

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 20th April, 2011

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Financial Statement of the County Council of Mbeere for the year ended 30th June, 2008 and the certificate thereon by the Controller and Auditor-General.

Financial Statement of the County Council of Ijara for the year ended 30th June, 2008 and the certificate thereon by the Controller and Auditor-General.

Financial Statement of the County Council of Murang'a for the year ended 30th June, 2008 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the County Council of Rachuonyo for the three years ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Kipkelion for the year ended 30th June, 2007 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Kendu Bay the three years ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Ahero for the year ended 30th June, 2007 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Funyula for the six years ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Nambale for the six years ended 30th June, 2003 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Nambale for the year ended 30th June, 2004 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Higher Education,
Science and Technology (Mr. Kamama)
on behalf of the Deputy
Prime Minister and Minister for Local Government)*

QUESTION BY PRIVATE NOTICE

MEASURES TO MAKE LAISAMIS-LOYANGALANI
ROAD MOTORABLE

Mr. Lekuton: Mr. Speaker, Sir, I beg to ask the Minister for Roads the following Question by Private Notice.

(a) What measures, immediate and long-term, does the Minister intend to put in place in order to make the Laisamis-Loyangalani road motorable?

(b) When will the Minister improve the road to bitumen standards, considering its strategic importance to the economy of the region?

(c) When will the Government release funds to facilitate repair and carpeting of the road?

Mr. Speaker: Is anyone here from the Ministry of Roads? Hon. Members, I can see that the Minister for Roads is not in the House. We have received a letter, which got to the House at 12.00 p.m., today saying that both the Minister and the Assistant Minister are out of Nairobi attending to pressing issues, and will not be able to attend parliamentary business scheduled for today. The letter got here at 12.00 p.m., asking us to accommodate the Minister at the eleventh hour.

Mr. Mwatela, do you think this is good for Parliament? Speak for the Executive!

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, definitely, that is not good for Parliament. I beg to convey the sentiments of the Speaker that in future better arrangement should be made to notify the House about the absence of the relevant Ministers on time.

Mr. Speaker: Very well! Mr. Mwatela, on behalf of your colleagues on the Front Bench obviously, this is not satisfactory neither is it acceptable as you have also rightly agreed. I will direct that when the Minister next appears in the House, he offers an acceptable explanation as to why he was not able to be here and further, what is this pressing business that the Front Bench cannot accommodate, particularly at the strength at which you stand; above 80 Members of the Front Bench. Surely, there is a better way of handling this business and I reserve the right to impose sanctions as I deem appropriate on the Minister when he appears.

For purposes of expediency, we will defer this Question to tomorrow afternoon. If for any reason, neither the Minister nor the Assistant Minister is able to be here, then I will expect them to delegate to any other Member of the Front Bench to come and give a reply to the House pending the explanation by the Minister.

(Question deferred)

Let us move on to the Ordinary Questions.

Mr. Twaha: Mr. Speaker, Sir, my Question is No.813 directed to the same Minister who is absent!

Mr. Speaker: Ask the Question!

ORAL ANSWERS TO QUESTIONS

Question No.813

TARMACKING OF NYONGORO-KIUNGA ROAD

Twaha asked the Minister for Roads when the Government will tarmack the road from Nyongoro to Kiunga in Lamu County.

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, the Question will suffer the same fate as the first Question by Private Notice. So, I beg your indulgence I convey the same concern that you have just given. I believe the Minister will take relevant action.

Mr. Speaker: Member for Lamu West, do you wish to say anything at all?

Mr. Twaha: Mr. Speaker, Sir, I will be guided by the Chair. May I suggest that we put it for the same time next week?

Mr. Speaker: The Question is deferred to Wednesday, next week at 2.30 p.m. I carry the same sentiments as I did with respect to the first Question by Private Notice be conveyed to the Minister.

The Assistant Minister for Education (Mr. Mwatela): Mr. Speaker, Sir, I note that and apologize to the hon. Member and the House.

(Question deferred)

Mr. Speaker: Very well. Next Question by Member for Nyaribari Chache!

Question No.713

GOVERNMENT POLICY ON ALLOCATION OF
INTERNATIONAL SCHOLARSHIPS

Dr. Monda asked the Minister for Higher Education, Science and Technology:-

(a) what the Government's policy is regarding allocation of international scholarships to interested Kenyans,

(b) whether she could state how many scholarships have been awarded to students in local and overseas universities by the Government of Kenya, other governments and development partners in the last three years, indicating the respective disciplines of study and amount of money received by each student; and,

(c) whether she could also table a per-constituency list of the beneficiaries of the scholarships in all the 47 counties and to clarify whether equity and regional balance was achieved.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, I stand guided by the Chair on this Question because I had exhaustively handled it. However, there were a few clarifications the hon. Member wanted to know, especially relating to the quantum of funds given to students. I think the rest of the issues were well articulated.

Mr. Speaker: Just proceed and deal with whatever was the balance!

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Speaker, Sir, Dr. Monda wanted to know the amount of funds disbursed by Higher Education Loans Board (HELB) and the National Council for Science and Technology (NCST). He wanted to know the amount meant for each and every student.

I want to state as follows: For HELB, 70 Masters students benefited. Each student got Kshs200,000 per scholarship. For Phd, 42 students were sponsored. Each student got Kshs450,000. This brings us to a total of Kshs158,900,000.

The National Council for Science and Technology disbursed about KShs149 million. Masters students got Kshs200,000 each. Each of the Phd students got Kshs400,000. For Phd, this amount is meant for research component, but the rest of the expenses are catered for by the individual candidates.

Mr. Speaker, Sir, the hon. Member wanted to know the amount given to each and every students for those students in overseas countries who are sponsored by our friendly countries. For full sponsorship, every student is entitled to between Kshs300,000 and Kshs400,000 per year. For partial scholarships, every student is entitled between Kshs150,000 and Kshs200,000 per year.

Mr. Speaker, Sir, I have answered the question according to what my good friend wanted to know.

Mr. Speaker: Last question, Dr. Monda.

Dr. Monda: Mr. Speaker, Sir, I seek your indulgence in this Question because if you may recollect, the Assistant Minister tabled the list when he was answering the Question. However, I was not able to interrogate it. It is from that background that I expected that I would have a little more time to interrogate it.

Mr. Speaker: Order, Dr. Monda. Did you ask the first Question?

Dr. Monda: I asked the first, Question, Mr. Speaker, Sir.

Mr. Speaker: I am giving you an opportunity to ask the last question. It is standard practice.

Dr. Monda: Mr. Speaker, Sir, I will go ahead as directed. The answer given by the Assistant Minister indicates that the Ministry advertises the scholarships in the print media. However, after going through the applications, it shows the Ministry is using given criteria to come up with the list of students who are eligible and qualify to benefit from these scholarships. Is he considering advertising the names of the beneficiaries who have qualified for scholarships in the print media, so that the public can know them and understand how this balancing was done? In this list, some people benefited from these scholarships to study in Russia and India, but currently, they are in the country. That is why I was requesting for a little more time. However, could he reply to those issues I have raised?

Mr. Speaker: Dr. Monda, I have allowed you three minutes to ask one question. Surely, you cannot ask for much more time.

Mr. Kamama: Mr. Speaker, Sir, on the issue of transparency, this is an extremely weighty matter. We get a lot of demands from Kenyan students on this issue of scholarships. So, we will reconsider that position. If our budget allows, we will consider printing the names of beneficiaries in our dailies. We, as a Ministry, will sit down and see whether we have money to do that kind of thing. It is a good proposal. We, as a Ministry, will take it up, deliberate on it and look at the possibilities of printing these names in our print media.

Secondly, we will investigate the two cases that were mentioned by the hon. Member; that is the one in Russia and India. I want to invite the hon. Member for tea in my office, so that we can look at this list. If we find out that there are people who are

benefiting and they do not deserve, then appropriate action will be taken. I promise that we will take decisive and expeditious action on this matter.

Mr. Chanzu: Mr. Speaker, Sir, last time the ruling was made that the Questioner be given the information to interrogate. I had asked on the same point which the Assistant Minister is just addressing now, about the print media. I was saying that many Kenyans do not access the print media. Could we have other ways of communicating with the locals who may not get this, for instance, the Provincial Administration; the chief's offices, the District Commissioner's office and the district officers offices? This is the issue I raised last time and the Assistant Minister did not address it.

Mr. Kamama: Mr. Speaker, Sir, that is a good proposal because if you imagine a district like Loyangalani where Mr. Lekuton comes from, It is a proposal that we will take up and explore the possibilities of communicating to each and every district education officer on this issue of scholarships. So, we will take it up.

Lastly, we will investigate on those two issues to make sure that no student who does not deserve this bursary gets it through crooked ways.

I want to assure the House that on the issue of bursaries, we are transparent. We believe in meritocracy. We also take into account regional and gender balance. From now henceforth, we will actually be considering issues of counties. That way, all the counties will be taken care of. That will cascade across to all constituencies.

Mr. Speaker: Next Question by Dr. Nuh!

Question No.576

REQUIREMENTS FOR ESTABLISHMENT OF LAND TRIBUNAL

Dr. Nuh asked the Minister for Lands:-

- (a) what qualifies a district to have a land tribunal and what the membership of such a tribunal is;
- (b) why he has not constituted a District Land Tribunal in Tana River; and,
- (c) when the Ministry will constitute and gazette the tribunal in the district.

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

(a) A district qualifies to have a land tribunal if the land adjudication process has been undertaken and beneficiaries interested registered or a settlement scheme is created and people interested registered.

(b) Tana River District has a constituted Land Tribunal which was gazetted vide Gazette Notice No.10661 of 9th October, 2009. I wish to lay on the Table the Gazette Notice.

(c) The tribunal already exists and, hence, there is no need of constituting and gazetting another one.

Thank you.

(Mr. Rai laid the Gazette Notice on the Table)

Dr. Nuh: Mr. Speaker, Sir, I had an opportunity to go through the gazette notice. It will not be lost to you that Tana River as a district is concealed within the names of another district. That is how the gazette was printed. Since the gazette notice has not adequate circulation even in Tana River, how else do you notify people who have been gazetted that they ought to serve in a tribunal and adjudicate on disputes?

Mr. Rai: Mr. Speaker, Sir, we normally gazette those names once we receive them from the District Commissioner. So, the hon. Member can just check with the District Commissioner. If the names are not the same, I am willing, even tomorrow, to have another list gazette. That is if that list is not accurate.

Mr. Ochieng: Mr. Speaker, Sir, is the Assistant Minister aware that, for the last three years, the people who serve in those tribunals have not been paid their allowances? Could he give us the reasons why?

Mr. Rai: Mr. Speaker, Sir, that is a different question. In fact, about two weeks ago, I answered that particular Question. However, if need be, he could just ask another Question and I will actually go back to my office and give him the reasons why some of those members have not been paid.

Mr. Lekuton: Mr. Speaker, Sir, as the Assistant Minister is aware, we have so many new districts in Kenya. We have many land issues that have to be deal with. Could he tell us when all the new districts that have been created will have land tribunals?

Mr. Rai: Mr. Speaker, Sir, my Ministry has actually communicated to all district commissioners. It is the district commissioners with their people who are supposed to nominate members to serve in those particular tribunals.

Mr. Olago: Mr. Speaker, Sir, following up on that last answer, Kisumu North District was hived off from Kisumu East District. Three months ago, the District Commissioner sent names of those who are supposed to form the land tribunal. Up to now, nothing has happened. I have talked to him about two hours ago and they have not gazetted. Why?

Mr. Rai: Mr. Speaker, Sir, I will look into that case and if the names have not been gazetted, I can assure the hon. Member that, within the next 30 days, the names will be gazetted.

Mr. Letimalo: Mr. Speaker, Sir, some districts may not have certain skills. They will require officers from the Ministry of Lands to help them. We have group ranches that require registration. There are community-based conservancies that require survey and other necessary work to be done. Do they deserve to get the land tribunal committees?

Mr. Rai: Mr. Speaker, Sir, if title deeds have been issued in that particular area, you qualify. So, you can send your list through the district commissioner and we will do the gazettement.

Dr. Nuh: Mr. Speaker, Sir, my question has not been answered by the Assistant Minister. You have gazetted those names but, as I know, the people in Tana River District do not even know that they have been gazetted to serve in that tribunal. We have several cases which have adjudicated in a court and referred to a tribunal. But because the people are not aware of any tribunal, we have nowhere to refer those cases to. So, apart from the gazettement, how are you able to communicate to the members that they have been duly nominated to serve in a tribunal?

Mr. Rai: The District Commissioner has that obligation because he is the one who actually sends the list to my Ministry. Secondly, he has that obligation because he

normally gets the gazette notice. So, it is up to him. That is why I have tabled a list here, so that the hon. Member can go back if the District Commissioner has not done that.

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

Mr. Speaker: What is it, Dr. Nuh? And you better be careful because you represent those people and you are their Member of Parliament. So, bear that in mind and proceed.

Dr. Nuh: Thank you, Mr. Speaker. I stand guided. Is the Assistant Minister in order to say that it is the District Commissioner who will give the appointment letters? Those people are not appointed by the District Commissioner. They are appointed by the Ministry. Is he in order to insinuate that it is the District Commissioner who is supposed to appoint them?

Mr. Rai: Mr. Speaker, Sir, I believe the hon. Member is a member of the nominating committee. The District Commissioner has done what he is supposed to do. He has written to my Ministry and I have gazetted the names. The Member of Parliament should read the *Kenya Gazette* which is here. So, if he has not communicated to his members, I do not think it is my duty. That is because my duty is just to do gazette.

Mr. Speaker: Dr. Nuh, you can see why I gave you that caution. Next Question by Mr. Sirat!

Question No.741

NUMBER OF HEALTH FACILITIES AND PERSONNEL IN
WAJIR SOUTH CONSTITUENCY

Mr. Speaker: Is Mr. Sirat not here? Order, hon. Members! I do not know if Mr. Sirat has a neighbour who is in the House now. I am making this request because I have a complaint in my office from the Member for Wajir South to the effect that he is not being treated very well. He has had two Questions dropped when he had emergencies in his constituency. Of course, that does not pass for a good reason for a Member of Parliament not to be present when he should be. However, perhaps, his neighbour may be able to explain and tell us where the Member is, so that the Speaker is seen to be fair. Mr. Keynan, what is happening to your neighbour?

Mr. Keynan: Mr. Speaker, Sir, I have not seen him since yesterday evening. But, maybe, you can take the other Questions as I try to find out where he is.

Mr. Speaker: Very well, hon. Keynan! I will have that patience. But you can see that we are, indeed, being extremely fair. Next Question by the Member for Gichugu.

Hon. Member for Gichugu? Is the hon. Member for Gichugu not here?

(Mrs. Odhiambo-Mabona approached the Chair)

Order Mrs. Odhiambo-Mabona! If I call out a Question, do not come and talk to me from the Chair! Stand up and say: "Point of order".

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I was coming to request if I could ask the Question on behalf of Ms. Karua. She has requested me to ask the Question on her behalf.

Mr. Speaker: Proceed. I will take your word.

Question No.776

NUMBER OF POLICE OFFICERS KILLED ON DUTY

Mrs. Odhiambo-Mabona, on behalf of **Ms. Karua**, asked the Minister of State for Provincial Administration and Internal Security:-

- a) how many police officers have been killed while on duty since 4th August, 2010 and the circumstances under which each was killed;
- (b) what action the Ministry is taking to avert these killings; and,
- (c) whether he could also state what the Government has done for the families of each of the officers as well as the steps the Government is taking to improve the general welfare and working conditions for police officers.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

- (a) A total of 15 police officers have been killed while on duty since 4th August to date as follows:-

Province	Number
Rift Valley	- 2
Nairobi	- 3
Coast	- 1
Central	- 1
Eastern	- 6
Nyanza	- 2

Mr. Speaker, Sir, I wish to table the list of the officers who have been killed.

(Mr. Ojode laid the list on the Table)

(b) The Government has taken deliberate steps, under the ongoing police reforms, to improve the working environment for police officers by ensuring that they have the right equipment, enhancing their capacity, putting in place legal and institutional frameworks, among other measures. The Government is processing dues for officers whose documents have been submitted to the Pensions Department and has written to the legal dependants who have not submitted the relevant documents to hasten their submission as required.

Mr. Speaker, Sir, this will enable the speedy processing of their dues. The Government will continue to look into the general welfare and working conditions of police officers as envisaged in the ongoing police reforms.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, in the Assistant Minister's answer, he actually did not address himself specifically to part (b) about what action the Ministry is taking to avert the killings. He has explained very well what they are doing to make the families comfortable but he has not said what he is doing to avert the killings.

Mr. Ojode: Mr. Speaker, Sir, I mentioned that we are doing the police reforms as we speak. I requested Treasury for some money for police reforms and among other things, we are going to buy equipment which includes bullet proof vests which will deter the killings through shooting. Those are some of the things that we are doing to make the police do their work with some kind of courage.

Mr. Lessonet: Mr. Speaker, Sir, I think the Assistant Minister actually understated his figures. When you talk about Rift Valley Province as having lost only two police officers, I can tell you that I am aware of three in the last one month alone unless he has a different definition of police officers.

Mr. Ojode: Mr. Speaker, Sir, according to my records, Rift Valley Province, as I mentioned has two and I even have the names. I would also want to share with my friend here the names which have not been included. We know very well that he has never been a police officer. In Rift Valley I have Eliud S. Agoya of Kajiado Central who was attacked by robbers while on duty on 5th August, 2010 and Phantacine Lessas from Baragoi District who was killed on 29th December, 2010. Those are the only ones officially known to the Minister in charge of internal security. I would also request Mr. Lessonet to give the names of those officers to ascertain whether they are true police officers or former police officers. There is a distinction between former police officers and the current police officers.

Mr. Lessonet: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister not to include in his list the two officers who were killed by a colleague the other day in Laikipia. I am surprised that he does not even have the names of those two in his list; the inspector and the sergeant!

Mr. Speaker: Order, Hon. Member for Eldama Ravine! The substance of what you have raised can pass for a point of order but the way you have put it, I am sorry you are not prosecuting it properly.

Mr. Lessonet: Mr. Speaker, Sir, let me now put it properly. Is it in order for the Assistant Minister to exclude the two officers who were killed in Laikipia the other day, not more than a month ago?

Mr. Speaker: I will let it pass but still you did not do very well. You should have said “is it in order for the Assistant Minister to mislead the House by giving the impression that the list he has tabled is exhaustive when he has left out so and so and so--” Then you would have done very well.

Mr. Ojode: Mr. Speaker, Sir, I have a long list here. There are those who are killed on duty at various stations but they are also included in their own home districts. That is why I have given those numbers. I want to also mention that I have another list which was asking for names from 2006. So, I have brought in the list that has names from 2006. If it was here, I would have supplied it to the House. We had two Questions but we have responded to one.

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

Mr. Speaker: Order, hon. Member for Eldama Ravine!

Mr. Chepkitony: Mr. Speaker, Sir, I would like to know from the Assistant Minister whether they have introduced life cover for police officers so that their families could be fully compensated when they die in the course of duty.

Mr. Ojode: Mr. Speaker, Sir, that is one of the components which is within the police reforms. Yes, we are introducing life cover.

Mr. Joho: Mr. Speaker, Sir, in answering that Question, the Assistant Minister earlier stated that for the families who have lost a member while on duty, the Ministry has made their life comfortable. I would like him to explain to this House what he means by “comfortable” because we know that if, for example, a Member of this House - God forbid - if anything happens, the family gets Kshs10 million. What do you do for these families?

Mr. Ojode: Mr. Speaker, Sir, we are doing an overhaul within the police force. I have said that we are doing the reforms and the reforms come in with new undertakings which include insurance, risk cover and other things. So, that is going to be one of the components within the police reforms so that if you lose your life while on duty, insurance will take care of the family.

Mr. Shakeel: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister, whenever he is asked a question to say it is in the reforms and that they are looking at it when he knows very well that it is not budgeted for?

Mr. Speaker: Order! Assistant Minister, you need not respond. I do not see a point of order in that!

Dr. Munyaka: Mr. Speaker, Sir, many innocent Kenyans have been caught up in the crossfire between the police and thugs; what does the Government do to compensate the families of those who get injured or get killed?

Mr. Ojode: Mr. Speaker, Sir, the issue of compensation is a court matter. If the family goes to court, and the court awards them compensation the Government will compensate those who have lost their lives. The Government cannot decide how much money is to be paid as compensation. That is why it is a legal matter.

Mr. Gaichuhie: Mr. Speaker, Sir, I just want to tell the Assistant Minister that apart from the brutal killings, these officers also die because of the poor housing conditions. What is he doing to make sure that these people have proper housing? Most of them die as a result of pneumonia.

Mr. Ojode: Mr. Speaker, Sir, we have never recorded any deaths as a result of poor housing conditions. What I know is that we are now upgrading the housing units for my police officers; we have bought houses for them. We are also building houses, and sooner or later all provinces, and some districts, will have habitable housing units.

Mr. Mbadi: Mr. Speaker, Sir, in the recent past we have had cases of deaths as a result of police officers shooting each other. This points to some kind of stress. Has the Ministry carried out investigations to determine why police officers are turning against each other?

Mr. Ojode: Mr. Speaker, Sir, this is not the first time that type of question has been raised. We said we are doing counseling, in addition to investigations which are ongoing. We want to know why police officers turn against one another. We are, however, yet to get a report. But we want the police officers to receive counseling.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to mislead the House by saying that they are counseling these officers when he is fully aware, or ought to be aware, that reports by psychologists, sociologists and psychiatrists point at the fact that these killings are as a result of the type of personnel brought to the force through relatives, who are senior in the police force, when they are not suitable?

Mr. Ojode: Mr. Speaker, Sir, I am not aware of that. If the hon. Member has some kind of report, he can share it with me, because as of now that is a rumour.

Mr. Speaker: Mrs. Odhiambo-Mabona, please, proceed!

(Ms. Karua stood up in her place)

Order, Member for Gichugu! I am afraid that will not pass. We have already done 12 minutes on this Question. We have thus given it more than its share.

Proceed, Mrs. Odhiambo-Mabona!

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I do not know whether the rules will allow me to donate my chance to Ms. Karua since she was already on her feet!

Mr. Speaker: Yes, we have precedent on that.

Ms. Karua: Mr. Speaker, Sir, I want to thank my colleague for prosecuting the Question. I would also like to thank the Assistant Minister for the answer.

However, I would like to indicate to him that even before the police reforms, it is possible to improve the working environment and to buy better equipment for the police. Would the Government consider immediately having a policy to compensate police officers who are injured or killed on duty? Could it also teach them human rights, so that as we cry for police officers who are injured and who lose their lives, we also enhance the human rights of everyone? Would the Government put that in place immediately?

Mr. Ojode: Mr. Speaker, Sir, that is a valid question. It is true that as we approach recruitment we have extended the period of training from nine months to 15 months. Among other things, we are going to talk about human rights. We are going to have so many other things in the curriculum.

On the issue of compensation, as I mentioned earlier, it is a legal matter. However, we will find a way of designing something, so that we know that if you get a problem while on duty you will be compensated, because you were doing duties assigned to you by the Government. We actually sympathize with what the police are undergoing. However, I would request my colleagues to support the work being done by the police. If a police officer kills a thug, there will be complaints by human rights groups, but if the thug kills the police officer, there will be no word from human rights groups. I would want a situation where the human rights groups talk for both. The police officers are human beings too.

Mr. Speaker, Sir, I would request all my colleagues to support the efforts of the police, because without the police we will not be able to walk freely on the streets of Nairobi. Let us support police officers.

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

Mr. Speaker: Order, Member for Gwassi! I think the Assistant Minister has answered the question by the Member for Gichugu fairly well. He has said that the proposals she has made will be considered, and that police officers will be taught matters pertaining to human rights. He has added a rider that blame has to apply both ways. Human rights apply to all human beings!

Next Question by the Member for Nyakach!

Question No.793

BENEFICIARIES OF NYAKACH WATER PROJECT

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

(a) when the Nyakach Water Project was started and how many households were to be supplied with clean water from the project; and,

(b) what plans the Ministry has put in place to increase the capacity of the project, in view of the population increase in Nyakach Constituency.

The Assistant Minister for Water and Irrigation (Mr. Waititu): Mr. Speaker, Sir, I beg to reply.

(a) My Ministry started construction of the Nyakach Water Supply in 1980. It is a conventional full treatment water supply consisting of an intake on River Sondu, with water being pumped to low water rising main of 1.5 kilometers long into treatment works with a capacity of 6,000 cubic meters per day. The service area covers 152 kilometers squared, with a population of 190,000 people. The main areas served are Nyabondo, Katito, Pap Onditi, Sondu and East Kano. They also include Anding'o Opanga and Thurgem. The project was completed in 1989 and was intended to serve 100,000 people.

(b) My Ministry, through the Lake Victoria South Water Services Board, used Kshs10 million in the 2009/2010 financial year to rehabilitate some of the critical sections of the water supply which had been disrupted and vandalized. Since the project cannot meet the current water demand, my Ministry will carry out a feasibility study and design for rehabilitation works and source for funds once the study is finalized.

Mr. Ochieng: Mr. Speakers, Sir, the answer the Assistant Minister has given is not very accurate. The construction of this water project was started in 1969 and completed in 1971. I wonder where the Assistant Minister got his answer from if he cannot get it correctly from his records.

You can see very clearly that this water was meant to take care of about 100,000 people. The population has now risen to 190,000 people. For the last 38 years, the Ministry has used only Kshs10 million to refurbish the water supply line. Could the Assistant Minister tell me what tangible programme he has? What happened to the Nyakach Water Supply Phase II? Where did the idea about it disappear to?

Mr. Waititu: Mr. Speaker, Sir, as I have just said, our Ministry used Kshs10 million to rehabilitate the disrupted and vandalized parts of this project. Again, our Ministry has also undertaken, through *Kazi kwa Vijana*, a 1.8 kilometre extension from Katito to Thurgem. Our Ministry has also dug two boreholes that are supposed to be completed this month.

Mr. Ochieng: On a point of order, Mr. Speaker, Sir. The supplementary question I asked the Assistant Minister is; where did the idea of Nyakach Water Supply Phase II disappear to? This is Phase I and Phase II was supposed to have followed almost immediately.

Mr. Waititu: Mr. Speaker, Sir, we are in the process of doing the feasibility study and design so that we can undertake Phase II of the project which will be completely different from the Phase I project, which uses the pumping system----

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

Mr. Speaker: Order, Mr. Ochieng! Relax! Do not get too carried away!

Mr. Waititu: Mr. Speaker, Sir, this project has many problems, as the hon. Member will agree, because it uses the pumping system which is very expensive. The project cannot sustain itself. In Phase II of the project, we want to build a water supply that will be gravity-based so that we do not have high electricity bills. This project is estimated to cost Kshs350 million and we are in the process of sourcing for these funds.

Mr. Speaker: Last question, the Member for Nyakach!

Mr. Ochieng: Mr. Speaker, Sir, the idea of Nyakach Water Supply Phase II has been there for the last three or four years. I am shocked that the Assistant Minister continues to tell us here that they are still looking for a donor who will finance this project. Could he tell me when they will be able to source for these funds so that Phase II of the project can start in order for the people of Nyakach, whose population has gone up, can get clean drinking water?

Mr. Waititu: Mr. Speaker, Sir, what I have just stated is that the Kshs350 million which is needed is ready in our Ministry. However, I promise the hon. Member that we will start the project during this financial year with the little allocation from the Ministry. However, I also send an invitation to the hon. Member to come to our Ministry Headquarters so that we can discuss this project further with him. This will enable us to understand it because it is big.

Mr. Speaker: That is okay. Let us move on to the next Question by Member for Kuresoi.

Question No.826

INADEQUATE FACILITIES AT OLENGURUONE
SUB-DISTRICT HOSPITAL

Mr. Cheruiyot asked the Minister for Medical Services:-

(a) whether he is aware of the inadequacies at the Olenguruone Sub-District Hospital which has only one medical doctor and does not have the capacity to undertake even minor surgical procedures, laboratory tests and examinations; and,

(b) when the Government will equip and operationalize the surgical theatre at the hospital.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, I do seek the indulgence of the Chair to defer this Question because the answer is not ready and I did not want to come to the House and bring a half-baked answer. So, I am asking whether it is possible to defer this Question until tomorrow. I rest my case, Mr. Speaker, Sir.

Mr. Speaker: Yes, the Member for Kuresoi!

Mr. Cheruiyot: Mr. Speaker, Sir, I was ready for the answer, but I will wait for it.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: We will defer the Question to Wednesday, next week at 2.30 p.m. Mr. Assistant Minister, note that!

(Question deferred)

The hon. Member for Mandera East!

Question No. 843

LATF/LASDAP ALLOCATIONS
TO MANDERA TOWN COUNCIL

Mr. M.H. Ali asked the Deputy Prime Minister and Minister for Local Government:-

(a) how much has been allocated to Mandera Town Council and Mandera County Council through LATF and LASDAP since 2008;

(b) how much was used for development purposes and recurrent expenditure by the councils, respectively; and,

(c) whether he could provide a list of all the development projects by the respective councils, stating the project name, cost, amount allocated and project status since 2008.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I beg to reply.

(a) The Town Council of Mandera and Mandera County Council have been allocated Kshs102,332,150 and Kshs206,370,791 respectively through LATF and LASDAP since 2008.

(b) The Town Council of Mandera and Mandera County Council have used Kshs35.4 million and Kshs40.7 million for development purposes respectively, and Kshs50.9 million and Kshs104.4 million for the recurrent expenditure respectively.

(c) The lists of all the development projects that have been undertaken by the Town Council of Mandera and Mandera County Council are very many. So, I undertake to table that list because I cannot read them out one by one.

(Mr. Mudavadi laid the document on the Table)

Mr. Speaker, Sir, I would also like to put it on record for the benefit of the Members that over and above that Question, we have been tabling the annual reports that are produced by the LATF in accordance with the Act in order to have an overall picture of all the local authorities in the country.

Mr. M.H. Ali: Mr. Speaker, Sir, while appreciating the Minister for the answer, I want to look at part “a” of the answer where the Minister gave Kshs102,332,150 to the Town Council of Mandera for the three years and Kshs206,370,791 to the County Council of Mandera. However, in part “b” of the answer, if you add up the amount allocated to development expenditure and the amount allocated to recurrent expenditure, you will find that they do not seem to add up. For example, the amount of money which was given to the town council for development, as per part “b” is Kshs35,450,000 and Kshs50,965,000 for recurrent. If you add the two amounts, you will get Kshs86 million and not Kshs102 million. The same problem applies for Mandera County Council. Could the Deputy Prime Minister and Minister for Local Government explain why these anomalies are there and yet this is an answer which was supposed to be given by people who are competent enough?

Thank you, Mr. Speaker, Sir.

Mr. Mudavadi: Mr. Speaker, Sir, some of the additions may not tally at this particular stage because some of the payments with respect to some of those projects have not been made. Either there could be a delay in the release of the LATF or a delay in making sure that all the necessary documentation is available for payment. However, as we go through the projects on a specific basis, we will start singling out some of the areas that may be occasioning this deficiency.

Mr. Letimalo: Mr. Speaker, Sir, is the Deputy Prime Minister and Minister for Local Government aware that there are many projects which were started under the LATF and the LASDAP that are either partially incomplete or abandoned uncompleted? What measures has he instituted to ensure that such projects are really completed?

Mr. Mudavadi: Mr. Speaker, Sir, I am aware that, indeed, in different parts of the country there are some projects which have been started and have either stalled or have been done very poorly. Through the guidelines that we issue to the local authorities and also following the reports that we get from the advisory committee, they are continuously giving new guidelines which are gazetted to enable these local authorities to undertake more serious projects. For instance, we discovered that some local authorities used to give very small amounts for specific projects; amounts that would have no serious impact in terms of development programmes. This threshold has since been raised so that the amount that is given for any single project is an amount that will have some impact in the given local authority.

Mr. M.H. Ali: Mr. Speaker, Sir, while appreciating the Deputy Prime Minister and Minister for Local Government's answer to my supplementary question, maybe I will ask him further to provide the amount which was allocated and given to the county councils so that we can know how much has been utilized and how much has not been utilized. In part "c" of the answer, out of 30 projects which were done by Mandera County Council, only six come from Mandera East.

Since they are three constituencies, we expected, at least, a third of the amount of the projects to go to each constituency. I am surprised only six projects were done in Mandera East out of the 30 projects that were done in the whole County of Mandera.

Mr. Mudavadi: Mr. Speaker, Sir, that is an issue I can raise with the Council of Mandera, because really, at the end of the day, when it comes to LATF, the Council makes the decisions. The Ministry really does not go out to micro-manage and insist that they must spread them out in certain areas. But since it has been raised as an issue here, definitely we will raise the issue of equitable distribution of resources with this particular council.

Mr. Speaker: Order, hon. Members! We will go back to Question No.741 by Member for Wajir South.

Question No.741

NUMBER OF HEALTH FACILITIES
AND PERSONNEL IN WAJIR SOUTH CONSTITUENCY

Mr. Keynan: Mr. Speaker, Sir, I have tried to reach my colleague through his cell phone and text message but so far, I have not heard anything from him. So, we have two options; to defer the Question to tomorrow and try to look for him, or decide otherwise.

Mr. Speaker: Fair enough! Hon. Keynan, you have done your part as tasked by me. As I said, I have a complaint on my desk raised by the Member for Wajir South that several Questions originated by him have been dropped. But our position, after ascertaining everything, the surrounding circumstances is that he has always been accorded a fair opportunity to ask Questions. But for some reason or other, he is not in the House when the Questions are called out. Given that we have rules which we must live within, I am afraid, I will have to continue to apply them. So, I drop the Question.

(Question dropped)

That brings us to the end of Questions.

(Mrs. Mugo nodded her head)

Sorry, Madam Minister. You have done your part. At least, you are here.
Next Order!

MINISTERIAL STATEMENT

(Mr. Affey stood up in his place)

Mr. Speaker: Any Statements for delivery. We will take Statements that are ready first, Mr. Affey!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I have a Statement, which was sought by hon. Ethuro, but unfortunately, I do not see him around. I do not know whether you will allow me to continue or we defer it to another time.

Mr. Speaker: Yes, Assistant Minister, what is the Statement about? What is the area?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, it is about insecurity in Turkana Central District. So, if you can allow me just to make that Statement, it might also help to restore some sanity.

Mr. Speaker: Maybe, you will resume your seat for a moment, so that I take the trouble to ascertain where the hon. Member for Turkana is.

(Mr. Speaker consulted the Clerks-at-the-Table)

Hon. Members, I am informed that the Member for Turkana Central is away on Parliamentary business with the Committee that is inquiring into issues of internally displaced persons and their fate. But given that this matter pertains to security, I think Assistant Minister you can proceed--- If the Member for Turkana Central will have issues

that are, perhaps, specific to his constituency, or restricted to his constituency, then you will have an opportunity to raise them, perhaps, another time.

INSECURITY IN TURKANA CENTRAL DISTRICT

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, on Wednesday 13th April, 2011, hon. Ethuro, Member of Parliament for Turkana Central Constituency, while standing on a point of order requested for a Ministerial Statement on measures to improve security in Turkana Central District.

Mr. Speaker, Sir, in the Statement, he sought to know what specific measures the Government has taken to improve security especially as it concerns deployment of more security personnel following the killing of a businessman, Nicholas Nyagah Johana, in Kalokol on 10th April, 2011. Further, he sought to know what action the police took during the particular robbery, and to account for the laxity of the Officer Commanding Station (OCS), Lodwar, for not pursuing the killers, who are being trailed by *wananchi*.

Mr. Speaker, Sir, on 10th April, 2011, at about 8.00 p.m. Nicholas Nyagah Johana, a businessman at Kalokol Trading Centre was shot dead by three people posing as customers, while in his shop. An unknown amount of money was stolen during the incident. To forestall future thugs of this nature, the police have intensified foot and mobile patrol comprising of regular, administration police and Kenya Police Reservists in Turkana Central District. Currently, the security situation is under control.

Mr. Speaker, Sir, on the alleged laxity of the OCS, it is not true that the OCS did not take action after the robbery. Immediately the report was received, the OCS mobilised officers from Lodwar Police Station to track the robberies. On 14th April, one suspect, Peter Trolokelis was arrested at Lomekwi within Turkana North District. A second suspect Benjamin Ewosit Lojoro was also arrested on 17th April, 2011. Those two suspects appeared in court on 18th April, 2011, charged with robbery with violence and murder vide Lodwar Police Station Criminal File No.822/91/2011. Police are still pursuing the third suspect, who is on the run.

Mr. Speaker, Sir, I want to assure this House that the third suspect will be arrested any time and will also be arraigned in court along with the others.

Thank you.

Mr. Speaker: Any Member interested in clarifications! Yes, Mrs. Odhiambo-Mabona! Assistant Minister, please take notes.

Mrs. Odhiambo- Mabona: Mr. Speaker, Sir, we have noted what the Assistant Minister said about beefing up security. Insecurity has become a big problem, not just in Turkana Central, but all over the country. It has been alleged that the thugs that are escaping from the City Centre are running to other places. What is he doing to protect places which are far like Turkana in relation to criminals that are using those places as hideouts?

Mr. Mureithi: Mr. Speaker, Sir, whereas the matter pertains to Turkana, I would like to inform the Assistant Minister that thugs are not only confined to Turkana. Is he aware that in my constituency, one young man was stabbed and killed by another young man? Any attempt to arrest that man has been thwarted by the chief of the area. What

action will he take, when thugs are protected by the same people who are supposed to arrest them? I am talking about my area in Ol Kalou.

Mr. Speaker: That is okay, Mr. Mureithi, except that in future, try and be precise. Do not say, "I wish to inform" and then seek a clarification. It is a mix up that does not go together.

Yes, Member for North Horr!

Mr. Chachu: Mr. Speaker, Sir, I am glad to note that those two suspects were arrested and one is being hunted down. Lodwar is a very small town. If our officers on the ground had done their job, I am sure that this particular problem would have been prevented. I want to know from the Assistant Minister what practical actions they are taking to ensure that insecurity will not occur again in Lodwar.

Mr. Speaker: Yes, Mr. Affey!

Mr. Affey: Mr. Speaker, Sir, I would also like to thank the Assistant Minister for the Ministerial Statement and the action taken, particularly in pursuing the culprits who killed Nicholas. I want to find out from him how well equipped the police in Turkana are, in terms of logistics and means of transport and communication, so that in future, such criminals can be pursued quickly and arrested? Is he satisfied that his officers out there are well equipped and capable of doing the job they have been sent there to do?

Mr. Speaker: Assistant Minister, you may now respond.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I will respond, starting with the question by hon. Odhiambo-Mabona.

Yes, we have beefed up security within Turkana County. We have also brought in the police reservists within Lodwar Town, who are also gathering intelligence information. As an hon. Member mentioned, Lodwar is such a small town. If that person had not run away from the law enforcement officers, by now we would have arrested him. I even have the names, which I am not ready to divulge, because doing so will prejudice the work of the police officers. We are making good progress.

My officers have done a wonderful job by arresting those two suspects immediately. That shows total commitment on their part. I want to assure this House that even if somebody kills a person in Turkana today and runs away to Tanzania, the law will catch up with him. We will arrest him wherever he will be.

Mr. Speaker, Sir, hon. Mureithi talked about a chief who is protecting somebody from arrest. Had he whispered the same to me, I would have taken action a long time ago. If he had told me the names of those persons, we would have arrested that chief, together with the person he is protecting.

The Member for North Horr talked about beefing up security. As I mentioned, Lodwar is a small town. I am not in a position to mention the names of the fellows who are looking for this particular person, but I want to assure the House that we will be able to arrest this person within this month.

Mr. Speaker, Sir, hon. Affey wants to know whether I am satisfied with the equipment that the police are using. Yes, I am very satisfied that the police are using modern equipment. Some of that equipment has led to the recovery of stolen goods. Some of the equipment has led us to where the fellows were hiding. The Police Department is in the process of buying high-tech equipment, some of which I will not

mention here. So, I would like to assure this House that we are in a position to get hold of a suspect when he commits a crime.

I have heard that the new Constitution allows peaceful demonstration. However, the same Constitution does not allow destruction of property. So, for those who may want to demonstrate, they may go ahead and demonstrate peacefully. However, when they engage themselves in activities other than peaceful demonstration, like what happened yesterday, the police will act.

In yesterday's demonstration, pick-pockets caused havoc. Many Members of Parliament lost their mobile telephone handsets. That was not peaceful demonstration. The law will catch up with them. If they try again to destroy property and go into other things, I am assuring this House that we will take action, be it in Parliament or outside Parliament, so that we can restore sanity.

Thank you, Mr. Speaker, Sir.

Mr. Speaker: Is there any other Ministerial Statement?

Mr. Olago: On a point of order, Mr. Speaker, Sir. For three weeks now, I have been seeking a Ministerial Statement from the Minister for Energy on safety concerns in respect of radioactive materials from Japan, given the fact that lately, Japan has been pouring radioactive-contaminated water into the sea. When we were here last week, the Minister said that the matter was complex, and that he would issue the Ministerial Statement today. I do not see him or the Assistant Minister in the House, and the matter is getting out of hand. What do we do?

Mr. Speaker: Deputy Prime Minister and Minister for Local Government, you have to hold brief for your Ministers. This pertains to spillage in Japan from the nuclear reactors. It is a very urgent matter.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will alert him, so that he can prepare and issue the Ministerial Statement on Tuesday. The matter may require a well thought-out Ministerial Statement. So, I would plead, on his behalf, that he comes here with the Ministerial Statement on Tuesday.

Mr. Speaker: That may be so, but the Minister has had two weeks now.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will mention that fact to him, and hope that he will do it tomorrow, but I would like to seek the indulgence of the House that in the event---

Mr. Speaker: Impress upon him to, as much as possible, do that tomorrow. If he cannot do it tomorrow, then he should do it, at the very latest, on Tuesday, next week.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Mr. Speaker, Sir.

Mr. Speaker: It is so directed!

POINTS OF ORDER

CLARIFICATION ON POLICE RECRUITMENT

Mr. Affey: On a point of order, Mr. Speaker, Sir. I rise on a point of order to request for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security. In view of the fact that the police recruitment is due

next week, on 27th April, I request for a Ministerial Statement on the following national concerns being raised across the country:-

- (i) clarification on the number to be recruited in each county or constituency;
 - (ii) the minimum academic requirements for each county, constituency or region;
- and,
- (iii) measures being taken to ensure fairness and accountability in this exercise.
- Thank you, Mr. Speaker, Sir.

(Mrs. Odhiambo-Mabona stood up in her place)

Mr. Speaker: Millie, are you rising on the same matter or on a different one? If you want to supplement the matter raised by hon. Affey, you may proceed.

MEASURES TO PROTECT PUBLIC FROM MOBILE PHONE FRAUDSTERS

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I rise on a point of order to request the Minister of State for Provincial Administration and Internal Security to indicate, in his Ministerial Statement, what measures he is putting in place to protect members of the public from fraudsters. Right now, there are people who are sending out text messages, pretending that they have erroneously sent you a text message intended for their sisters, saying: "I have ten positions available for recruitment into the Police Force". If you respond, they tell you to send them money, so that they can give you a position. I know that this is not the only case. There is a very sick lady whom I have been supporting. I sent her Kshs5,000 and because she is ignorant, she immediately sent the money to a fraudster. This is happening and the Government is not saying what it is doing to protect members of the public against such tricks.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I will be able to issue that Ministerial Statement on Tuesday, but allow me to talk about the fraudsters.

Mr. Speaker: Order, Assistant Minister! The indication in that request is that the recruitment will commence on Wednesday, next week.

Mr. Affey:---(Inaudible)

Mr. Speaker: Order, Amb. Affey! That is not the way to do it.

Assistant Minister, try very hard; it does not look too complex. Can you not bring it tomorrow afternoon?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I will be having another function tomorrow but, if time allows, and if I am given first priority before I leave for that other function, which is also necessary, I will try and issue the Ministerial Statement with regard to the fraudsters.

Mr. Speaker: Assistant Minister, we will give you first priority tomorrow. You will handle both matters tomorrow afternoon, at 2.30 p.m.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): I am most obliged, Mr. Speaker, Sir.

Mr. Speaker: We will certainly give you priority, because this is an urgent matter of national significance. If, for any reason, you cannot be here, please, your colleague is just seated next to you. He must be able to hold your brief. So, the Ministerial Statement will be delivered tomorrow without fail.

Next Order!

BILLS

Second Readings

THE LIMITED LIABILITY PARTNERSHIP BILL

(The Minister for Nairobi Metropolitan Development on 19.4.2011)

(Resumption of Debate interrupted on 19.4.2011)

Mr. Speaker: Who was on the Floor on this one?

(Mr. Speaker consulted with the Clerk)

Hon. Members, the question had just been proposed. So, nobody had the Floor. Any Member interested in contribution to Order No.8?

(No Members stood up)

Order, hon. Members! This is serious business. This is legislation. We would want to put law in place pertaining to partnership. Surely, there must be Members interested. You want to set a precedent that would be unmasked in the history of this House. Member for Kisumu Town West, you do not want to be part of this kind of history, surely.

Mr. Olago: Thank you very much, Mr. Speaker, Sir. The matters that are being canvassed in this Bill are very technical and legal. I appreciate that my input would be useful, but I must say with a lot of regret that this Bill should have first come to the Committee on Justice and Legal Affairs for scrutiny. Unfortunately, it did not come. I do not want to ask why. That is why I am reluctantly sitting back and not wanting to contribute on it.

Mr. Baiya: On a point of order, Mr. Speaker, Sir. I would also want to agree with hon. Olago on the matter that he has raised. This is a Bill, which ordinarily, we would have expected to receive at the Committee on Justice and Legal Affairs. We have not had occasion to scrutinize it there. That is why we are not set to present ourselves on this Bill. We would, therefore, request that issues that affect the Committee on Justice and Legal Affairs be addressed expeditiously. We are willing to work and discharge our responsibility to the country.

Prof. Kaloki: Mr. Speaker, Sir, as the Vice-Chairman of Finance, Planning and Trade Committee, this Bill did not come through our Committee. We are requesting for

your ruling to revert this Bill for some discussion and scrutiny before it comes to the Floor of the House.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I want to disagree with the hon. Members. Ordinarily, when Bills come for Second Reading, it is presupposed that we have read them as individuals. When a Bill goes to Committee Stage, it is important because that is where we give our inputs in terms of amendments, which then become important at the Third Reading.

Having said that, this Bill is timely because one of the things that we are trying to do, as a country, is to seek investor-confidence. This is one of the areas in law that are long-overdue in terms of reforms for us to attract investments. We need coherence in the law and our law must conform with the emerging trends. If you look at Clause 5(2) which talks about electronic lodgement of documents with the registrar, you will find that this is alive to the fact that we are in a new era. I do not want to talk much, but I will give some of my comments in terms of proposed amendments when we get to the Committee Stage. Otherwise, I want to thank the Minister because this Bill is timely. It will enhance investor-confidence.

With those few remarks, I beg to support.

Mr. Speaker: Very well! Hon. Members, there is a matter on which I am obligated to give some directions to the House. This pertains to the issues raised by the Member for Kisumu Town West, supported by the Member for Githunguri and supplemented by the Member for Kibwezi. The Standing Orders which govern the practice and procedure of this House are clear on what happens to a Bill after it is read the First Time. I want to draw your attention to the Standing Order No.111(1), which states as follows, and I want to read that in extenso:-

“A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put”.

So, it follows that it is a matter of course that once a Bill is read in the House for the First Time, it automatically stands committed to the Committee without the Speaker having to prompt the Committee that it now has ownership of the Bill. So, the Finance, Planning and Trade Committee was under duty to have its input in the Bill as soon as it was read. So, that cannot be an excuse for the Committee not doing its work. So, once a Bill is read the First Time, and even for that matter, as soon as it is published, Bills will normally be circulated to all the Members and the minimum that is expected of Members is that as soon as they receive the Bills in their pigeon holes, they will take the trouble to acquaint themselves with the contents of the Bill and, therefore, be prepared to contribute to the Bill as it comes to Second Reading.

Hon. Members, I further want to draw your attention to paragraph 2 of that Standing Orders, which tells you what the House will do if a Committee fails to make a report timeously by the time you get to Second Reading. So, Members, please, stand guided. I want to urge you to contribute to this Bill because it is before the House now. If you had any objections as to the validity or lawfulness of the Bill proceeding in Second Reading, then you should have raised those objections before it was moved and seconded, for that matter. Now, you are overtaken by events quite obviously and you cannot find any protection in the law, I am afraid!

Let us proceed!

(Mr. Speaker consulted with the Clerk)

Hon. Members, it is now drawn to my attention that this Bill was published on 17th December, 2010. I do not have to say anything more.

Since it appears like there are no further hon. Members interested, could the Mover reply?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I wish to reply. This is, indeed, a precedent-setting occasion because it is one of those occasions where ordinarily, one would be saying: “I wish to thank the hon. Members for their contribution to this Bill.” I think that honour will solely go to Mrs. Odhiambo-Mabona at this stage.

Mr. Speaker, Sir, I would like to underscore the fact that although the House will adopt this Bill – I hope - the key issue is that we still have a third opportunity; that is, at the Committee of the whole House stage for the Committees or even hon. Members who have issues to scrutinize this Bill very carefully. Some specific amendments can be proposed at the Committee of the whole House stage. That way, they will have an opportunity to refine the contents of this Bill which is, indeed, very important.

I just want to state that there are a number of Bills which relate to the question of constituting companies for business. Three Bills have actually been published. This is the first of the three Bills in a series. It is very important that we, as a nation, adopt these laws because we have been operating on laws that are really archaic when taken in context or it comes to aspects of partnerships and companies. This has been a major obstacle to the business community.

So, in replying, I would like to say that this is an important first step in the right direction because you will find that these Bills are intertwined. Therefore, one cannot be read in isolation as such. I think the sequence that was proposed by the Attorney-General was to have this Bill passed and then we move on to the next one which appears on the Order Paper and finally, the bigger one, which will be the Companies Bill.

One of the issues that is also being addressed here partially and in more detail in the next Bill, is the issue of receivership and winding up of companies. This is extremely important and it is captured under Part VII, Clause 34. I think these are very important aspects because the process of registration of limited liability companies and their winding up is a process that has been misused a lot by the various business communities, sometimes to defraud either the country or even organizations and individuals. The provisions that are contained in this Bill will make it harder for the fraudsters to get away with these companies.

Mr. Speaker, Sir, if this process is followed and the Bill is adopted, aspects that relate to tax evasion are likely to be minimized because there will be greater detail that can be captured in the process of setting up a limited liability partnership. That process would really help the Kenya Revenue Authority to trace the people behind these organizations more effectively and efficiently than it has been in the past. So, I really urge the House to support this Bill, so that we can start setting up better mechanisms. We inherited most of our laws on companies from the British system. The colonial masters then have gone way ahead in updating and reviewing their laws, whether on a limited liability basis or even as companies or the insolvency aspect, and yet we have continued to operate with those very archaic regulations which do not blend in effectively with

modern times and with the pace that other developing or developed countries have now adjusted to make the process of incorporating institutions more detailed and better.

I just want to state that by enacting this Bill, the intention is not to increase any bureaucracy in the process of registration, but to refine these processes and make them more efficient and user friendly for those who intend to go into business or form associations of this nature.

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

(Question put and agreed to)

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

Mr. Speaker: Hon. Members, at this point we should proceed to Order No.9, but we expected that the Attorney-General, who is the sponsor of this Bill, would be in the country by this morning. Unfortunately, due to unavoidable circumstances as have been communicated to me, the hon. Attorney-General has not been able to get into the country timously. Under those circumstances I will defer Order No.9 to next week, as the House Business Committee shall allot it time.

THE INSOLVENCY BILL

(Bill deferred)

ADJOURNMENT

Mr. Speaker: Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until tomorrow, 21st April, 2011, at 2.30 p.m.

The House rose at 4.10 p.m.