

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 29th November, 2012

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

POINTS OF ORDER

EXTENSION OF TIME FOR COMMITTEES INVESTIGATING KDF OPERATIONS

Mr. Kapondi: Mr. Deputy Speaker, Sir, two weeks ago, if you may recall, you directed the Departmental Committee on Administration and National Security and the Departmental Committee on Defence and Foreign Relations to table a report before this House today on what happened in Garissa, Baragoi and Eastleigh. Due to the magnitude of the work that the Joint Committee is yet to undertake, it is our humble request to you that you give us an extension of 10 more days, so that we come up with a more comprehensive report on those three issues.

Mr. Deputy Speaker: The sensitivity of the issues themselves, the national security dimension and the need to put whatever happened there in the proper perspectives at the earliest opportunity entails that you do it as quickly as possible. Now, if you ask for 10 days, I think that is still asking for too much. How about a week? Is that good enough for you?

Mr. Kapondi: Mr. Deputy Speaker, Sir, we shall go as per your directive. An extra week will enable us to complete the work.

Mr. Shakeel: On a point of order, Mr. Deputy Speaker, Sir. I would like your direction on this. Since you have kindly granted an extra week to this Committee, would it be in order for me to ask whether they could also investigate the incidents that took place in Kisumu about four weeks ago, which caused a lot of sufferings to our people?

Mr. Deputy Speaker: Order! Order! I want to make the assumption that hon. Shakeel is very well versed having been in Parliament for about five years. This is not a matter that essentially can be dealt with very casually. It has to be done in the right perspective. You should rise at the right time, seek the direction of the Chair and consequently move on from there on. You cannot lump the issues together.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. Mine is different from the issue raised by hon. Kapondi. Once you dispose of hon. Kapondi's issue, then you can grant me an opportunity.

Mr. Deputy Speaker: Okay. Hon. Kapondi, you are granted a week. It is the presumption of the Chair that you will have completed and concluded your work by then. You can work day and night. You can seek the support of my office in terms of facilitation, movement and whatever else you basically feel you absolutely need in order to conclude this work within the time stipulated. But, please, for God's sake, you have one more week to

conclude this matter. You have to realize that in a few weeks' time, we more or less will come to the end of this Parliament. It is not fair for Parliament to leave such a sensitive issue without tabling a report for Parliamentary deliberations and discussion.

STATUS OF OIL EXPLORATION IN TURKANA

Mr. Ethuro: Mr. Deputy Speaker, Sir, I just want to remind the House that many months ago, the Minister for Energy was to present some papers in terms of the petition presented by the Turkana Community on the situation of oil exploration in Turkana. It is about six months down the line and nothing is happening.

This is a very serious matter. It is worrying. If the House allowed Ministers to work at their convenience, then we will have no country known as Kenya that is governed by the rule of law.

Mr. Deputy Speaker: Yes, indeed, I agree with you. The Minister for Energy must have had a report tabled here on the Floor of the House many months ago. I would want one of the senior Ministers here to hold brief for him and tell us why we do not have it and how soon we should expect it. We expect this report on the petition by the People of Turkana on oil exploration.

(Mr. Namwamba stood up in his place)

Hon. Namwamba, much as you are supposed to be on the Front Bench, I do not know whether you are still internalizing the fact that you are a Minister in the Government now!

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, I have no idea---

(The Microphone was off)

Mr. Deputy Speaker: Can you put the microphone on first?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, it is off.

Mr. Deputy Speaker: Clerks-at-the-Table, could you, please, pass the microphone to him?

Proceed, Mr. Namwamba.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Yes, Mr. Deputy Speaker, Sir. I have absolutely no idea; no information as to why the Minister is not here.

Mr. Deputy Speaker: Ordinarily, that is an admission. Even if you do not have an idea, you do not admit it here because that tells you that the Government is sleeping on the job of collective responsibility.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, let me make an undertaking to communicate this right away because I appreciate that this, indeed, is a critical matter. Perhaps in the course of the afternoon, we should have a word for the hon. senior Member for Turkana Central.

Mr. Deputy Speaker: Today afternoon before the end of the day? Did you say today?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, I was undertaking to contact the Minister just right now and see if we could have some word on this before we rise.

Mr. Deputy Speaker: Before the end of the day?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Yes, before the end of the day.

Mr. Deputy Speaker: I think that is a firm undertaking. It is my expectation that you will have an answer by then.

Mr. Ethuro: Mr. Deputy Speaker, Sir, while appreciating the undertaking by the Minister, I want to be realistic to him that he can commit himself between now and Monday, so that on Tuesday, then we have these papers on the Petition before the House.

Mr. Deputy Speaker: Well, I think you are better off with the kind of undertaking that the Minister has made, because then either the Minister himself, the Leader of Government Business or the Deputy Leader of Government Business in this House would be contacted by the relevant Minister. In my opinion, one of them must communicate on the same issue in the afternoon today.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, the word I was giving is that I just wanted to contact the Minister right now. I believe that this may take up to next week. But I think the hon. Member and the House deserve to know how far this has gone. So, I wanted to do that contact right away and see whether in the course of the afternoon, we could have something to work on between now and next week.

Mr. Deputy Speaker: For a change, hon. Ethuro, you have a Minister who is taking his responsibility, including the relaying the message, with gusto. So, you could not have done better than that.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I will be the last person not to appreciate such speed. I would wish to try it out, at least, for no other reason, but for a difference.

Mr. Deputy Speaker: Okay. That puts that matter to rest. It is a Petition. Ordinarily, a Petition does not entail debate.

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

Mr. Deputy Speaker: Hon. Balala, are you on a different point of order or on the same matter that was disposed of? I can see your name, but this is a petition. It is not a Ministerial Statement. Maybe you need to acquaint yourself more on the petition. It is just when it is going to be here. We are waiting for a Statement from the Minister. Do you have information on the Minister? What is your point of order?

Mr. Balala: Mr. Deputy Speaker, Sir, the issue is very sensitive in terms of petroleum discovery in Turkana. The Minister should be pushed hard enough to present this. This is a national issue and petroleum is not only in Turkana, it is even in Coast and North Eastern provinces. We want a comprehensive Statement on the issue.

Mr. Deputy Speaker: Order, hon. Balala! This is a petition. For God's sake, acquaint yourself on the requirements of a petition when it comes to the Standing Orders. This is the first time that we have a Minister who says that in a matter of hours, he will have somebody here. So, that is disposed of. We cannot turn that into a debate.

Next Order!

ORAL ANSWERS TO QUESTIONS

Question No.1683

REHABILITATION OF KISUMU-MUHORONI-MIWANI-CHEMELIL ROAD

Mr. Shakeel asked the Minister for Roads:-

(a) whether he is aware that the road from Kisumu to Muhoroni via Miwani and Chemelil (C34) is in a bad state;

(b) how much money the Ministry has spent on repairing the road using gravel and what would have been the cost of repairing the same road using bitumen over the same period; and,

(c) when the road will be re-tarmacked.

Mr. Deputy Speaker: Minister for Roads? Is he not here? Question Time is precisely for one hour. It is the presumption and the prayer of the Chair that all Ministers must be here.

Yes, hon. Namwamba, where is your colleague, the Minister for Roads?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, the Minister is not in the House. Let me communicate this to him right away.

Mr. Deputy Speaker: Tell him that this Question is going to be listed on the Order Paper on Tuesday, next week in the afternoon. If he is not here, then the Chair will take a solid action against him.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, may I also just report back that I have reached the Ministry of Energy and there should be word on this shortly. I can confirm that.

Mr. Deputy Speaker: That is great! This is one Minister who is working. The Chair appreciates that.

Mr. Balala: Mr. Deputy Speaker, Sir, on the issue of roads, it is really disturbing when the Minister cannot be here to answer such an important Question. We have major roads in the country that sometimes are inaccessible. A classical example---

Mr. Deputy Speaker: Order! We have Question Time and we have Question No. 1683. We do not have any other road!

Mr. Balala: But, Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: What is your classical example?

Mr. Balala: Mr. Deputy Speaker, Sir, my issue here is that if the Minister will be absent and there is no Assistant Minister, it is not fair because we require fundamental answers. There are roads like the Miritini Road where trucks are stuck for 24 hours and nothing is done by this Ministry.

Mr. Deputy Speaker: Order! Hon. Balala, we do not have Miritini Road on the Order Paper here today. Secondly, I did not see a Question by Private Notice filed by hon. Balala on the road. I agree with you that this is a very important road and that there is a serious problem. But for God's sake, file that Question. You cannot use the opportunity of a Question that is asked by another Member to turn it into a debate on another Question. Not only that, the Chair has already given direction on that, that the Chair will take stern action against the Minister if he is not available on Tuesday afternoon. Not only that; it is also the observation of the Chair that one of the very few Ministers who are always here, whether the Minister or the Assistant Minister, is the Minister for Roads. My record shows me that they are hardly away from here. They are always answering Questions. I know you are all eager to have debates on this, but ask relevant questions.

Question No.1851 by the hon. Member for Kilome.

Question No.1851

DISCLOSURE ON SEIZURE OF COCAINE IN
EMBAKASI/MALINDI TO US GOVERNMENT

Mr. Mwau asked the Attorney General if he could clarify whether by a letter Ref: AG/CR/2053/905 dated 25/3/2009, the United States Government was informed of the facts pertaining to the 1,141.5 kilogrammes of cocaine seized in Embakasi, Nairobi and Malindi in 2004 and, if so, provide a copy of the said letter.

The Attorney General (Prof. Muigai): Mr. Deputy Speaker, Sir, I have a reply that I have received from the Director of Public Prosecutions (DPP). I have discussed it with the Member for Kilome. It is clear that this document referred to is not available to the DPP. We have agreed that any copy available to the Member will be made available to me, so that I may present it to the DPP for clarification.

As that is acceptable to the Member, I request you to give me another week.

Mr. Deputy Speaker: Could you, please, repeat? My attention was distracted briefly by hon. Shakeel. Hon. Shakeel, please, take your seat.

The Attorney-General (Mr. Wako): I realized that the Deputy Speaker's attention had been diverted by the hon. Member for Kisumu Town East.

Mr. Deputy Speaker, Sir, I was informing the House that upon consultations with the Member for Kilome, we have agreed that the document in question will be availed to me as the DPP states in his communication, that he does not have it and has not had it. After we have availed it to him, I will be in a position to answer the Question in a week's time.

Mr. Deputy Speaker: Are you comfortable with a week from today? I think that is asking for too long a time. If you are comfortable, then the Chair has no objection.

Mr. Mwau: Mr. Deputy Speaker, Sir, maybe, we can put it to Thursday, next week. That will be okay.

Mr. Deputy Speaker: That is exactly a week from today.

Mr. Mwau: Exactly. The letter is with the media people. I will try to get him a copy.

Mr. Deputy Speaker: You are asking for a week and you have got a week. So, by Thursday, next week, the Chair directs that you must have this answer. I direct that the Question be listed on the Order Paper on Thursday next week.

Question No.1674

RESETTLEMENT OF YIKIVIMBU SQUATTERS

Mr. Deputy Speaker: Hon. Peter Kiilu! Where is hon. Peter Kiilu? He is not in. The Question is, therefore, dropped.

(Question dropped)

Question No.1837

CONFIRMATION OF FENCE ATTENDANTS BY KWS

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

- (a) why the Fence Attendants recruited by the Kenya Wildlife Service (KWS) to guard the Aberdare National Park are still on contract;
- (b) when they will be confirmed and placed on permanent and pensionable terms since they perform their duties under difficult and risky environment; and,
- (c) if the Government could consider providing basic benefits such as medical and insurance covers, accommodation and working gear to the officers.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Aberdares National Park Fence Attendants do not guard the park, but maintain the Aberdares fence which is on the forest's boundary. The Fence Attendants are community members engaged by the Kenya Wildlife Service (KWS), Kenya Forest Service (KFS) and Rhino Ark, a private entity, for fence maintenance on contract basis until the Fence Trust becomes operational and takes over the management of the whole fence.

(b) Once the Aberdares National Park Fence Trust is operational, we envision that it will set modalities to ensure absorption of the attendants into applicable long-term employment.

(c) Basic working gear is provided to the Fence Attendants. This includes overalls, raincoats, boots, gumboots, hand gloves and pouches for carrying their working tools.

Mr. Njuguna: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for the brief answer. However, I would like him to note that the Government embarked on a very ambitious project of fencing 420 kilometres of this area. The Government spent Kshs600 million. However, the Fence Attendants are poorly paid. In fact, they are paid Kshs9,200 per month. Could the Government review this poor rate so that the Fence Attendants are able to cope with the current inflation in the country?

Mr. Nanok: Mr. Deputy Speaker, Sir, as hon. Njuguna has just said, this is the amount of money that was entered into an agreement. As you know, the construction of this fence was done through a public/private partnership. From the time of the construction of the fence up to the time it was finalized, the engagement of casual labourers to continue maintaining the fence took place at the same rate of Kshs9,240 per casual labourer per month.

We envisaged that following the launch of the Aberdares Trust sometime in May this year, things might change. It would be operational by May. There are a couple of modalities that we, in the Ministry, are reviewing with the Rhino Ark with regard to how this fence will be managed. We are also looking at issues to do with the responsibilities over the fence that has been put up. We hope that, once the Trust is in place, staff affairs will be looked into. In fact, some of them may be taken on board on a long-term basis. Their salaries will also be reviewed once the management of the Aberdares Trust has been put in place.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us how many the casual labourers are? How long they have been on contract? Is he aware that it is illegal to employ people as casual labourers for a long time without confirming them?

Mr. Deputy Speaker: Okay. Proceed, Mr. Nanok.

Mr. Nanok: Mr. Deputy Speaker, Sir, they are a total of 37 casuals. They were recruited at different times during the construction of the Aberdares fence. One of the things that we have been planning is that once the Trust is set up, then these 37 contracted casuals will be given

priority as far as maintaining any staff on a permanent basis is concerned. As you know, the fence needs maintenance annually. As soon as we set up operational modalities with the private sector, particularly the Rhino Ark, which contributed a big percentage of the funds that went towards the construction of this fence, the staff who are now on board will be considered for permanent employment.

Mr. Njuguna: Mr. Deputy Speaker, Sir, I am concerned that in the recruitment of these people, the Ministry did not consider ladies. Why did the Ministry demonstrate discrimination in terms of recruitment of casual workers?

Mr. Nanok: Mr. Deputy Speaker, Sir, I tend to agree with the hon. Member. Maybe this is something that was overlooked because of the nature of the work and the environment in which employment was being carried out. I hope that as soon as the Trust is put in place, this will be a matter that we cannot overlook anymore. I think that gender quota should be considered in any recruitment, be it for casual workers or permanent employees.

Question No.1168

PROVISION OF VEHICLES TO BANGALE/MBALAMBALA DOS

Mr. Deputy Speaker: Dr. Nuh Abdi! Is he out of the Chamber today on any Parliamentary business inside or outside the country?

This Question is dropped.

(Question dropped)

Question No.1640

CAUSES OF POWER BLACKOUTS IN METKEI/CHEPKORIO DIVISIONS

Mr. Kiptanui asked the Minister for Energy:-

- (a) if he is aware that there are frequent power blackouts in Metkei Division and part of Chepkorio Division in Keiyo South Constituency;
- (b) what the cause of the blackouts is; and,
- (c) what measures he will take to ensure that the problem is solved.

Mr. Deputy Speaker: The Minister for Energy! Mr. Namwamba, where is your colleague?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, as I had indicated earlier, I have been in contact with the Ministry and I expect my colleague to walk in any time now. You could indulge him for a few minutes.

Mr. Deputy Speaker: Hon. Ethuro, are you on a point of order?

Mr. Ethuro: Mr. Deputy Speaker, Sir, you persuaded me and I was convinced. But as you can confirm now, he is yet to come. The assisting Minister wants this House to work at the convenience of the members of the Executive. Is that really acceptable?

Mr. Deputy Speaker: So, what is the undertaking of the hon. Minister in line with collective responsibility?

(Hon. Murungi walked into the Chamber)

The Minister for Energy is now in the House. Could you, please, apologize to the House and then answer Question No.1168?

The Minister for Energy (Mr. Murungi): Thank you, Mr. Deputy Speaker, Sir. I would like to profusely apologize to the House for coming late. I was actually held up in a traffic jam. I could hear you calling me. As you are aware, there is a *matatu* strike and all the private vehicles are on the road today. So, that is how we got held up. However, I am ready with the answer.

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

(a) Yes, I am aware.

(b) The power interruptions have been caused by the following factors:

(i) inadequate generation and unreliable power supply;

(ii) very short periods and temporary interruptions due to the rains; (iii) logging at Kaptagat area through which the trees fall on power lines, thus causing disruption in power supply.

(c) Kenya Power Company (KPC) has embarked on clearance of vegetation along the main power line from Lessos Sub-Station, which is near Eldoret to Kabarnet and Iten to sharply reduce power interruptions. In the long-term, the KPC has constructed a new power sub-station at Makutano at a cost of Kshs250 million to improve power stability in this area and other areas, including Timboroa, Londiani, Eldama Ravine, and Kabarak. This sub-station will be commissioned in December, 2012.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, I would like to thank the Minister for having attempted to answer this Question. In part (c) of his answer, he says that there is a new sub-station which has been constructed at Makutano, and that this has improved power stability in the area, including places like Timboroa, Londiani, Eldama Ravine and Kabarak. The areas he has mentioned are in Baringo County. None of them is in Elgeyo Marakwet County.

I understand that through KETRACO, there is a power line he is constructing from Lessos through Flouspar to Kabarnet. Could he consider putting a sub-station at Nyaru Trading Centre?

Mr. Murungi: Mr. Deputy Speaker, Sir, as a matter of fact, I have confirmed this matter with my officers. Metkei Division will, indeed, be covered by the new sub-station that we are constructing. There will be no need for another power station in that area.

Eng. Rege: Mr. Deputy Speaker, Sir, could the Minister tell us why the contractors who are rolling out lines are not given firm instructions to ensure that all the disconnected lines are put back after they are through with the new installation work? I am asking this because most power outages that we have are a nuisance. When the KPC taps off lines for contractors to put up new lines, they forget to put back the switches. I think that will help. In rural areas, most of the people use electricity in the evenings. So, this is very important even with lack of, or inadequate, electricity in the region.

Mr. Murungi: Mr. Deputy Speaker, Sir, it is true that the KPC disconnects customers when they are energizing the new lines. The notices are usually published in the daily newspapers like the *Daily Nation*, *The Standard* and so on. It is also true that there are only two occasions when the officers have forgotten to switch on the power after energizing the new lines. This is a human error and I am sure the KPC will address it.

Dr. Kones: Mr. Deputy Speaker, Sir, power outages are rampant, generally, all over the country, including where I come from. Recently, there was a blackout in areas near Kaplong and

its neighborhood. What has the Ministry put in place to ensure that whenever there are such power outages there is immediate response from officers of the KPC? This is because at times it takes more than a week for these people to respond!

Mr. Murungi: Mr. Deputy Speaker, Sir, the KPC provides emergency telephone lines for customers to communicate any time there is power interruption within their area. Sometimes the breakdowns are due to maintenance problems. Sometimes there are major breakdowns that require time for them to be fixed. I believe that the KPC is doing its best. In those areas where the hon. Member feels that, indeed, the delay in response is indefinite, please, let us know. We will try to see whether or not it is something that can be fixed quickly, or if it has to take long. However, I know that KPLC is doing its best.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, while answering my question the Minister said one of the reasons for power interruptions is unreliable power supply. I believe that this unreliable power is affecting many Kenyans in this country. He has done very well in transforming the energy sector. There are some new initiatives such as geothermal power generation and wind energy which he has introduced. When will this country benefit from these initiatives?

Mr. Murungi: Mr. Deputy Speaker, Sir, it is true that the country is not generating enough power and demand has risen considerably, and we are not able to cope with it.

Mr. Deputy Speaker, Sir, we have embarked on a very ambitious programme focusing on power generation; we expect to introduce another 500 megawatts by the year 2016. So, with this new programme we expect the quantity of power supply to increase considerably by the 2016, when the geothermal power plants will be up and running.

Mr. Deputy Speaker: Question No.1783, hon. Kabogo. Hon. Kabogo, your Question is dropped.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am here.

Mr. Deputy Speaker: Where are you?

Mr. Kabogo: I am standing.

Mr. Deputy Speaker: Proceed.

Question No.1783

EXTRADITION OF KENYANS ARRESTED IN
MOZAMBIQUE TO TANZANIA BY KENYAN POLICE

Mr. Kabogo asked the Attorney General:-

(a) under what circumstances 12 Kenyan businessmen, Messrs. Peter Giruka Mburu, David Ngugi Mburu, Simon Gathinji Kariuki, Michael Mbanya Wathigo, Patrick Muthee Miriithi, Boniface Mwangi Mburu, John Odhiambo Odongo, Gabriel Kung'u Kariuki, Jim Maina Njoroge, Wilfred Onyango Nganyi, Simion Ndung'u Kambuthi and Peter Mahera Kariba were arrested in Mozambique, handed over to Tanzania Police by a Kenya Police delegation under the watch of J. Nyaga Reche (SSP) and former Nairobi Area PCIO, Sammy Githui on the 16th December, 2005;

(b) whether he is aware that two of the above mentioned persons, Messrs. John Odhiambo Odongo and Peter Mahera Kariba, have since died in Karanga Prison in Moshi, Tanzania, as a result of injuries from torture; and,

(c) whether he could undertake to extradite the remaining 10 Kenyans, who are languishing in a foreign jail, to face trial in Kenya, if there are any charges against them.

The Attorney General (Prof. Muigai): Mr. Deputy Speaker, Sir, I beg to reply.

Since you last directed me to obtain supplementary information on the fate of these unhappy Kenyans now in the Republic of Tanzania, I wrote a letter to the Permanent Secretary, Ministry of Foreign Affairs, it is dated 15th November, 2012. I have followed up that communication. I have been requested to seek an extra week, while they obtain the information that they require from the High Commissioner in Dar es Salaam. I so request.

I had already intimated to the hon. Member that I would be making that request.

Mr. Kabogo: Mr. Deputy Speaker, Sir, as usual this is about Kenyans who were kidnapped by Government officers, Kenyan police officers, Mozambicans and Tanzanians.

After 11th of October, when this Question was in the House, the Attorney General promised to come with a comprehensive report. We have just heard that he is now asking for another week. I sympathise with him, but this about the liberty of Kenyans. In his answer on 11th October, he stated that these young men were serving various jail sentences, which is not true. They have never been jailed. They were even in court yesterday.

Mr. Deputy Speaker, Sir, are you satisfied that the Government is doing enough to secure the release of Kenyans who were kidnapped and taken to another country? Really, I do not think you will allow the Attorney General, someone I have a lot of respect for, to get away with this.

The Government is duty-bound to cater for its citizenry wherever they are and in any other country. If they had done anything wrong they would have been brought here, orders of extradition obtained here and they would have gone to Tanzania legally. They were kidnapped by police officers! So, really, are you satisfied?

Prof. Muigai: Mr. Deputy Speaker, Sir, I want to assure the hon. Member and the House that the Government takes very seriously the rights of Kenyans, even when they are in foreign countries, and even if they are criminal suspects in those countries.

Unfortunately, this now has become a diplomatic issue; it is no longer directly in my hands or those of the DPP. It is in the hands of the Ministry of Foreign Affairs. I promise that within a week, I will have obtained whatever information is available.

If it turns out, as the hon. Member suggests, that we were wrong, and that these persons are not serving a jail term, but they are in remand, we will use every legal means to secure their return to Kenya, so that they may stand trial in this country. If they are to be jailed, they will be jailed here. If they are to be set free, of course, they will be set free in their own country.

Mrs. Shebesh: Mr. Deputy Speaker, Sir, the Attorney General has just indicated that he is not sure of the wellbeing of Kenyans in another country. Hon. Kabogo says that they are not secure and they are being treated as criminals.

Mr. Temporary Deputy Speaker, Sir, could the Attorney General tell us what level of Kenyans are given priority when they are in danger in another country, and who are not? We want to know whether these Kenyans are being discriminated against. Maybe the Government has actually made a decision that they are criminals and he is only engaged in a public relations exercise on this Floor.

Prof. Muigai: Mr. Deputy Speaker, Sir, you will recall from my answer the first this Question was raised, these gentlemen were criminal suspects who were of interest to both the Government of Tanzania and the Government of Kenya. They were on their way from the

country, from which they were being repatriated when their aircraft stopped on Tanzanian soil and they were removed from it by Tanzanian authorities.

We remain committed to protecting them in every way. I would like to assure the hon. Member that by the time we come back with the supplementary answer next week, I hope that we will have received from our High Commissioner assurances that full diplomatic protection is being accorded to these people, even if they are suspects, and particularly because they are suspects.

Mr. Deputy Speaker: It is said that they were in a plane from another country on their way to Kenya and the plane stopped in Tanzania and that was when they were arrested.

Prof. Muigai: Mr. Deputy Speaker, Sir, there was an aborted attempt to bring them home in a commercial airliner, but other passengers refused to fly with them.

That is no reason for them to be mistreated at all. So, they were returned and were put in a military aircraft. That military aircraft stopped in Tanzania to refuel. While it was refuelling, Tanzania law enforcement got into the plane and removed them. At that time, there was no reason to believe that they were being removed permanently. The Kenyan authorities who were accompanying them thought it was a temporary inspection of their documents. It turned out not to be. So, we are following up this through diplomatic channels.

I have had a word with my counterpart in the United Republic of Tanzania about the matter. But he, like me, is no longer fully in control of the matter because it is an incident that is with the diplomatic services of both countries.

Mr. Kabogo: Mr. Deputy Speaker, Sir, that is the very sad story of Kenyans suffering in a foreign jail without trial. I want to remind the Attorney General of his words on the 11th October; and I want to quote:-

“What I would like to consider, however, is the manner in which the custody of these suspects was obtained by a friendly Government was not consistent with international law and practice”.

So, really, the Attorney-General is aware that these people were kidnapped. You can hear him say it was a routine inspection. So, the interest that he says was expressed by the Tanzanian Government is nowhere on record.

Could we urge the Attorney General to send lawyers to Tanzania to free Kenyans now, and not tomorrow? There is really no reason why these people are in Tanzania. If they are suspects, we have a legal system. They have been there for a long time. It is a pity that two of them have died. They have been there. Two have died and they are still going for the mention of their cases; but not trial. In the year 2009, when the daughter of one Member of Parliament was arrested in Malaysia, the Government sent two lawyers to Malaysia and this girl was released. What is it about those 11 Kenyans that the Government does not want to tell us?

Mr. Deputy Speaker, Sir, do we walk to Tanzania or ambush the President of Tanzania when he is here in the country and ask him to release those Kenyans? What does the Government want Kenyans to do? This is a very simple question. Could we send the Attorney-General to Tanzania? Cliff Ombeta, the lawyer who was attempting to represent those people was chased away by the same policemen in Tanzania. You can see it is in an affidavit that it is our Kenyan policemen who handed them over and even signed handing over notes that I tabled here. So, really, this Government has no business to tell us that it is doing all it can.

I want to be informed, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Be informed by who?

Mr. Kabogo: Mr. Deputy Speaker, Sir, the son of the late former Police Commissioner, Mr. C. Kilonzo.

Mr. Deputy Speaker: We do not have a son of a police commissioner in Parliament. This is a serious matter; it is not a comedy.

Mr. C. Kilonzo, the Member of Parliament for Yatta, proceed.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, yes, precisely he is my neighbour and he gets mixed up. I want to inform him that this Government, in other occasions where Kenyans are involved, it actually uses the same police officers, the Attorney-General's office and Kenyans who are arrested here do not go through the court process and are taken to Uganda. This is the way this Government behaves. If it cannot protect them even when they are here, then do not expect it to protect them when they are in Tanzania. This is the Government we are dealing with.

Mr. Deputy Speaker: Attorney-General, please, proceed.

The Attorney-General (Prof. Muigai): Mr. Deputy Speaker, Sir, I appreciate the depth of feeling that Mr. Kabogo and other people of good will have in relation to those Kenyans now in Tanzania. But as I have stated, it is such a delicate matter that we should give the judicial and diplomatic route some time to resolve it. I give my undertaking to Mr. Kabogo that I will personally follow up this matter with the Minister for Foreign Affairs and if need be, I will go to Tanzania myself and ensure the release of those people.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, while congratulating the Attorney-General for now being a senior counsel, would you direct him, because of the sensitivity of this matter, to report back to the House by latest tomorrow or by the close of the business day so that we can know the fate of those Kenyans?

Mr. Deputy Speaker: Mr. Kabogo, could you ask the last supplementary question?

Mr. Kabogo: Mr. Deputy Speaker, Sir, I do not think we have a choice. One more week does not make a lot of difference knowing that this was done in 2006. However, through you, may I request that the Attorney-General comes to the House with proper information. He has said that there is a communiqué from the Ministry of Foreign Affairs. We ask the Attorney-General to come fully loaded with all the communications between Kenyan and Tanzanian authorities. That is because we know the Permanent Secretary (PS) in the Ministry of Foreign Affairs is a notorious fellow. Nothing ever happens in that office---

Mr. Deputy Speaker: Order, Mr. Kabogo! You withdraw that statement on a civil servant who does not have any powers to defend himself on the floor of the House. You are dealing with the Government as an institution.

Mr. Kabogo: Mr. Deputy Speaker, Sir, I withdraw. I wanted to say that the PS there drags his feet.

Mr. Deputy Speaker: Order! You are dealing with the Government. Say the Government drags its feet!

Mr. Kabogo: Mr. Deputy Speaker, Sir, I am referring to a note given to you this afternoon by the Attorney-General where he has said that he had written a letter to the Ministry of Foreign Affairs. It is in that perspective that I am referring to the Ministry of Foreign Affairs.

Mr. Deputy Speaker: Could you table the letter?

Mr. Kabogo: He has already tabled it, Mr. Deputy Speaker, Sir. However, if you want me to do that, I will do it now.

Mr. Deputy Speaker: Please, table it.

Mr. Kabogo: I table, Mr. Deputy Speaker, Sir.

(Mr. Kabogo laid the document on the Table)

I request the Attorney-General to provide the House with all the correspondences and all the court rulings that he has referred to, to show that this matter has been resolved in Tanzania.

Mr. Deputy Speaker: The one thing, Attorney-General, that worries the Chair is that the suspects mentioned here have been in the custody of Tanzanian authorities for about seven years. Indeed, if, as the hon. Member puts it, you could say that there was due process and they were found in the soil of Tanzania and there was a matter of interest in Tanzania--- But you cannot have seven years and the case is still being mentioned. I thought there was the protocol of the States of East Africa. Indeed, could you shed some light on that? Why is this justice delayed even if they want to claim that they have a case against those suspects? Why does it take seven years just to keep mentioning a case?

The Attorney-General (Prof. Muigai): Mr. Deputy Speaker, Sir, I do not wish to offer an explanation as to why the judicial system in that country is working like that but, I would like to agree with you that seven years is not a reasonable time within which to conduct a trial of what would appear on the face of it to be simple and straightforward charges. I would like to undertake, like I did a few minutes ago, to personally visit my counterpart in Tanzania to raise this matter personally and to go to the place where those persons are being held and, therefore, be able to come back to this House with a detailed informed statement both about the history of the matter and, even more important, about the concrete actions that we can take to bring this clearly glaring injustice to an end.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough. How much time do you need to come back and report to the House?

The Attorney-General (Prof. Muigai): Shall we say before the 18th?

Mr. Deputy Speaker: Of next month?

The Attorney-General (Prof. Muigai): Yes, Mr. Deputy Speaker, Sir. I will have a full report at the very latest on the 18th.

Mr. Deputy Speaker: Fair enough. The Chair directs that this Question be listed on the Order Paper on the earliest sitting day to the 18th. I do not know whether 18th is a sitting day but, if it is not, the nearest 19th or any other date that is close to that. This should put this matter to rest!

(Question deferred)

Next Question by Mr. Chachu Ganya!

Question No.1810

NON-ISSUANCE OF IDENTITY CARDS TO YOUTHS IN ILLERET LOCATION

Mr. Deputy Speaker: Is Mr. Chachu Ganya out of the House on any parliamentary business?

Mr. Midiwo: Mr. Deputy Speaker, Sir, Mr. Chachu Ganya is out because of some security problems in his constituency and he asked me that, if it is possible, I could ask the Question on his behalf.

Mr. Deputy Speaker: Do you wish to ask the Question or you want it deferred?

Mr. Midiwo: Mr. Deputy Speaker, Sir, I wish to ask the Question.

Mr. Deputy Speaker: Okay, proceed and ask it on his behalf.

Are you sure Mr. Chachu Ganya did not want a deferment on this Question?

Mr. Midiwo: Mr. Deputy Speaker, Sir, he would accept either one of them.

Mr. Deputy Speaker: Order. This Question will be deferred to a day when Mr. Chachu will be here to prosecute it. I am not sure if you can be that versed with the intricacies of the content of the Question in North Horr Constituency. So, it is better that he does it himself.

Mr. Midiwo: I oblige, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Question is deferred.

(Question deferred)

Question No.1692

OWNERSHIP DOCUMENTS FOR
LAND PARCEL LR.No.13815

Mr. Kutuny asked the Minister for Lands:-

(a) under what circumstances land parcel No. L.R. 13815 changed to L.R. 52888 and then surrendered to the Government in exchange of a new grant L.R. No. 53467; and,

(b) whether he could provide the ownership documents of the said plots of land and when they will revert to the rightful owner(s).

Mr. Deputy Speaker: Where is the Minister for Lands?

Deputy Leader of Government Business, where is the Minister for Lands?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the Assistant Minister was here and he seems to have left the Chamber. We can give him some time to see whether he comes back.

Mr. Deputy Speaker: I direct that this Question be listed on the Order Paper on Tuesday next week. Inform your colleague that if he is not available, the Chair will take certain stern sanctions against him.

(Question deferred)

Question No.1786

FINANCING OF CONSTRUCTION/REFINING
OF TOILET SYSTEM IN WAJIR

Mr. Deputy Speaker: Is Mr. Keynan not in the House? I think Mr. Keynan must be part of the joint committees on Baragoi and Garissa. Clerks-at-the-Table, is that the state of affairs? He is chairing these important committee meetings that are working now. I direct that this Question be listed on the Order Paper on a day when Mr. Keynan will be in a position to prosecute it.

(Question deferred)

Question 1680

ACCREDITATION OF CHINESE UNIVERSITIES
BY KENYAN GOVERNMENT

Mr. C. Kilonzo asked the Minister for Higher Education, Science and Technology:-

(a) whether she could provide a list of Chinese universities recognized in Kenya and those which are not; and,

(b) what measures the Government will take to promote awareness of China's universities and ensure that students who graduate from such universities are recognized and considered for employment opportunities.

Mr. Deputy Speaker: Is the Minister for Higher Education, Science and Technology not here?

Deputy Leader of Government Business, where is your colleague?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I am not sure where they are but I know there is---

Mr. Deputy Speaker: You should be sure. Even if you are not sure, you do not say you are not sure. You are the Government. Look for a reason other than saying: "I do not know where they are".

The Minister for Transport (Mr. Kimunya): I seek the indulgence of the House as we look for where they are or ask for this Question to be deferred to a day other than today.

Mr. Deputy Speaker: The Question is deferred to Wednesday morning next week.

Mr. C. Kilonzo, is that okay with you?

Mr. C. Kilonzo: That is okay, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: The Minister should be informed that if she is not available, then the Chair will take some action.

(Question deferred)

Question No. 1852

SIGNING OF CONTRACTS WITH OIL EXPLORATION
COMPANIES IN TURKANA COUNTY

Mr. Deputy Speaker: Where is Mr. Linturi? Is he on any parliamentary business outside the Chambers today?

The Question is dropped.

(Question dropped)

Question No. 1853

COMMISSIONING OF CHWA WOMEN
GROUP WATER PROJECT

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

- (a) how many water projects have been undertaken in Ndhiwa Constituency using grants from the African Development Bank,
- (b) what the status of Chwa Women Group water project is; and,
- (c) when the said project will be inaugurated and why the inauguration has taken so long.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) African Development Bank (ADB) is funding four water projects in Ndhiwa Constituency namely, Chwa Sibuoche Women Group Water and Sanitation Project, Kobita Self-Help Group Water and Sanitation Project, Bora Bora CBO Water and Sanitation Project and Kite Self Help Group Water and Sanitation Project.

(b) Implementation of Chwa Women Group Water Project is being done in two phases. Phase One which comprises drilling of two boreholes is 50 per cent complete while Phase Two which comprises installation of pumping equipment and minor civil works is at a tender stage and the contractor is expected to move to site in the month of December, 2012.

(c) Commissioning of the project is scheduled to take place when the project activities are completed by the end of February, 2013. The project was scheduled to take 12 months with the completion date being July, 2012. However, a four month delay was occasioned by wrangles between the CBO members and the management committee. A large part of the beneficiary community felt that the management committee was not very efficient and had already completed their two year term in office.

Fresh elections for the management committee were held on 26th September and the new office bearers are now in place. My Ministry now expects the new office bearers to work in harmony with the community so as to finish the project within the anticipated timeline.

Mr. Oyugi: Mr. Deputy Speaker, Sir, I would like to thank the Minister for her very good answer. But I would like to draw her attention to what in my opinion would be glaring inconsistencies in the answer.

First, the answer says that the committee was not very efficient, having been in office for two years, whereas she says in one part, the project was supposed to have taken 12 months and that that is the reason why the committee was changed.

I would like to ask the Minister if she is aware that the reason the committee was changed is because they questioned the double funding of the African Development Bank and differed on the same water project.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, yes, it is true that the committee was there for two years and we continuously tried to build capacity of these local community and the committees that we appoint. However, we realised that this committee was not improving. That is why we got the membership to elect a new committee. There is no double funding. We always get these kinds of excuses and people saying that they think there is much more money than there is. I would like to encourage the hon. Member to share the information on the ground with the committee and also help the committee to understand what we are doing.

Mr. Oyugi: Mr. Deputy Speaker, Sir, I appreciate the Minister for wanting me to share more information as regards this. I will later on bring to the House the same. But however, I would like to ask the Minister again if at all she is aware of allegations that members of the Chwa Women Group have been asked to abandon one of the water points that are ready for use

so that they use a second water point which is in a different community, hence creating a lot of community animosity amongst the two various communities.

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I must say that I am not aware of that. However, I am aware that that happens whenever communities find that there are some groups, for example, this Chwa Women Group which has done so well, they suddenly want to displace them and they get themselves involved instead of the original group.

What I advise is that the Chwa Group which is what is known should never let the work that they have been doing and the ownership of this project go to anybody else.

Mr. Deputy Speaker: Are you satisfied with that, Mr. Oyugi?

Mr. Oyugi: Mr. Deputy Speaker, Sir, I would like to ask the Minister just to confirm and affirm the fact that the water project will be completed by February, 2013 as she anticipates in her answer because I know for sure that this project has taken longer than the 12 months. Could I get a direct commitment from the Minister that the water project will be commissioned in February, 2013?

Mrs. Ngilu: Mr. Deputy Speaker, Sir, I want to give an undertaking that I will get my officers on the ground to ensure, monitor and supervise that this project is completed by 2013 and apologize that it was not completed at the time that it was supposed to be completed.

Mr. Deputy Speaker: Fair enough. That brings us to the end of Question Time.
Next Order!

COMMUNICATION FROM THE CHAIR

EAC INTER-PARLIAMENTARY GAMES

Mr. Deputy Speaker: Hon. Members, I would like to make the following Communication. During the meeting of the Bureau of Speakers of the East African Community held on 7th May, 2012 in Kigali, Rwanda, hon. Kenneth Marende, Speaker of the Kenya National Assembly accepted to host the East African Community Inter-Parliamentary Games in Nairobi from 7th to 14th December, 2012. The Kenya National Assembly has sent formal invitation to all the member countries of the East African Community and finalized the preparations of the tournament. As the host country, it is expected that we should present a formidable team composed of Members of Parliament to participate in this tournament, which will include football and netball.

Hon. Members, I am aware of the prevailing political situation in the country, where Members of Parliament are committed in their various political endeavours. I, however, appeal to the Members of Bunge Sports Club to find time from their busy schedule to represent the country in this very important tournament.

Thank you, hon. Members.

MINISTERIAL STATEMENT

BUSINESS FOR WEEK COMMENCING 4TH DECEMBER, 2012

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, pursuant to the provisions of Standing Order No.36(4), I take this opportunity to make the following Statement with regard to the business for the week commencing 4th December, 2012.

Mr. Deputy Speaker, Sir, today, without anticipating debate, the House is expected to consider two Procedural Motions. One is to reduce the publication period of the Election Campaign Financing Bill (2012), The Office of the Director of Public Prosecutions Bill (2012), The Elections (Amendment) (No.3) Bill of 2012 and The Political Parties (Amendment) Bill of 2012. The second Motion will be to waive the referral period for The Elections (Amendment) Bill of 2012 and The Political Parties (Amendment) Bill of 2012 to the relevant Committee. Once these Motions are carried, the Bills will then be debated in the House next week.

In addition, the House is also expected to continue debate on the following Bills at the Second Reading stage if not completed today. They are The Science Technology and Innovation Bill (Bill No.54) of 2012 - this is on the Order Paper; The Technical and Vocational Education and Training Bill (Bill No.55 of 2012); The Public Health Officers (Training, Registration and Licensing) Bill (Bill No.20 of 2009) and The Sports Bill (Bill No.43 of 2012). The House will also consider, depending on the progress today, Sessional Paper No.1 of 2012 on National Food and Nutrition Security Policy; Sessional Paper No.2 of 2012 on Integrated National Transport Policy and Sessional Paper No.4 of 2012 on The National Pharmaceutical Policy.

Mr. Deputy Speaker, Sir, on Tuesday, next week the House will consider all the Bills that will have passed the Second Reading and are awaiting the Committee of the whole House, whose amendments have been agreed upon at the Committee stages and submitted. The House will also consider all the business which will not have been concluded today, as I said earlier on.

Finally, the House Business Committee will sit again on Tuesday 4th and consider business for the rest of the week.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Ethuro: Mr. Deputy Speaker, Sir, while thanking the Deputy Leader of Government Business for bringing that Statement, you will appreciate that this afternoon alone, Ministers could not account for their absence in the House. I think that the Deputy Leader of Government Business needs to make a comment on that, unless he is confirming to this House that the Government is actually on recess and that we are not about to be dissolved as per the Constitution. Which is which, Mr. Minister?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I want to thank hon. Ethuro for that legitimate concern. However, I want to confirm that we are not just about to be dissolved. I believe that the term of this Parliament expires on 15th January and the Government will continue until elections are held. I think there is no intention to dissolve Parliament earlier than the constitutional time. I am aware that there are many meetings. All the Heads of State of the East African Community are in town and some of the Ministers are accompanying them while others are involved in meetings with them. So, we might excuse those who are not here today. However, you can be sure that the Government takes the business of the House very seriously.

Mr. Deputy Speaker: The Deputy Leader of Government Business, almost 50 per cent of the Ministers were not here. Do you want to tell me that all of them are with the Heads of State?

Mr. Muthama: Hoja ya nidhamu, Bw. Naibu Spika! Kabla ya Bunge hili kwenda kwa likizo iliyopita, niliomba Taarifa kutoka kwa Waziri wa Haki, Uwiano na Sheria. Majuma

mawili yamepita na Taarifa hiyo haijatolewa. Taarifa hiyo ilifaa kutolewa leo na simwoni Waziri huyo.

Bw. Naibu Spika: Naibu wa Mkuu wa Shughuli za Serikali Bungeni, Mhe. Kimunya, je, Waziri mwenzako yuko wapi?

The Minister for Transport (Mr. Kimunya): Bw. Naibu Spika, nilitaka kumuuliza Naibu wa Kiranja wa Bunge pahali atampata Waziri kwa sababu hiyo ni moja ya kazi zake - kuwaleta wote hapa Bungeni. Lakini Waziri alikuwa na shughuli nyingi leo. Ningeomba tumpatie nafasi nyingine wiki ijayo ili awasilishe Taarifa hiyo ambayo ilikuwa inahitajika.

Mr. Ethuro: Hoja ya nidhamu, Bw. Naibu Spika. Sikuwa nakusudia kujibishana na Naibu wa Kiongozi wa Shughuli za Serikali Bungeni, lakini ulimsikia hapo awali nilipomwuliza swali alisema Serikali iko tayari na wewe ukasisitiza jambo hilo. Saa hii Naibu wa Kiranja Mkuu Bungeni kwa upande wa Serikali mwenyewe analalamika vile sisi tunalalamika katika upande huu. Kwa hivyo, inaonekana Naibu wa Kiongozi wa Shughuli za Serikali Bungeni alikuwa amelaghai Bunge. Je, hiyo ni nidhamu kweli?

(Laughter)

Mr. Midiwo: Mr. Deputy Speaker, Sir, I have to speak in a language--- If hon. Ethuro is struggling like that---

Mr. Deputy Speaker: Nidhamu, mheshimiwa! Swali hili limeulizwa kwa lugha ya Kiswahili na mpaka sasa jambo hili linaendelea kwa lugha ya Kiswahili.

Mr. Midiwo: Bw. Naibu Spika, mimi ni Mjalu. Kwa hivyo, ningeomba uniruhusu niongee katika lugha ambayo itaeleweka. Hata *Standing Orders allow me*.

Mr. Deputy Speaker: Haya endelea!

Mr. Midiwo: Mr. Deputy Speaker, Sir, I am not that bad, but if hon. Ethuro is struggling like that---

Mr. Chanzu: Hoja ya Nidhamu, Bw. Naibu Spika. Mheshimiwa amesema kwamba yeye ni Mjalu na kwa hivyo hawezi kuongea Kiswahili vizuri, ilhali Maranda Secondary School ambayo iko kati kati ya Ujaluoni iliongoza kwa mtihani wa Kiswahili katika Kenya nzima. Je, ni haki mheshimiwa kueleza Bunge hivyo?

Mr. Deputy Speaker: Nidhamu! Mhe. Midiwo, hiyo ni kukiuka nidhamu ya Bunge. Shule ya Upili ya Maranda ambayo iko katika Mkoa wa Nyanza iliongoza katika Mtihani wa Kiswahili katika nchi nzima ilhali unasema kwamba watu kutoka huko hawaongei Kiswahili.

Mr. Midiwo: Bw. Naibu Spika, wengine wetu tulisema kuwa Shule ya Upili ya Maranda isifanywe shule ya kitaifa kwa sababu sasa ni hawa ndio wanakuja huko na watu wetu hawapati nafasi ya kutosha. Ukienda Maranda sasa utapata watu kutoka Mombasa, *North Eastern* na Kakamega. Wamechukua nafasi zetu zote. Kwa hivyo, wakati mwingine tukitaka kuongea maneno yanayosikika vizuri--- Wajaluo ni kama Wazungu. Sisi ni Wazungu waliobaki. Ningeomba niseme jambo hili katika lugha ya Kiingereza kwa sababu ninaruhusiwa na---

Mr. Deputy Speaker: Endelea basi. Unakubaliwa kuzungumza kwa Kiingereza.

Mr. Midiwo: Mr. Deputy Speaker, Sir, the matter in question is so important because every Member is being asked: What are the academic standards? The courts have ruled. We have said here before when the standards were being put that hon. Members of Parliament should have a degree as a minimum. I remember I refused. Hon. Wetang'ula, a renowned lawyer, refused because we knew what the effect of that would be in the Constitution. We questioned the constitutionality of that process but, nonetheless, we lost. Why is the Minister avoiding it? This

is not the first time the Minister is avoiding to clarify. There are so many Kenyans whose rights are being infringed by this issue not being clarified even after a court of law and our reformed judiciary system has pronounced itself over it. There are people who do not know whether they qualify or not. We are using the Floor of this House to deny them their constitutional right.

Mr. Deputy Speaker, Sir, I would ask you to demand that before the end of the day, the Minister shows up as he promised to clear the air on this matter for this country because it is important. Lastly, it is important that as we go for elections, we go with a process that is trusted by all of us and not one where some Kenyans feel infringed upon or some Kenyans feel that somebody can sit somewhere and manipulate them. Thank you.

Mrs. Shebesh: On a point of order, Mr. Deputy Speaker, Sir. I would like to ask for the issuance of a Ministerial Statement that I asked---

Mr. Deputy Speaker: Order! Let me dispose of this one first. Is it on the same matter?

Mrs. Shebesh: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mheshimiwa Naibu Mkuu wa Shughuli ya Serikali katika Bunge.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, like I explained, the issue is that the Minister was here and I remember on Tuesday he actually promised to come and respond to that issue today. But he is not here now and what I would ask is we give him up to Tuesday to sort out the matter because even if we were to wait between now and the time we get him, we might delay the business of the House. In any case, I also want to ask the two Whips to go and look for the Minister and ask him to come to the House to answer this question by one of the Whips.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. You will appreciate when I was experimenting with that other language which hon. Midiwo does not like, I was pointing out the contradictions between the request by hon. Muthama and what the Deputy Leader of Government Business had committed to the House. But the substantive matter is what hon. Midiwo has raised, which I really want to support. This afternoon alone, I have got messages on my phone from the number of candidates who are willing to register and they want to know whether they can actually qualify for nomination or not. For a self-respecting Government to treat this matter lightly is not right especially given that on Tuesday, the Minister himself made an undertaking to this House to be available. He should have been available on Wednesday and I was in the Chair. In fact, he promised to be available today. So, how can we take a further undertaking by hon. Kimunya of Tuesday and he might take it to another week and so on until elections are called and people will have been denied a fundamental right?

Mr. Deputy Speaker, Sir, I want to beg you just as requested by hon. Midiwo to order now that the Minister becomes available and you know the miracle of your ruling. You did the same to the Minister for Energy and he came walking. Who knows? The Minister for Justice, National Cohesion and Constitutional Affairs will come running.

Mr. Deputy Speaker: Mheshimiwa Muthama ndio wa mwisho.

Mr. Muthama: Bw. Naibu Spika Muda, nakubaliana na Wabunge wenzangu kwamba wanafanya kazi katika mazingira magumu sana. Wametoa ulalamishi hapa. Nimejaribu kuchangia na kusaidia Mawaziri kuja lakini kama Kiranja wa Serikali mwenyewe anauliza taarifa na inachukua majumaa manne na bado haijatolewa na hili ni jambo muhimu sana ambalo linahusu taifa nzima, hivyo si vizuri.

Bw. Naibu Spika, kama kule umezaliwa kuna watu wengi sana ambao wanataka kuwa viongozi, ukiangalia mazingira yaliotolewa na Serikali kutoa kiwango cha elimu katika sehemu hiyo, huwezi kulinganisha na sehemu zingine. Kule kuna watu ambao wamezaliwa kama

viongozi na kwa sasa wanafungiwa. Korti ambayo Waziri mwenyewe anasimamia imetoa uamuzi na kusema kwamba kipengele fulani na fulani kimetolewa na huyu Waziri ambaye analinda na kusimamia sheria anaweza kuamuru Tume ambayo anasimamia kuwaambia kwamba yale mambo mnatangaza na kudhani kwamba yanatakiwa katika kiwango cha wananchi kusimama sio halali. Waziri wa sheria anasimamia uongo na udanganyifu kwa sababu kama hatoi taarifa kule mashinani kuwaambia watu wake, basi kuna mwongo gani kuliko huyo?

Bw. Naibu Spika, ninataka utoe uamuzi kama Waziri huoy kweli anastahili kufanya mambo kama hayo na kuzua kasheshe na taharuki katika nchi nzima.

Mr. Deputy Speaker: Si nidhamu Mheshimiwa Muthama kumwita mwenzako mwongo. Hayapatani na lugha ile inakubaliwa bungeni. Mpaka uyaondoe matamshi hayo na uombe msamaha.

Mr. Muthama: Bw. Naibu Spika, nayatoa na kuomba msamaha.

Mr. Deputy Speaker: Yote mengine yameeleweka.

Mr. Muthama: Bw. Naibu Spika, nashukuru.

Mr. Deputy Speaker: Mheshimiwa Midiwo, ikiwa Hoja inaendelea kwa Kiswahili, lazima uimalize na Kiswahili. Hiyo ndio nidhamu. You cannot start with one language and end with another. Lazima umalize na hiyo lugha. Ukiangalia Standing Orders, lugha zote mbili zinakubaliwa lakini huwezi kuchanganya.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I have been here for ten years and I understand. I want to be clear because there is another issue which I want to ask you to order the Minister to also clarify because this House passed the rules concerning elections. The Independent Electoral and Boundaries Commission (IEBC) had furnished us with a draft as required by law. Some of those things like certificate of good conduct, clearance of the examinations council and bureaus that deal with debts and such things like the Credit Reference Bureau, we took them out of the regulations and until today, the IEBC and the Government has not gazetted them. As we speak, the Criminal Investigation Department (CID) is full of Kenyans who just want to bite at their constitutional right to be elected and they are collecting money. If you go to all of those places, they are collecting money from Kenyans which is not required by the law. Could the Minister come and clarify for the sake of the integrity of the upcoming elections? I think the Minister could meet us half way. I want you to kindly order him to clarify because those credit bureaus are not Government institutions. But they are collecting money now using some assumed requirement by this House and it is not true. They are collecting billions.

Mr. Deputy Speaker: That matter was handled by the regulations that were passed by this House. The law was passed here. So, why is the law not being applied? The Deputy Leader of Government Business!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, as far as I am concerned, this House did its bit. We passed the law and made all the amendments. It is the IEBC that is supposed to gazette the regulations. The IEBC is independent as you saw even in the statement they made this week. They are independent; they do not want to be directed by the Government. They do not want to be told. We have provided them with financing. What I am aware of also is that---

Mr. Deputy Speaker: Order! They are not independent from the application of the law!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, yes, they are not exempt, but I am also aware that some political parties have asked their aspirants to have that clearance as part of the integrity test within the political parties. So, I am not sure who is queuing at the Criminal Investigation Department (CID) or the bureaus, but as far as this House is

concerned, the regulations that we passed removed all those requirements. I will take it up with the IEBC to make sure that they are gazetted for purposes of public information on what this Parliament passed and what those requirements are. So that we can make progress, I undertake to look for the Minister and make sure he comes on Tuesday to respond to all these issues.

Mr. Deputy Speaker: I direct that the Minister responds on this very sensitive, touchy and urgent matter on Tuesday next week failing which, the Chair will be left with no option, but to impose serious sanctions on the Minister. The law should be respected by everybody. We have disposed of this matter.

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

Mr. Deputy Speaker: On the same?

Mr. Ethuro: Yes!

Mr. Deputy Speaker: What is it? The Chair has given direction on that. Ordinarily, that should put a closure.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I really do not know how much we will tell this Government how important this matter is. You cannot take Kenyans for a ride. I just want to appreciate your ruling but add that if the Minister responsible is not available, then the Deputy Leader of Government Business must come and respond, so that this matter is brought to finality on Tuesday and not any other day.

Mr. Deputy Speaker: Fair enough! Mr. Kimunya, I am sure you have heard the sentiments and the feelings of the House.

Next Order!

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

Mr. Deputy Speaker: What is your point of order, Mrs. Shebesh? Is it on the same? Proceed! You had a Ministerial Statement.

FRACAS IN KAYOLE AFTER UTTERANCES
BY HON. WAITITU

Mrs. Shebesh: Mr. Deputy Speaker, Sir, I had a Ministerial Statement that, for me, is also urgent because it is almost on the same issue as we have been talking about. A few weeks, I think it is about a month ago, I asked for a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the comments that were made on this Floor concerning an incident that had happened in Kayole that touched on Mr. Waititu. The Minister had promised to come and respond because some of the statements that were made in this House were false and inaccurate especially by the Attorney-General in relation to somebody who died during that fracas. It has then been established that nobody died.

The Minister of State for Provincial Administration and Internal Security needed to come and clarify because we imputed improper motive and touched on the integrity of a Member of Parliament. I think it is unfair to continue with that impression that was created on the Floor without the Minister clarifying it. It has now been a month since.

Mr. Deputy Speaker: The Deputy Leader of Government Business in the House, you realize that the Chair has a responsibility to protect the dignity and veracity of claims against Members of Parliament, more so given that Members are supposed to enjoy certain privileges and immunities.

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, indeed, I am aware that the Minister of State for Provincial Administration and Internal Security is in part of

the EAC meetings that are taking place now; the consultations. But I will pass on the message that this Statement is long overdue and hope that it can be cleared on Tuesday.

Mr. Deputy Speaker: I direct that this Statement also be issued on Tuesday. In the same vein, I also direct that we should have no more than ten Questions on Tuesday on the Order Paper.

Mr. James Irungu Kamau: On a point of order, Mr. Deputy Speaker, Sir. My point of order is on the IEBC issue. The Minister has promised the House that---

Mr. Deputy Speaker: Order! Hon. James Irungu Kamau, that matter has been disposed of.

Mr. James Irungu Kamau: I wanted him to give a timeline.

Mr. Deputy Speaker: Order! Order! By now you must be versed very well with the way we transact business on the Floor of the House. It has been disposed of and I think it had ample and sufficient attention. We have proceeded on to something else.

(Mr. Ethuro stood up in his place)

Mr. Ethuro, are you also asking for the same?

PETITION ON SITUATION OF OIL EXPLORATION IN TURKANA

Mr. Ethuro: Mr. Deputy Speaker, Sir, earlier in the day Mr. Namwamba, with your support and you persuaded me, undertook that he was going to avail the Minister for Energy. Indeed, he availed himself, but he has absented himself again when the matter that brought him initially was the issue of the petition by the people of Turkana County.

Mr. Deputy Speaker: Mr. Namwamba, why did your friend come here and fail to transact the business that he was supposed to transact today?

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, indeed, I brought this matter to the attention of the Minister for Energy and we even talked as he walked out of the Chamber. At that point, he was looking for Mr. Ethuro, but he was not in the Chamber then.

Mr. Deputy Speaker: Fair enough! The Chair directs that this matter be disposed of also on Tuesday afternoon next week.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, I will bring that to his attention.

Mr. Deputy Speaker: Can you bring that to his attention failing which then the Chair will also be left with no option, but to impose certain sanctions on the Minister.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Mr. Deputy Speaker, Sir, I oblige.

STATUS OF AIRPORTS AND AIRSTRIPS IN THE COUNTRY

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. Sometime back, I think in the month of August, I had asked for a Ministerial Statement on the airports and airstrips in the country. It was supposed to be delivered by Mr. Kimunya. Just before we went on recess, he said that he was going to deliver it.

Mr. Deputy Speaker: Mr. Kimunya, what is the position?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the Statement has been ready for delivery for the last couple of months. I will bring it on Tuesday.

Mr. Deputy Speaker: Do it on Wednesday afternoon because we have a lot on Tuesday. That brings us to the end of Statements.

Next Order!

PROCEDURAL MOTION

REDUCTION OF PUBLICATION PERIOD OF:-

THE ELECTION CAMPAIGN FINANCING BILL

THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS BILL

THE ELECTIONS (AMENDMENT) BILL

THE POLITICAL PARTIES (AMENDMENT) BILL

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

THAT, pursuant to the provisions of Standing Order 107, this House orders that the publication period of the Election Campaign Financing Bill (Bill No. 66 of 2012) be reduced from 14 to 13 days, and for The Office of the Director of Public Prosecutions Bill, (Bill No.69 of 2012), The Elections (Amendment) (No.3) Bill (Bill No.72 of 2012) and The Political Parties (Amendment) Bill (Bill No. 73 of 2012) be all reduced from 14 to 6 days.

We reviewed these Bills as the House Business Committee and noted with concern that all these Bills have a bearing on the forthcoming elections. It is important that we dispose of this matter as quickly as possible, so that people looking for votes and parties organizing themselves in terms of how they are going to conduct their nominations, how they are going to conduct their elections or which candidate they are going to bring have advance notice in good time in terms of the legal framework under which they will be operating. For one Bill, we are only reducing the period by one day and the others is by eight days. This will facilitate the First Reading and then we will take the matter from there once this Motion has been carried. It is a straightforward matter and I wish to ask the House that we do this knowing that the time we have is limited between now and the time we go. If we go through the normal process, we may not be able to dispose of these Bills and certainly, because they have a bearing on the next coming elections, it is important that we dispose of them as soon as we can.

I beg to move and ask Mr. Midiwo to second.

[Mr. Deputy Speaker left the Chair]

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

Mr. Jakoyo: Mr. Temporary Deputy Speaker, Sir, I beg to second. All these Bills as have been alluded to by the Leader of Government Business have a bearing on the registration, nomination processes and the elections. I only want to point out that it is important that we note the concerns and anxieties of Kenyans around the country about the uncertainties. This is a new process and it is important that we go through it with as much confidence as possible so that we do not have Kenyans worrying about the incidences or the instances of the last election. So, all working together, we mean that we want to organize the electioneering process.

I beg to second.

(Question proposed)

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, while some of the issues being raised or being canvassed have merit, I am worried about a possible misuse by the Executive of these provisions to rush through Bills that have not been well thought through by Parliament. May be the Election Campaign Financing Bill, the Office of the Director of Public Prosecutions Bill and one or two others may pass the urgency but if we are talking of, for example, interfering with the structure and management of political parties and confusion---

Mr. Chanzu: On a point of order, Mr. Temporary Deputy Speaker, Sir. Did you see Mr. Magerer crossing from the other side and coming where he is seated without obeying the rules of the House?

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Magerer! Did you do so?

(Mr. Magerer bowed from where he was)

Order! It does not matter. You need to do what you are doing at the appropriate place. Proceed, Mr. Ruto as I watch what Mr. Magerer is doing.

(Mr. Magerer went to the Bar and bowed to the Chair)

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I am suggesting that the Government should not misuse this process. You have listed so many Bills and you have had plenty of time. I am worried that you might bring other Bills to negate the implementation of the Constitution through these Bills because hon. Members are currently out campaigning. Some of these Bills which can be handled by the next Parliament should just be left out of this rush hour, otherwise we are going to do a very serious disservice to Kenyans by passing a Bill with only 11 of us in Parliament, without public participation. Where will that leave us? I have a case of Mr. Midiwo who wants us to allow all political parties, irrespective of your membership to just vote. What was the essence of trying to reform political party structures? What was the essence of these reforms where at every instance, we are going backwards?

Mr. Midiwo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am happy he has supported but it is good to guide us. I thought we were debating a Procedural Motion. I am in the know that Mr. Ruto is one of the mischievous politicians who would want to do this. In fact, he has chased away his opponents for the governorship in Kericho because he has all the URP cards and that is the mischief we are trying to cure. We will never let you, Sir.

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. What is mischief?

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Midiwo, you are completely out of order to attack the persona of Mr. Ruto. That is not the way we do it. A while earlier, you talked of ten years experience in the House.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, not exactly. It is four years and 11 months. So, I withdraw and apologize.

The Temporary Deputy Speaker (Mr. Ethuro): The point made by Mr. Midiwo at the beginning is critical. It is a Procedural Motion. So, let us not go into the details of specific Bills.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I was just giving an example of some of the things that we might be forced to pass in a hurry that might revert the gains that we are trying to reinstate in reforms. For example, I understand he also wants to bring the Public Administration Bill which is being sponsored by Mr. Midiwo.

I beg to support.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I thought he was not going to support. If he is supporting I am also supporting.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, there are no further requests. Therefore I wish to put the Question.

(Question put and agreed to)

BILLS

First Readings

THE ELECTIONS CAMPAIGN FINANCING BILL

THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS BILL

THE ELECTIONS (AMENDMENT) BILL

THE POLITICAL PARTIES (AMENDMENT) BILL

PROCEDURAL MOTION

WAIVING OF REFERRAL PERIOD OF THE ELECTIONS
(AMENDMENT) BILL/THE POLITICAL PARTIES (AMENDMENT) BILL

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir I beg to move the following Procedural Motion which I wish to ask that I move in an amended form as provided for in Standing Order No.48. Therefore, the amended Motion would read:-

THAT, notwithstanding the provisions of Standing Order No.111(2) this House resolves to waive the referral period of the Elections (Amendment) (No. 3), Bill (Bill No.72 of 2012) and The Political Parties (Amendment) Bill (Bill No.73 of 2012) to the relevant Departmental Committee.

As hon. Members may be aware, the Bills have just gone through the First Reading. They are supposed to have a ten day period in which they are referred to the Departmental Committees. However, those ten days can be shortened if this Motion is carried so that we facilitate. Once we waive the requirements, the Committees will be looking at the Bill as we

discuss it here which will facilitate the commencement of the Second Reading sometime next week so that we can do the two at the same time; we can walk and chew gum at the same time. We can have the Bill in the Committee as we start the Second Reading because it is important that we dispose of these Bills in the course of next week. This is because of the implications they have on the timing of the elections and whatever amendments may be required.

Basically, the issue here is to fast track the processing of the Bill within the Committee which will, obviously, bring a report and we will not go to the Third Reading, and that is our undertaking, until we get concurrence from the relevant Departmental Committee. At least, this process facilitates the Bill to go to the Committee and the Second Reading to start. The House Business Committee will put the Committee Stage of the Bill on the Order Paper when the two processes have been completed. This is an undertaking that will not short-circuit any but we want to fast-track the two processes in the House and in the Committee.

That is our plea at this point; that the House allows and facilitates us to fast-track the processing of these two Bills which are very critical. This will ensure that the House and the Committee are seized of the matter simultaneously. We will then go to the final stage or into Committee when the two sides have finished the processing of the same.

I wish to move and request hon. Midiwo to second the Procedural Motion.

Mr. Midiwo: Mr. Deputy Speaker, Sir, I second the Procedural Motion.

(Question proposed)

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I want to oppose this particular Motion. We have been passing Bills in this House but later commenting on television how Bills were passed at night in a hurry because we do not give our Committees enough time to look at the Bills.

I understand the relevance of these Bills but I also know that when we start debating an issue on the Floor, it takes over the agenda of that Bill. By the time a Committee is in place, we have rejected committee reports, something I do not agree with because we have already started the debate on that particular issue in the public discourse and set the mood on the way we want it to go. Even when the relevant Committee of the House comes with a proper procedural way on how the Bill should go or even its legal interpretation, because the country has already heard our debate, we normally defeat the committee reports since we are already playing to the gallery. I do not want us to risk that because these Bills have a lot of political connotation.

I support what hon. Jakoyo Midiwo is doing but say that the Committee can also sit overnight and by the time we go to the Second Reading, we have a report. We have done reports that are even preliminary even for us to understand the gist of the amendments which are being brought to the Floor of this House.

I do not support.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I think we are asking for too much. You are telling us to shorten the period and stop the Committees from looking at it? I smell a rat!

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Ruto! In fact, the Committee should look at it sooner than later.

Mr. Ruto: Yes, Mr. Temporary Deputy Speaker, Sir. Probably, what this Procedural Motion should do is probably give an indication as to what period is required. You could even say that within five or seven days, the Committee should report or something like that so that we can start the Second Reading. If you deny the Committees an opportunity to look at it and the

end result is that there is no public participation and Kenyans are not even aware of what you are up to---

This Government goes forward two meters and then goes back three meters. I do not know where they want to lead us. You have about a month to go and you are renegeing on every principle that we commit ourselves to in the Constitution which includes others participating and getting to know what we are about to pass in this Parliament. If we cannot even look at it as a Committee or as Members of Parliament and “others” are not available here, you are waiving the need for Committees, you are waiving everything and even the time--- I have not been in Parliament for the last three days. That means that those of us who were not here - there are a number who are not here – will never get to know that we passed a certain Bill. They will just be shocked. This is a critical period. I know that since ODM has failed to reload itself, it wants to look for shortcuts. I wonder why they are strangely becoming bedfellows with hon. Kimunya.

The Minister for Higher Education, Science and Technology (Prof. Kamar): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Member to keep on repeating that hon. Members are not here? It is not right for hon. Members of Parliament who are supposed to be in Parliament at the right time not to be here. I think he should tell his colleagues and friends to be in the House. Why are they campaigning before the right time for campaigns comes?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Kamar! That is not a point of order. In any event Hon. Kamar, you are also a Minister and you will appreciate that the Front Bench is equally wanting.

Proceed, hon. Ruto!

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, in fact, I want to bring it to your attention that there is no quorum and I am worried why I should continue speaking when there is no quorum.

On a point of order, Mr. Temporary Deputy Speaker, Sir, there is no quorum. I have brought it to your attention.

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Ruto! One thing you cannot do in this House is to try to revenge. You are on the Floor contributing and the only thing you can do besides contributing is to terminate your contribution and not to raise quorum issues. Let other Members do that and not you because you are already on your feet.

Proceed, Mr. Ruto.

Mr. Ruto: Mr. Temporary Deputy Speaker, Sir, I was trying to alert Prof. Kamar that the truth of the matter is that there are not enough Members of Parliament in the House even now. I am just contributing to many empty chairs except those which are occupied by--- I do not want to continue with that.

I really oppose the denial of Committees to look at these Bills before us.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, I rise to support and in supporting I want us, as a House, to be cognisant of the fact that we have a very short time. Indeed, there are some of us Members who have been very faithful in the days that hon. Ruto is referring to; he has been away for the last three days. Some of us have been here, even during extended times.

Indeed, there are very serious Bills that have come here which have implications and impact on devolved systems of governance. He has been away, yet he wants to a Governor.

Mr. Temporary Deputy Speaker, Sir, he who comes to equity must come with clean hands. So, he cannot come with dirty hands here and purport to give us a lecture about being in the House.

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Ruto! When you are contributing you are at liberty to do many things. Allow the Member also to say her piece.

Mrs. Odhiambo-Mabona: Yes, Mr. Temporary Deputy Speaker, Sir. I do not know why he is worried about me. I am a very humble and harmless human being. So, he should just relax. The person he should be worried about is in Bomet County, a lady, who is a lioness. But that is with a light touch; the one who deals with him authoritatively---

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Odhiambo-Mabona. You are also over-enjoying the generosity of the Member for Chepalungu.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, the hon. Member for Chepalungu is my friend---

QUORUM

Mr. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir, I notice there is no quorum.

The Temporary Deputy Speaker (Mr. Ethuro): Well, he has followed the right procedure. So, let the Clerks-at-the-table determine the quorum issue.

Order, Members, the quorum requirement has not been met; I order the quorum Division Bell to be rung.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! We are unable to raise the requisite quorum. Therefore, the House stands adjourned until Tuesday, 4th December, 2012 at 2.30. p.m.

The House rose at 4.40 p.m.