivi karibuni nimekuwa na mazungumzo na walimu waliostaafu kabla ya 1970. Wao hupata malipo ya uzeeni takriban kati ya Kshs2,000 na Kshs3,000 kwa mwezi. Ni vigumu sana kwa mzee kama huyo ambaye anagharamia familia yake kuweza kujimudu. Kwa hivyo, ni muhimu pia Serikali ibuni mbinu maalum za kuweza kushughulikia wazee hawa hata kama wanapata marupurupu ya uzeeni. Hebu tuwafikiri ili wafaidike kama wazee wengine.

Bw. Naibu Spika, Hoja hii ni muhimu. Ninalihimiza Bunge hili kuipitisha ili Serikali yetu iweze kuitekeleza kwa haraka iwezekanavyo.

Kwa hayo machache, ninaunga mkono

The Minister of State for Defence (Mr. Haji): Asante sana, Bw. Naibu Spika kwa kunipa nafasi hii. Kwanza, ninaunga mkono Hoja hii. Serikali yetu imefanya mipango mingi ya kuwasaidia wazee katika sehemu nyingine hapa nchi. Hata hivyo, watu wa Mkoa wa Kaskazini Mashariki hawafaidiki kutokana na msaada huu. Mwenzangu hapa amesema kuna lokesheni kadha ambako wazee wanapata msaada kutoka kwa Serikali. Lokesheni za Mkoa wa Kaskazini

Mashariki hazipati msaada huu. Kwa hivyo, itakuwa ni vizuri kwa Serikali kushughulikia umaskini ambao umekithiri sana katika nchi hii.

Kama tunavyojua, mara nyingi Serikali hutumia pesa nyingi kuwanunuliwa watu chakula katika sehemu kame za nchi hii. Msaada huu huwa ni mahindi na maharagwe. Msaada huu hausaidii sana watoto na wazee. Hii ni kwa sababu watu hawa watahitaji vyakula vingine mbali na mahindi na maharagwe ili waimarishe afya yao. Wafugaji wengi wamezoea kula nyama na kunywa maziwa.

Hoja hii inapendekeza wazee wasiojiweza wahudumie vizuri. Hii ni kwa sababu utamadumi wa Kiafrika wa kuwasaidia wanyonge na jirani wetu ambao wana shida nyingi, hauzingatiwi tena. Siku hizi watu wengi hawasaidii maskini, mayatima na wajane kwa sababu wao pia wana shida zinazotokana na hali ngumu ya maisha.

Bw. Naibu Spika, Jumamosi iliyopita nilizuru Kamukunji Constituency, mtaa wa Bahati. Niliona vijana wengi ambao hawana kazi. Niliona uchungu kuona vijana hawa wamepanda mboga au sukumawiki katika magunia yaliojaa mchanga. Watu wetu wanatafuta kila njia ya kuweza kujisaidia. Wanapanda mimea ya kila aina ili waweze kupata riziki yao ya kila siku.

Watu wengi ambao wangependa kuwasaidia jamii yao hawawezi. Hii ni kwa sababu pia wao wana shida zinazotokana na hali ngumu ya uchumi. Hali ya maisha imekuwa ngumu sana, hasa kutokana na upungufu wa mvua. Mifugo yetu imeangamia kwa sababu hakuna malisho ya kutosha. Ikiwa hali itaendelea hivi kufikia mwisho wa mwezi wa Juni, basi umaskini utaongezeka maradufu.

Ninaiomba Serikali ifanye lolote kuhakikisha ya kwamba wazee miongoni mwetu ambao hawapati riziki ya kila siku wamepewa pesa hizi. Tukifanya hivyo, basi wazee wetu watafaidika.

Kwa hayo machache, ninaunga mkono Hoja hii.

Ms. Leshomo: Asante sana, Bw. Naibu Spika kwa kunipa nafasi hii ili niseme machache juu ya Hoja hii. Ninamshukuru Mbunge ambaye ameleta Hoja hii katika Bunge hili. Hii ni kwa sababu wazee wengi wana shida nyingi sana.

Ikiwa tutaipitisha Hoja hii, wazee wengi kule mashinani watafaidika. Tumeelezwa kuwa kuna wazee katika nchi hii ambao wamekuwa wakipata msaada huo. Msaada huo umeleta shida kwa viongozi wengi. Wazee wetu ambao hawapati pesa hizi wanadhani sisi hatuwatetei. Ninaunga mkono Hoja hii kwa sababu wazee wengi watafaidika kutokana na pesa hizi. Ninataka pia akina mama wazee nao pia wasaidiwe kwa sababu wana shida nyingi.

Pesa hizi zitawasaidia wazee wote katika nchi hii. Iwapo tutaipitisha Hoja hii, ninaiomba Serikali kuitekeleza mara moja. Wazee wa kutoka sehemu kame wanahitaji maziwa na nyama. Mahindi na maharagwe ni ngumu kwao kutafuna kwa sababu hawana meno.

Bw. Naibu Spika, wazee wengi kutoka wilaya yetu wamehamia mjini ili wapate msaada kutoka kwa Kanisa la Katoliki. Jumamosi na Jumanne, zaidi ya wazee 400 hungoja chakula cha msaada kutoka kwa kanisa hili. Hii ni kwa sababu kuna umaskini mwingi katika taifa letu. Vijana wengi ambao wangewasaidia wazee hawa hawana kazi na mifugo yetu imekufa kutokana na ukame.

Bw. Naibu Spika, mimi ni kama shirika la kusaidia watu wasiojiweza kwa sababu hulisha zaidi ya wazee 250. Watu hawa ni maskini sana. Ninajua pia waheshimiwa Wabunge wengi hapa wanawasaidia watu wengi sana. Kwa hivyo, ni lazima tuiptishe Hoja hii ili wazee wetu wafaidike.

Kwa hayo machache, ninaunga mkono Hoja hii.

Mr. James Maina Kamau: Mr. Deputy Speaker, Sir, I would like to thank the Mover of this Motion because it is timely and very important. We have people in this country who have

been suffering for a long time. However, the Government has taken a long time to recognize these people. These people are our grandfathers, fathers and uncles. Most of them, are Mau Mau veterans. These are people who fought for the Independence of this country and wasted their time in the concentration camps. When they came back, they did not get their land. They did not go to schools, therefore, they were unable to get any employment. As such, they are languishing in the villages with nothing to eat.

Mr. Deputy Speaker, Sir, I would like to support this Motion because it will help our people age gracefully. If you visit other countries like America and Britain, somebody who is 70 years old looks like a 40 year old. This is because their governments have taken care of him. He lives comfortably. He is able to dress properly, access clean water and medicine, among other basic necessities.

However, in this country, whenever you go to the villages, the question that people ask you is: “What the Government is doing to make sure that 65 year-old can get something?” There was the Kshs1,500 that was supposed to be paid to the old people, but I am surprised that it is only going to 44 districts. I wish the Minister could tell us the 44 districts. Kandara, where I come from, is not one of them. My neighbouring districts of Gatanga, Kigumo, Maragua and Kangema are also missing. So, I am wondering which are the 44 districts that the Government is talking about because that money is nowhere near where I come from.

Mr. Deputy Speaker, Sir, it is actually an obligation of the Government to take care of citizens aged over 60. There are no two ways about it. We would all love to see our fathers and grandfathers living beyond 80 years old. That is what happens in other countries. But our people are dying so early. A person who is 40 years old looks like he is 90 years old because there is nothing to eat. I have done my research especially in Kandara. I have found out that if people are fed properly, they can live up to 90 years old. They lack food. They cannot even wash themselves. They cannot even buy a bar of soap because of poverty. Those people look very funny. They look like they have been forgotten and it is high time that the Government takes care of them. It is the responsibility of the Government to take care of those people.

Mr. Deputy Speaker, Sir, you might think that Kshs2,000 is very little money. But with Kshs2,000 in the village, a family can be able to survive. One can buy food and soap. It is enough. So, I urge the Government to make sure that the money is given out immediately, so that our people can stop dying early.

Mr. Deputy Speaker, Sir, we know for sure that some Ministries are doing all they can. We have heard the Minister say that Ministries are doing something to make sure that the money is given out. This Motion is directed to the Office of the Deputy Prime Minister and Ministry of Finance, because it is the source of money. So, the Minister should stop getting worried as to where the money goes. When you direct this issue to the Office of the Deputy Prime Minister and Ministry of Finance, we know that is where most of the Government funds are distributed from. So, it is in the right place and when the Deputy Prime Minister and Minister for Finance come to respond, he will tell us exactly how that money is going to be found.

Mr. Deputy Speaker, Sir, I would also like to say that when we pass our Budget, any Member of Parliament in this House who fails to recognize the importance of this Motion has no business being in this House. We all come from different rural areas and we know what people go through. So, I urge every Member of Parliament in this House to pass this Motion so that our people out there can start enjoying.

With those few remarks, I beg to support.

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar):

Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute in support of this Motion. I support the Motion because it has a few things that will sort out the current situation.

First, it is true that our elderly people are the poorest because we are in a society that is transiting from the old system to the new system. For many years, we have believed, as Africans and Kenyans, in taking care of the elderly. But with white collar jobs, it has not been possible for the elderly to receive any support from their children, leave alone their grandchildren. They cannot go back to take care of them like in the past. So, at this time, it is very important for the Government to take very serious recognition of the facts before us and actually contribute to the welfare of our elderly. So, I support this Motion. I also support that the elderly people in Kenya must be taken care of.

Mr. Deputy Speaker, Sir, I have a few questions about the current situation. Currently, we are aware that the Ministry of Gender, Children and Social Development is handling those who are 65 years and above. It is only handling the elderly in 44 districts. In those districts, they are only handling the elderly in one location each. So, when I look at this Motion, I see that we are being a bit ambitious when we talk about 60 years and yet, for those who are 65 year old, we have not been able to cover the country. My biggest question has always been how the 44 districts were chosen. I think they were chosen arbitrarily and we do not know whether the poverty index was used. As the hon. Member for Ijara has said, Ijara and Turkana are not covered. Then, who is covered? Those are areas where the poverty index is very high?

Mr. Deputy Speaker, Sir, I would therefore like to suggest something that is very radical. Currently, we are handling 44 districts with Kshs1,500 being given to the elderly in each sub-location. My own suggestion is that because we will not be able to pay any arrears to the elderly, we can reduce the amount to Kshs1,000 and spread it out and cover everybody. For that reason, I would like to suggest an amendment to the Motion that, instead of going for 60 year olds, let us go back to the proposal by the Ministry and pay whoever is 65 years old and above. That way, we may be able to make it practical.

Mr. Deputy Speaker, Sir, there has been unfairness. The elderly people in Eldoret East have been asking me where the money went to, because when the money came to this House through the Budget, many of us talked about it very passionately. We said it is time the elderly people of this country enjoyed the tax that they have contributed since their youth. They have contributed through their shoes, sugar, salt and anything that they are bought and yet, some of them have not had children who have enjoyed free education both in primary and university. They have not enjoyed anything. So, at that time, we talked very passionately and we said that we would like those 65 year olds to enjoy the money. So, it is very important to do that because they are asking us every day. I am saying that, out of that discussion during budget time, everybody was asking about the money. In my constituency, there are many people who are over 65 year old, leave alone 60 years.

Mr. Deputy Speaker, Sir, so, in my proposed amendment, we should talk about 60 years and above and actually look at the figure. I would like a response at one time before this Motion is passed because I believe it is going to be passed. I would like a response from the Ministry of Gender, Children and Social Development. The Ministry should indicate to us what it entails, so that we do not do something that is not practical. We do not want to pass Motions that are not implemented, although the Implementation Committee is at hand to actually help us. My proposal is that if it is not possible to implement Kshs1,500 for over 65 year olds throughout the country, we implement a Kshs1,000 figure throughout the country. I would probably say it is

better to stop giving 44 districts or locations until everybody is taken care of, unless we are assured that we are going to give arrears to the elders who have not received any money. They are all Kenyans. All of them have the same needs and backgrounds. It is so unfair to keep on talking of the elderly receiving money and yet, we know those who are receiving are in only 44 locations and not even 44 districts. So, I would rather we stopped it and started to rethink. I would challenge the Ministry to come up with a very clear policy on the elderly, and how we are going to implement Article 57(d) in a holistic manner. Maybe, as we are passing our Motions, the Ministry is also looking at issues on how to implement this. So, we would like to have, in addition to what we are passing today in the Motion, a clear policy from the Ministry on how to take care of everybody. But I do not support a system that supports a few Kenyans and not everybody. This is a right to Kenyans. We have passed a new Constitution and all elders must receive the money. So, if it means reducing the amount, let us do so to cover everybody. If it means increasing the age bracket, let us do so. But it will not be fair for us to continue saying that we are giving out that allowance and yet, we are giving to a selected few.

Finally, I also think there is need to put a date in this Motion when this will be effective. When are we going to effect it? I would also like to suggest an amendment to say that the effective date “will be with effective from 1st July” so that we ensure that all Kenyans receive that allowance---

Mr. Deputy Speaker: Order! Order!

The Assistant Minister for Environment and Mineral Resources (Prof. Kamar): Mr. Deputy Speaker, I beg to support.

Mr. Deputy Speaker: Madaam Assistant Minister, when you want to move an amendment, you go through a process. You move an amendment; you do not just contribute and say “let us amend this”.

Anyway! Mrs. Odhiambo-Mabona, please, proceed!

Mrs. Odhiambo-Mabona: Thank you Mr. Deputy Speaker, Sir, for giving me his opportunity. I want to support this Motion and congratulate Mr. Mbadi for bringing it.

Even as I support the Motion, I want to challenge the Committee on Implementation that it is time we took stock of the Motions that have been passed by this House, and find out how many have been implemented by the Government. We do not pass Motions in vain. My worry is that from the trend, we appear to be passing them in vain. I do not see any Motion that has been passed by this House that has been implemented. So, I would want to encourage the chairman of the Committee on Implementation to give us a report on what the position is in implementing Motions that we have passed in this House.

Mr. Deputy Speaker, Sir, again, in supporting this Motion, I would want to note that one time I described myself as a young person, because I was below 35 years. I do not know when I ceased being 35 years, because it catches you unaware. Because of that as hon. Members, we must always be aware that one day you are 35 years, and you do not know how soon you hit 70 years of age. We must be mindful not only of the older people we seek to assist--- When we chest thump and keep on saying we are the young generation, we will not notice it when we will suddenly turn 70 years old.

I would want to say that the good Lord knew why we needed the wisdom of the old and vibrancy of the youth. We have very often seen that sometimes in our vibrancy as the younger generation or the youth, we overdo things. However, the older persons bring a sanitizing effect to our actions. That, therefore, means whether it is in leadership other facets of life, we need both the young and the old. So let us not think that, for instance, in matters of leadership, we only

need the younger people. We have been showing very evidently that, as young people, we also need some amount moderation. I want to thank the Minister for agreeing with me very spiritedly.

Mr. Deputy Speaker, Sir, I want to say that I am happy that Members of the Back Bench are very cognizant of what the provisions of the Constitution are. We should ensure the effective implementation of the Constitution. This is because if you look at the Constitution, this Motion is a response to Article 43 on Economic and Social Rights. It provides that every person has the right to the highest sustainable standard of health, accessible and adequate housing and sanitation, to be free from hunger, clean and safe water, social security and education. To me, this specifically answers the issue in Article 43(1)(e), which is the right to social security.

I would like to encourage the Minister that it should not just stop with the protection of older persons. We need a more comprehensive social protection policy and law. I want to laud Dr. Joyce Laboso, who has drafted a comprehensive Bill on social protection, which covers not just older persons but all vulnerable and poor persons. She has done this with the support of the Parliamentary Caucus on Children and the Kenya Women Parliamentary Caucus.

Mr. Deputy Speaker, Sir, I would like to indicate that this Motion is also in response to Article 57 of the Constitution, that acknowledges that we have older members of the society who need special protection. This is not only because they are old and are no longer able to take care of themselves, but also because of the HIV/AIDS; many of the older persons take care of young children. They take care of child-headed households. About three years ago, when I had not joined Parliament, one of the research that was done by Swedish International Development Agency (SIDA) showed that in Siaya District alone there were 5,000 child-headed households, meaning that there were no fathers and mothers. Children took care of children. There are also households that are taken care of by older members of the society. We need to take care of them so that they are able to take care of our children.

One of the things a social protection policy acknowledges, even under the law, is that we shall progressively realize these rights. Therefore, we should not be discouraged. From what I heard Prof. Kamar say, we should reduce the age so that we cover a few more old people. Even if we put the age at 60 years, so long as there is commitment towards progressive realization of the objective, it is okay. For me, the challenge is that we need to provide a definition of who an older person is. Is he aged 60 years or 50 years?

Finally, I would want to say that there is need for information on the pilot project on older persons. Many people, even from the debate we receive from hon. Members, in their constituencies are challenged. They are saying, "We can hear neighbouring constituencies receiving money for older persons. We can hear a neighbouring village getting this money. We can hear a neighbouring estate getting. What about us? How come we are not receiving it?"

I am challenging the Minister for Gender, Children and Social Development that they need to explain the criteria that they used in identifying older persons in specific areas, and that in future that process will need to be inclusive of Parliament and the public, because it is a constitutional requirement.

With those few remarks, I support.

(Mr. Kigen stood up in his place)

Mr. Deputy Speaker: Mr. Kigen, why are you hesitating? Do you want to contribute or not? The Chair noticed you rising! This time again, you are taking a very long time to rise.

Proceed, Mr. Kigen!

Mr. Kigen: Mr. Deputy Speaker, Sir, thank you for noticing me. I was going to persist until you noticed me. I am so grateful that you finally saw me and gave me this chance.

I stand to support this Motion by Mr. Mbadi. This Motion is quite timely and very important to the people of this country, particularly the elderly. These are the people who have served us and brought this country to where it is. At the time of their retirement, we are left benefiting from their contribution in many ways.

The cash transfer of Kshs1,500, which was introduced by the Government to assist the elderly in the various areas of this country has already been received with a lot of positivity by the people. In fact, it has turned out to be a bone of contention between the elected leaders and the people. Wherever we go, the first question the elders want to discuss with you is about this cash transfer which the Government accepted to give to the elderly to assist them provide for themselves.

[Mr. Deputy Speaker left the Chair]

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

Madam Temporary Deputy Speaker, this money has not reached many districts in this country. It is something that is just heard by people; they do not know about it and they have not touched it. It is important that the way this fund is distributed is looked into more objectively to avoid speculation or granting of favour to certain people at the expense of others.

It is also gratifying that the Constitution has captured this particular component of providing for the elderly. It is so important that we ensure that this money is made available by the Government, so that the elderly, who are about 1.4 million – they are not many--- However, when you consider what they have done for this country, and what they mean to us, this amount of money should be made available the soonest possible.

We have been told in this House that these elderly people have now turned to be the guardians of many children left behind by younger people affected by the HIV/AIDS scourge. Because of their age and decrease in their productivity, they are unable to provide for these children. This Motion addresses a very serious issue. What is of concern to me is the amount that we have proposed to give to the elderly people.

Considering the fact that the rate at which our inflation rises, Kshs2,000 is a drop in the ocean in their lives. Although it is a positive gesture, I would propose that this amount be increased. I wish this amount could be about Kshs5,000 and the age bracket raised to 65 years for the time being until we are satisfied that we have covered that age bracket countrywide. However, to talk about 60 years of age is talking about a larger number of people. Like it has been proposed elsewhere, it would have been more realistic if we addressed the age bracket of 65 years and above and increased this figure.

If you look at what happens in other countries, you will find that developed countries including some countries that care for their people know that people's productivity goes down at the age of 60 and above. In our case, we are looking at those who may not be lucky to have been employed and have been relying on their efforts. If you look at these people, you will find that they start deteriorating or are attacked by diseases more often than not than the younger people because their resistance even to diseases has gone down. So, if this Motion could have accommodated an aspect of introducing a medical scheme to go along with the provision of the

Kshs5,000, which I propose, it would have a greater impact on the lives of the citizens. Otherwise, this small number of people have also made their younger children – the ones who are employed and happen to be the breadwinners of their homes – channel their efforts to sustain and assist these people. So, it is important that the Government provides for this facility immediately considering the fact that for a long time, we have not looked at these people. It is a heavy burden to their community.

Madam Temporary Deputy Speaker, with those many remarks, I beg to support this Motion and wish that it was implemented yesterday.

Mr. Twaha: Thank you, Madam Temporary Deputy Speaker. I rise to support the Motion and many of the things that my colleagues have said. I want to add that when the Bill is being drafted, we should keep in mind inflation. Let us use the sum of Kshs2,000 or whatever figure we decide on as a base and then link it to the consumer price index so that every year, it is adjusted according to the inflation rate. Otherwise, the Kshs2,000 will quickly be eroded and become a meaningless gesture and not a meaningful help. I remember just a few months ago, I bought a bundle of *unga* for Kshs850, but yesterday, it was Kshs1,350. So, that is a huge jump for someone on Kshs2,000.

I propose that all pensions in the country and all the payments to old people be linked to the consumer price index. I know some elderly fellows who contributed in the 1960s, 1970s and in the 1980s, thinking that a sum of Kshs3,000 or Kshs10,000 pension will be a huge sum of money. Today, we know that, that is very little money compared to the value of what they contributed and they are suffering as a result of this.

I would like to urge the Minister that when they draft the Bill, whatever sum they decide upon must be linked to the consumer price index.

Thank you, Madam Temporary Deputy Speaker.

Mr. Letimalo: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. At the outset, I want to say that I support this Motion.

Before I make my contribution, I just want to react to proposals made by Prof. Kamar to the extent that we want to increase the age from 60 to 65 years. I beg to differ and I am opposed to that proposal. First, there are areas in this country that due to high poverty levels, it is even impossible to get people at the age of 65 because they have all died. By the time they get 65 years old, they are already too weak, emaciated and may not even enjoy the benefit of this Fund. So, I just want to appeal to my colleagues that they should not bring any amendment to that effect. We should retain the age of 60 so that those people will enjoy the benefits of this Fund.

Madam Temporary Deputy Speaker, I also want to revisit what has been cited by other speakers about the Cash Transfer Fund to the Elderly Programme. In fact, in areas that are covered by this Fund, the program is rarely popular because the elderly know that at the end of the month, they will get something small to sustain themselves. It has already been said here that there are areas that have not benefitted from this Fund. There are many complaints and they consider it discriminatory because, at least, this is meant for all Kenyans. In pastoral areas where people depend on livestock for their livelihood and do not get any other income, they feel that they have been forgotten. So, I just want to add my voice to what has been said by other speakers that it is important that the Ministry of Gender, Children and Social Development should roll out this programme to cover the entire country because this will not be taken over by the intention of this Motion. That is my recommendation.

Madam Temporary Deputy Speaker, we should also not forget the fact Kenya has experienced severe drought over the years which has affected both agriculturalists and livestock

keepers. This is to the extent that those who rely on livestock for their livelihood, when their animals are wiped out by drought their young people, go to urban areas where they look for security jobs. What happens to the elderly? They remain behind and are not able to support themselves. That by itself shows that there is need for the Government to support the elderly. The same applies to the agricultural communities; that due to crop failure as a result of poor rainfall, the youth take up casual jobs in urban centres. The elderly will not be able to perform these kind of activities and they find themselves in vulnerable situations. It is actually important that the Government takes care of the elderly.

The Catholic Church has built homes or houses for the elderly in Samburu East, but some of the beneficiaries do not even have chicken because they are old people. They have no food although they have shelter. So, if the Government chips in and provide them food through this Fund, certainly, these people will lead a better life. It is important that the Government considers supporting the elderly.

Madam Temporary Deputy Speaker, it should also be noted that the Government has rolled out the *Kazi kwa Vijana* Programme, which targets the youth. We know that when the Government allocates funds for any activities that should be carried out by the youth, they normally benefit. The elderly sometimes force themselves to perform these duties, but they do not perform to the satisfaction or expectation of everybody. So, it is important that as the Government supports the youth through the *Kazi kwa Vijana* Programme, it should also come up with an alternative ways of assisting the elderly so that they are allocated the resources to support them. As it has been said, because of the opportunistic diseases, specifically HIV/AIDS that has wiped out many young families, the elderly have been left with the responsibility of taking care of the young ones left behind by these families. If they do not have any fund to assist them either for medication or any other basic needs, certainly, they all become vulnerable. I believe that this is a very important Motion that we all need to support.

Madam Temporary Deputy Speaker, I beg to support it.

(Applause)

The Minister for Forestry and Wildlife (Dr. Wekesa): Thank you, Madam Temporary Deputy Speaker. I want to congratulate the Member for Gwassi who is very proactive, and who always contributes to very many good things in this House. I hope that Gwassi voters are conscious of that.

Mr. Shakeel: On a point of order, Madam Temporary Deputy Speaker. I beg your apology. There are a number of us who wish to speak and I am wondering whether you could be kind enough to reduce the contributing time to three minutes. I think three minutes are sufficient to say whatever we have without repeating ourselves.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): I would like to seek the views of hon. Members on whether we could reduce the time to three minutes. The hon. Member has requested that we reduce the time to three minutes.

(Question, that contribution be reduced to three minutes, put and agreed to)

Mr. Minister, proceed. You have three minutes.

The Minister for Forestry and Wildlife (Dr. Wekesa): Madam Temporary Deputy Speaker, I have no problem with that. The Minister has spelled out very clearly that it is

Government policy to look after out aged people. It is in order for Members of Parliament, including myself, to recognize the fact that we, in Kenya, are struggling with food production and improvement of our health facilities. As we do that, the number of old people will increase. The number will increase when we have better medical services and when we supply food to every Kenyan. Therefore, as we debate and pass this Motion, we should bear in mind that the figure of Kshs1,800 is not going to be static. It will increase. I know that we, in Government, have many challenges that require money. However, at the moment, I would like to add my voice on this. This is a very good idea. It is a social service that is given all over the world. Many countries, especially the so-called developed countries, have social services that look after the aged. Kenya is on the way there. It is high time that we recognize members of the society that require assistance.

I support the Motion.

Mr. Langat: Thank you very much Madam Temporary Deputy Speaker, for giving me this opportunity. The Motion is very good. When we move around our constituencies, we are always asked about this issue. The old men and women tell us that they have heard the Government is paying them. That has never happened. I have just learnt a while ago that it is happening in 44 locations; not even districts. This is a very critical Motion. I would like to say that I support it. We have not set a timeframe when the guidelines contained in this Motion are going to be effective. To that extent, I wish to move an amendment.

I beg to move that this Motion be amended by inserting the words “with effect from 1st July, 2011” immediately after the word “month”, appearing on the last line of the Motion.

The reason is because we need to have a fixed time line so that this does not become an open Motion where the Government will say it is still looking at it. This is a very urgent matter. That is why we are saying that it must start in the next financial year. We know that the current financial year is on course and we must give the Government time to budget for the money that is required. I would like to ask hon. Members to support the amendment so that we can fix the implementation period to start from next financial year. I would like to respect what you said about time and will ask Mr. Oyongo Nyamweya to second my amendment.

Mr. Oyongo-Nyamweya: Madam Temporary Deputy Speaker, I would like to thank you for giving me this opportunity. I would like to second the amendment. I support the amendment because we need to have a timeframe. The Government must have a time line to implement this Motion.

As I support the Motion, I am a Member of Parliament where one location is benefiting from that money. As a Member of Parliament, the first challenge I am faced with is to answer why that location is benefitting and when the others will get. I am put to task to explain a decision which I do not know how it was arrived at. When I look at the benefitting location as opposed to those which are not benefiting, the economic status is the same. If it was a pilot project, it should have been applied in the whole constituency, covering all the old people rather than picking one area and giving it money. The Government has not come up with a programme to pay the other locations. So, this is a good idea. However, the implementation process is wrong. It needs to be changed so that it can cover a complete area.

I support the Motion for the sake of people who are over 60 years. I also second the amendment. As I second the amendment, it is very important to say that a decision which has already been made should be implemented recognizing the cost of living in this country. You do not know what the price of kimbo, kerosene or soap will be tomorrow. That is because the prices are changing every day. It is critical that everything is done to pay money to people who are over

60 years. They are really vulnerable at the moment. Some of them, who are over 60 years, are taking care of big families; grandsons and granddaughters who have been left behind due to HIV/AIDS scourge. I support the amendment. However, we need to increase the area. For instance, where I come from, we should cover the whole constituency. I do not see why some areas should be covered while others are not.

With those few remarks, I second the amendment.

(Question, the words to be inserted be inserted, proposed)

Ms. A. Abdalla: Thank you, Madam Temporary Deputy Speaker. Although I support the Motion and will be speaking about it after this amendment, I would like to oppose the proposed amendment because, at this point, we have already gone through the Budget Policy Statement. It would be unrealistic to expect that, that proposal will be taken into account by 1st July this year. I, therefore, urge the Mover and the Seconder to come up with a more realistic period of, probably, 1st July, 2012. It will give the person who is working on the Bill on Social Protection time to move the Bill and incorporate the lessons learnt, so that we do not amend or take part in an exercise in futility knowing very well that it will not be in the next Budget.

Mr. Shakeel: Madam Temporary Deputy Speaker, I stand to request that the amendment be altered. The effective date of 1st July, 2012, as suggested by my sister, hon. Amina Abdalla, is totally untenable. There is no way it is going to be---

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Shakeel, are you opposing the Motion or proposing an amendment?

Mr. Shakeel: Madam Temporary Deputy Speaker, I am supporting the Motion but opposing the amendment. Right now, I stand to oppose the amendment.

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Yes, we are discussing the amendment. So, I want you to be clear. Are you opposing it or proposing a further amendment to that amendment?

Mr. Shakeel: Madam Temporary Deputy Speaker, I am opposing the proposed effective date of 1st July, 2011, and requesting that the effective date be 1st July, 2012. I also want to bring to the attention of the House the amount of money involved in this case. If you multiply 1.8 million people by Kshs2,000, you will get a monthly bill of Kshs3.6 billion. So, we are talking about an annual bill of Kshs41 billion. It is from this viewpoint that I oppose the proposed amendment. This amount is not included in the Budget Policy Statement that we passed recently. Therefore, it should not take effect before 1st July, 2013.

Madam Temporary Deputy Speaker, can I formally move an amendment to the amendment?

The Temporary Deputy Speaker (Mrs. Odhiambo-Mabona): Hon. Shakeel, there is a procedure for moving an amendment to an amendment. Unfortunately, you cannot bring yours that way!

Mrs. Shebesh: Madam Temporary Deputy Speaker, Sir, I rise to move a further amendment to the Motion as follows:-

THAT, the Motion be further amended by inserting the words “with effect from 1st July, 2012” immediately after the word “month” appearing on the last line of the Motion.

[The Temporary Deputy Speaker (Mrs.

Odhiambo-Mabona) left the Chair]

[Mr. Deputy Speaker resumed the Chair]

Mr. Deputy Speaker, Sir, I propose this further amendment because I agree with the first amendment, whose intention is to insert a timeline, so that we do not talk in abstract terms. We should ensure that the Motion has a timeline and be able to work towards the creation of a fund to provide for the elderly.

I beg to move and ask hon. Shakeel to second this further amendment.

Mr. Shakeel: Mr. Deputy Speaker, Sir, I stand to second the amendment that the Motion be amended by inserting the words “with effect from 1st July, 2012 immediately after the word “months” appearing in the last line of the Motion.

Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order! Order! The Chair is informed that there was an amendment before. You cannot move a new amendment before you dispose of the original amendment. Has the original amendment been disposed of?

An hon. Member: Not yet!

Mr. Deputy Speaker: Can we dispose of that amendment?

*(Question, that the words to be inserted
be inserted, put and negative)*

(Mrs. Shebesh stood up in her place)

Mr. Deputy Speaker: Are you moving an amendment?

Mrs. Shebesh: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Proceed.

Mrs. Shebesh: Thank you, Mr. Deputy Speaker, Sir, for your guidance. I beg to move that the Motion be amended as follows:-

By inserting the words “with effect from 1st July, 2012” immediately after the word “month” appearing in the last line of the Motion.

My reasons for bringing this amendment is to set timelines in this very important programme that we are asking to be rolled out to all the elderly persons in this country. It is important for this Parliament to start working, not just in the abstract, but within timelines that can be followed. I would like to ask my colleague, hon. Shakeel, to second the amendment.

Mr. Shakeel: Thank you, Mr. Deputy Speaker, Sir, for your guidance. I wish to support the amendment which is by inserting the words “with effect from 1st July, 2012” immediately after the word “month” appearing in the last line of the Motion. The reason has been given, but I just want to tell the House that if you multiply 1.8 million by Kshs2,000 per person, it will amount to Kshs3.6 billion a month and Kshs41 billion a year. So, we can only plan for it in 2012.

With those few remarks, I second the amendment.

(Question, that the words to be inserted be inserted, proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Mr. Deputy Speaker: Hon. A. Abdalla, you have just two minutes because the Chair intends to adjourn this Motion after that because the Minister who is supposed to respond is not transacting any business. The Motion will be deferred to next week for the Minister to respond and also the Mover to respond.

Ms. A. Abdalla: Thank you, very much, Mr. Deputy Speaker, Sir, I would like to support this Motion and congratulate my political opponent that I rarely agree with. So, it is really a major event for me to be supporting an activity that is supported by the Member for Gwassi.

This is a really worthy course and I would like to congratulate the Member for Gwassi. Much as this Kshs2, 000 would be a big amount of Kshs41 billion a year as stated by hon. Shakeel, the problem that is facing the elderly in this country is really serious. I believe that we need to go further than just this Kshs2, 000. This Kshs2,000 would probably only be helping with the nutritional challenges that these elderly persons face. It is my hope and view that the Ministry and the Mover of the proposed Social Protection Bill would look further to giving the elderly personal medical cards, so that they get subsidized medical attention in Government run hospitals, so that this Kshs2,000 is not eaten up by the medical cost. As you are all aware, the biggest budget for the most elderly persons is on medicine. Usually, they are diabetic and hypertensive and the medical bills are so high that we need another stream of support that would deal with that problem, so that they retain the Kshs2,000 for nutritional and other challenges that they are having.

I want to support what hon. Twaha said that this Kshs2,000 should be a benchmark and should be linked to the consumer index, so that it can cover inflation, so the figure goes up as inflation moves up. The other issue is that many elderly persons who qualify for this figure would still be the same persons who are dealing with the plight of orphans and vulnerable children. It is my hope that the Bill that will come after this will not discriminate against those who have double tragedies such as they have to look after orphans and again they are elderly.

Mr. Deputy Speaker, Sir, it is my view that a lot of this money should be used by elderly persons on nutritional challenges. This is because some of the elderly persons are immobile. So, we need a system that will assist them get mobility and the nutritional support. They should be facilitated logistically to purchase food and the rest.

Mr. Deputy Speaker, Sir, with those many remarks, I beg to support this Motion.

Mr. Deputy Speaker: Order! Hon. Members, debate on this Motion will be resumed next week on Wednesday morning. The Government Responder will have 20 minutes while the Mover will have 10 minutes.

(Motion deferred)

Given the fact that Motion No.8 was also deferred to next week and Motion No.10 cannot take off because the Mover is not ready, the Chair has no option but to adjourn the House.

ESTABLISHMENT OF A CONSUMER
PETROLEUM FUEL SUBSIDY FUND

THAT, aware that the majority of Kenyans and businesses are consumers of petroleum fuel products; concerned that the relevant institutions do not

maintain Strategic Fuel reserves to stabilize prices; concerned further that as a result, the cost of petroleum products has significantly increased in the last two months; noting that escalating fuel prices could have far reaching negative socio-economic effects on the nation; this House urges the Government to urgently subsidize the prices of all categories of petroleum fuel to maintain pump prices to a maximum of Kshs80 per litre by setting up a Consumer Petroleum Fuel Subsidy Fund through re-allocation of funds from various votes of government ministries.

(Motion deferred)

ADJOURNMENT

Mr. Deputy Speaker: Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.15 p.m.