

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th September, 2012

The House met at 9.00 a.m.

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

PRAYERS

QUESTIONS BY PRIVATE NOTICE

RECRUITMENT OF APS WITHOUT FOLLOWING LAID DOWN CRITERIA

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Under what circumstances were Administration Police constables recruited and enrolled at Administration Police Training College (APTC) without basic academic qualifications certificates and without being given service numbers that resulted in 600 of them being given three days off on 28 May 2012 to present the documents to enable them proceed with training?

(b) How many of these officers have so far returned to the college with genuine documents and could the Minister provide a list of the 600 officers who were affected?

(c) Why were the officers exempted from normal courses offered at the College and instead only taught "Field Craft" (Science of War)?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Khang'ati): Mr. Temporary Deputy Speaker, Sir, I want to plead with the hon. Member that I be given more time, so that I can bring a more satisfactory answer. I have been informed that this Question had previously been on the Floor of the House and that the answer presented was not satisfactory. I have instructed my office to give me more information so that next time, the answer I provide is satisfactory.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has been prevaricating about this Question for a long time. But I will consider his request on this occasion just because my friend, the Assistant Minister, is new in the docket.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! How long do you require, Assistant Minister?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Khang'ati): Mr. Temporary Deputy Speaker, Sir, one day will be sufficient.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Olago, is tomorrow afternoon okay? It is a Question by Private Notice.

Mr. Olago: Mr. Temporary Deputy Speaker, Sir, I am sorry I would not be present tomorrow.

The Temporary Deputy Speaker (Mr. Imanyara): How about Tuesday next week then?

Mr. Olago: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Assistant Minister, consider this Question deferred to Tuesday next week.

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

(Question deferred)

Next Question by Mr. Mwaita.

ASSAULT OF MRS. KAREN N. KANDIE BY MR. ALLASSAN BA

(Mr. Mwaita) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Under what circumstances was Mrs. Karen Njeri Kandie, the Finance Director at Shelter Afrique assaulted by her boss, one Mr. Allassan Ba, and why has he not been arrested despite orders of his arrest issued by the Director of Public Prosecutions?

(b) Could the Minister confirm that the police were denied entry at Shelter Afrique offices when they went to arrest him on 6th July, 2012?

(c) What is the Minister doing to ensure that the officer is not victimized in her place of work?

The Temporary Deputy Speaker (Mr. Imanyara): Where is the hon. Member for Baringo Central? Is there any indication on where the hon. Member is?

The Question is dropped.

(Question dropped)

Next Question by Mr. Clement Wambugu.

REPATRIATION OF MS. LILIAN NYAMBURA FROM SAUDI ARABIA

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

(a) Is the Minister aware that the remains of Ms. Esther Muthoni Ngarega (Passport No. A1746327) who died in Saudi Arabia three (3) months ago, have not been transported back to the country for burial?

(b) Is the Minister also aware that Ms. Lilian Nyambura, a sister to the deceased and working in Saudi Arabia is not allowed to communicate with her parents by her employer?

(c) What urgent measures is the Minister taking to ensure that Ms. Lillian is repatriated to the country and postmortem on the deceased is carried out and her remains brought back to the country?

The Temporary Deputy Speaker (Mr. Imanyara): Where is the Minister for Foreign Affairs? Mr. Dalmas Otieno, where is the Minister for Foreign Affairs?

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, as you are aware, the Ministry of Foreign Affairs is a travelling Ministry and I have not been able to see the Assistant Minister here.

(Laughter)

I wish to seek your indulgence that I look them up and we will reschedule this Question, perhaps, for answer next Tuesday, if possible.

The Temporary Deputy Speaker (Mr. Imanyara): Would you like to consult the hon. Member for Mathioya first before I give direction on this?

The Minister of State for Public Service (Mr. Otieno): The hon. Member for Mathioya, let us have a little chat and see how it goes.

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, looking at the nature of this Question, you find that there are many problems that we are facing in Saudi Arabia with our people. The said lady died over three months ago. There has been no communication between our Government and that of Saudi Arabia. Her relatives are not being advised. If it will be deferred to any other time, it should be in an hour's time because the hon. Minister says he does not know where the Minister for Foreign Affairs and his Assistant Minister are. The parents of these children are so much concerned about the whole issue. They have been camping outside my constituency office trying to get an answer to this issue. I think one of the Ministers here could answer this Question in the spirit of collective responsibility.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Mr. Dalmas Otieno?

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, if the hon. Member would agree that we reschedule it for tomorrow afternoon instead of today---

The Temporary Deputy Speaker (Mr. Imanyara): What is your point of order, Mr. Ethuro? I can see that you are interrupting the Minister.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, is the Minister in order to claim that because the Ministry of Foreign Affairs is a travelling Ministry, hence this Parliament is not part of their itinerary and that they do not have a responsibility to the people of Kenya and the House?

The Temporary Deputy Speaker (Mr. Imanyara): He is certainly not in order. I do not even require him to respond on that. He is totally out of order on that, but I will take it that it was not meant to be a serious comment on why the Minister for Foreign Affairs is not in the House. Because the hon. Member does not have any objection on this, being a Question by Private Notice, I will defer it to tomorrow afternoon.

(Question deferred)

The next Question is by the hon. Member for Keiyo South; Jackson Kiptanui.

FILLING VACANCIES CAUSED BY RESIGNATIONS
OF SENIOR CIVIL SERVANTS

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, I beg to ask the Minister of State for Public Service the following Question by Private Notice.

(a) Could the Minister provide a list of all senior civil servants who have resigned from their jobs to contest for elective posts in the country?

(b) What measures has the Minister put in place to ensure that the respective Ministries, Parastatals and other Government bodies continue running uninterrupted before substantive officers are appointed to the affected offices?

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) A total of 115 senior public officers resigned from their posts by 3rd September, 2012 to contest elective posts in the country's 2013 General Elections. I, hereby, table the list of the public officers.

(b) The Government has put in place adequate measures to ensure that Ministries, parastatals and other Government departments continue to operate smoothly.

(c) With regard to presidential appointees, instructions have been issued that the senior most officers in the affected institutions hold those positions in an acting capacity while awaiting the identification and eventual appointment of substantive office holders after due consultations under the current arrangement. The positions left vacant, subject to Public Service Commission appointments, are usually filled by deployment and later on if advertisements are necessary, they are accordingly advertized and the process followed in accordance with the Public Service procedures.

It is important to emphasize that the civil service is structured in such a way that there will always be a competent officer able to act at very short notice whenever any vacancy arises.

(Mr. Otieno laid the document on the Table)

Mr. Kiptanui: Thank you, Mr. Temporary Deputy Speaker, Sir. The list that the Minister has given contains names of 115 officers who have resigned. Indeed, 115 officers is a very big number bearing in mind that quite a number of them were Ambassadors, Permanent Secretaries and Chief Executive Officers of various institutions. As much as the Minister has said that there are some officers who are acting, could he tell us when these positions will be filled to avoid a situation where we have officers acting for many years or months without filling those positions substantively?

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, the general rule is that acting capacities do not go beyond six months but in each of these positions, there are different appointing authorities. The different parastatal statutes provide that the appointing authority and the process of replacement will commence immediately and definitely be completed within the six months period. This is because we normally do not entertain acting positions continuing beyond six months.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, could the Minister assure the country that fairness and equity will be applied in the appointment of officers in the vacant positions?

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, I am sure that the hon. Member knows that because these are provisions under the new Constitution and he does not expect any breach in the appointment of any of these positions.

Mr. Wambugu: Thank you, Mr. Temporary Deputy Speaker, Sir. Accepting that there are 115 senior public officers who have resigned--- Recently, we had many changes in the civil

service. Some of the officers in the civil service lost their jobs due to malicious allegations because they were forced to quit their positions. Could some of those people who have been cleared by the courts - an example being the former Managing Director of Kenya Broadcasting Corporation (KBC), Mr. Waweru - be reinstated? Could the Minister appoint Mr. Waweru to one of the positions that has fallen vacant due to the resignation of some senior public officers?

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, I explained that the respective appointing authorities will follow the laid down procedures to fill these positions. If any person who recently exited the Public Service, either by resignation or in any other way would like or is interested in any of these new positions, he or she should apply and be considered in accordance with the procedures for each and every position.

Mr. Koech: Thank you, Mr. Temporary Deputy Speaker, Sir. The Minister has indicated that nobody can be allowed to act for more than six months. We have witnessed in the past where people have acted up to one year. Given this period, when we are heading into a General Election, there is a likelihood that the six months will fall within maybe one week or two weeks before the General Election. What has the Minister done to expedite the replacement of these people in one or two months?

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, I beg understanding that when that happens and an acting position goes beyond six months, it is raised at that time. I will then explain the circumstances that have led to an acting position being held longer than six months.

Mr. Washiali: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House? When Prof. Kiyiapi resigned to vie for the presidency, Prof. Godia was appointed in an acting capacity and up today, he is still acting. This is the case and yet six months are over. Is the Minister in order to mislead this House?

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, the case of Prof. Godia is that he is a presidential appointee and the consultative process is beyond my control.

The Temporary Deputy Speaker (Mr. Manyara): But Mr. Minister, the President is represented in this House by you, Mr. Dalmas Otieno. The Question is validly put to you and it is not sufficient to say that it is beyond your powers when you exercise the President's authority in this House. So, you need to provide an answer to the question.

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, the President listens and has heard the House.

(Laughter)

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. In his answer, the Minister made it very clear that the Government's position is that nobody can act beyond six months. Is he in order to again mislead the House that presidential directives are above Government position?

The Temporary Deputy Speaker (Mr. Manyara): Mr. Minister, you are certainly not in order. You gave an answer to this House. It is being pointed out to you that contrary to what you have told the House, there is one particular officer who has been serving well beyond the period you have stated. You need to provide an answer because it is not sufficient for you to say that the President is listening. If you need time to go and make consultations so that you can give the House information, the Chair will provide that time but it is certainly not in order for you to say that the President is listening.

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, I agree that I said that on specific questions, we would give specific answers. The case of Prof. Godia is specific and I have given a specific answer but the decision is made by the President in consultation with the Prime Minister. I have said that they will hear this. If you want me to address them certainly, I will but these positions have been vacant longer than six months. The response will be heard and be public information.

The Temporary Deputy Speaker (Mr. Imanyara): Very well. I direct now that this Question will be deferred to enable you to reach the appointing authorities and then come back to the House. How long do you require or do I impose a limit? How long do you require to make those consultations in order to provide the information to the House?

Mr. Otieno: Mr. Temporary Deputy Speaker, Sir, Thursday, next week is sufficient time.

The Temporary Deputy Speaker (Mr. Imanyara): The Question will be restored on the Order Paper on Thursday next week in order for the Minister to give specific answers to the questions that Members have raised.

What is your point of order, Mr. Sirat?

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, of more concern to me is the fact that there are a lot of insecurity problems in my constituency. Could the Minister of State Provincial Administration and Internal Security consider dealing with that issue?

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, hon. Sirat! We are on Question Time. Your point of order is not related to the Question that has been asked.

Hon. Ethuro, you are on a point of order. What is it?

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I have also noticed that this list does not contain the name of Prof. Kiyiapi. So, how complete and accurate is this list, in terms of all the public officers who have already resigned to vie for elective offices? The purpose of people resigning on a particular date is so that they do not continue pulling some strings from behind. That is why we are demanding, as a House, that they must be replaced immediately.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, the position is that the Question has not been answered. That is why I ordered it restored on the Order Paper next week. So, all those issues can be raised when the Minister returns to the House to answer it next Thursday.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1657

POOR RECEPTION OF TELEVISION SIGNALS IN LODWAR

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I am requesting that I read out the Question because there is no television coverage in Lodwar, so that the people there can only hear me on radio.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Ethuro! This is a matter you raised yesterday. So, take off from where you left yesterday. You may ask the Question, now that you have the time.

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

(a) whether he is aware that Kenya Broadcasting Corporation (KBC) Television signal has been poor to the extent that people in Turkana County have not been able to watch TV for the last two months;

(b) what the causes of the poor KBC TV signals in Lodwar are; and,

(c) when the Ministry will ensure that Turkana region has good KBC TV, NTV, KTN and Citizen TV reception.

The Temporary Deputy Speaker (Mr. Imanyara): Where is the Minister for Information and Communications? Yesterday he said he will be here. Mr. Dalmas Otieno, where is Mr. Poghisio?

The Minister of State for Public Service (Mr. Otieno): Mr. Temporary Deputy Speaker, Sir, I accept the duty of looking for him. So, I request that we re-schedule the Question to tomorrow, if possible. He will possibly be coming by the end of Question Time.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, Mr. Ethuro.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the Government “panel” needs to put its act together. If there is no Leader of Government Business or Deputy Leader of Government Business in the House, there must be one Minister designated to act as Leader of Government Business. Yesterday, you allowed me to consult with hon. Poghisio. We consulted and agreed that both of us will be here this morning in order for us to prosecute the Question. My people demand respect. They demand answers to Questions. That is the least this country can accept from the Front Bench on the Government side, including the freshly mentored hon. Ababu Namwamba. Congratulations!

The Temporary Deputy Speaker (Mr. Imanyara): Minister, I was, indeed, on the Chair yesterday and there was a very specific undertaking by the Minister, after consultations with the Questioner. He promised that he would be here this morning. So, taking the House for a ride like this is totally unacceptable. Therefore, I direct that this matter be referred to the Powers and Privileges Committee, with a complaint, for the Committee to address the issue and make a report to the House within the next two weeks.

(Question deferred)

Next Question, Member for Mutito.

Question No.1317

LACK OF POLICY ON FARE CONTROL
IN PUBLIC TRANSPORT

The Temporary Deputy Speaker (Mr. Imanyara): Is hon. Kiema Kilonzo still not here? The Question is dropped.

(Question dropped)

Next Question, Member for Kandara.

Question No.1617

ALLOCATION OF FUNDS TO KANDARA
CHILDREN'S HOME

Mr. James Maina Kamau asked the Minister for Gender, Children and Social Development:-

(a) whether she is aware of the existence of Kandara Children's Home in Kandara Constituency, which serves both abandoned and orphaned children in the entire Murang'a County; and,

(b) what plans the Ministry has to allocate enough money to the institution.

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

(a) I am aware of the existence of Kandara Children's Home in Kandara Constituency, Murang'a County. The Home was registered as a charitable children's institution in June, 2008 under the Charitable Children's Institutions Regulations of 2005. Its registration certificate expired in June, 2011.

(b) My Ministry does not normally allocate funds to charitable institutions, which are owned by either private individuals or organisations. However, with effect from January, 2012, the Ministry begun extending some financial support to charitable children's institutions which meet a strict criteria and have a good track record.

The disbursement that was done in January, 2012 was of Kshs17,999,997.60. This amount was shared out to a total of 78 charitable children's institutions with each receiving Kshs230,769.20. Two of the 80 institutions that had applied for support failed to qualify. Kandara Children's Home has never applied for financial support but it will be considered alongside other charitable institution if it makes a formal application and meets the criteria, which includes renewing its registration.

Thank you.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer. Kandara Children's Home may not have benefitted from the funds due to lack of adequate information. What is the Ministry doing to make sure that all charitable organisations in the country are informed of the availability of these funds?

Mr. Keah: Mr. Temporary Deputy Speaker, Sir, I am sorry, I have not gotten the question by the hon. Member.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Kamau, repeat your question for the Assistant Minister's benefit.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I said that Kandara Children's Home may not have been one of the charitable organisations that benefitted from the funds that were disbursed in January, 2012 due to lack of information. What is the Ministry doing to make sure that all charitable organisations are informed of the availability of these funds?

Mr. Keah: Mr. Temporary Deputy Speaker, Sir, the Ministry will consider all institutions which will apply, including Kandara Children's Home, if the later is registered. It has not renewed its registration. If it renews its registration and apply for the second allocation, it will be considered.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. Muturi Mwangi.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir the answer given by the Assistant Minister is a little bit disturbing. We have children homes in many other areas. In my constituency, we have two children homes. One is at Koibi and the other one called “Upendo” is in Likindu Location. He said that such institutions have to apply for the funds and renew their registration. There is a department on the ground, which is concerned with such programmes. Could he be clear on the policy? This is being inconsiderate of children’s rights. Children are supposed to have education, shelter and food. Who is responsible? Could he, kindly, tell the House what the clear policy regarding the management of children’s homes in our constituencies is?

Mr. Keah: Mr. Temporary Deputy Speaker, Sir, some of these institutions have been formed by private individuals, while others are under the Government. Nonetheless, all of them must be registered. If they are registered, they will be assisted.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, hon. Yusuf Chanzu.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, there is an issue which the Assistant Minister has not responded to; what is the Government doing to ensure that they embrace all these? These private people are just exploitative; others try to get donor funds to run institutions which are not even there. So, what is the Government doing to ensure that they embrace all since it is the responsibility of the Government to protect citizens?

Mr. Njuguna: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am interested to know whether the Assistant Minister is in order to tell us that two institutions with abandoned orphaned children did not qualify without telling us the basic reasons why they did not qualify.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, that is a supplementary question. He is asking a supplementary question through the backdoor.

Just continue, Chanzu.

Mr. Chanzu: I was just asking the Assistant Minister to tell the House and the country what the Government intends to do to make sure that we embrace all these institutions, so that we avoid exploitation. There are those who set up private homes but they do not use them for the intended purpose. It is the responsibility of the Government to take care of its citizens.

Mr. Keya: Mr. Temporary Deputy Speaker, Sir, with availability of funds, the Government will be able to take charge of all these institutions. It is a Government policy to make sure all children are taken care of.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, the responsibility of taking care of orphans and vulnerable children is primarily the responsibility of the Government. From this Question, it is clear that there is only such home in Murang’a County. If they are self-supporting, it means that they do not even have sufficient information or capacity to get the sort of information that the Minister is asking them to get. What measures will the Assistant Minister take to ensure that they build the capacity of this home that is doing the work of the Government?

Mr. Keya: Mr. Temporary Deputy Speaker, Sir, this institution has not renewed its registration. I am happy that the hon. Member has raised the issue and he has received information. So, he will be able to inform this institution to renew its registration and apply for assistance. It will be assisted.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, in his answer, the Assistant Minister cited refusal to renew registration as one of the criteria. Could he table the rest of the criteria?

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for my good friend, the Assistant Minister, to keep insisting that since an hon. Member has raised this matter, he now becomes his courier to go and inform Kandara Children's Home to renew its registration, when this Ministry has officers on the ground who should be doing that job. This applies to Turkana where we have Turkana Children's Home, the Kainuk Children's Home and the House of Hope Children's Home. I have petitioned the Ministry but they are yet to give them money.

The Temporary Deputy Speaker (Mr. Imanyara): Respond to that as you answer the last question.

Mr. Keya: Mr. Temporary Deputy Speaker, Sir, I will instruct my officers across the country to visit all these institutions, so that they give the latest information. Regarding the last question by the hon. Member for Kandara that I table the other criteria, here it is.

(Mr. Keya laid documents on the Table)

Question No.1648

CANCELLATION OF LICENCE FOR JATROPHA
PILOT PROJECT IN KITANGALE RANCH

Dr. Otichilo asked the Minister for Environment and Mineral Resources:-

(a) whether he is aware that NEMA granted Bedford Bio-fuels a licence for a 10,000 hectare Jatropha "pilot" project in Kitangale Ranch in Tana Delta;

(b) whether he is further aware that the East African Wildlife Society objected to the grant and petitioned the Ministry to cancel the licence in view of the expected negative environmental consequences; and,

(c) whether he could inform the House if the licence has been cancelled and also assure the House that the Government will not grant such licences in the area in future.

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the National Environment and Management Authority (NEMA) granted Bedford Bio-fuels an Environmental Impact Assessment (EIA) licence for 10,000 hectare Jatropha Plantation Pilot Project in Kitangale Ranch in Tana Delta. The licence was granted on condition that the project was going to be implemented on a pilot basis, and that NEMA, in consultation with the technical advisory committee---

I am sorry, I have a problem with my voice.

The Temporary Deputy Speaker (Mr. Imanyara): You have a problem with your voice? Do you want more time?

The Assistant Minister for Environment and Mineral Resources (Mr. Kajembe): No, I am all right. I will continue.

The licence was granted on condition that the project was going to be implemented on a pilot basis, and that a technical advisory committee would be constituted to advise on the project and monitor its implementation.

(b) I am further aware that the East African Wildlife Society appealed against the decision by NEMA. However, they were advised to file their case with the National Environmental Tribunal (NET) for redress as required by the law.

(c) Standards Enforcement and Review Committee (SERC) which was convened on 21st October, 2011 chaired by my Ministry's Permanent Secretary approved the cancellation of the licence. It has since been established that NEMA has not effected the cancellation of the licence, citing Section 28(2) of EIA and Audit Regulations of 2003. The Ministry is now revisiting this matter and appropriate measures to effect cancellation are being taken.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I want to know from him what criteria NEMA used to allocate 10,000 hectares of land in Tana Delta which is a very fragile environment for this Bedford Bio-fuels to conduct a pilot study when a pilot study means doing an experiment to find out whether what you are doing is viable or not. How can you allocate 10,000 hectares of land? Was there something fishy in the allocation of this land?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, 10,000 hectares were required for the planting of that amount of *Jatropha*. We did it after a feasibility study was submitted to NEMA.

Dr. Otichilo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to say that a pilot study requires 10,000 hectares of land which is 100 kilometres? It is not possible!

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Member, you asked and he has told you it is. What is out of order with that?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has made it very clear that something wrong was done somewhere especially with NEMA and that appropriate measures have been taken to cancel the award. What specific action have you taken on specific people in NEMA who gave this award?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, after the Ministry learnt that there was this problem-which I admit - we suspended the officer who issued this licence.

The Temporary Deputy Speaker (Mr. Imanyara): Yes, but suspension pending what? That is what he is asking.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, my Permanent Secretary intervened with regard to this matter and a committee was constituted which was chaired by my PS. The committee recommended that the licence be cancelled. The other party who were developers of *Jatropha* went to the tribunal. Up to today, the tribunal has not come up with a clear decision. So, that is what has made the Ministry buy time. But the whole issue is nasty. Since the tribunal has not come out with a ruling, our hands are tied.

The Temporary Deputy Speaker (Mr. Imanyara): In other words, you are saying that the matter is before the tribunal and you know from our rules that if that is your allegation, you must back it with the details of the case number, when it was last in court, *et cetera*.

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, if I am allowed to bring the case number of the developers who went to the tribunal, I would have to report at a later date.

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to really avoid answering a very specific question? He is calling it a nasty activity and we are talking of a licence which was given to Bedford Bio-fuels to invest in 10,000 hectares. Supposing they had actually invested, and therefore, they could actually take the

Government to court, what specific action have you taken on this officer who might actually put you in trouble as a Ministry?

The Temporary Deputy Speaker (Mr. Imanyara): What he is saying as I understand is that some people were suspended. As a result of that suspension, they went to the tribunal and the matter is pending in the tribunal. If that is what he is asserting, what I am asking him to do is to provide the House with the details of the nature of the case before the tribunal, when it went there and the stage at which it is so that we are able to prosecute this Question properly because Kenyans are entitled to this information.

Article 35 of the new Constitution is very clear and I think it is important that the Front Bench appreciates that when hon. Members ask Questions it is a matter that is entrenched deeply in our Constitution without any proviso that you provide the information in public interest. Investment in 10,000 hectares under circumstances which you claim were fishy does justify the hon. Members demands for further details.

Assistant Minister, I will defer this Question to a period that will enable you to get full details. How much time would you require?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I want to add one point that I know the ruling of the tribunal was delayed because these people were taken to KACA. Again they were to be---

The Temporary Deputy Speaker (Mr. Imanyara): That is the information you need to provide the House. How long do you require in order to furnish the House with a complete and comprehensive statement on these issues that hon. Members are raising?

Mr. Kajembe: Mr. Temporary Deputy Speaker, Sir, I require a fortnight.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Otichilo, is that sufficient time for you?

Dr. Otichilo: Much obliged, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): The Question will be back on the Order Paper two weeks for the Assistant Minister to give a comprehensive report. Perhaps it would be useful for you to familiarize yourself with the HANSARD so that you can address all the issues that hon. Members are raising and that you, yourself, have raised in describing this as a very fishy deal.

(Question deferred)

Question No.1728

UPSURGE OF SUICIDE CASES AMONG YOUTH

Mrs. Odhiambo-Mabona asked the Minister for Youth Affairs and Sports:-

(a) whether the Government is aware of the rising cases of suicide by young people in the country,

(b) what are the root causes of such incidents; and,

(c) what measures the Government has taken to contain the rising cases of suicide among the youth and what psycho-social support mechanisms are availed to the families affected.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, it is my honour to ask a maiden Question to my fellow “Reloaded Team” Member, Mr. Namwamba; Question No. 1728.

The Temporary Deputy Speaker (Mr. Imanyara): It cannot be your maiden Question.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I am asking for his maiden answer; not my maiden Question. I am asking him a maiden Question as the Minister.

We have nonetheless agreed with him that because he has just come into the Ministry and the Ministry is---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mrs. Odhiambo-Mabona! The Question is on the Order Paper. That is not for you to determine. The Minister is present in the House. You have asked the Question.

(Loud consultations)

Order, hon. Members! You have to hear the Minister in silence as our tradition demands. He is making his maiden statement as a Minister.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Temporary Deputy Speaker, Sir, I did bring this matter to your attention and to the attention of the Clerk as well as Mrs. Odhiambo-Mabona, my dear sister. I just noticed that there has been some kind of ping pong in terms of where exactly the responsibility for this Question lies. Initially, when this Question came to the House, it had been filed under the Ministry of Gender, Children and Social Development which then brought it to the Ministry for Youth Affairs and Sports, which referred it to the Ministry of State for Provincial Administration and Internal Security. I have the record of that correspondence with me. Because of this back and forth correspondence, the Ministry had, therefore, not prepared a response to this Question. Therefore, I had humbly requested the Chair and Mrs. Odhiambo-Mabona, whether I could be indulged a few days to just sort out this correspondence and determine where exactly the responsibility lies. Then I will be more than glad, once that is sorted out, to come and comprehensively respond to the Question.

The Temporary Deputy Speaker When would you like to do that, Minister?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Temporary Deputy Speaker, Sir, the Question has been lying around for quite a while. A week should be sufficient.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Millie, is a week sufficient for you?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I definitely, oblige.

The Temporary Deputy Speaker (Mr. Imanyara): Very well! The Question will be back on the Order Paper in a week’s time.

(Question deferred)

Question No.1662

LACK OF MEDICAL DOCTOR/EQUIPMENT
IN CHEPTERWAI SUB-DISTRICT HOSPITAL

Mr. Koech asked the Minister for Medical Services:-

(a) whether he is aware that Chepterwai Sub-District Hospital does not have adequate facilities and a qualified medical doctor; and,

(b) what measures he will put in place to ensure that essential equipment is supplied and when a medical doctor will be posted to the facility.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Chepterwai Sub-District Hospital does not have adequate facilities and a qualified medical doctor. The reason the hospital lacks adequate facilities is because of budgetary constraints.

(b) The Ministry will progressively upgrade the hospital's equipment as funds become available. Medical doctors can only be deployed in facilities where they can carry out the complex medical interventions and procedures that they are trained to perform. These include surgeries and complex deliveries. To carry out such interventions, a medical doctor requires an operating theatre, diagnostic facilities like X-rays and laboratories and a variety of support skills, all which are presently missing at Chepterwai Sub-District Hospital. A medical doctor will be deployed to the hospital when these missing facilities are put in place.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for being candid enough to indicate here that the hospital lacks adequate facilities. This sub-district hospital was upgraded 12 years ago and not a single additional facility has been done up to now. What urgent measures has the Assistant Minister put in place to ensure that this sub-district hospital gets these facilities because it is important?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, it is my Ministry's policy to equip all these hospitals all over the country. We did a proposal to the Ministry of Finance and I hope that we will get some money so that we can start procurement of these equipment because they are very important to these facilities.

The Temporary Deputy Speaker (Mr. Imanyara): But Mr. Assistant Minister, surely, you cannot tell an hon. Member that you are relying on hope when he seeks an answer. You must be more specific than that. You cannot tell him that you hope that you will get the money. Suppose you do not get the money, does the hospital remain unattended?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I am saying that because we have been doing this for the last three years. The proposals are rejected by the Committee and Ministry of Finance when we take them there. I hope that this time round, they will consider the proposals as promised by the Ministry of Finance.

The Temporary Deputy Speaker (Mr. Imanyara): That is not a sufficient way to answer a Question. You must go to the Ministry of Finance and tell them that the House is demanding an answer and so, they should make a provision for what you want to do to the hospital. After that, you can come back to the House and tell us what the position is. It is not sufficient for Ministers to come and just give blunt answers that the Ministry of Finance has been requested. You must provide specifics of what you have requested, when you requested, what the answer was, how long you should wait and how much. These Questions are not being asked just for ornamental value. They demand answers. So, how long do you require to get this information from the Ministry of Finance?

Kambi: Mr. Temporary Deputy Speaker, Sir, I want to confirm to this honourable House that in the course of the day, I will walk to the Ministry of Finance and I am sure that I will come up with something better.

Mr. Oyugi: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the right to health is constitutional? To the extent that he is answering this Question, he needs to

appreciate that we are in violation of the Constitution if we do not give Kenyans adequate healthcare.

(Applause)

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, indeed, it is a right, but there are some rights which are aspiration rights because they are not achievable. I want to assure this House that---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, you have taken an oath to defend and protect the Constitution with all those rights. Are you saying that those are mere aspirations and are not achievable? Is that the answer that you want this nation to take from the Government of Kenya; that the constitutional rights are not achievable?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, they are achievable, but considering the efforts that we have put, as a Ministry, particularly to the Departmental Committee on Health and the Ministry of Finance, we have been getting peanuts in the Budget. These equipment are very expensive and we need our budget to be looked into by this very honourable House.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, we do appreciate the effort that the Assistant Minister is making in trying to give a wrong explanation. However, the point is that the issue of inadequate facilities is not only being experienced in one area of the country because all hospitals experience this problem. In his answer, the Assistant Minister said that if the hospital in question provided facilities, he would provide the equipment. I can give the Assistant Minister an example of Muriranja District Hospital in my area where we have put up a facility for X-ray and for the last four years, we have not had one. Could the Assistant Minister clearly say that if a hospital has all the physical facilities that are required, then he will have the funds to supply the equipment? We have the physical facilities, but he has not provided the equipment. I appreciate that the Assistant Minister has made an effort, but could he commit the Ministry and the Government that once the physical facilities are in place, then the equipment will be provided?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I can only commit the Ministry through this House. We have provided a proposal that, as a Ministry, we need about Kshs21 billion. Once that is approved, all these problems will be a thing of the past.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, maybe the Assistant Minister does not know that Chepterwai Sub-District Hospital is over 50 kilometers away from the nearest hospital called Kapsabet District Hospital. Eldoret is even further away. Given the fact that we want to accommodate his request, from last night, the patients who went to Chepterwai hoped that they will go to Kapsabet and Eldoret. Since the Assistant Minister has no doctors in those institutions, what does he expect to happen to these patients? What has he done to ensure that the doctors who are no longer in Kapsabet, Eldoret and elsewhere in the country are working, because poor people are dying? The rich people go to Aga Khan Hospital, Nairobi Hospital, MP Shah Hospital and Mombasa Hospital while the poor of Kenya are dying.

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, I do appreciate the concern of the hon. Member. However, you will realize that this strike is not about salaries of Government doctors but it is about payment to private doctors.

Mr. Oyugi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think that the hon. Assistant Minister is not appreciating the fact that he is responding to issues that are constitutional and he needs to give us a straight Government policy in terms of healthcare.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Member, that is not a valid point of order but I will let the Assistant Minister respond given the fact that you are still learning our rules.

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, the doctors are on strike, but the issue that we are dealing with is the private doctors. The Government's doctors want this Government to pay private doctors. What they are actually saying is like paying allowances to people who are not Members of Parliament, and it is not possible.

Mr. Pesa: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister make three contradictory statements. First, he started by saying that he will take care of this hospital when funds are available, and this has been used by many Ministers before. Secondly, he said that there is money that he has requested in the Budget and lastly, he has just said that he will go to the Ministry of Finance this afternoon. Will I be in order to ask for your indulgence that this Question is deferred until the Assistant Minister comes back with another answer so that this hospital can benefit?

The Temporary Deputy Speaker (Mr. Imanyara): Indeed, that is why I ordered that the Question be deferred. But I want to give hon. Members time to raise issues that he can handle when he comes to give the answer. As I ruled, it is not sufficient for the Assistant Minister to say that they have made requests to the Treasury without indicating how much, when it was made and what was the response, *et cetera*. So, I was just providing an opportunity to hon. Members to raise the issues that the Assistant Minister will address when he comes to answer this Question. He has said that he only requires a day, but I am going to give him more than a day. There are many of you who are seeking further clarifications on this and I will take three, starting with hon. Mungatana.

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, it is true that the Government suffers deficits in various Ministries. But it is also true that the Government has looked into other ways of raising money. For example, in the Ministry of Roads and Ministry of Transport, the question of Public Private Partnerships (PPPs) has been a policy. Could the Assistant Minister not think outside the box? What is the problem with the Government not thinking about the PPP policy as far as important Government hospitals that serve large areas are concerned? Why can you not involve the private sector in that area?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, before you answer that question, I will ask hon. Kiptanui to state his point and you will note all of them so that when you come to respond to this Question - which I am going to defer - you can address all those issues.

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, indeed, having listened to the Assistant Minister, I think he has not answered anything. He has said---

The Temporary Deputy Speaker (Mr. Imanyara): Order! We are deferring the Question because the Assistant Minister has not given a satisfactory answer. So, there is no point in standing up to repeat that he has not answered the Question. Why do you not go to your supplementary issues that you want addressed?

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has said that he seeks Kshs21 billion. But I can say for free that the Ministry of Finance will not be able to provide that money. At the moment, they are sorting out the issue of teachers. We have doctors on strike and I do not think the Assistant Minister will have an answer on the Kshs21 billion. Could the Assistant Minister tell us how much his Ministry has budgeted for that sub-district hospital?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, just note those points and at the end of this, I am going to give you some time to answer them.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I remember when hon. Charity Ngilu was the Minister for Medical Services, we had a serious shortage of ambulances. We remember that she went to the coffers of the National Hospital Insurance Fund (NHIF), got money from there and bought several ambulances which are still being used up to now in this country. What has prevented the Ministry to also think out of the box just to augment what hon. Mungatana has said, to look for money elsewhere - including the Chinese who are around here trying to look for PPPs arrangements – to construct infrastructure facilities in various hospitals in this country? Why can you not take that advantage?

Mr. Yinda: Mr. Temporary Deputy Speaker, Sir, I also want to request the Assistant Minister to look at all the district hospitals in the country. I have many district hospitals and health centres in my constituency which are experiencing similar problems. So, if he could look at the whole country when he is giving that answer, that will be appreciated.

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, currently, there is a very acute shortage of drugs in health facilities in the whole country. What is the Government doing about that?

The Temporary Deputy Speaker (Mr. Imanyara): Hon. David Koech! Sorry, you have the last clarification.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, it is not the last because you are deferring the Question.

The Temporary Deputy Speaker (Mr. Imanyara): Order! I did not intend to give you this opportunity. I intended to give it to hon. Dr. Nuh because you, as the originator of the Question, should have the last bite. Dr. Nuh.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, you know the Assistant Minister kept on lamenting that the Ministry of Finance and the Departmental Committee on Health have been unable to budge to the demands. I am currently aware of budget lines where about 50 hospitals are under renovation by donors and Government counterpart funding. Could the Assistant Minister tell the House what criteria they have used in selecting those hospitals and why this particular hospital has not been considered?

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Koech, now you can wind it up.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, first of all, I just want to thank you for giving this directive to defer the Question. But I just want to give the Assistant Minister some further information about that sub-district hospital. It is 50 kilometres away from Kapsabet District Hospital which is in another district.

The Temporary Deputy Speaker (Mr. Imanyara): Order! You know you cannot really stand up to provide answers to the Assistant Minister. You rise to ask the Assistant Minister questions. How can you now stand up and say that you want to provide the Assistant Minister with information? If you do not have a question to ask him, I will just ask him how much time he requires in order to respond to all those issues when he is answering this Question.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I am raising this because when I look at some of his supplementary information---

The Temporary Deputy Speaker (Mr. Imanyara): Order! I just heard you say that you want to provide the Assistant Minister with information. On what basis would you be providing the Assistant Minister with information?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, I am privy to supplementary information because the sub-district hospital is in my constituency. The information is indicating that the catchment area has 30,000 people. I just want to make it clear to him that Nandi North District does not have a district hospital. It has a population of 200,000 people. I want him to get that information so that, at least, it can guide him when he goes to request for money.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Assistant Minister, how much time now do you require? All those issues need a major policy statement from you. How long would you require?

Mr. Kambi: Mr. Temporary Deputy Speaker, Sir, considering all these issues which have been raised, I would like to be given, at least, two weeks.

Dr. Khalwale: On a point of information, Mr. Temporary Deputy Speaker, Sir. I want to request the Assistant Minister to allow me to inform him something very small about those doctors.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Dr. Khalwale! You know that is not a valid point of order.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I said point of information when I was requesting.

The Temporary Deputy Speaker (Mr. Imanyara): You sought to give the Assistant Minister information?

Dr. Khalwale: Yes, a small piece of information which is important.

The Temporary Deputy Speaker (Mr. Imanyara): To guide him in answering this Question?

Dr. Khalwale: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): All right.

Dr. Khalwale: Mr. Temporary Deputy Speaker, the Assistant Minister ought to understand the reason why the private registrars are asking for pay is because as soon as they enroll, they start providing services at Kenyatta National Hospital (KNH). They go to the clinic, sit at the outpatient centre, clerking patients, going to theatre – a full time job. So, all they are asking is that they be paid for the services which they render to KNH. That is because services at KNH are not for free. Patients actually pay and that has been the tradition from the time---

The Temporary Deputy Speaker (Mr. Imanyara): Very well, Dr. Khalwale. You have made the point. Mr. Assistant Minister, you have two weeks from today. This Question will be back on the Order Paper in two weeks time. You can address all those issues in your answer. Familiarise yourself with the HANSARD so that you can respond to all the issues. That way, hon. Members will feel satisfied on the issues they have raised.

(Mr. Kiuna faced a technical hitch in logging in)

The Temporary Deputy Speaker (Mr. Imanyara): You are not making a request, hon. Kiuna. You can use the Dispatch Box if you are not able to operate your system there. Alright, it is on now, hon. Kiuna.

Question No. 1627

CONSTRUCTION OF PATH FOR *BODA BODA*
TO EASE TRAFFIC JAM IN NAKURU

Mr. Kiuna asked the Minister for Roads:-

(a) whether he is aware that there is an artificial jam along KANU and Oginga Odinga roads in Nakuru town caused by bicycles and motor-bikes (*boda boda*),

(b) whether he could consider constructing a path for the *boda boda* operators along the two busy roads to reduce the traffic, and,

(c) When the Ministry will commence the construction of the path.

The Assistant Minister for Roads (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that bicycles and motorbikes are causing jam along KANU and Oginga Odinga Street in Nakuru Town.

(b) I will put into consideration provision of facilities for non- motorized traffic in Nakuru, but at the moment, I am not able to tell exactly, when the construction of this above mentioned facilities will commence due to financial constraints.

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, I thank the Assistant for answering part (a) and part (b). But for part (c), I did not get a satisfactory answer. I am not satisfied because this road is one of the busiest roads in Nakuru Town.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Kiuna, part “C” is referring to a path not a road unless I have another Question.

It says: - “When will the Ministry commence construction of the path?”

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, I am not satisfied with the Assistance Minister’s response to part C of my Question and I will ask the Assistance Minister to respond.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, the hon. Member should be one of the luckiest in the House and actually I expected him to thank the Ministry for building a new road in his constituency in the name of Oginga Odinga Street.

Indeed, other Kenyans are suffering. They have no basic roads. What the hon. Member is asking for is extra building of road paths for bicycles, when other Members in this House do not even have roads for vehicles. Just be fair to other Members. I will consider it when I think I have funds. For now, no!

(Laughter)

Mr. Mwaita: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is aware that *boda boda* has become a major mode of transport in this country especially in towns. Could he consider when designing roads in urban areas, particularly municipalities to include paths for *boda boda*?

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, indeed, that is a very good request and it is our policy now that these designs are made to that specification.

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister in order to tell this House that he has given Nakuru County more than enough, yet we know very well that this is one of the busiest towns? We have lost many lives and injuries from this road. Is he in order to say that this road cannot be given any priority, yet we know very well that in Nakuru County, it is one of the busiest roads? Is he in order to mislead this House and state categorically that he cannot give it priority? I know very well that in his Ministry, we have emergency funds.

Dr. Machage: Mr. Temporary Deputy Speaker, Sir, I am very much in order, taking cognizance of the fact that some parts of this country have got more infrastructure development than others. That is painful for a Minister to think about. We have to consider other parts of this country which have no roads instead of considering giving extra funds to roads which have already been built. I am very much in order to consider other parts of this country.

Question No.1614

MEASURES TO REDUCE ROAD CARNAGE

Mr. Ochieng' asked the Minister for Transport:-

(a) whether he could provide a list of road accident related deaths per province countrywide since 1st December, 2011; and,

(b) what measures the Ministry intends to put in place in order to reduce the road carnage and loss of lives.

The Assistant Minister for Transport (Mr. Joho): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I hereby table a list of road accident related deaths per province countrywide since 1st December, 2011. The list indicates that there have been 1,658 victims since 1st December, 2011. Out of this figure, 780 or 47 per cent of the fatalities have been pedestrians.

(b) The Government is concerned over the continued loss of lives along roads through accidents. In order to reduce the road carnage and loss of lives, the Ministry has put in place the following measures:-

1. Review of the Traffic Act, Cap.403. The Traffic Act, Cap.403 is being amended with a view to enhancing penalties on traffic offences and making the Act more relevant to modern ways of managing public transport. The Cabinet has approved the proposed amendment.

2. Formation of the National Transport and Safety Authority. One of the causes of continued loss of lives through road accidents is disjointed and un-co-ordinated nature of institutions that currently deal with the management of road transport. In order to address this concern, the Government is in the process of forming a single institution, the National Transport and Safety Authority to be responsible for all road matters, which is currently before the House for debate.

Mr. Ochieng': Mr. Temporary Deputy Speaker, Sir, a figure of 1,658 lives having been lost in a span of about six months is not acceptable at all. This is very high. Maybe the Assistant Minister could also shed some light on whether the Ministry has withdrawn the requirement of speed governors, especially in the 14-seater *matatus*, because this is where most of these deaths occur.

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, the Government has not withdrawn the rule on speed governors on the 14-seater *matatus*.

Mr. Oyugi: Mr. Temporary Deputy Speaker, Sir, my question is in four parts.

The Temporary Deputy Speaker (Mr. Imanyara): No!

Mr. Oyugi: Okay, I will ask the question. I would like to ask the hon. Assistant Minister, what happened to the famous "Michuki rules" because they were hailed for mitigating the number of accidents.

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, the "Michuki rules" are still in place although there have been challenges in implementation. That is why the Government has come

up with the formation of the National Transport and Safety Authority that will work hand in hand with the other relevant institutions to ensure that it is fully implemented and that is still on.

The Temporary Deputy Speaker (Mr. Imanyara): Last question, Mr. Ochieng. We have to complete Questions by 10.30 a.m. So, we do not have much time.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, another mode of transport that has caused a lot of loss of lives is the motor cycles especially where we come from. Could the Ministry also consider introducing speed governors for these motor cycles so that they do not go beyond 50 kilometres per hour because most of them cruise at more than 50-kilometres per hour with three or four passengers on board and that has also increased fatalities?

Mr. Joho: Mr. Temporary Deputy Speaker, Sir, we have realized that the cost of a speed governor is probably higher than that of a motorcycle. What we will do, as a Ministry, is to ensure that we have serious safety campaigns, particularly in the areas where *boda bodas* operate, so that they can adhere to the rules that are in place, including matters of speed limit.

Question No.1732

STALLING OF RE-AFFORESTATION PROGRAMME
IN MARAGOLI HILLS

Mr. Chanzu asked the Minister for Forestry and Wildlife:-

(a) if he is aware that the re-afforestation programme for Maragoli Hills has stalled;

(b) if he could consider purchasing tree seedlings from the local community in order to fast track the programme; and

(c) what price the Ministry offers for such seedlings.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Wekesa, are you not the Minister in charge?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, the Member of Parliament for Kimilili has been engaging me and I would like your assistance.

The Temporary Deputy Speaker (Mr. Imanyara): You no longer require the assistance; you may proceed now to answer the Question.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) No, I am not aware that the---

(Hon. Mbadi crossed the Floor)

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Hon. Mbadi is obviously more used to sitting on the left Back Benches. Minister, you may continue.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I would also like to join my colleagues in congratulating the Minister for Gwassi.

The Temporary Deputy Speaker (Mr. Imanyara): Did you say, "Minister for Gwassi"?

(Laughter)

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, the Member for Gwassu for being appointed Assistant Minister.

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

(a) No, I am not aware that the re-forestation programme for Maragoli Hills has stalled. My Ministry, through the Kenya Forests Service (KFS), has been planting tree seedlings to re-forest the bare Maragoli Hills in Vihiga County. This is an on-going exercise that will continue until the depleted forest cover in the area has been fully restored.

(b) My Ministry, through the KFS, has been purchasing seedlings from the local communities for the re-forestation programme, and all the seedlings that have been planted in the areas have been supplied by the local community groups. My Ministry will continue to purchase seedlings from the local communities and engage them in the tree planting exercise as a way of empowering them economically. The purchases, however, are subject to need and availability of funds.

(c) My Ministry has not fixed a price for the tree seedlings as the price is determined by market prices through competitive bidding as per the requirement of the Public Procurement and Disposal Act, 2005.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, the Minister has said that he is not aware. I want to tell him that, that is my home area and it is true that the programme has stalled. Could the Minister give this House the timeline when this programme is supposed to end?

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, this programme in Maragoli Hills was actually kicked off by the Member of Parliament, who has raised this Question, and I. We were both on this Hill and we started the re-forestation programme. The availability of seedlings is sometimes a problem because we prefer to buy the seedlings from the local communities. I understand that the seedlings are not available, but I am committed to trying to find some seedlings in the next two weeks. If the hon. Member would keep reminding me then I will make available---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! It is not the responsibility of the hon. Member to keep reminding you of the undertakings that you give the House. You are totally out of order to ask the hon. Member to keep reminding you to perform your official duties.

Dr. Wekesa: Mr. Temporary Deputy Speaker, Sir, he is a very good friend of mine and we meet quite regularly. All that I am saying is that whenever we are having a cup of tea, he should just keep talking to me about it.

However, I want to assure the House that in the next two weeks I am going to make available some seedlings for the re-forestation programme.

Also, I have a particular interest in the Maragoli Hills because of its historical importance, and I want to declare today that I want to visit the hills in the next two weeks.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Chanzu, in view of what the Minister is saying, I am going to defer this Question for two weeks, so that he can confirm that, indeed, he has acted on that undertaking. The Question will be restored on the Order Paper in two weeks time, so that we can confirm whether the undertaking will have been complied with.

(Question deferred)

Question No.1751

DISPARITIES BETWEEN GIRL-CHILD
AND BOY-CHILD IN MIGORI

Mr. Pesa asked the Minister for Education:-

- (a) What the comparative statistics of girl-child education and that of the boy-child at the end of fourth form in Migori County are;
- (b) What the reasons for the disparity are; and
- (c) When the Minister will improve the infrastructure at God Ngoche Girls Boarding School to cater for those girls who were scared after the 2008 skirmishes along the Migori/Trans mara border.

The Temporary Deputy Speaker (Mr. Imanyara): Is the Minister for Education present? Dr. Wekesa, where is the Minister for Education?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I am not sure where he is, but I would like to convey the message to him.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. John Pesa, what would you want to say to that?

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, now that the Minister has resolved the teacher's strike and today he has made another announcement on postponement of examinations without consultations, I thought he would be available today because this Question has been appearing on the Order Paper for a long time now. You can decide when it can come back on the Order Paper.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Wekesa, when can this Question be answered?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I think it will be fair to the Minister, who is not here, to answer the Question tomorrow in the afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Pesa, tomorrow in the afternoon. Is that okay with you?

Mr. Pesa: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): The Question will be back on the Order Paper tomorrow in the afternoon. Before the Minister answers the Question he will need to explain his absence from the House to answer it, given that it is disorderly conduct for a Minister not to be in the House to give an answer, just as it is disorderly conduct for a Member not to be in the House to ask a Question when it is called.

(Question deferred)

Hon. Members, I wish to point out that at the request of the Member for Baringo Central, and as he has explained to the Chair the circumstances under which he failed to ask Question No.2 by Private Notice as a result of which I dropped it, I will now reinstate it and it will be on the Order Paper tomorrow in the afternoon.

QUESTIONS BY PRIVATE NOTICE

ASSAULT OF MRS. KAREN N. KANDIE BY MR. ALLASSAN BA

(Mr. Mwaita) to ask the Minister of State for Provincial Administration and Internal Security:

(a) Under what circumstances was Mrs. Karen Njeri Kandie, the Finance Director at Shelter Afrique assaulted by her boss, one Mr. Allassan Ba and why has he not been arrested despite orders of his arrest issued by the Director of Public Prosecutions?

(b) Could the Minister confirm that the police were denied entry at Shelter Afrique offices when they went to arrest him on 6th July, 2012?

(c) What is the Minister doing to ensure that the officer is not victimized in her place of work?

(Question deferred)

The Temporary Deputy Speaker (Mr. Imanyara): With regard to Question by Private Notice No.3, which I deferred tomorrow – I do not know if hon. Wambugu is still in the House – I have seen a letter from the Ministry indicating that the Minister will be away until 2nd October, 2012. So, even if I defer the Question to tomorrow it will not be answered. Therefore, I am asking the Clerks-at-the-Table to put this Question back on the Order Paper the week beginning 2nd October, 2012.

REPATRIATION OF MS. LILIAN NYAMBURA
FROM SAUDI ARABIA

(Mr. Wambugu) to ask the Minister for Foreign Affairs:

(a) Is the Minister aware that the remains of Ms. Esther Muthoni Ngarega (Passport No. A1746327) who died in Saudi Arabia three (3) months ago, have not been transported back to the country for burial?

(b) Is the Minister also aware that Ms. Lilian Nyambura, a sister to the deceased and working in Saudi Arabia is not allowed to communicate with her parents by her employer?

(c) What urgent measures is the Minister taking to ensure that Ms. Lilian is repatriated to the country and postmortem on the deceased is carried out and her remains brought back to the country?

(Question deferred)

What is your point of order, Mr. Ekwe Ethuro?

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister for Information and Communications is here, and I would kindly request you to allow him to answer my Question.

The Temporary Deputy Speaker (Mr. Imanyara): My understanding when you approached the Chair was that Mr. Poghio was here. The undertaking was not by his Assistant

Minister. I however, will listen to the Assistant Minister because the sanctions were addressed to Mr. Poghio because he made a personal undertaking in the House.

So, Mr. Assistant Minister, what do you have to say to this?

The Assistant Minister for Information and Communications (Mr. Ogari): Mr. Temporary Deputy Speaker, Sir, I stand, first of all, to apologize on behalf of my Minister and the Ministry for coming late. The Minister had something urgent in the constituency. He had to dash to his constituency this morning and he informed me to handle the matter. But I got delayed where I was.

I beg for your indulgence. If your sanctions can be retracted, we can deal with this Question now. I am aware that it is the Minister who made the promise to bring more information, but I think what I have will suffice.

The Temporary Deputy Speaker (Mr. Imanyara): Thank you. Given that explanation - and I really do not want to take too much thing on this - I will withdraw the sanctions that were imposed on the Minister.

However, Mr. Ethuro, given the time we had allowed for Question Time, I do not think we will be able to handle it now. The nature of business before us is such that we need to go to the next Order now. I would like to ask you to indicate when this Question can be prosecuted, now that I have restored it and the Minister is no longer under sanctions. What do you have to say?

Mr. Ethuro: Thank you Mr. Temporary Deputy Speaker, Sir, for your indulgence. I am equally on a parliamentary mission to represent you elsewhere, but I had to come because of this Question. I was just asking for your indulgence for another ten minutes so that we finish this matter. It has been pending for a while.

The Temporary Deputy Speaker (Mr. Imanyara): It is only that, that is what you require. There may be other Members who may be interested; it is an important Question regarding licenses.

Mr. Ethuro: That is correct. I will not take more than two minutes myself. Therefore, I have factored other Members.

Mr. Temporary Deputy Speaker, Sir, but your sanctions on Mr. Poghio - because he has still failed to come - should be upheld. What we are trying to salvage is the Question and the answer which my people are entitled to.

The Temporary Deputy Speaker (Mr. Imanyara): You will not be able to split that too because the sanctions were as a result of the absence of the Minister to answer a Question. You have agreed that the Assistant Minister can do so and, therefore, you cannot have half sanctions and half indulgence. I am still not persuaded that we can give this Question the time it requires.

Mr. Ethuro, I know you sit in the same panel with me. I am requesting you to agree with the Assistant Minister that we defer this so that we can give the remaining time to pending business. I think I have persuaded you.

Assistant Minister, can we do this tomorrow?

The Assistant Minister for Information and Communications (Mr. Ogari): Yes.

The Temporary Deputy Speaker (Mr. Imanyara): Tomorrow afternoon then. Of course, Mr. Ekwee Ethuro, you should be preparing for the Committee of the Whole House.

(Question deferred)

Next Order!

POINTS OF ORDER

The Temporary Deputy Speaker (Mr. Imanyara): Are there any Statements that are due for delivery this morning by the Government?

Clerks-at-the-Table, may I know whether there were any Statements due for delivery this morning before I go to requests.

There are no Statements due for delivery. We may go to requests for Statements and reminders for Statements that were due.

SHORTAGE OF TEACHERS IN SCHOOLS

Mr. Pesa: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement regarding the continued shortage of teachers in our schools as pegged on the “law” which was slapped by the IMF and the World Bank in 1997 not to employ teachers who complete their training in our teacher training colleges. In his Statement, the Minister should address the following:-

(a) When will the Government lift the “law” slapped on it by the two bodies above not to employ those teachers who complete their training in our teacher training colleges?

(b) What mutual benefits in the education sector has the Government received from the IMF and the World Bank in compliance with the law imposed by the two bodies on employment of teachers that have completed colleges since 1997?

(c) What was the timeframe under which the said law would last and what rationale was laid on this?

Thank you.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I will convey this matter to the Minister for Education. I will point out to him that the Statement should be given on Tuesday afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Tuesday afternoon; so it will be.

Mr. Ruto, please, proceed!

ALLOCATION OF KSHS149.4 BILLION IN THE RECURRENT AND DEVELOPMENT ESTIMATES IN 2012/2013

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Finance on the allocation of Kshs149.4 billion in the Recurrent and Development Estimates for various devolved functions in the year 2012/2013 Financial Year. In his Statement the Minister should:-

(i) State the amount of money that will be available to county governments after the general elections to perform administrative services, both for the county governments and county assemblies.

(ii) Indicate the amount of money that will be available for setting up the necessary infrastructure for the county governments, recruitment and remuneration of staff in the counties.

(iii) State how much will be available for the other development projects during that period.

Mr. Temporary Deputy Speaker, Sir, although I am not a member of the Government, but I had an occasion to speak to the Minister for Finance and he indicated he is willing to answer it tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Let us hear from Dr. Wekesa.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I have not been able to connect with the Minister for Finance this morning but, if he is in town, I want him to prepare the Statement for Wednesday afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Ruto, is Wednesday afternoon okay?

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, that is why I was seeking your indulgence. From the informal information, the Minister himself was here about 20 minutes ago. He mentioned to me that he is ready to give it tomorrow afternoon. I am sure the Minister for Finance will confirm to Dr. Wekesa that he confirmed that.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Wekesa, in those circumstances, could the Minister do this tomorrow? But before that, I see a point of order from Mr. Martin Ogindo.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, I just want to add on to what Mr. Ruto has just said. You appreciate that the Government budget cycle for the next financial year might not find us here. It is important that on the 5th of March next year, the county governments that shall have been elected get some money to start working with. It is very important that this Statement comes at the earliest opportunity tomorrow.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I have no problem with that. I will see the Minister immediately after this Sitting and ask him to have the Statement this afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Tomorrow afternoon.
Mr. Ochieng, please, proceed!

DISBURSEMENT OF FUNDS TO CONSTITUENCY ROADS COMMITTEES

Mr. Ochieng': On a point of order, Mr. Temporary Deputy Speaker, Sir. Three weeks ago, I requested the Minister for Roads to avail a Statement in this House regarding the situation of roads in my constituency. He was supposed to inform the House about the disbursement of funds to the Constituency Roads Committee in the entire country and also about the 10 per cent that is normally given to the regional managers down in the constituencies. That Statement has not been availed up to now. The matter came up last week and it was agreed that the Minister issues the Statement on Tuesday and he never did that. On Thursday again, he never did that. So, maybe you could guide me accordingly.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Wekesa, what would you like to say to that?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, again, I will engage the Minister for Roads and indicate to him the problem that the Member has been experiencing. I will request him to deal with this matter as soon as he can.

The Temporary Deputy Speaker (Mr. Imanyara): When you say "as soon as he can", what kind of timeframe are you talking about?

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I am not sure whether he is in town, but shall we say Tuesday, next week?

The Temporary Deputy Speaker (Mr. Imanyara): Tuesday, next week, hon. Ochieng’!

Mr. Ochieng’: Mr. Temporary Deputy Speaker, Sir, Tuesday next week may be too far because I sought the Statement three weeks ago.

The Temporary Deputy Speaker (Mr. Imanyara): The Minister says that he is not sure whether his colleague is even in town.

Mr. Ochieng’: Mr. Temporary Deputy Speaker, Sir, the Assistant Minister for Roads was just here this morning. He responded to a Question by hon. Kiuna and after that he simply walked out.

The Temporary Deputy Speaker (Mr. Imanyara): I wish you had raised it at that time when he was in the House.

Mr. Ochieng’: Mr. Temporary Deputy Speaker, Sir, the Ministry has one substantive Minister and two Assistant Ministers.

The Temporary Deputy Speaker (Mr. Imanyara): This is just for one day, surely.

Mr. Ochieng’: Mr. Temporary Deputy Speaker, Sir, if we can have it tomorrow, that would really be good. The roads in my constituency are terribly in bad shape and they require immediate attention.

The Minister for Forestry and Wildlife (Dr. Wekesa): Mr. Temporary Deputy Speaker, Sir, I will ask him to issue it tomorrow afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Okay, tomorrow afternoon then.

Mr. Langat: Mr. Temporary Deputy Speaker, Sir, my point of order was in regard to what hon. Ruto said because they are very important---

The Temporary Deputy Speaker (Mr. Imanyara): Sorry, that is spent. Before you read Order No. 8, let the record show that the spelling mistake on hon. Eseli’s name as the Mover of the Bill is corrected. It is hon. Dr. Eseli Simiyu and not Simuyu. Let that correction be noted in the HANSARD.

BILL

First Reading

THE HUMAN RESOURCE MANAGEMENT PROFESSIONALS BILL

*(Order for the First Reading read – Read the First
Time and ordered to be referred to the relevant
Departmental Committee)*

COMMUNICATIONS FROM THE CHAIR

RE-ORGANIZATION OF HOUSE BUSINESS

The Temporary Deputy Speaker (Mr. Imanyara): Before I call the next Order, hon. Members, a request has been made to the Chair to re-organize the business of today. In view of the importance of the issue raised in the business falling under Order No.16 regarding the

security situation in Banita, a request has been made that the Chair re-organizes the business, so that the business under that Order can come immediately after the business under Order No.9. Unless there are serious objections, I am inclined to do so. If I do not see any objections, then I would give directions to that effect. So, after the Committee of the whole House, we will be moving straight to the business under Order No.16.

Hon. Odhiambo-Mabona, this is for you. During yesterday's House Business Committee meeting, the Committee established that a number of amendments on The Ratification of Treaties Bill had not been incorporated in the Order and they are not ready. The Chief Whip, hon. Midiwo, was dispatched to let you know that business under The Ratification of Treaties Bill will be deferred. Any comments before I defer it, hon. Odhiambo-Mabona?

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, to the best of my knowledge, the amendments that had not been incorporated were my amendments, which are similar to the ones of the Attorney-General. So, I am really ready to proceed. I can move the ones by the Attorney-General, unless there are others that I am not aware of.

The Temporary Deputy Speaker (Mr. Imanyara): As a rule, we go by the recommendations of the House Business Committee and having taken the decision yesterday, I do not know that we can proceed with that Order. If you have any issues, would you approach hon. Midiwo, so that he can brief you? There are reasons, I understand, why they were asking that the Bill be deferred. There were amendments that are being introduced. If they are going to be introduced, then it will not be fair to proceed with it this morning and leave out the proposals for amendments that the Government or Mr. Midiwo was going to introduce. I am not sure who is who, but this is the information that is coming to me as the Chair or as the Presiding Officer of the House now before we go into the Committee.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I stand guided by your ruling, but I just want to indicate that if you actually note when this Bill came for Second Reading, it is several months ago. So, anybody who was interested in bringing any amendments had all the ample time. This is a Private Member's Bill and I do not think it is in order for the Government side to delay me. They had all the time to bring amendments. As the Mover, I am ready to proceed. I do not see why I should be precluded because of the Government's dalliance.

The Temporary Deputy Speaker (Mr. Imanyara): I wish they were here, so that they can respond. This having been brought to the attention of the Chair, I had given the indication that I will be deferring the Bill. You have put me in a very awkward situation now, hon. Odhiambo-Mabona. They are not here and I had already given an indication that I will defer it. I did not see any bad faith when the information was brought to me. I am not even sure who approached me. Hold on a minute while I consult.

(Hon. Imanyara consulted the Clerks- at-the-Table)

Hon. Odhiambo-Mabona, I am now in the picture. It is not just that. There are, at least, two other Members who have submitted amendments for introduction. So, I will defer it to next Wednesday on priority basis in the order of business for that day.

As we go to the next Order, I am put in a bit of an awkward situation because I am a Member of the Committee on Delegated Legislation and I wanted to participate in the next business. I can see that hon. Ethuro has walked out. I do not know any Member who is able to take the Chair in the event that we are not there. Is there any Member who is willing to take the

Chair? Otherwise, I will be denied a chance to participate. Hon. Chanzu, would you be able to take the Chair if I call the next Order?

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, for how long?

The Temporary Deputy Speaker (Mr. Imanyara): The business is about an hour.

Mr. Chanzu: Yes, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Odhiambo-Mabona, given what you have stated, I order that your Bill be put on the Order Paper tomorrow and not next Wednesday.

Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

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

The Temporary Deputy Chairman (Mr. Chanzu): Order, hon. Members! We are in the Committee of the Whole House to consider the Energy and Communications Law (Amendment) Bill, Bill No.29 of 2011, and the Statutory Instruments Bill, Bill No.53 of 2011. We will start with the Energy and Communications Law (Amendment) Bill, Bill No. 29 of 2011.

THE ENERGY AND COMMUNICATIONS LAW (AMENDMENT) BILL

(Clause 2 agreed to)

Clause 3

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 3 be amended—

(a) in subsection (2) of the proposed section 2A, by—

(i) deleting the words “five hundred” appearing in paragraph (a) and substituting therefor the words “one million”;

(ii) deleting the words “one year” appearing in paragraph (a) and substituting therefor the words “three years”;

(iii) deleting the words “two years” appearing in paragraph (b) and substituting therefor the words “three years”;

(b) in the proposed section 2B, by deleting the words “the Inspector-General of the National Police Service or such officer as the Inspector-General” and substituting therefor the words “such a panel as the Cabinet

Secretary for the time being responsible for trade may, by notice in the Gazette, appoint, comprising of representatives from:

- i. The Ministry for the time being responsible for trade;
- ii. The National Environmental Management Authority;
- iii. The National Police Service;
- iv. The Kenya Private Sector Alliance;
- v. The Telecommunications Service Providers Association of Kenya; and
- vi. The Kenya Power and Lighting Company.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

*(Question, that the words to be inserted in place thereof
be inserted, put and agreed to)*

(Clause 3 as amended agreed to)

(Clauses 4, 5, 6 and 7 agreed to)

Clause 8

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 8 be deleted.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 8 deleted)

Clause 9

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 9 be deleted.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 9 deleted)

Clause 10

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 10 be deleted.

(Question of the amendment proposed)

The Temporary Deputy Chairman (Mr. Chanzu): Okay, Dr. Kones, you have got an issue?

Dr. Kones: Yes, Mr. Temporary Deputy Chairman, Sir. I just want to hear from Eng. Rege why he is deleting all the clauses from Clause 8 to Clause 13. What is the effect on the original Bill, because it looks like you are reversing the whole Bill?

The Temporary Deputy Chairman (Mr. Chanzu): Yes, Eng. Rege, maybe you can explain that.

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, these clauses are being deleted because they came up in the Statutory Act that has been debated in the House before. So, in our Committee, we found it not necessary to bring them up again because they already exist in the law.

Thank you, Mr. Temporary Deputy Chairman, Sir.

The Temporary Deputy Chairman (Mr. Chanzu): Is that okay, Dr. Kones?

Dr. Kones: It is, Mr. Temporary Deputy Chairman, Sir.

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 10 deleted)

Clause 11

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 11 be deleted.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 11 deleted)

Clause 12

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 12 be deleted.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 12 deleted)

Clause 13

Eng. Rege: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 13 be deleted.

(Question of the amendment proposed)

*(Question, that the words to be left out be left out,
put and agreed to)*

(Clause 13 deleted)

(Clause 1 agreed to)

The Temporary Deputy Chairman (Mr. Chanzu): I now call upon the Mover to respond.

Eng. Rege: Mr. Temporary Deputy Speaker, Sir, this is for the Minister.

I beg to move that the Committee doth report to the House its consideration of The Energy and Communications Law (Amendment) Bill (Bill No.29 of 2011) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

THE STATUTORY INSTRUMENTS BILL

The Temporary Deputy Chairman (Mr. Chanzu): Hon. Members, we will now move on to the next Bill which is The Statutory Instruments Bill, Bill No.53 of 2011.

(Clauses 2, 3, 4, and 5 agreed to)

Clause 6

Mrs. Amina Abdalla: Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, Clause 6 be deleted.

The import of this is that the clause gives some exemption on consultations and we have agreed that we do not exempt any statutory instruments from consultations. Therefore, I propose that the clause be deleted.

*(Question, that the words to be left
out be left out, put and agreed to)*

(Clause 6 deleted)

(Clauses 7 and 8 agreed to)

Clause 9

Mrs. Amina Abdalla: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, Clause 9 be amended –

(a) In subclause (4) by deleting the words “**twenty eight days**” and substituting therefor the words “**fourteen days**”;

(b) In subclause (5) by deleting the word “**shall**” immediately after the words “**regulatory impact statement**” and substituting therefor the word “**may**”; This is the period of time by which Members should be able to have published a statutory instrument because it was felt that the 28 days was too long. I also proposed that we amend Sub-Clause 5 by deleting the word “shall” before the “tabling of regulatory impact statement” and substituting it with the word “may” so that we are able to give some discretion. While I am still on the Floor, there is a typo on the amendments on Clause 12. We need to know that it is amending Sub-Clause 1 and not Sub-Clause 5 when we reach there.

(Question of the amendment proposed)

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

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

(Clause 9 as amended agreed to)

(Clauses 10 and 11 agreed to)

Clause 12

Mrs. Amina Abdalla: Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 12 be amended –

(a) In subclause (1) by deleting the word “is tabled” immediately after the words “a copy of the statutory instrument” and substituting therefor the words “is transmitted to the responsible Clerk for tabling”;

Mr. Temporary Deputy Chairman, Sir, the amendment in the Order Paper speaks about an amendment to Sub-Clause 5 which is not in the Bill. The sub clause responsible is Sub-Clause 1 and the amendment is that we delete the words “is tabled” before the words “copies of the statutory instrument” and substitute thereof with the words “is transmitted to the responsible Clerk for tabling.” This is because no Minister can confirm the tabling of a statutory instrument. However, they can confirm the transmission to the Clerk for tabling. So, I propose that Sub-Clause 1 of Clause 12 be amended as per the Order Paper.

(Question of the amendment proposed)

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

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

(Clause 12 as amended agreed to)

(Clauses 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

Ms. Amina Abdala: Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of The Statutory Instruments Bill (Bill No.53 of 2012) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

REPORTS, CONSIDERATION OF REPORTS AND THIRD READINGS

THE ENERGY AND COMMUNICATIONS LAW (AMENDMENT) BILL

Mr. Chanzu: Madam Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered The Energy and Communications Law (Amendment) Bill (Bill No.29 of 2011) and approved the same with amendments.

Eng. Rege: Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

Mr. Oyugi seconded.

(Question proposed)

(Question put and agreed to)

Eng. Rege: Madam Temporary Deputy Speaker, I beg to move that The Energy and Communications Law (Amendment) Bill be now read the Third Time.

Mr. Oyugi seconded.

(Question proposed)

(Question put and agreed to)

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

THE STATUTORY INSTRUMENTS BILL

Mr. Chanzu: Madam Temporary Deputy Speaker, I beg to report that a Committee of the whole House has considered The Statutory Instruments Bill (Bill No.53 of 2011) and approved the same with amendments.

Mrs. Amina Abdala: Madam Temporary Deputy Speaker, I beg to move that the House doth agree with the Committee in the said Report.

Mrs. Noor seconded.

(Question proposed)

(Question put and agreed to)

Ms. Amina Abdala: Madam Temporary Deputy Speaker, I beg to move that The Statutory Instruments Bill (Bill No.53 of 2011) be now read the Third Time.

Mrs. Noor seconded.

(Question proposed)

Mrs. Amina Abdala: Madam Temporary Deputy Speaker, I wish to take this opportunity to thank all the hon. Members who have been in the Committees and in the various consultation meetings that resulted in the design of this Bill and its eventual passage by this House.

I would also like to thank the Parliamentary leadership for the support and the legal services that they have provided for this Bill.

Thank you.

The Temporary Deputy Speaker (Dr. Laboso): Yes, Eng. Rege.

Eng. Rege: Madam Temporary Deputy Speaker, I would like to thank hon. Members for supporting this Bill, which has been overdue for so long. I would also like to thank my colleagues in the Committee for the excellent work they did in our search for---

The Temporary Deputy Speaker (Dr. Laboso): Eng. Rege, are you talking about The Energy and Communications Law (Amendment) Bill? We are now on The Statutory Instruments Bill. We have already passed The Energy and Communications Law (Amendment) Bill. You should have made your comments then. For now, you can support hon. Amina Abdala.

Eng. Rege: Thank you, Madam Temporary Deputy Speaker.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. Sofia Abdi.

Mrs. Noor: Madam Temporary Deputy Speaker, I want to take this opportunity to congratulate hon. Amina Abdala for bringing this particular Bill to the House. This is excellent work done. Congratulations! We support her in every way.

Thank you so much.

(Question put and agreed to)

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

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, we will now move to the next Order.

MOTION

APPOINTMENT OF SELECT COMMITTEE ON RESETTLEMENT IN BANITA SCHEME

Dr. Khalwale: Madam Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, noting with deep concern the rising tension in Banita Settlement Scheme in Rongai Constituency in Nakuru County, as evidenced by incidences of clashes between members of rival communities over disputed ownership of land in this settlement scheme that has necessitated a court order to keep warring communities apart, who on separate occasions have clashed resulting in dozens of casualties and a few fatalities; concerned further by indications that allocation of land is skewed in favour of a certain community and concerned further that some officers in the Provincial Administration are contributing to this rising tension by impartial and inept discharge of their duties; this House resolves to establish a select committee to be known as ‘The Parliamentary Select Committee on the Resettlement in Banita Scheme’ to inquire into the factors fueling the rising insecurity in Banita Settlement Scheme, and table in Parliament within three weeks a comprehensive report with sufficient recommendations on lasting remedial measures; and the said committee to comprise of the following:-

1. Hon. (Dr.) Boni Khalwale, M.P.
2. Hon Millie Odhiambo, M.P.
3. Hon. Joseph Kiuna, M.P.
4. Hon. Luka Kigen, M.P.
5. Hon. Nelson Gaichuhie, M.P.
6. Hon. Moses Lessonet, M.P.

7. Hon. John Mututho, M.P.
8. Hon. (Dr.) Joyce Laboso, M.P.
9. Hon. Charles Onyancha, M.P.
10. Hon. Raphael Letimalo, M.P.
11. Hon. Isaac Ruto, M.P.
12. Hon. Mutava Musyimi, M.P.
13. Hon. Fred Kapondi, M.P.
14. Hon. Sofia Noor, M.P.

Madam Temporary Deputy Speaker, I will not belabour this Motion. I come before you, so that you allow this committee to be formed so that it goes and interrogates the issues that are contained in the Motion.

Allow me to just highlight one or two points. The first one is that the issue of Banita Settlement Scheme is, indeed, to a university student, a study in the culture of discrimination in this country against the poor and voiceless. Banita Settlement Scheme has a history. This was a farm that was once upon a time owned by a white man. Before the white man left, he had been using African black people as hand labourers on his farm. When he left, the same people, whose families had multiplied over the years, then approached the Government, then the Government of President Daniel Moi, and President Moi, in his wisdom, decided that this land be given to the squatters. That was done.

Allow me to point out one or two issues; because I will use names of communities, I should not be perceived to be promoting ethnicity. The people who were working on this farm were mainly from the Kalenjin, Luo and Luhya communities. When the land was given, it was understood that it was going to be shared amongst these people. When Mr. Moi exited the Government, the decision to settle was then changed, and for some unknown reasons, Kenyans from communities that were not originally working on this farm, and who were not originally squatters on the farm, ended up being given the land. Also, members of the Kalenjin community had settled on a section of this scheme that was perceived to be fertile. When the Provincial Administration came, it pushed them out and gave that fertile section of the farm to members of a different community and the stand-off began. It has gone on and we have had incidences of violence, tribal clashes, and people have lost their lives until a time came when a court order was issued that no further activities would take place on any of those farms.

Madam Temporary Deputy Speaker, sadly it came to pass that in spite of a court order, elements within the Provincial Administration went on and started giving directives that were aimed at favouring a particular community. Therefore, it would be important that this Select Committee goes on the ground, establishes the facts and reports back to this House. It is a very sad thing that while effecting a court order a District Officer, a young lady, fresh from the university, aged 25 years, and just turning 26 years, a few weeks ago decided to uphold the court order and prevented a particular family from burying a body on that farm. In the process, she received punishment from the District Commissioner (DC) to the extent that she was given a punitive transfer.

I want to use this opportunity to thank the then Minister of State for Defence and Acting Minister of State for Provincial Administration and Internal Security. When this matter came before this House he took it up and immediately sorted out the mess. Members of the family of this young DO are very grateful to the Minister because he has been able to give her a departmental transfer to save her the trauma that she has been undergoing while working under the brutal DC.

Therefore, I want to come before the House and appeal to hon. Members to support this Motion. I want to ask the Chair of the Committee on Administration and National Security, Mr. Kapondi, to second my Motion.

I beg to move.

Mr. Kapondi: Madam Temporary Deputy Speaker, the issue of security is fundamental. Where we have tell-tale signs that things can get out of hand, it is good to arrest the situation early. This year precedes election, and it would be in order that we have this Select Committee to get to the bottom of the matter, so that whatever could end up messing up with the electoral process next year is unearthed early and safeguards are put in place. This way, Kenyans can continue doing their business in a very secure environment.

With those few remarks, I second.

(Question proposed)

Mrs. Noor: Madam Temporary Deputy Speaker, I want to congratulate the Mover of the Motion because security is very important and a basic right of every individual. As leaders, we should intervene in issues that pertain to security because they are paramount and very important. Security is the number one responsibility of the Government. If the Government becomes partisan in any given situation, then we have a responsibility to go and find out the deep-rooted cause of the conflicts that we are witnessing within this particular farm.

It has a long history and the cause of the conflicts have been cited as discrimination besides other reasons. Those historical issues are things that we need to go and find out and bring a report which is accurate and factual to this House so that this House can now move and give recommendations on the way forward.

Madam Temporary Deputy Speaker, land is a very sensitive issue in our country. Being a very sensitive issue, we need to approach it with caution and carry ourselves in a manner that is very responsible so that when we go there we do not cause more problems but we get solutions and answers. It is important that the communities that live within that particular farm can co-exist in a very peaceful manner.

In any conflict women and children are always the victims. We know in this particular farm, women and children have been victims. You can know what is happening by only looking at the lady District Officer who has suffered so much in the course of performing her duties. You sent responsible Kenyans to go and work for you and when they go on behalf of the country and the nation, they suffer. The rights of a young lady who has a lot of ambitions, who can be anything including the President of this nation have been violated. So, we need to go there, because of the rights of this lady and others that have been violated and find out the cause of the problem so that we can get a solution.

Madam Temporary Deputy Speaker, I do not want to repeat what a situation like this means with regard to the forthcoming elections. When this kind of violence continues, we become a worried society. We can see what is happening in our nation. Security is our first basic right as a nation. When we see the tension that is prevalent in the whole country then it is a problem that is waiting to get out of hand. I would like to thank Dr. Khalwale for bringing this Motion. It has come at the right time and we need to get a solution to it.

With those few remarks, I support the Motion.

Mr. Ogindo: Madam Temporary Deputy Speaker, I rise to support this Motion. You appreciate that in this country we have had this dubious distinction of having conflicts in the run-

up to elections ever since the advent of multi-party elections. The latest conflict which occurred in 2007/2008 was the ugliest conflict.

Madam Temporary Deputy Speaker, we have preached peace enough times in this country. We want to spend much more time preaching peace. It is incumbent on us to take the necessary steps in time to save this country from such ugly incidents. Among the traditional causes of conflicts in this country are land and leadership. It is important that we take cognisance of those facts and we solve any of these issues very amicably.

Just recently, you saw tension flaring up in Tana River and it took the intervention of the GSU. There were even proposals to use the military. We cannot afford to militarize this country. These cases, if not addressed in time, would be fertile ground for ethnic conflicts.

I want to congratulate Dr. Khalwale for a very timely Motion because Banita has now turned into a hotspot. We do not want any such spots springing up in this country. We want to use this as an example so that any people who are harbouring such intentions of fanning ethnic conflicts learn from this example.

This country has a new Constitution which allows everybody to move and live anywhere. That movement must be legal. We do not want a situation whereby authority is being taken advantage of to undermine the rights of others for the benefit of others.

Madam Temporary Deputy Speaker, today there are a lot of borderlines that could be ripe for conflicts. This country must run away from ethnic clashes once and for all so that we can have a peaceful election next year.

With those remarks, I beg to support.

Mr. Cheruiyot: Thank you, Madam Temporary Deputy Speaker, for allowing me to contribute in support of this Motion. In so doing, I would like to express my shock that an officer can be harrassed in the course of her duties and nobody takes action. This is equivalent to really harrassing the Head of State and getting away with it and it must be condemned without any reservations. This is really primitive and we must now begin to address the conduct of officers. If officers, instead of rendering service to the nation are---

Something ought to be done and particularly in Nakuru which is an area of cosmopolitan texture, we must address the officers who are there as Kenyans; not going to serve their communities. It is actually timely that the Mover has brought this Motion which will help stabilize Nakuru which seems to be having very complex issues.

On the issue of land evictees, I am aware that as of now the second two-week committee which has been put in place to sort out the Mau evictees issue has come to an end and no settlement has been done. So, something should be done as a matter of urgency so that we have landless people settled in Nakuru.

I support.

Mr. Onyancha: Madam Temporary Deputy Speaker, I beg to support the Motion. As I support it, I am saddened that Kenyans can fail to get justice in their own country. These people have been squatters in that farm for very many years. When President Moi decided that they be given that land, he had good reasons for it. This Motion seeks, other than finding out the facts, to check abuse of power by the Executive. When a District Officer is harassed the way the person in question was harassed by certain seniors, when she was implementing a court order, it is a true reflection of the current events in the country where the Government disobeys court orders. As a result, teachers and doctors disobey court orders.

(Applause)

Where are we going? It, therefore, falls back on Parliament to bring sanity into the Government, the Executive and country by exercising a very firm hand against any culprit who seeks to disenfranchise fellow Kenyans and favours certain other Kenyans unfairly over and above what is required.

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

Mr. Kigen: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to also make my own remarks and contribution towards this worthy Motion.

I would like to start by thanking the Mover of this Motion. In moving this Motion, he is now taking us in the direction of finding a lasting solution to a problem that has stayed with us for a long time. The issue of Banita is now known all over. It is just a very small portion of a sub-location which before 2002 was never known by anybody beyond ten or 15 kilometers away. But because of the events that have taken place from then up to now, it has now become more or less a nationwide household name not for any good at all, but for the wrong things.

This land was purchased in 1998 on request by deserving squatters who lived in the settlement scheme and worked for a white man for years. They continued to multiply and became very many. Since they needed a place to stay, they approached the Government and the land was bought for them. In 2002, the land had already been sub-divided and allocated to the deserving cases. To our surprise, in 2003, soon after the general elections, when the new leadership came in, the first thing that they found fitting was to again dispossess those very helpless Kenyans of the only thing that they had gotten. They cancelled the entire allocation and survey work that had been done using a lot of public funds. The whole acreage is about 14,000. All of it was cancelled and they surveyed afresh; reducing the sizes from between 20 acres, ten acres and five acres to between two acres and five acres in areas which were found to be very good. The saddening thing was that people were brought from outside, thus ignoring those who were actually intended to benefit from this settlement scheme. Those who were coming in did not ballot. They were being allocated parcels of land in areas where infrastructure had been developed, schools, dips and hospitals built and boreholes had also been sunk. The original squatters were moved to about five or six kilometers away to begin life afresh in favour of the incoming people from other places like Molo, Subukia and Nyahururu. We are not against Kenyans coming to live with other Kenyans, but really, to dispossess of land those who had already been found by the Government to be deserving and give the land to other Kenyans, was something that did not---

Mr. Kapondi: On a point of order, Madam Temporary Deputy Speaker, Sir. Given the overwhelming support that this Motion has on the Floor of the House, and considering the fact that we have very many pending Private Members' Bills, will I be in order to request that the Mover be now called to reply?

The Temporary Deputy Speaker (Dr. Laboso): There is a lot of interest in the Motion. Maybe we could reduce the time that every Member contributes. Can we then agree that we give every Member, at least, three minutes to contribute? I was indulging hon. Kigen because he is the one who is actually bearing the brunt.

Mr. Kigen: Madam Temporary Deputy Speaker, I will rush and finish what I wanted to say.

The Temporary Deputy Speaker (Dr. Laboso): But we need to agree that the other hon. Members can take just three minutes each.

Mr. Kigen: Madam Temporary Deputy Speaker, what is disappointing is that after the cancellation, people who did not deserve were allocated the land. You will find somebody who has about 1,900 acres in the neighbourhood being allocated five acres within the settlement scheme. These are some of the things that the Provincial Administration and Ministry of Lands officials have been unwilling to address. This has caused the continuous skirmishes that we have seen.

Madam Temporary Deputy Speaker, I support this Motion but with an amendment. I beg to move that the Motion be amended by deleting the name of hon. Mutava Musyimi, M.P. and hon. Joseph Kiuna, M.P. and replacing them with hon. Sammy Mwaita and Dr. Julius Kones. I also want to add the name of hon. Zakayo Cheruiyot. The reason is that hon. Kones, hon. Cheruiyot and hon. Mwaita have a direct interest, in that the Internally Displaced Persons (IDPs) being brought, are from their areas. They will live among us in the parcel which is bought next door. So, they will be very interested to know how life will be there once their own citizens come to live among us. I thought that it will be a good thing if they can have a feel of what goes on in the general area.

Madam Temporary Deputy Speaker, with those remarks, I beg to move that the Motion be amended so that instead of 14 Members, we have 16 Members. They should read as follows:-

1. Hon. (Dr.) Boni Khalwale, M.P.
2. Hon. Millie Odhiambo-Mabona, M.P.
3. Hon. (Dr.) Julius Kones, M.P.
4. Hon. Luka Kigen, M.P.
5. Hon. Nelson Gaichuhie, M.P.
6. Hon. Moses Lessonet, M.P.
7. Hon. John Mututho, M.P.
8. Hon. (Dr.) Joyce Laboso, M.P.
9. Hon. Charles Onyancha, M.P.
10. Hon. Raphael Letimalo, M.P.
11. Hon. Isaac Ruto, M.P.
12. Hon. Zakayo Cheruiyot, M.P.
13. Hon. Fred Kapondi, M.P.
14. Hon. Sofia Abdi, M.P.
15. Hon. Sammy Mwaita, M.P.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kigen, the number is 15 and not 16.

Mr. Kigen: Madam Temporary Deputy Speaker, Nakuru is already represented by hon. John Mututho, hon. Gaichuhie and me. So, really, we do not want to----

(Loud consultations)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Members! If you need to intervene, you know the procedure. Hon. Members, the hon. Member has moved an amendment. Is somebody seconding him so that we can dispose of his amendment?

Mr. Kigen: Yes!

An hon. Member: *Wacha Kiuna!*

Mr. Kigen: Madam Temporary Deputy Speaker, I am told to withdraw the removal of hon. Kiuna so that instead of having 15 Members, we will have 16 Members. I have no quarrel with that.

The Assistant Minister for East African Community (Mr. Munya): On a point of order, Madam Temporary Deputy Speaker. Since hon. Kiuna was already suggested to be a Member of the Committee and he is a neighbour, being the Member for Molo, we need to be convinced by hon. Kigen why he thinks amongst all those names, the name that should be eliminated is the one of hon. Kiuna. This is the case and yet Mr. Kiuna neighbours the area and they also have some interest. Is this a scheme to tilt the Report of the Committee in a certain direction by removing a Member who may have crucial information relating to this settlement scheme?

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): On a point of order, Madam, Temporary Deputy Speaker. We know that part of the problem involving schemes is that there is political connotation and in this Motion, even the citation of the Provincial Administration---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kabando, you are on a point of order.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, am I in order to suggest a composition of a parliamentary committee--- It should not be an ethnic caucus. It should be a composition of a National Assembly Parliamentary Select Committee to conform with local dynamics which easily constitute part of the problem?

The Temporary Deputy Speaker (Dr. Laboso): So, what are you suggesting?

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, is it in order? Unless we retain--- These are eminent Members of Parliament considered very well by Dr. Khalwale. Then we have a Member of Parliament who wants to lock out some hon. Members. It is likely to bring politics that are going to negate national duty.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Kigen, is your Motion being seconded? You have heard the point of order. Hon. Members, you have heard that. I have been informed that the membership should be an odd number and not an even number. Therefore, you should keep it either at 15 or 17 but not an even number.

Mr. Kigen: Madam Temporary Deputy Speaker, I want to react a little bit on what hon. Members have said. I think it has already been overtaken by events because we have reinstated hon. Kiuna. We did not have any particular malice for that because we are told that the number should be about 15. But we do not have a problem if they became 16 or even 17.

The Temporary Deputy Speaker (Dr. Laboso): That is why we are saying it should be an odd number and not an even number, hon. Kigen. So, we cannot keep adding. Make up your mind on how many you want in this committee. Hon. Khalwale, the Mover of the Motion, can you guide us on the number?

Dr. Khalwale: Madam Temporary Deputy Speaker, actually, in my Motion, I had 15 hon. Members. The 15th Member of Parliament was hon. Ababu Namwamba. But I think his name collapsed when he was appointed a Minister. Otherwise, my original Motion had his name.

The second point I want to make on this Madam Temporary Deputy Speaker is that, if the House can bear with me, I thought out this composition so carefully. I tried to capture all the hon. Members of Parliament from Nakuru County and tried to make the list to capture as many

different regions as possible and, more importantly, because ethnicity causes a lot of headache in tribal clashes. I have attempted to bring Members of Parliament from different communities; Luhyas, Luos, Kikuyus, Merus and even Kambas.

Mr. Midiwo: Which Luo is there?

Dr. Khalwale: A Luo is there.

Mr. Midiwo: Which one?

Dr. Khalwale: Hon. Millie Odhiambo-Mabona.

Mr. Midiwo: That is not a Luo. She is a Suba.

(Laughter)

The Temporary Deputy Speaker (Dr. Laboso): Thank you. Hon. Kigen, can I hear your last comments on this, so that you can decide whether you are getting seconded and then we dispose of it? I did not hear you.

Mr. Kigen: Madam Temporary Deputy Speaker, I will ask hon. Sophia to second the amendment.

Mrs. Noor: Madam Temporary Deputy Speaker, I am seconding the Motion with hon. Kiuna in it. Yes!

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, I will, therefore, put the Question.

*(Question, that the words to be added
be added, proposed)*

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

(Question of the Motion as amended proposed)

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, continue. So, the Motion is amended. I will not read through the Motion but we now have:-

Hon. B. Khalwale, MP

Hon. M. Odhiambo, MP

Hon. J. Kiuna, MP

Hon. L. Kigen, MP

Hon. N. Gaichuhie, MP

Hon. M. Lessonnet, MP

Hon. J. Mututho, MP

Hon. J. Laboso, MP

Hon. C. Onyancha, MP

Hon. R. Letimalo, MP

Hon. S. Mwaita, MP

Hon. F. Kapondi, MP

Hon. S. Abdi, MP

Hon. Z. Cheruiyot, MP.

This makes it 15 hon. Members.

Mr. Ruto: What about my name?

The Temporary Deputy Speaker (Dr. Laboso): Your name is there, hon. Isaac Ruto. Nobody had omitted your name. So, I think the only hon. Member that has not gotten in from your amendment is hon. Dr. Julius Kones and, of course, hon. Ababu Namwamba. That makes it 15 hon. Members. So, that is the Motion as amended. So, please let us continue. Hon. Midiwo, proceed.

Mr. Midiwo: Thank you, Madam Temporary Deputy Speaker. I stand to support the Motion as amended and say that I have personally been to Banita. I have been to the neighbouring villages and I have spoken about this issue of Banita on this Floor. It is very important that it is sorted out. It is where the Government must listen because it has taken wrong steps. That place is ready to blow because when you go there, the people tell you so.

The truth should be told since you can see the things happening there. It is just that as leaders, we tend to be dishonest with one another. When you see a Member of Parliament saying that a community should leave an area - like hon. Waititu said - you must know that some wrong things are in our minds. Somebody like that - if I was the head of Government, I would have jailed him without trial! That is not what we want.

However, Madam Temporary Deputy Speaker, but let me say this: There are flare ups all over. Over the last one week, the issue of conflicts even in Kisumu---

The Temporary Deputy Speaker (Dr. Laboso): Order! There is a point of order by hon. Kioni. Hon. Members, I know we have allowed points of order but if we go the way we had said, three minutes each, we will move. Hon. Kioni, proceed.

Mr. Kioni: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member and also the Chief Whip to agitate for detention without trial so that people are jailed without trial, while we spent a lot of time trying to put a new Constitution in place to do away with that old mind?

Mr. Midiwo: Madam Temporary Deputy Speaker, I apologise for giving the wrong impression. But I was saying that tough action needs to be taken against people who encourage criminality. I mean it. I was also going to say that, as leaders, we need to be tolerant. Our actions sometimes--- The people who the Member of Parliament is saying were transported and settled on that piece of land---

The Temporary Deputy Speaker (Dr. Laboso): Order! Allow a point of order by hon. Eng. Ephraim Maina.

Mr. Midiwo: Madam Temporary Deputy Speaker, but you know these people with the issue of land.

Eng. Maina: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the hon. Member to agitate the people of Kayole on the Floor of this House? Hon. Waititu has already apologized and that matter should be left to rest. But he has continued reminding the Maasai of what happened. You are just agitating the people. Is that in order?

The Temporary Deputy Speaker (Dr. Laboso): Order! He had already apologized.

Mr. Midiwo: Madam Temporary Deputy Speaker, let me support the Motion and end there. I urge the Committee to go there and bring a report. All I want to urge you is that, as one of your conclusions, because of the things I have heard there, the original owners of that land must be given back their land.

Thank you.

Dr. Kones: Madam Temporary Deputy Speaker, I support the Motion as amended and say that the issue of resettlement is a very sensitive matter. I want to believe that this Committee

is really going to do its work. But I am worried because we really do not want to use select committees for specific Members of Parliament. They are the ones always in these select committees. I am saying so because I get worried when I see the same Members of Parliament, who were in the Select Committee on the Resettlement of IDPs, also in this Select Committee and yet that report should have also addressed this issue which we are addressing now.

Madam Temporary Deputy Speaker, maybe in future, we should really scrutinize as we formulate such select committees to ensure that we bring in new Members. Otherwise, I support. I want to say that personally I did not have to be there, but it would have been good to be there because I have IDPs who probably will be resettled around that area. But now that my colleague, Zakayo Cheruiyot is going to be there---

Hon. Members: You are there!

Dr. Kones: I am not there as per the Speaker, but I am hoping that the interests of the people who will be resettled will be catered for. I just want to make it very clear here that we shall advise the people that we represent on whether the place they are going to be resettled is actually safe for them or not. We want to get that assurance from this Committee, that it is a safe place to resettle the IDPs.

The Assistant Minister for Nairobi Metropolitan Development (Ms. Ongoro): Madam Temporary Deputy Speaker, I stand to support this Motion as amended.

Madam Temporary Deputy Speaker, as I speak here, yesterday I was in my constituency and I held a meeting with people who have come into my constituency from Banita. These people are anticipating that they are going to experience what the people of Tana River experienced. So, I think, this is a move that we must take. It is also in order because I think this country is going to see a lot of Parliamentary Select Committees intervening, because the institutions that we have put in place are failing us miserably.

Madam Temporary Deputy Speaker, one of the historical injustices that we have discussed in this House revolves around the issue of land. What we experienced in 2008 basically was also having a very big part of it originating from the issue of land. So, the issue of land in this country is a time bomb. It is time we all accepted that we should not treat it lightly. But while I say that, I was going to suggest that this Select Committee should have its mandate expanded to also tackle certain very critical issues revolving around land in other regions.

With those few remarks, I beg to support.

The Minister for Regional Development Authorities (Mr. Gumo): Madam Temporary Deputy Speaker, I also rise to support this Motion with amendments.

Mr. Temporary Deputy Speaker, Sir, the issue of land in this country has been sensitive. I think we must begin moving away from this idea of settlement because land will never be enough. Land has never increased but we have increased the population of this country. We must now try to do everything possible to make sure that we develop this country in a way that, instead of people thinking of land, they should now be able to get some employment in other sectors. If you go to developed countries, there is nothing like settling people because now we are giving people half an acre, quarter an acre or nothing, which is not even enough for them to live on.

In fact, what we are trying to do is to get them a place for burial not even to live on. If you give somebody a quarter of an acre and he has got four children, what will happen to the four children? Let us try to make sure that we industrialize this country so that we move people from the settled areas into the urban areas so that they can begin working for the development of this country because land will never be enough. This is why in a very short time we are going to

experience food shortages because of having less and less land. You see the mentality of Kenyans is that we must have land. Even if he works in the UN, instead of thinking of buying a house in Nairobi, he sends money to his mother or father to get him two acres of land somewhere so that he can build there. We must develop a new culture because it will never be enough. Even if you settle these people there, there will be others tomorrow. After that they will be landless.

So, as I support this Motion, we have to try and change this culture because we have some other communities, who never even benefit out of these settlements. Their areas are full. If you go to places such as Western Province in some areas in Kakamega, Vihiga and Kisii, people are there to stay. If you are going to only begin thinking of how to settle other communities, what about these other communities? So, let us forget about these things and work so hard to develop this country---

The Temporary Deputy Speaker (Dr. Laboso): Your time is up!

Mr. Ruto: Madam Temporary Deputy Speaker, the issue of Banita has been in this House and in the public domain for quite a bit of time now. Just like all other issues, it is symptomatic of a Government and in fact a Government bureaucracy that is completely insensitive to the plight of ordinary Kenyans. They are completely unaware of the new Constitution which demands that everybody has a right to fair administrative action. A fair administrative action cannot be attained by denying an individual the right to settle. Where you have been, you bring others and then again the people who had built schools and hospitals are transported to go and settle in the hills so that they can build fresh hospitals and schools. New settlers are brought to take over their land.

Madam Temporary Deputy Speaker, it is high time this House put its foot firmly on the ground and insisted that all Kenyans be given fair administrative action. I want to suggest to this Government, represented by hon. Elmi here, that for example, your Provincial Administration has not been retrained. They still think that the principle of leadership or governance in this country is that of rulership. They are there to rule. They are not there to provide leadership. Therefore, they come and impose their own ideas and thinking. We want to ensure that that stays as a rule yet Kenyans' situations have changed. Everybody should be treated fairly irrespective of their ethnic background. I believe this Committee will move to the ground with very open mind and ensure that fairness is done to everybody.

I also beg as the last contribution that this Government should have come up with a law on resettlement and evictions. They have continued to evict people even in the streets. They evict even *Jua Kali* people on a daily basis without thinking about their serious concerns

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

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Madam Temporary Deputy Speaker, I rise to support this Motion. Now that we are forming Parliamentary Select Committee to deal with issues of land and food prices, this Parliament has--
- We have had in past years, the National Cohesion and Integration Commission.

Secondly, with political leadership some of these simple problems will not--- Let us accept that, indeed, we are part of the problem. I thank my brother, Dr. Khalwale for the Motion. We are part of the solution and we should deal with part of the problem. However, I would like to reiterate this: Could Members of Parliament where we have problems deal with the question of their responsibility and obligation under the Constitution to promote peace and reconciliation? This is because we know they can do that. That is why we should not entertain anybody in this House who tries to defend any Member of Parliament, even if he is from your ethnic community, who becomes irresponsible and makes bellicose utterances and rides on a wave of impunity.

They should actually be condemned for perpetrating the corruption of the integrity chapter. Anybody who incites Kenyans deserves not to have any platform.

Mr. Kioni: Madam Temporary Deputy Speaker, I want to support this Motion. I have squatters in my constituency, and I find it offensive for any land near my squatters to be allocated to squatters from another area. I want to commend Dr. Khalwale for this Motion, and ask that the hon. Members who have been put on the Committee should help us because this is actually an intervention measure that should have come a little bit earlier. We do not want politicians to use real issues on the ground to try and become popular.

I want to agree with others who have spoken before that we have also a responsibility as leaders now to talk Kenyans out of land. This is because land is diminishing very fast in this country, and we must work hard to ensure that we have another source of livelihood.

Madam Temporary Deputy Speaker, we also have a responsibility as leaders within and without this House to check on our utterances. It makes no sense to make some very hopeless utterances out there, only to rush to the Floor and apologize when you have already inflamed the country. It is just the other day that another Member of Parliament came to my county and likened us to dogs. He has not apologized! Now I can see his cousin is calling others thieves. There is another one yesterday who was quoted in the media insulting other people. If you want to become popular, just look for other ways of becoming popular. Do not insult others. The way to popularity is not through insults, lying or benefiting from emotive issues like the Banita issue. We must become responsible leaders. I think some of us qualify to be village leaders. The kind of utterances that continue coming out, even when people are speaking on this Floor, we are inflaming Kenyans either deliberately, or because we do not have the capacity to even understand the weight of what we are saying.

It is important that even as this Committee goes around dealing with this issue, we Members have an opportunity to reassess what we say. I am saying it again that I do not think it was kind at all, even though hon. Waititu apologized, to go around calling others thieves. Some other person was here another time calling others watchmen. This guy who called us dogs the other day is a cousin of the same person. Hon. wa Kabando was also in the newspapers yesterday insulting others. We have heard people insulting others because they belong to other political parties. It is important that we grow up and allow people to live. The fact that I do not belong to where you belong, you do not make me your enemy. It is important that we all live by what we say. I know hon. wa Kabando is rising on a point of order, but let him lead the nation. He needs to tell us whether he---

The Temporary Deputy Speaker: Your time is up. I will not entertain points of order because I want to give the Minister time to respond. Hon. wa Kabando, just hold your horses.

Mr. Kutuny: Thank you, Madam Temporary Deputy Speaker. I appreciate the step taken by Dr. Khalwale to establish this Select Committee. In Rift Valley Province, we have had a lot of cases of this kind with regard to most of the ADC farms in which people were settled; up to this time a solution is yet to be found and people are yet to live in harmony.

As I summarize, it is important, and this is my plea to this Select Committee--- I have got my reservations about whether they are going to be impartial. Since we have the main characters who have failed to address this issue being members of the Committee, it is going to take sides. I appeal to them, particularly hon. Kiuna and hon. Kigen to approach this matter with a lot of sobriety. They have to put the interests and peace of this country first, and at the same time think about the serenity and tranquility that has to be enjoyed by people living in Nakuru. Those should be the watch-words for these Members.

Madam Temporary Deputy Speaker, with that, I support.

Eng. Maina: Mr. Temporary Deputy Speaker, the main responsibility for us, as leaders, is to have one Kenya. Whenever there is this violence, let us be honest, it does not just start with ordinary *wananchi*. Ordinary *wananchi* are guided. Therefore, I would like to appeal to this Committee not to spare anybody, and to come out and tell us the leaders who have been inciting members of the public in this area to war like---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Maina, we have a new Member who has a point of order. I think we should give hon. Neto a chance just to say a word. I do not know what his point of order is.

Eng. Maina: This gentleman! Okay.

(Laughter)

Mr. Oyugi: Thank you very much, Madam Temporary Deputy Speaker. Taking into consideration the various contributions by the various Members, is it not in order for the Mover of the Motion to reply?

The Temporary Deputy Speaker (Dr. Laboso): Okay. Let hon. Eng. Maina conclude and then we will come to that.

Eng. Maina: Let me finish my point, Madam Temporary Deputy Speaker, but I welcome the comment from our new friend.

I was saying that it is important for leaders in this House to start preaching unity to Kenyans. They need to preach to Kenyans to live as one. Kenya is one. It cannot be that because land is in a certain area, people cannot be settled there. These are the kind of things that are actually going to lead to more and more violence; but justice, of course, requires the people of the area to be considered.

Madam Temporary Deputy Speaker, if I may just borrow from the speaker who has just contributed, he mentioned that two of the Members of this Select Committee may be people who need to be re-evaluated; these are hon. Kigen and hon. Kiuna. If I had a choice, indeed, I would say that they ought not to be in the Committee. Let the Committee have Members who have nothing to do with this matter, and who will tell us what is happening. The 2008 violence has never been dealt with. In fact, when we talk here in Nairobi we say that we want one Kenya, and that we do not believe in tribalism. When we go back to our villages, we start saying you have to watch so-and-so and such-and-such community. We are going to the elections and let us, for once, start on the main duty that is bestowed upon us, that of uniting this Kenya. Kenya is balkanized along tribal lines. That is the truth. Kenya is organized into tribes. There is tribalism in this country. That is the truth---

The Temporary Deputy Speaker (Dr. Laboso): Your time is up. We believe that the other 13 Members will take care of the two Members who are Members of this Committee. They will also provide us with the local information that I believe is important.

I want to call upon the Minister to respond. However, there are two Members; Cecily Mbarire and Sammy Mwaita. Do you want to give them a minute each before you respond?

The Assistant Minister for Tourism (Ms. Mbarire): Madam Temporary Deputy Speaker, I rise to support this Motion and say that it is a Motion whose time has come. We should have passed it like yesterday. I really want to thank Dr. Bonny Khalwale for bringing this Motion. We urge Mr. Kigen and Mr. Kiuna, as has been mentioned by an hon. Member earlier; we really need to make sure we approach this matter in a very sober way. We realize that

elections are around the corner and we must do whatever it takes to protect peace and tranquillity in this country.

Finally, I really want to urge Members of Parliament that we all must live with the times. Times have changed and we cannot make inflammatory statements in public that can ignite unnecessary violence in this country. As we approach the elections – and I want to speak this as a Member of a very important party that believes in peace in this country – there is no time for inflammatory statements. TNA is a party that believes in peace and nobody should generalize that the statement by a certain Member is a statement by all the Members of that party, or that a statement by a particular member of one community is for the whole community. Let everybody carry his or her own cross.

The Temporary Deputy Speaker (Dr. Laboso): Your minute is over.

Mr. Mwaita, please, proceed.

Mr. Mwaita: Madam Temporary Deputy Speaker, I also stand to support the Motion. The Committee should look at the gymnastics that are being played on the ground. We should not exclude the area Member of Parliament because he knows the local politics and dynamics. I therefore, wish to disagree with the immediate former Member who said that they should be locked out. In fact, the Member of Parliament for Rongai knows what has been playing out. The root cause of the problem at Banita Scheme is that after 2003, the Member of Parliament---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Member, you have just a minute.

Mr. Mwaita: Madam Temporary Deputy Speaker, they exchanged the old list of those who had allotment letters and brought in new members. I urge the Committee to look into all those allocations from 2003. That is because land to a Kenyan is what security is to an Israeli. It has been the cause of our problem and I hope the National Land Commission (NLC) will be able to address it and follow what the Committee will recommend.

Thank you.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Madam Temporary Deputy Speaker, I want to support the Motion. I want to thank Dr. Khalwale for taking leadership. I hope the initiative will remove the suspicion among the affected communities. The Committee will then report back to Parliament and make recommendations to the Government.

As the other Members have said, we have a new constitutional order. The institutions that we are establishing must begin to perform. I heard people say that the situation might blow up any time. I think we need to tell Kenyans that there is no excuse for anything to blow up. There is no excuse for you to take a *panga* or kill your relatives. We must tell the public that it will not happen. They will not be allowed to engage in that. We are saying that in the new constitutional order, this thing called “blanket Government” is not there. The police are the mandated authority to ensure law and order is kept.

Madam Temporary Deputy Speaker, I agree with all the other Members that inflammatory statements should be stopped. Of course, I do not agree with Mr. Midiwo who wants to take us back to the days when the Head of State could jail you without trial. We have the Land Commission now. If you do not get administrative justice, we have the Ombudsman office now. If there is an institution of this Government that is not performing and people do not have money to go to court, the Commission on Administrative Justice is in place. I urge this House to support the formation of that institution. The National Cohesion and Integration Commission is doing excellent work. We must extend its term.

Madam Temporary Deputy Speaker, all Kenyans cannot have land. Also, we do not have small land. There are some Kenyans who still think about Kenya in a very small map of 20 per cent. We have huge chunks of land in this country with huge potential, if only we can see the whole of Kenya. Therefore, I fully support this, but I ask that we try to diffuse all the things that exist and allow the institutions that have been created to take their full responsibility in ensuring that every Kenyan is safe. The individual Kenyans who want to spoil things should be told that they will be dealt with by the law.

Dr. Khalwale: Madam Temporary Deputy Speaker, I want to thank the Members for their support. I want to assure the people on the ground that our team is going there with an open mind. We are going to look for information and using that information, we shall make an accurate report. Merely by debating this issue, it has given a measure of relief to the people on the ground. Even more importantly, relief to my family because the young DO who was affected is from my family. On Saturday, we buried Lieutenant Pilot Martin Luseka, who had died in Somalia when he was flying to give security to Kenya. We are very grateful to this Parliament for this support.

I, therefore, move.

(Question of the Motion as amended put and agreed to)

Resolved accordingly:

THAT, noting with deep concern the rising tension in Banita Settlement Scheme in Rongai Constituency in Nakuru County, as evidenced by incidences of clashes between members of rival communities over disputed ownership of land in this settlement scheme that has necessitated a court order to keep warring communities apart, who on separate occasions have clashed resulting in dozens of casualties and a few fatalities; concerned further by indications that allocation of land is skewed in favour of a certain community and concerned further that some officers in the Provincial Administration are contributing to this rising tension by impartial and inept discharge of their duties; this House resolves to establish a select committee to be known as ‘The Parliamentary Select Committee on the Resettlement in Banita Scheme’ to inquire into the factors fueling the rising insecurity in Banita Settlement Scheme, and table in Parliament within three weeks a comprehensive report with sufficient recommendations on lasting remedial measures; and the said committee to comprise of the following:-

1. Hon. (Dr.) Boni Khalwale, M.P.
2. Hon. Millie Odhiambo, M.P.
3. Hon. Joseph Kiuna, M.P.
4. Hon. Luka Kigen, M.P.
5. Hon. Nelson Gaichuhie, M.P.
6. Hon. Moses Lessonet, M.P.
7. Hon. John Mututho, M.P.
8. Hon. (Dr.) Joyce Laboso, M.P.
9. Hon. Charles Onyancha, M.P.
10. Hon. Raphael Letimalo, M.P.
11. Hon. Isaac Ruto, M.P.

12. Hon. Mutava Musyimi, M.P.
13. Hon. Fred Kapondi, M.P.
14. Hon. Sofia Noor, M.P.
15. Hon. Zakayo Cheruiyot, M.P.

BILL

Second Reading

THE ALCOHOLIC DRINKS CONTROL (AMENDMENT) BILL

Mr. Kapondi: Madam Temporary Deputy Speaker, I beg to move that The Alcoholic Drinks Control (Amendment) Bill, Bill No.19 of 2011 be now read a Second Time.

The main issue with alcohol misuse in this country is mainly associated with illicit alcohol and that is where a lot of focus should be put in order to remedy the situation. The fatalities that have been associated with alcohol have arisen out of illicit brews. The principal objective of this Bill is to amend The Alcoholic Drinks Control Act 2010, so as to make it respond to the practical challenges that have arisen out of its enactment and implementation. When the “Mututho Bill” was enacted into law, there was a lot of fun fare that finally, a remedy to alcoholism in this country had been found. Since that time, we have had more fatalities than ever before for the simple reason that those who ended up being targeted and victims of the “Mututho Act” are the people who do not contribute negatively towards the fatality rate in this country.

Clause 2 of this Bill seeks to amend Section 2 of the Act, so as to provide with certainty the meaning---

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Order Members! The Mover will have a balance of 58 minutes when this is next put on the Order Paper. So, it is now time to adjourn the business of the House. The House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.