

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th March, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTION BY PRIVATE NOTICE

DETAILS OF FOREIGNERS WORKING AT SHELTER AFRIQUE

(Eng. Gumbo) to ask the Minister for Foreign Affairs:-

(a) Could the Minister provide the names, qualifications and positions currently occupied by all foreign nationals currently working at Shelter Afrique offices as well as names and number of foreign nationals (if any) currently occupying general service positions?

(b) Have all foreign nationals working at Shelter Afrique complied with immigration laws for the entire duration of their stay/work in Kenya?

(c) Is the Minister aware of the on-going recruitment for Team Leaders for Human Resource, Internal Audit and Treasury and, if so, could the Minister table the list of all applications for those positions, the shortlisted candidates and the criteria for their shortlisting?

Mr. Deputy Speaker: Eng. Gumbo has communicated to my office and so, I direct that this Question be listed on the Order Paper tomorrow afternoon.

(Question deferred)

ORALS ANSWERS TO QUESTIONS

Question No.1009

PROJECTS UNDERTAKEN BY ENNDA IN NORTH HORN

Mr. Chachu: Mr. Deputy Speaker, Sir, I want to plead with you because I have amended this Question. Actually, it has part “c” and what is appearing on the Order Paper is not actually what was sent to the Ministry by the Clerk’s Office. So, as it is, it will not do me any good.

Mr. Deputy Speaker: The Chair will find out exactly what has happened and list the same Question on the Order Paper at another appropriate date.

(Question deferred)

Question No.1019

INSECURITY ALONG NAKURU/ELDORET HIGHWAY

Mr. Deputy Speaker: Is hon. Kiuna not here? Let us wait for the second round.

Question No.1100

COMMERCIAL VALUE OF GRANITE ROCKS IN WESTERN KENYA

Mr. Deputy Speaker: Is Dr. Otichilo also not here? We will wait until the second round.

Question No.1231

NUMBER OF BOREHOLES DRILLED IN TANA-RIVER COUNTY

Mr. Deputy Speaker: Is Dr. Nuh not here? We will revisit the Question later.

Question No.1270

EMBEZZLEMENT OF FUNDS AT MULTI-MEDIA
UNIVERSITY COLLEGE

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

(a) how much money was reported as embezzled at the Multi-Media University College of Kenya, located at Mbagathi, under the management of Dr. James Kirumbi;

(b) what she has done to recover the said amount of money; and,

(c) under what circumstances Dr. Kirumbi was paid gratuity of over Kshs.6,000,000, considering that he was serving as the Principal of the University College in an acting capacity.

Mr. Deputy Speaker: Is the Minister for Higher Education, Science and Technology not here? We will revisit the Question during the second round.

Question No.1160

NON-PAYMENT OF DEATH GRATUITY TO WIDOW
OF LATE DANIEL MUNENE GATUNGO

Mr. Gitari asked the Minister for Finance:-

(a) whether he is aware of the death of Mr. Daniel Munene Gatungo (P/No.2007152654), a former Ndimi Sub-location Assistant Chief, which occurred in June 2010;

(b) why the Ministry has not paid death gratuity to Mrs. Lydia Gathigia Njogu, the widow of the deceased; and,

(c) what steps he is taking to ensure that the gratuity is paid without further delay.

Mr. Deputy Speaker: Is the Minister for Finance not here? I will call the Question in the Second Round.

Question No.1201

PLIGHT OF “A” LEVEL S1 TEACHERS

Dr. Khalwale asked the Minister for Education what he is doing to address the plight of over 2,000 ‘A’ - Level S1 teachers, who are constantly being discriminated against by the Teachers Service Commission (TSC).

The Assistant Minister For Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry is going to address the plight of the over 2,000 P1 A-Level teachers who have not been upgraded in the next financial year 2012/2013. I want to reiterate that the spirit of Article 27 of the Constitution guarantees equality and freedom from discrimination. The Ministry is willing to live within that spirit.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that brief and, hopefully, promising answer. But this Question has got two limbs. The first limb is that some of those teachers have been forced to work in primary schools when they are qualified to work in secondary schools. The second limb of this problem is the financial one, which I think the Assistant Minister wants to address in the financial year. So, probably, he can just give us an overview of what it is that he is going to implement in terms of the two limbs.

Mr. Mwatela: Mr. Deputy Speaker, Sir, we will address both. We live in the spirit of the Constitution. There will be no discrimination.

(Dr. Khalwale stood up in his place)

Mr. Deputy Speaker: Are you sure that you want to rise on a point of order so soon? Why do you not allow the hon. Members to interrogate the Assistant Minister? What is your point of order?

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. It is not too soon; he has not responded to what I have just requested him. I have asked him to give us an overview of what it is that he is going to implement in terms of the fact that they are working in primary schools when they are qualified for high school. What it is that he is going to give them in the financial year, by way of salaries and remuneration?

Mr. Deputy Speaker: I thought the Assistant Minister has said that he is going to address the issues that you have raised.

Mr. Mwatela: Mr. Deputy Speaker, Sir, we are going to address both issues. In fact, it is my undertaking that we will not only just promote them, but also ensure that their arrears are paid.

Mr. Kioni: Mr. Deputy Speaker, Sir, that sounds like a very nice answer but it is an answer that has taken 12 years to come. What assurance is there that the Assistant Minister is

going to act given that he has been sleeping on the job for the last 12 years? This has been on since the year 2000.

Mr. Deputy Speaker: So, are you asking how soon he is going to implement that decision?

Mr. Kioni: Mr. Deputy Speaker, Sir, how soon is he going to implement it and what assurance can he give to convince us that it is not an empty answer again?

Mr. Mwatela: Mr. Deputy Speaker, Sir, I want to protest because I have not been sleeping on the job. I am very awake. That is why I am going to implement it. I want to reiterate that this is not a dress rehearsal. This is a real thing. I am saying it is going to happen.

Mr. Speaker: The hon. Member asked you how soon, Assistant Minister.

Mr. Mwatela: Mr. Deputy Speaker, Sir, it will be implemented in the 2012/2013 financial year.

Mr. Lagat: Mr. Deputy Speaker, Sir, the Assistant Minister has said that he is going to pay the arrears. How much are the outstanding arrears?

Mr. Mwatela: Mr. Deputy Speaker, Sir, we should be realistic. Is he now asking me to do the computation? That is really a different Question. I can go and do the computation and bring it to the House.

Mr. Deputy Speaker: In any case, hon. Lagat, you asked a Question for him to give you the details or substance from a policy outlook. The Assistant Minister is not an accountant sitting in there to do the computation.

Yes, hon. Chachu?

Mr. Chachu: Mr. Deputy Speaker, Sir, so many teachers are teaching in primary schools even though they have gone to university and acquired degrees; they have been discriminated against in that up to now, instead of teaching in colleges or secondary schools, they have been forced to continue teaching in primary schools, after struggling for that long and paying so much money for their studies for years; could the Assistant Minister assure them that they will now be allowed to teach in secondary schools or even in colleges as they wish as they have acquired the necessary credentials?

Mr. Mwatela: Mr. Deputy Speaker, Sir, there is one thing I would like to clarify to this House. Possessing a degree does not necessarily entitle one to teach at a secondary school. It could be a degree in early childhood education, which is for teaching young children. So, it depends on what degree the hon. Member is talking about. If it is a degree that allows one to specifically teach in secondary school, I agree that those teachers should be taken to secondary schools. However, some teachers could be possessing degrees for teaching in primary schools.

Mr. Mbadi: Mr. Deputy Speaker, Sir, this Government is notorious for giving false promises to teachers.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): (off record)

Mr. Mbadi: Mr. Deputy Speaker, Sir, the Government is only one in Kenya.

Mr. Deputy Speaker: Order, hon. Ojode!

Mr. Mbadi: Mr. Deputy Speaker, Sir, I would like to understand from the Assistant Minister how many teachers are affected? What is the number of teachers that you are going to deal with? We want to know whether you are still going to continue giving false promises to them. You have promised them arrears. Could you confirm to us how many they are?

Mr. Mwatela: Mr. Deputy Speaker, Sir, first of all, I am not notorious for giving false promises. All the promises that I have given here have been fulfilled.

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

Mr. Deputy Speaker: Allow him to complete his sentence, hon. Mbadi.

Mr. Mwatela: Mr. Deputy Speaker, Sir, the hon. Member has asked how many teachers are going to benefit. It is all those teachers who met the qualifications at given times to avoid discrimination.

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

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

Mr. Mbadi: Mr. Deputy Speaker, Sir, obviously, the Assistant Minister is misleading the House and this country. He does not even know how many teachers are involved and he is promising them money yet money comes through budgeting. He has also said that he has not given false promises to teachers. He has promised teachers from my district that they would get hardship allowance but up to now, none of them is getting that allowance. So, as I said, this Government, in general, is notorious for giving false promises. Is it in order for him to refuse to answer my question, which was very specific? When he came to this House and promised that these teachers would be paid by July, he should have known how many teachers he was talking about as well as the amount of money involved.

Mr. Mwatela: Mr. Deputy Speaker, Sir, those are details but let me just remind the House, and the hon. Member, that it is not the Ministry of Education that determines in which areas public servants should be awarded hardship allowance. This matter has been coming up frequently. My Ministry is ready to pay as long as we get proper designation of the hardship areas from the relevant Ministry.

Mr. Deputy Speaker: Last question, hon. Khalwale!

Mr. Khalwale: Mr. Deputy Speaker, Sir, this Government of His Excellency President Kibaki and Rt. Hon. Prime Minister Raila Odinga should know that teachers are watching what they are doing to them. Teachers will be participating in the general election in December this year. Out of frustrations, some of teachers end up losing interest in performance. They get dismissed. Out of frustration, some of them die. Can the Assistant Minister confirm that when he pays the teachers who are affected, he will also do an audit and establish the number of teachers who have died from the time I am speaking backwards to 2000? He will then be able to look for their heirs and give them what was due to them.

Mr. Mwatela: Mr. Deputy Speaker, Sir, yes.

Mr. Deputy Speaker: Next Question, hon. Kiema Kilonzo.

Question No.1103

REPAIR OF KASEVE-MASII SECTION
OF MACHAKOS-KITUI ROAD

Mr. Deputy Speaker: Is hon. Kiema Kilonzo not here? We will come back to the Question.

Next Question, hon. Yusuf Chanzu

Question No.1185

IMPLEMENTATION OF VIHIGA WATER/
SEWERAGE SCHEME

Mr. Deputy Speaker: Is hon. Chanzu also not here? We will come back to this Question. Next Question, hon. Mbai.

Question No.1312

DELAY IN CONSTRUCTION OF MASINGA
FRESH PRODUCE MARKET

Mr. Deputy Speaker: Is hon. Mbai also not here? Let us go for the second round. Question No.1019, hon. Joseph Kiuna.

Question No.1019

INSECURITY ALONG NAKURU/ELDORET HIGHWAY

Mr. Kiuna: Mr. Deputy Speaker, Sir, before I ask the Question, I would like to apologise for coming late.

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

(a) whether he is aware of the increased cases of insecurity within Nakuru-Salgaa-Sachangwan and Mau-Summit areas along the Nakuru-Eldoret highway; and,

(b) what action he is taking to improve security along the highway and to arrest the gangs that terrorize road users in the area.

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

(a) This Question was filed last year, in May, when there was an upsurge of insecurity on the Nakuru-Eldoret Highway. We have since taken action, especially around the Mau Summit and Salgaa areas. As we speak, the situation has normalised.

(b) Both mobile and foot patrols have been intensified within that area. We have highway patrol cars as well as unmarked police cars patrolling the highway. This has drastically reduced the incidence of insecurity in that area.

We also have a police patrol base, which was established at Sachangwan and ten police officers, drawn from both regular police and Administration Police, deployed there under the command of a police inspector. I have also deployed more police officers at Salgaa Police post and Mau Summit Police Station, with a chief inspector of police as commander. Since the police introduced these measures, a total of 21 suspects were arrested and arraigned in court in cases of stealing and robbery with violence.

Mr. Kiuna: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for giving an elaborate answer. However, could he tell this House what measures he has taken against those police officers who were caught in Molo Town with stolen goods two weeks ago?

Mr. Ojode: Mr. Deputy Speaker, Sir, the police has so far done a commendable job. We have identified people who have been stealing within the highway. As I mentioned, 21 suspects have so far been arrested. In fact, I can give the details of those suspects who have been charged

as a result of stealing within the highway. We will continue arresting those who are stealing within the highway. I wish to say---

Mr. Litole: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not answering Mr. Kiuna's question. The hon. Member asked what action he has taken against some police officers who were found with stolen goods in Molo Town. Why is he dealing with other things that he has not been asked about? Is he in order to do so?

Mr. Ojode: Mr. Deputy Speaker, Sir, as I said, we have arrested suspects. Some of them could be police officers. However, I cannot tell if that is the case because I had not identified any of the suspects being a police officer. My police officers are doing a commendable job to arrest the suspects. So, some of the suspects may be the police officers.

In any case, if the hon. Member knows any police officer who was involved in this racket, he could furnish me with that information.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House that there were no police officers involved in theft? In fact, they were caught red-handed with stolen good within their premises.

Mr. Deputy Speaker: Mr. Assistant Minister, are you not aware that this is common knowledge that these police officers were arrested with those stolen goods?

Mr. Ojode: Mr. Deputy Speaker, Sir, if you listened to me properly, I said that those are treated as suspects. We do not have any police officer who is working and is stealing. I want to go further and give the names of those who have been arrested. We have arrested Joseph Muthama, Patrick Njeru Jackson, Samuel Mbugua and Moses Ikiru. They were charged before court on 12th March.

Mr. Koech: On a point of order, Mr. Deputy Speaker, Sir. These are very serious allegations against police officers. The hon. Member has confirmed that goods were found in the police officer's house, but the Assistant Minister seems not to be sure. Would I be in order to request that this Question be deferred, so that he establishes facts on the ground and furnishes the House with clear information and the real action that he will take against those police officers?

Mr. Deputy Speaker: Mr. Assistant Minister, could you confirm some of the names of the police officers who were arrested?

Mr. Ojode: Mr. Deputy Speaker, Sir, I want to confirm that we have arrested suspects. Those who have been stealing on the highway are the following: Joseph Muthama, Patrick Njeru Jackson, Samuel Mbugua and Moses Ikiru. They were charged before court on 12th March, 2010, for stealing from a locked motor vehicle vide police criminal file No.713/43/2010 and the court file is No.7222010. The case is pending before Nakuru Court.

Mr. Deputy Speaker: Could you confirm that some of the names you have mentioned are police officers?

Mr. Ojode: Mr. Deputy Speaker, Sir, I have never said that. I said I am reading the names of suspects who were arrested in possession of stolen goods.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. I am a member of the District Security Committee. We are aware that a Police Commandant, Molo Police Station was the one who was caught red-handed with stolen goods. Would I be in order to request you to refer this Question to the relevant House Committee to go on the ground and verify what the Assistant Minister is refuting?

Mr. Ojode: Mr. Deputy Speaker, Sir, I did indicate to this House that this Question was filed in May. So, I am answering a Question of May; I am not answering a Question of

yesterday. The police commandant that the questioner is talking about has so far been interdicted pending investigations as to where he got those wares.

So, I do not know whether he knows---

Mr. Deputy Speaker: Mr. Assistant Minister, it is not always that it becomes common knowledge and read by everybody in the newspapers when police officers are found in their own homes with stolen goods. This is a matter that essentially almost every other Kenyan who cared to read the paper that day remembers. So, it is not an issue that you deal with everyday for you to have a lapse of memory on whether those officers who were actually caught with stolen goods were arrested and taken to court or not. Could you confirm whether those officers---

Mr. Ojode: Mr. Deputy Speaker, Sir, I did mention here and my memory is very clear, that those officers who were found with stolen goods were interdicted. The Government works like this: You interdict any person who has been mentioned on anything to do with theft. That means he is no longer an officer from the force. Later on, the same officer will be taken to court after thorough investigations to know whether he was actually involved in stealing.

Again, when we are talking about this particular question, this one is completely different from what he was asking me about the officers yesterday. I said that those are treated as suspects. Any police officer who is caught with any stolen goods is a suspect. He will be taken to court as any other ordinary Kenyan.

Mr. Kiuna: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House and the country at large by saying that he has interdicted those police officers who were caught red-handed with stolen goods? It is well known that these police officers are still working and I can tell him where they have been posted. All that he has done is to transfer them from Molo Police Station to another police station.

Mr. Ojode: Mr. Deputy Speaker, Sir, ordinarily, I had to remove them from that place first because they would not allow proper investigations to be done. But so far, those officers have been interdicted and they will be taken to court. If the hon. Member has contrary information, he should lay it on the Table.

Mr. Mbadi: Mr. Deputy Speaker, Sir, now that we have two hon. Members giving conflicting information, could the Assistant Minister table before this House the interdiction letter of these officers?

Mr. Ojode: Mr. Deputy Speaker, Sir, you realize that that is a different Question. The reason why is because if you go back to this Question, this was filed in May. The theft case happened just the other day. So, that is a different Question. So, if he wants me to prove to Kenyans that yes, indeed, we do not allow police officers to be involved in any theft case, I can do so. However, he has to file a Question.

Mr. Deputy Speaker: Order, hon. Assistant Minister! You cannot run your own Ministry through some kind of activism. You are supposed to have facts here to satisfy every Kenyan. It is a matter of the security of Kenyans. In any case, if this did happen much later, then the hon. Member anticipated and had the foresight to warn you well in advance. If he filed this Question and much later officers were caught red-handed with goods in their own premises which every Kenyan remembers reading in the newspapers then, indeed, he has warned you in advance. You do not have to fault him on that.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Chair must also be fair to the hon. Assistant Minister. This thing happened last month. I am replying to a question of May last year and not last month. That is why I am saying this is a different question. In any case, if he wants me to

table or show proof that those officers were interdicted, I said that, that is a different question but I can do that.

Mr. Deputy Speaker: Fair enough. All that Kenyans including the Members of Parliament want is that the nationals of this country are secure and safe; both their properties and their own lives. Indeed, as an Assistant Minister you have a responsibility to allay the fears of Kenyans and go out of your way to show what kind of actions you have taken. The Chair directs that this Question be listed on the Order Paper on Wednesday morning next week.

Mr. Ojode: Mr. Deputy Speaker, Sir, I have no objection to that. However, let me also say that Kenyans are safe. Take it from me that Kenyans are safe. We are going to do all that it takes for Kenyans to move freely from one corner to the other.

Mr. Deputy Speaker, Sir, if any member of the disciplined force is involved in any kind of theft or crime, the law is very clear. We will arrest them and take them to court.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question be listed on the Order Paper next week Wednesday morning and at the same time you will have to come up with a comprehensive answer including the actions taken against the officers who were caught red handed and copies of the interdiction letters as you had promised and undertaken.

(Question deferred)

Next Question No.1100 by Dr. Otichilo!

Dr. Otichilo: Mr. Deputy Speaker, Sir, first I want to apologize for coming late.

Question No.1100

COMMERCIAL VALUE OF GRANITE ROCKS IN WESTERN KENYA

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

(a) what the extent of occurrence of different granite rocks in Western Kenya in general is, and in Emuhaya District, specifically, and what the commercial value of these rocks is;

(b) whether he is aware that slab manufacturing companies have been licensed and are ferrying the rocks from Emuhaya to process them in Nairobi and Athi River; and,

(c) what measures he is taking to address (b) above and to promote exploitation of the rocks to benefit the local communities.

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

(a) There are two types of granite rocks in Western Province; the Maragoli and the Mumias granites. The Maragoli granite occurs in Vihiga area while the Mumias granite occurs in Butere, Mumias and Bungoma areas. Granite rocks cover nearly 80 per cent of Emuhaya District. The granite occurs in shades of pink, light or dark grey colours. The granites have been used as dimension stones where they are cut and polished as decorative slabs for floor tiles and wall facing of buildings.

(b) I am not aware of any slab manufacturing company that is currently licensed and is ferrying the rocks from Emuhaya to process them in Nairobi and Athi River. However, M/s. Fascon Marble was licensed by my Ministry on 26th February 1993 for the excavation of granite

blocks from the Kima area of Emuhaya for use in manufacture of dimension stone but closed down and stopped operations in 2001 due to lack of markets and competition from cheap imports. The license issued was Mining License No.3612/1 and the location was Ebusilaro/1549. The expiry date of the license was gazetted on 25th February 2002.

(c) My Ministry is encouraging investors who may be interested in exploiting geological materials in various parts of the country including Emuhaya to apply for licenses from the relevant authorities such the Mines and Geological Department, the National Environment Management Authority (NEMA) and local authorities.

Once such investors are licensed it is upon them to site suitable locations in which the raw materials will be processed. Several factors are taken into account in deciding the site. When investors sit in such locations, we take into account several factors before they arrive at any decision. These factors may include availability of stones of suitable quality and uniformity, distance to the market, haulage distance to the site of works, energy, roads and water amongst others.

Mr. Deputy Speaker, Sir, in addition, before companies start mining they have to obtain consent of land owners or local communities. Such include mutual agreement benefit sharing.

My Ministry has embarked on promotion of Kenya's mineral potential including polished stone products. This will result in increased usage of the products locally and abroad with a subsequent increase in investments in the area, more licenses in the sector, creation of employment for the local communities and local entrepreneurship.

My Ministry is also promoting tourism by documenting geological sites for tourist attraction. For example, large granite rocks form impressive sites of geological interest in the western region like the weeping stone located in the immediate south of Kakamega Town and Kakapeli rock. Further, my Ministry is working on the Minerals and Mining Bill which provides for benefit sharing of the revenue accruing from mineral operations between the national government, counties and local communities in areas from where minerals are found and mined.

Dr. Otichilo: Mr. Deputy Speaker, Sir, first, I want to congratulate the Assistant Minister for the comprehensive answer. Secondly, I want to observe that dimension stone is readily available in Kenya and its resources are available in many parts of the country; Kajiado, Kisii and everywhere. However, the Ministry is not exploiting this resource which has a very high economic potential. Instead, the Ministry is promoting the importation of cheap dimension stones from China. What is the Ministry doing to ensure that we exploit our dimension stone which is readily available to promote the economic development of our areas rather than importing these cheap dimension stones from China?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I have said in my answer earlier on that we want to encourage our people to do business in this industry. I also want to say that people from Emuhaya and other parts of this country where mining is taking place are doing a good job. They have to be encouraged. My Ministry has come out to market and even ask for our people to go into this business. Our people, however, do not seem to be interested because the gear and equipment to enable them do this business may be very expensive for them. However, we still say we want local people to do this business.

Yes, it is true that shoddy imports are done and if you compare these products from abroad to ours in Kenya, ours are very much viable and good. However, with a liberalized economy we cannot stop importation.

Mr. Wambugu: Mr. Deputy Speaker, Sir, it is common knowledge that most of these rocks are brought to Nairobi to be processed in some factories. It is also true that our locals,

especially those from Western or Nairobi, do not get employed in those factories. Could the Government consider setting up a factory within the Western region to process these rocks, so that by the time we are exporting them, we can have finished products which will benefit Kenyans?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I totally agree with the suggestion of the hon. Member. However, the truth of the matter is that our people who want to do business in this industry do not have enough capital. Some investors who have tried their hand in this business have closed down because it is a very expensive venture. Processing of these stones requires a huge investment. I believe our people want to do this business, but they lack funds.

Mr. Washiali: Mr. Deputy Speaker, Sir, I would want to ask the Assistant Minister to identify the issues that make production of granite products more expensive in Kenya as opposed to China. He says imported granite products from China are cheaper than the ones produced here in Kenya. What causes the granite products in Kenya to be more expensive than those from China?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I do not want to talk about China, or any other country. I would be very much interested to see that the Kenyan people do this business. If you compare our products with those that are imported from outside, ours are very viable products. I still call upon foreign and local investors to venture into this business.

Mr. Chanzu: Mr. Deputy Speaker, Sir, this question is very important for the people of western Kenya. However, the Assistant Minister says this business is not thriving because people are not interested and that it is a very expensive venture. I wonder whether he has a programme of sending experts to the grassroots level to educate our people on how to exploit and how they can benefit from these rocks. What is the Government doing to empower them in order to mine these resources? The stones are just on the surface. It is not like the actual mining where you have to go looking for the minerals down.

Mr. Kajembe: Mr. Deputy Speaker, Sir, I have experts on the ground. They have been going round the country. They have been educating locals who are interested in this business on how to exploit these resources. However, as I said, to do this business, one must buy specialized gear and equipment which are very expensive. We, as a Ministry, cannot go into this business physically. Ours is to teach our people to produce and compete with the imported products.

Mr. Kioni: Mr. Deputy Speaker, Sir, the role of the Government is not just to create awareness and identify resources. It is incumbent upon the Government to empower the people of this country.

The Assistant Minister has been very articulate and eloquent in telling us of the existence of these minerals and creating awareness. What specific programme do they have to empower local people so that they can benefit from the resources?

Mr. Kajembe: Mr. Deputy Speaker, Sir, my experts are on the ground advising these people what to do and how to make money out of it. However, the mining gear and equipment are very expensive.

Mr. Deputy Speaker, Sir, yes, it is true that these people use *jembes*, *pangas* and their bare hands to mine this resource because they are unable to buy equipment.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not answering the question. Is he in order to evade the question asked by hon. Kioni about empowering our people?

He has been requested to tell the House, what steps the Government is taking to empower local people. Nobody asked him about importation of cheap products from abroad that cannot compete with the local products.

Mr. Kajembe: Mr. Deputy Speaker, Sir, mining of these products is done in western part of this country. My Ministry is educating local people on how they can mine and make money out of this business. We want them to mine on a large scale so that they benefit from that resource. Currently, they are earning their living from this business although on a small scale.

Mr. Mungatana: Mr. Deputy Speaker, Sir, thank you for giving me this opportunity.

I want to ask the Assistant Minister, what is happening in his Ministry? Ordinarily, as far as Government policy is concerned, parastatals always begin to exploit a resource and then they can sell off shares to the people and then they continue from there. For example, the Kenya Power Company (KPC) started as a parastatal. Today, it is a private company. There are so many others. He says the local residents do not have money to exploit this resource. Why can the Government not take the first step of investing in this business and then sell shares to the local residents? This is the only way they can empower them and create wealth for them. Why is the Government not helping Western Kenya people to exploit those resources?

Mr. Kajembe: Mr. Deputy Speaker, Sir, the hon. Mungatana's proposals are very good. However, we are trying all that we can to empower the local people to mine and benefit from this resource. As a Ministry or parastatal, we are not allowed to invest. Therefore, I agree with the hon. Member that we could legislate to empower this people to mine this resource. His proposal is very important and we should take it on board. I urge this House to bring legislation on hon. Mungatana's proposal.

Mr. Deputy Speaker: Who originates the legislation for the formation of a parastatal? Is it the ordinary Members or the Government, or your Ministry in this case?

Mr. Kajembe: Mr. Deputy Speaker, Sir, I talked of EMCA of 1999 but it is my Ministry which originates legislation; I have accepted that with the views that I now gather from hon. Members, I am going to take action.

Mr. Chepkitony: Mr. Deputy Speaker, Sir, could the Assistant Minister consider giving incentives to investors either local or foreign to encourage them to exploit these minerals where they are mined and create wealth in those areas; he would do this by giving things like tax incentives and other incentives which will encourage people to invest in the areas where the minerals are? Has he thought of doing that?

Mr. Kajembe: Mr. Deputy Speaker, Sir, yes, the Ministry gives incentives to these people; the incentives I am talking about are that at times my officers go and address them. At times, they even give them *jembes* and *pangas* which are not very useful. I agree with the hon. Members but my Ministry will consider going the way the hon. Members are proposing.

Mr. Chachu: Mr. Deputy Speaker, Sir, Dr. Otichilo's Question was about sharing benefits with other communities. Article 69 of the Constitution is very clear; it provides that the State will ensure equitable sharing of the accrued benefits from natural resources with the local communities. Could the Assistant Minister inform the House what the Government is doing to operationalise or to bring to life that particular article of the Constitution to ensure that the local communities get benefits from the natural resources within their surroundings in terms of law or policy?

Mr. Kajembe: Mr. Deputy Speaker, Sir, this is a very important question. My Ministry will very soon bring to this House a Mining Bill which we have already completed discussing with stakeholders. It is very clear in this Bill that the local community where mining is done will

retain a certain percentage of the benefits. The county will get a certain percentage and the central Government will get its share. We are talking of that and I want to assure this House that the Bill is very attractive and we will table it very soon in this House.

Dr. Otichilo: Mr. Deputy Speaker, Sir, you can note that we have this resource and we are not exploiting it. For your information, Mr. Assistant Minister, the stone that was used for Teleposta Towers came from Emuhaya and if we had you promote this stone it would be yielding a lot of funds for this country. Could the Assistant Minister inform the House whether his Ministry is ready to prepare a document which will show the commercial value of these dimension rocks in the country so that it can be used for sourcing or marketing these stones for prospective investors countrywide and worldwide?

Mr. Kajembe: Mr. Deputy Speaker, Sir, yes, we are doing that and it is very clear in my answer that we are looking into those dimensions. We are trying our best to market whatever is coming out in this area locally. As I said earlier on, we will now also go abroad. We are there to work and I want to say my officers are very productive in their places of work.

Mr. Deputy Speaker: Next Question by Dr. Nuh.

Question No.1231

NUMBER OF BOREHOLES DRILLED IN TANA RIVER COUNTY

Mr. Deputy Speaker: Is Dr. Nuh not here? His Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Next Question by Mr. Kioni.

Question No.1270

EMBEZZLEMENT OF FUNDS AT MULTI-MEDIA UNIVERSITY COLLEGE

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

(a) how much money was reported as embezzled at the Multi-Media University College of Kenya, located at Mbagathi, under the management of Dr. James Kirumbi;

(b) what she has done to recover the said amount of money; and,

(c) under what circumstances Dr. Kirumbi was paid gratuity of over Kshs6,000,000, considering that he was serving as the Principal of the University College in an acting capacity.

Mr. Deputy Speaker: Is the Minister for Higher Education, Science and Technology here? Can a senior Minister tell us where the Minister for Higher Education, Science and Technology is?

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I do not know where the Minister is, but I believe she is still stuck in the traffic jam.

Mr. Deputy Speaker: Can you give an undertaking in line with the collective responsibility of the Executive? Indeed, you will inform her that this Question will be listed on the Order Paper of tomorrow afternoon?

The Minister for Roads (Mr. Bett): I am much obliged, Mr. Deputy Speaker, Sir. I will make sure that she is informed of your direction.

Mr. Deputy Speaker: It is directed that this Question will be listed on the Order Paper of tomorrow afternoon.

(Question deferred)

Mr. Deputy Speaker: Next Question by Mr. Gitari.

Question No.1160

NON-PAYMENT OF DEATH GRATUITY TO WIDOW
OF LATE DANIEL MUNENE GATUNGO

Mr. Gitari asked the Minister for Finance:-

(a) whether he is aware of the death of Mr. Daniel Munene Gatungo (P/No. 2007152654), a former Ndimi Sub-Location Assistant Chief, which occurred in June 2010;

(b) why the Ministry has not paid death gratuity to Mrs. Lydia Gathigia Njogu, the widow of the deceased; and,

(c) what steps he is taking to ensure that the gratuity is paid without further delay.

The Assistant Minister for Finance (Dr. Oburu): Mr. Deputy Speaker, Sir, I apologise for coming late.

I beg to reply.

(a) I am not aware of the death of Mr. Daniel Munene Gatungo, a former Assistant Chief of Ndimi Sub-Location as this has not been formally reported to my office.

(b) In view of the answer to “a” above, “b” and “c” do not arise.

Mr. Gitari: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for the short answer, it is only in the Bible where we are told that the right hand should not know what the left hand does. Could the Assistant Minister inform the House whether he has made any effort to consult the relevant Ministry? After the death of Munene Gatungo, who was the Assistant Chief for Ndimi Sub-Location, the Government employed another Assistant Chief?

Mr. Deputy Speaker: Mr. Assistant Minister, you have the information since this is not a Question by Private Notice; it is an Ordinary Question; indeed, the personal number of the deceased is there. I think it is not prudent for you to say that you are not aware that he has died.

Dr. Oburu: Mr. Deputy Speaker, Sir, I only said that the relevant Ministry, where the chief worked, has not officially communicated to us, but we have written a letter asking them to forward to us the information of this particular chief, so that we can process the pension. I only said that officially the relevant Ministry has not communicated to us.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The Backbenchers ask Questions to the Government and there is something called collective responsibility. Is the Assistant Minister in order to purport that since the other Minister has not communicated to him,

the Government is not aware? As far as we are concerned, it is the Government responding to the Back Bench.

Mr. Deputy Speaker: Assistant Minister, this is an Ordinary Question and ordinarily, Ordinary Questions take as long as three to four months before they get to the Floor of the House. There is ample time for you to have done internal consultations and come up with an answer that essentially befits the moment.

Dr. Oburu: Mr. Deputy Speaker, Sir, as I said, we have already communicated to the relevant Ministry, but we do not have a response. However, I will do what is necessary to make sure that we get the necessary documentation because processing of pension is a matter of documents. It is not just knowing about the death, but getting the relevant documents which are processed by the relevant Ministry so that we can process and pay as necessary.

Dr. Khalwale: Mr. Deputy Speaker, Sir, the Minister of State for Provincial Administration and Internal Security who is seated right next to the Assistant Minister for Finance, upon receiving information that this officer had died, went on and advertised that position and hired a new employee and asked the Minister for Finance for start paying a salary to the new officer.

In view of the fact that the Assistant Minister is deliberately refusing to answer and telling us that he is not aware of the death, would I be in order to request that this Question be deferred until the Minister comes here, not only with what we are saying, but with evidence that payment has now been made because this death occurred in June, 2010; two years ago?

Dr. Oburu: Mr. Deputy Speaker, Sir, we can only process payment if we have the necessary documentation. So, as you have said, that is collective responsibility and we are going to endeavor to get the necessary documentation.

Mr. Deputy Speaker: Order! Clearly, the counsel that your fellow Minister is giving you does not help you here because it is a collective responsibility. It is the same Government. This is a Question that was filed months ago. It is not a situation for you to come here and say that you will deal with these things when you get communication from the relevant Ministry. There is no relevant Ministry as far as your responsibility and your mandate to the Backbenchers and this country is concerned. You have what is called a Government which is one entity.

Dr. Oburu: Mr. Deputy Speaker, Sir, does that mean that I can answer on behalf of the Ministry of State for Provincial Administration and Internal Security? No, I cannot!

Mr. Pesa: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is misleading the House by saying that his role is not to initiate the process of this payment. It is the Provincial Administration which should initiate the process. He should tell us that the right Ministry has not processed the payment of this pension.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister belongs to a party whose slogan is *Chungwa Moja, Maisha Bora*. Is this the maisha bora that he is talking about if he cannot just go that extra mile? Is he in order to avoid answering this Question as it is?

Mr. Deputy Speaker: Order! Mr. C. Kilonzo, this is not a party issue. This is the Government's issue. Hon. Assistant Minister, clearly, the Government, in which case sitting next to you is the Minister who also matters most in this, has not done its work right. The Chair directs that this Question be listed on the Order Paper next week on Wednesday. In that period of time, you have ample time to make the necessary consultations with the other Ministry so that these people who served the country and who unfortunately passed on, their families do not suffer because a certain arm of the Government is not able to undertake its responsibility on

time. So, the Chair directs that this Question be listed on the Order Paper on Wednesday morning next week.

Dr. Oburu: Mr. Deputy Speaker, Sir, we accept the direction. I also promise that as soon as we get the necessary documentation, we shall promptly pay.

Mr. Deputy Speaker: You will have to plan that with your fellow colleague who is sitting next to you. You do not expect Backbenchers to come and co-ordinate and supervise the work of the Government.

Dr. Oburu: Mr. Deputy Speaker, Sir, we shall do our best.

(Question deferred)

Question No.1103

REPAIR OF KASEVE-MASII SECTION
OF MACHAKOS KITUI ROAD

Mr. C. Kilonzo, on behalf of **Mr. K. Kilonzo** asked the Minister for Roads when repair work on the Machakos-Kitui Road, particularly between Masii and Kaseve, will be completed.

The Minister for Roads (Mr. Bett): Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has a budgetary allocation of Kshs135 million to be used this financial year for the design and construction of the said section of the road.

In addition, I want to indicate that this is going to be seed money on the progression of that construction. A contract for a detailed engineering design of Machakos-Masii Road has already been awarded after which construction of the said section will begin.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, this Question was here in 2008, 2009, 2010 and 2011 and we have a similar answer and promises! Could the Minister confirm when the actual construction work is going to start?

Mr. Bett: Mr. Deputy Speaker, Sir, I expect the detailed engineering design to be completed by March this year. Meanwhile, I have placed a contractor on the road---

Mr. Deputy Speaker: Is it by the end of March or "by March" because we are already in March?

Mr. Bett: Mr. Deputy Speaker, Sir, you are right. Before the end of this month, I should be having the detailed engineering design for the road. Meanwhile, I have placed a contractor to do maintenance on that road as I speak. Maintenance is ongoing as I speak.

Mr. Mwadeghu: Mr. Deputy Speaker, Sir, could the Minister also shed some light even on other roads like the Mwatate-Taveta Road?

Mr. Deputy Speaker: Order! Order! Hon. Mwadeghu, take the trouble of doing a little bit of work and filing your own Questions. Do not hijack somebody else's Question.

Mr. Mwadeghu: On a point of order, Mr. Deputy Speaker, Sir. The same Minister has been coming here and telling us year after year that the Taveta-Mwatate Road will be done and they are doing nothing. That is why I have taken this opportunity. I know he is in a position to shed some light. Could you, please, indulge my request with a lot of humility and humbleness?

Mr. Deputy Speaker: Minister, as a policy, you can proceed and answer; on policy matters, basically, on roads which you have given undertakings.

Mr. Bett: Mr. Deputy Speaker, Sir, I am impressed by the way the Member has put his question. I am also aware that he is interrogating the same through his Committee. We are into the final end of discussions with the African Development Bank which is going to fund us to do the road from Mwatate to Taveta. We expect to sign contracts before the end of the year.

Mr. Chanzu: Mr. Deputy Speaker, Sir, there are quite a number of such projects in the country. In fact, you repair here and after sometime when you come back, you find the section is worn out. I do not know what the Minister is doing to ensure that he has people on the ground all the time to be giving feedback on what is happening. I would also want to thank him that the work on Luanda-Majengo has started. However, when the contractor goes on site, will he be able to complete the job?

Mr. Bett: Mr. Deputy Speaker, Sir, I will not shy away from it. I want to indicate to the hon. Member that I will be on that road on a date I will mention to him next week. I will go to inspect the Luanda-Majengo Road. We are seeking to increase our staff levels in the regions, so that we have a team that will be monitoring the conditions of our road. There are some specific roads which are giving us problems, and which were supposed to be handled by the 10 per cent which we have now spread equally to every constituency. But we are now trying to find ways and means of sorting out problems on those roads.

Mr. Mungatana: Mr. Deputy Speaker, Sir, first, I would like to congratulate the Minister because he seems to be aware of what is happening on the roads generally.

(Applause)

I want him to also tell us what is happening to the Garissa-Modogashe Road. Initially, he had told us about the BADEA funding and, up to now, we have not heard anything going on. He should tell us what is going on.

Mr. Bett: Mr. Deputy Speaker, Sir, yes, the hon. Member is right. I am sure the Deputy Speaker is also alive to the matter. We have had fruitful discussions with the various development partners - mainly BADEA - and those other countries where BADEA is involved. I dispatched a team a month and a half ago to do the final signing of the agreements with the development partners. I am insisting that we must conclude this matter before the end of this financial year, so that we may be able, in the next financial year, to place our own contribution for the construction of that road.

Mr. Deputy Speaker: You realize that the Chair cannot ask supplementary questions from where it is. But are you sure the issue has to do with those other donors and not the Kenyan component?

Mr. Bett: Mr. Deputy Speaker, Sir, I will not dispute your view. I realized the problem was in my own Ministry and that is why I dispatched the Permanent Secretary to go to Saudi Arabia to follow up the matter as quickly as we could.

Mr. Affey: Mr. Deputy Speaker, Sir, I think the Minister has got this one wrong. I can see that the Minister has enough determination to work in almost all the parts of the country, apart from that region. You have not visited that site. We have brought this Question many times. We have a lot of concern because we are going for elections. Can you give a categorical statement with a lot of honesty whether, in fact, you, yourself, Mr. Minister, you are prepared to undertake a trip together with Mr. Deputy Speaker and all of us to that part of the country and give hope to the people? That is because this matter has come back several times and he has always given us excuses and I do not think you are moving. On this one, you have it wrong.

Mr. Bett: Mr. Deputy Speaker, Sir, I do not know what I have done wrong on that issue, but if it is wrong to pursue and plan for the construction of a road in an area, which I agree with him has not been minded for a long time, then I want to apologize to him because I have put a lot of effort to get that road done.

Mr. Affey: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead the House that I have it wrong on account of what he is doing? I think on this one, there is no determination on the part of the Ministry and the Treasury to tarmack that road. Could he just give us a confirmation for sure that this matter will not come back again?

Mr. Bett: Mr. Deputy Speaker, Sir, I hope we realize that we are off the Question which we were supposed to deal with on the Order Paper. It was out of my generosity that I was giving replies to questions which are not on the Order Paper.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of order, Mr. Deputy Speaker, Sir.

Mr. C. Kilonzo: Ah, no!

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Why is Mr. C. Kilonzo getting agitated when I rise to raise my point of order?

Mr. Deputy Speaker: Order!

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): My point of order is in connection with the statement made by Mr. Affey to the effect that the Minister should state the position with a lot of honesty. Is he in order to doubt this honest Minister? Is he in order?

Mr. Bett: Mr. Deputy Speaker, Sir, I also want to take the statement by Mr. Affey that we visit that area as a formal invitation. If that is the case, I oblige to that request. We will then make arrangement with yourself, Mr. Deputy Speaker, and the political leaders of that region.

Mr. Mbadi: Mr. Deputy Speaker, Sir, I rate this Minister an “A” Minister. That is because since he went to that Ministry, he is very active. I think we also need to commend him because he is doing a good job unlike other Ministers of Government who do not even know what is happening in their Ministries. At least, this Minister knows.

(Applause)

But having said that, I want to ask him that, if the donors have already accepted and are ready to finance those roads, and that it is the Kenyan component that is lacking, what is the Minister going to do to make sure that the Kenyan component is made available so that the north eastern part of this country does not feel marginalized as it has been always marginalized in the past?

Mr. Bett: Mr. Deputy Speaker, Sir, I appreciate the question. As I said earlier, I dispatched the Permanent Secretary to Saudi Arabia to conclude the arrangements and agreements so that we may include in our Budget to be read in June this year, our Kenyan component.

Mr. M.H. Ali: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Are you sure you are on a point of order and not a question?

Mr. M.H. Ali: Yes, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: A supplementary question?

Mr. M.H. Ali: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to refer to Saudi funds all the time to finance the roads in North Eastern, whereas North Eastern is

part of Kenya and it is entitled to the resources available in Kenya, so that those roads are tarmacked just like any other part of this country?

Mr. Deputy Speaker: The Saudi funds were one of the components of the funding which is elaborate and comprehensive. Basically, all roads which are mega, including the ones that are being undertaken here, have always got a component that is external. But, nonetheless, Mr. Minister, you can explain this.

Mr. Bett: Mr. Deputy Speaker, Sir, you have said it well. I also want to indicate that I am also discussing with the Chinese to fund the road from Modogashe to Wajir to extend the tarmac towards Wajir and all the way to Mandera. So, I am discussing with the Chinese and not Saudis. So, we are looking at every development partner who is willing to give us support in that part of the country.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I want to ask this “A” Minister the following question: From Machakos to Kitui it is 170 kilometers. The section that we are talking about - Kaseve-Masii - is only 25 kilometers. The other 145 kilometers road is very nicely done. He has promised – and this is the fifth year. I want him to give us a definite date, not on maintenance, but when the construction is going to start.

Mr. Bett: Mr. Deputy Speaker, Sir, as soon as I receive the detailed engineering designs at the end of this month, I should issue instructions for it to be tendered with money which I have already indicated of Kshs135 million. So, that is it!

Mr. James Maina Kamau: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to give promises in this House that he does not keep? I remember that he almost took it personally with me because there was an issue last year where he promised to do 4.5 kilometers which was abandoned by a contractor called Kabuitu. He said that he was going to make sure that it was done. That was last year in July but, up to date, nothing has been done. When I asked him, he took it personally and I am getting problems from that area. He is now telling Mr. C. Kilonzo the same and yet, I do not know whether he is going to keep that promise. He is getting commended for what he has done but, on keeping promises, I will give him four out of ten on a marking scale.

Mr. Bett: Thank you, Mr. Deputy Speaker, Sir, for that question. I am aware of the promise and I want to tell the House that I am pursuing whatever promise I have made. One month ago, I recalled all the answers I have made in this House so that I could be told what we had done as promised in those answers. One of the roads which were discussed is what the hon. Member is discussing. So, I am already taking action. Let us not give Parliament false promises. This is an issue which is now very hot in my Ministry because I want things done right.

I will take this opportunity to thank the hon. Members for the complements. I also want to complement them for the manner in which they have used the Constituency Roads Committee (CRC) money. I want to urge them to check because to date we have released Kshs13 million to the constituencies. So, I want hon. Members to check with their CRC committees on whether the money has been received and when it is received, I urge them to be critical in their prioritization and also in procuring the relevant contractors in those areas.

Mr. Deputy Speaker: This is one of the few Ministers who get away with a lot of complements but nonetheless let us go back to the final Question No.1185.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I apologise for coming in late.

Question No.1185

IMPLEMENTATION OF VIHIGA WATER/
SEWARAGE SCHEME

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

(a) what he intends to do about the study carried out in 1992/93 by his Ministry towards the implementation of the Vihiga Water and Sewerage Scheme; and,

(b) when he plans to commence the construction of the project.

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

(a) It is true that my Ministry did a study on Vihiga Water and Sewerage Scheme in 1992 and 1993. Considering that this study was conducted 19 years ago and the report was not implemented due to various constraints including lack of financial resources and the long period that has lapsed, the study needs to be reviewed and updated in order to put into consideration the current needs and future development of the town.

(b) The Office of the Deputy Prime Minister and Ministry of Local Government no longer undertakes the water and sewerage projects as was the case when the study under reference was undertaken. The mandate of the project now lies with Amatsi Water Company and I have directed them to carry out a study of the scheme with a view of implementing the project.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. However, how much money was spent on the study since that time? If the consultants were paid how much were they paid?

In part "b" of his answer where he has asked Amatsi Water Company to carry out the study, do they want to use the same study that was done at that time or do they want to carry out the study afresh?

Mr. Nguyai: Mr. Deputy Speaker, Sir, I do not have the figures of the amount that was used to conduct the study in 1992 and 1993 but I am sure that I can provide them to the hon. Member of Parliament even outside this forum. Secondly, Amatsi Water Company that has been mandated to carry out this will use an updated version of the report. So, the first thing they will do is to carry out the survey.

Dr. Otichilo: Thank you, Mr. Deputy Speaker, Sir. I would like to know from the Assistant Minister who will provide the funds for Amatsi Water Company to undertake the study that you have directed? If this study is undertaken, will it include Luanda Town Council which has no sewerage?

Mr. Nguyai: Mr. Deputy Speaker, Sir, there are various water companies that have come about because of the Water Act. These are autonomous organizations that have their own way of funding which is empowered by the Water Act of 2003. So, there are quite a number of organizations which are under the Ministry of Water and Irrigation that enable them to get funds to carry out the survey.

Mr. Chanzu: Mr. Deputy Speaker, Sir, last week, I saw an advertisement in the newspapers for a similar project for Mbale Town which is within the same area. I do not know whether the Assistant Minister is aware of that and whether it has anything to do with this.

Mr. Nguyai: Mr. Deputy Speaker, Sir, that being a substantially different issue, I probably would have to do research on it and then bring an update. However, I think it is substantially the responsibility of the Ministry of Water and Irrigation to do that.

Mr. Deputy Speaker: Let us move on to Question No.1312 by Mr. Mbai. Is hon. Mbai not here? Is he out on any parliamentary business?
That Question is dropped.

Question No.1312

DELAY IN CONSTRUCTION OF MASINGA
FRESH PRODUCE MARKET

(Question dropped)

MOTIONS

Mr. Deputy Speaker: Order, hon. Members, Order No.9 had been disposed off. It had been dealt with before and concluded. It should not have been on the Order Paper today.

ALLOCATION OF FUNDS TO CONDUCT NATIONAL POVERTY SURVEY

THAT, aware that Article 202 of the Constitution provides that revenue raised nationally shall be shared equitably among the National and County governments; further aware that Articles 203 and 204 provide criteria for determining the equitable shares and use of the equalization fund respectively; concerned that the last National Poverty Survey that was used to determine the reliability of the results challenged in different fora; further concerned that the National Revenue Allocation Commission will face serious challenges in discharging its functions unless a new and credible National Poverty Survey is undertaken before the operationalization of County governments; this House urges the government to allocate adequate financial resources for conducting the said survey at a Ward, Constituency and County levels before the of 2011/2012.

ADMISSION OF QUALIFIED STUDENTS IN REGULAR
PROGRAMMES IN PUBLIC UNIVERSITIES

THAT, aware that the Joint Admission Board (JAB) admitted 32,611 students to public universities in the years 2009 and 2010 double intake; concerned that less than a third of the 81,000 students who had qualified to join public universities were admitted; further concerned that parallel degrees programme admissions continue to expand further stretching resources for regular programmes; aware that the economic growth of our nation is tied to the educational development of her people; acknowledging that the first group of students under the free education programme will be graduating by 2015 and more than 150,000 students are likely to qualify for university intake; this House urges the Government to ensure that at least seventy five per cent (75%) of all qualifying students are admitted to regular programmes in our public universities from the year 2011.

Mr. Deputy Speaker: The same also goes for Order No.10.

Mr. Mbadi: Mr. Deputy Speaker, Sir, you called out Order No.7 and we were expecting, this morning, to get statements from the Ministry of Finance. Actually, the Minister promised to bring the statements.

Mr. Deputy Speaker: Is the Minister ready to give the statement?

Mr. Mbadi: Mr. Deputy Speaker, Sir, the Chair made a ruling, yesterday that the Minister for Finance was supposed to bring all the statements that were pending. In the event that he has defied the directive of the Chair, I think necessary sanctions need to be imposed on him.

Mr. Deputy Speaker: Clearly, the Chair will refer to the HANSARD and, indeed, if that directive was given by the Chair, as it is apparent that the Minister has not come to discharge that responsibility, then the Chair will take appropriate sanctions against him.

In the meantime, I want to inform the House that Order Nos.9 and 10 have been disposed of. So, we will go to Order No.8 and after that we move on to Order No.11.

(Motions withdrawn)

BILL

Second Reading

THE PUBLICATION OF ELECTORAL OPINION POLLS BILL

Dr. Khalwale: Mr. Deputy Speaker, Sir, I beg to move that The publication of Electoral Opinion Polls Bill be now read a Second Time.

This is a Bill for an Act of Parliament to provide the manner for the publication of the electoral opinion polls and for the connected purposes.

This Bill is born out of the reality that the publication of the results of electoral opinion polls greatly influences voters to vote in one way or the other. As such, there is need for a law to ensure that the electoral opinion polls are conducted in a scientific and transparent manner and all the relevant information disclosed to the public. I would like, before I go to the actual aspects of the Bill, to point out to Members that the only challenge that this Bill would be faced with is a question of the constitutional freedom of the media. I have consulted widely and also looked at the Constitution. I am advised and I have established that because of Section 35 which gives every citizen the right of access to information this, therefore, gives this Bill the position to demand for what it intends to demand.

Mr. Deputy Speaker, Sir, I would like to go straight to the issues in the Bill. I will start with Clause 4 which is about information required on publication. This Bill provides that the first person who publishes the results of an electoral opinion poll during an electoral period and any other person who transmits those results to the public within the 24 hours after they are first transmitted to the public must provide the following information together with the results:

1. The name of the sponsor of the opinion poll.
2. The name of the person or organization that conducted the opinion poll.
3. The date or period during which the opinion poll was conducted.
4. The population from which the sample of the respondents were drawn.
5. The number of people who were contacted to participate in the opinion poll.
6. The methodology used.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, it is important that whoever is conducting the opinion poll must tell the public the education level of the participants. The public has the right to know the margin of error, if applicable, in respect of the data obtained. I have gone ahead and provided that a person who contravenes any of the above provisions of Clause 4(1) commits an offence. It is important that we make it clearer by giving additional information. I propose in this Bill that the following additional information referred to in Clause 4, besides the information I have given above, be provided in the case of application by means other than broadcasting:

1. The wording of the opinion poll questions in respect of which the data is obtained.
2. Name and address of the sponsor of the opinion poll.
3. Name and address of the person or organization that conducted the opinion poll.

Information about the methodology used to collect the data from which the opinion poll results were derived, including the sampling method, the population from which the sample was drawn, the size of the initial sample, the number of individuals who were asked to participate in the opinion poll, and the numbers and the respective percentages of them who participated in the opinion poll.

4. Information about who refused to participate in the opinion poll or those who were ineligible to participate in the opinion poll.

5. Furthermore, we would like any printed opinion poll to disclose the dates and time of the day of the interviews. The method used to recalculate the data should take into account the opinion poll the results of the participants who expressed no opinion, were undecided, or failed to respond to any or all of the opinion poll questions must also be provided.

Mr. Temporary Deputy Speaker, Sir, any weighting factors or normalization procedures used in arriving at the results of the opinion poll must be disclosed. It is also important that the wording of the opinion poll question is clearly understood. Where applicable, the margins of error in respect of the data must be obtained. In particular clause, I have provided that any person who contravenes these provisions of Clause 4(1) commits and offence.

In Clause 6, which is about fees chargeable, I have provided that a sponsor may charge a reasonable fee for a copy of a report provided for under Clause 5. In Clause 7, I have dwelt on prohibition of publication. In Clause 7(1), I have provided that a person shall not publish the results of any electoral opinion poll during the period of 48 hours immediately preceding the date of an election.

Later on in this discussion, I will be expounding on this important issue because it is one that somebody who wants to defeat this Bill might want to dwell on. I will explain why it is important we prohibit that. In Clause 7(2) I have provided that a person who contravenes Clause 7(1) commits an offence. I have also provided for penalties in this Bill. A person who commits an offence under this Act is liable to a fine not exceeding Kshs500,000 or to imprisonment for a period not exceeding one year or both of them.

Mr. Temporary Deputy Speaker, Sir, as I move this Bill, I would like to request hon. Members to look at the history of opinion polling. Opinion polling is nothing new. In fact, earlier on when this matter came before this House as a Motion – that time I was out of Parliament

because I had been thrown out to face a by-election – I was surprised when the media reacted to give the impression that---

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Dr. Khalwale in order to mislead this House that he was thrown out of this House when we know that he just took a sabbatical leave and then came back?

The Temporary Deputy Speaker (Mr. Namwamba): That is not a point of order, Dr. Nuh!

Dr. Khalwale: Thank you for the light touch, hon. Member. I was surprised that the media seemed to lose the point. It appeared like somebody in this Parliament was about to reinvent the wheel. The truth the public must know is that opinion polling was introduced for the first time in the general election of the USA in 1824. This is when a polling done in Pennsylvania found that candidate Andrew Jackson was set to beat his opponent John Quincy. The opinion poll indicated that Jackson was ahead at 335 votes and Quincy was trailing at 169 votes. Indeed, Andrew Jackson went on and won the popular vote in the full election. This evolved into a culture which subsequently became a science.

The father of the first scientific method that was done, and which is why opinion poll must be applied in this country, was none other than George Gallup. He is the one after whom opinion polls are named in the USA. He conducted the first scientifically based survey in which he polled a demographically representative sample. Why Gallup did this is because it was being argued in the USA that for a large country like the USA, it was wrong to pick a sample size of, say, 3,000 people and purport that they would represent the wish of the entire country. However, George Gallup went on and made it scientific to the extent that he confirmed that even with a small sample, it is possible to capture the mood of the entire country. It is, indeed, George Gallup's opinion poll that predicted Franklin Roosevelt's landslide victory that year in the USA presidential election.

Mr. Temporary Deputy Speaker, Sir, that much about the USA; let us come home in Kenya. Opinion polls were conducted aggressively in 2007.

Mr. Temporary Deputy Speaker, Sir, I know that you are both a lawyer and scholar, so you will remember that the period between October, 2007 and October, 2012 opinion pollsters were very busy. When the history of this country is finally written, it will be very difficult for the role opinion polls played in post-election violence to be left out. If the opinion polls that were conducted in 2007 had been conducted in an environment where there was a law that we seek to pass today, it would have been scientifically done and the expectations of the people would not have been hyped. This is a fairly technical subject and I want to spend a few minutes discussing opinion polling.

Mr. Temporary Deputy Speaker, Sir, there are catchy words in opinion polling like "sample" and "polling methods". I want hon. Members to know that the sample and polling methods are basically three. There is the type where you can choose to go verbal, you can use balloting or you can have the process type of opinion polling. It has been scientifically confirmed that verbal ballot and process opinion polling can be conducted very efficiently. In contrast, the popular polls which are conducted on the internet, radio and television stations draw on whoever wishes to participate rather than a scientific sample of population. These are generally not considered to be professionally or effectively conducted. There are two types of polls; the benchmark poll or the tracking poll. The benchmark poll is the poll which is normally conducted just before a campaign so that you know where the candidates are starting from. It is from that that you will see how candidates will build up when you now move to the second phase of

opinion polling which we call tracking polls. The beauty with tracking polls is that they are repeated at intervals. These intervals are usually generally averaged over a tracking window. A tracking window may be one day or three days. On average, the best tracking window is usually a week. So, if you are using a tracking window, you will find that the key benefits is that the trend of a tracking poll tends to correct any bias as the tracking goes on and the public then gets accurate information.

Mr. Temporary Deputy Speaker, Sir, because you were educated in the United States of America (USA), I am sure you are interested in the opinion polling which is going on right now in the USA. I have seen you on your iPad this morning; if you Google on your iPad right now, the Republican Presidential Opinion Polls, 2012, it will quickly tell you how they polled yesterday, where Mr. Romney is, where Rick Santorum is, where Gingrich is and so on. The beauty with it is that usually, whatever they say, when the full election of the primaries are done, the results always agree.

In my view, I have referred to the importance of the wording of the question in the opinion polls. I want to spend a moment on the issue of the wording of the questions. Wording of questions, the order in which those questions are asked and the number and form of the alternative answers can influence results of the actual elections. So, it is important that we get the question right. Towards this end, may I give an example. If in the process of asking a question, you ask participants and in doing so, you describe some of the candidates as leading candidates while you lump some of the candidates as others, and you know that normally happens in this country, the guys who were described as leading candidates tend to get greater attention from the participants in the opinion polls and they are likely to pick them. The ones who are lumped as others eventually also lose out because the public which is participating in the opinion polls has been given, what lawyers call, a leading question.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of coverage bias. If the coverage is not scientific or biased, then it is going to adversely affect the opinion results. Therefore, this law wants to ensure that you can enjoy your right to do the business of opinion polling but, please, do not be biased in coverage. What do I mean by this? If an opinion poll is not scientific, it tends to be biased in coverage this way; that left on its own, the richer members of the society and the better educated members of the society are the ones who usually participate in an opinion poll unless it is scientific. So, you must make it scientific so that both the rich and also the not-so-rich are polled and the educated and the not-so-well-educated are also involved. The educated people are more likely to participate in a poll unless this is controlled. The issue of controlling is so technical that I would not wish to spend time talking about it but let me just mention two points on controls.

To control opinion polling scientific and I hope the pollsters will find time to read the HANSARD if they are not watching the proceedings, have to accept that this is a very technical issue. If it is left on its own, it will be a preserve of the better educated people and the rich members of the society. So, they must go out of the way by asking enough questions so as to allow all the aspects of an issue to be covered and to control the effects due to the form of the question such as positive or negative wording. These are critical controls.

The adequacy of the number being established quantitatively with actual psychometric measures such as reliability co-efficiencies and they should go all out of their way in analyzing the results with psychometric techniques which synthesizes the answers into a few reliable scores and detect the ineffective questions.

Mr. Temporary Deputy Speaker, Sir, I want to spend a short time on what effect opinion polls have. The players in an election are the candidates and the voters. What effect does opinion polling have on voters? As far as voters are concerned, by providing information about voting intentions, opinion polls influence the behaviour of voters directly. So, that I am not assumed to be walking the path of theories and hypothesis, there is a book which I would like to recommend to the hon. Members, if they have time they have a look. It is a small book but it is a must read for pollsters.

This book is called "*The Broken Compass*" by Peter Hitchens. The author goes out of the way convincingly and succeeds in showing how opinion polls are a device for influencing public opinion. He breaks it into the following effects; he calls it the bandwagon effect, the underdog effect and finally, the tactical or strategic effect.

Mr. Temporary Deputy Speaker, Sir, very briefly, the bandwagon effect is where the poll prompts the voters to vote for the candidate seen to be winning. So, clever politicians in this country who knows that this vacuum exists and who have obviously read *The Broken Compass* by Peter Hitchens know that they can visit on the voters the bandwagon effect. Just announce on page one of *The Standard* that "I am the leading candidate" and the bandwagon effect will be that the voters will then say: "In that case, let us vote for him; he is the one who is winning!"

The second effect on voters is the underdog effect. The underdog effect surprisingly is the direct opposite of the bandwagon effect in this way. It occurs where people, purely out of sympathy, that this candidate is so unlucky and he seems to be losing, a voter goes to the station and says: "In that case, the guy who seems to be winning in the opinion poll, because of the bandwagon effect, I do not want to be part of it. I want, through sympathy, to vote for this guy so that this guy does not get zero." In the process, you see strange people get votes. Let me give you an example in Budalangi.

Mr. Temporary Deputy Speaker, Sir, in Budalangi, those days you were still a student, but bear with me.

The Temporary Deputy Speaker (Mr. Namwamba): Go ahead!

Dr. Khalwale: In 1992 in Budalangi, we had a candidate for a party called "Kenda", a professor who passed on and may God rest his soul in eternal peace, who had absolutely no chance. The candidates of 1992 were Kenneth Matiba, Daniel Moi and Jaramogi Oginga in our part of the world. So, they got their votes in tens of thousands, but the Kenda Party in one polling station in Budalangi called Sio Port, he got one vote. That is the effect of the underdog. A voter goes to the polling station and says: "No, no, no! Professor cannot just be seen to lose out to Jaramogi Oginga Odinga, Njindo Matiba and Daniel Moi. Let me give him something!" That candidate got one vote.

Mr. Temporary Deputy Speaker, Sir, the third and last effect on voters is the one that is classified in this book, *The Broken Compass*, as the tactical or strategic voting. This is where you find the undecided voters. Tactically and strategically, undecided voters can then gang up to defeat a specific candidate. If in the opinion poll voters realise that hon. Raila Odinga and hon. Musalia Mudavadi – for argument's sake and I am referring to them purely because they are going through a contest in their party – are separated by a very narrow margin, then strategically and tactically, the undecided voters will then say: "Let us teach candidate x a lesson." So that you will find a candidate who should not have been given an opportunity to lead the republic benefits from the effect of the opinion poll and the country is given a leader who it does not deserve.

Allow me to mention something on the effect of opinion polls on us, the practicing politicians. Opinion polling has a direct effect on politicians. What it does is that it ends up reducing politicians from being leaders to becoming followers. It is expected that if Dr. Kilemi Mwiria goes to Tigania with his presidential candidate, he goes there as the leader and tells the people why his candidate of choice should be the one who should be voted for. However, the effect of opinion polls on a politician like Dr. Kilemi Mwiria is that when he sees that the candidate he wants to sell to the electorate is so much of an underdog in the opinion polls, then he ceases being the leader to lead the people and show them why this man is not an underdog but then he follows the opinion polls and follows the voters saying and fearing that, maybe, he might be booed on the podium or that the unpopularity of the candidate he wants to sell will wrap on him so that he ends up losing votes. An example is this because these are very practical issues. Presidential candidate “X” has a following in Saboti Constituency and Presidential candidate “B” has a following in Saboti, but because of the opinion polls, the candidate in Saboti then decides to play it safe - hon. Wamalwa – then says: “If I support “A”, I will lose the voters of “B” and vice versa.” So, he says: “I have come before you; I want to be an hon. Member of Parliament but *huko juu* as far as the top is concerned, the decision is yours;” because he is afraid – thanks to public opinion polls – to be a leader. He has decided to follow the people whereas the hon. Member of Parliament knows very well who, between these two is the best candidate but because of the opinion polling effect on him, he fears to be a leader and ends up being a follower.

Mr. Temporary Deputy Speaker, Sir, the final point I want to make before I move this Bill is the important matter of regulation. Do we or should we not regulate opinion polls? As I said at the introduction, we are not trying to reinvent the wheel. Opinion polls have been ongoing and the good news for those who fear is for them to know that in many of the countries where these opinion polls are practiced, there is a statute in place that regulates opinion polls, opinion polling and pollsters.

Mr. Temporary Deputy Speaker, Sir, the most important and successful example and the country with the most peaceful elections in the world is Canada. In that country, opinion polls are regulated. They are not regulated so as to arm-twist or to gag the opinion polling firms, but they have put this statute in place.

Mr. Temporary Deputy Speaker, Sir, in Canada, they have provided that you are free to do opinion polls, but gone ahead to put prohibition and possible penalties should you breach the Act. I will not bother about the penalty, which is in terms of jail and punishment, but I want to go on what we should think about as a House; that is, prohibition of publication. In this Bill, we are saying that 48 hours or two days to the polling day, there should be no publication of opinion poll results. But in Canada, they have said that it should be 72 hours or three days. So, that, that critical moment of 73 hours before voting, no publication should take place lest the voters get confused. In my Bill, I have provided that we do it for 48 hours or two days. I will be listening to contributions and if this House, in its own wisdom, feels that, that publication period of prohibition should be extended, I will only be too willing to join them in that amendment. Why? That is because in 20 other countries that I visited on the internet, I found out that they have done something even more wild. They have prohibited the publication of opinion poll results during the campaign period. By campaign period I mean that the moment candidates are nominated by the Electoral Commission to the day of polling, in our case 21 days, some of the countries have completely prohibited opinion polling. So, if this House chooses to go that route, then you would

be suggesting that for three weeks before the date of the election, no pollster would be allowed to publish opinion polls.

Mr. Temporary Deputy Speaker, Sir, now, what do they do in Canada? In Canada, during those three days prohibited period, you are free to conduct opinion polls, but publication can only be done post facto, where I mean, after the actual polling ends. Then, you are free to say that, in fact, when I was tracking this poll, I found that 24 hours or 48 hours or 2 hours before, this is how this candidate was performing. Since this is a business, it is important that this House rises to the occasion and insists that we should have this statute, so that the people who are in business should do good business and earn their money. The public who will then start partaking of the results of their public opinions should have value for their money.

Mr. Temporary Deputy Speaker, Sir, on the United States of America (USA) opinion polls, there is a very important firm called Ramsun. Even if you go to your iPad right now and key in, you will get free information. But if you subscribe, you pay US\$3.7. So, you can imagine with a population of above 380 million people, if you assume that probably 100 million of them subscribe, you can see what a brisk business it is for those people. You cannot allow such a multimillion shilling business to go on in the absence of a statute.

Mr. Temporary Deputy Speaker, Sir, finally, for the sake of peace and putting the ghosts of post-election violence in 2007/2008 completely behind us, we have brought a new Constitution and done all it takes to make sure the elections will be violence-free. Some Kenyans are actually facing justice at The International Criminal Court (ICC) because we are fighting to have a free election environment. I, therefore, want to plead with hon. Members of this House that, if peace during elections is so important that this country has surrendered some of our sons to face justice at The ICC, what would be wrong in us putting a statute in place that would guarantee us further peace by making sure that any pollster who is likely to bring fake publications that would hype people's expectations on any one candidate eventually leading to a disputed election is controlled? What crime would we be causing as a House?

Mr. Temporary Deputy Speaker, Sir, with those many words, I beg to move the Bill and request hon. Kioni to second.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this Bill. I want to thank Dr. Khalwale for this piece of legislation. It is true that, in the opinion of many, it is overdue. He has eloquently put the case forward and I can only say very few things in addition to what he has said.

Mr. Temporary Deputy Speaker, Sir, one of the things that is clear is that this legislation does not in any way contravene the provisions of Article 34 of the Constitution. It actually serves to enrich the provisions of Article 55. As captured in the title of this legislation, this is meant to provide for the manner of publication of the electoral opinion polls and for connected purposes, and not to prohibit or control in any negative manner. It is meant to ensure that we benefit from the opinion polls by getting more information brought forward as it is done. It actually helps in increasing the credibility of this exercise and the sector.

Mr. Temporary Deputy Speaker, Sir, by and large, as the Mover has said, it also helps us to eliminate manipulation of Kenyans. That is because polls have done that in the past in this country and other countries, where people have been manipulated by non-disclosure of what is now being called for by this legislation.

Mr. Temporary Deputy Speaker, Sir, the opinion polls must be scientific and transparent. Many are the times that we have heard Kenyans complaining anytime polls have been published; wondering who it is that was asked those questions, what question was asked and what the

sample size was. This legislation is calling for the disclosure of that information, so that we, as Kenyans, have more faith in those results, and be able to benefit from them without what has been going on. There has been a lot of suspicion because there is that fear that polls have been financed by people who have interest in the exercise itself when it comes to politics. There has been that fear that polls have been financed by politicians who have been competing for different positions in this country. As Dr. Khalwale has mentioned, it is true that when the history of this country is written and, more of it, relating to the issues that led to our difficulties that we had in the year 2007/2008, those who did the polling would find their place in that history. That is because to many of us, they did contribute a lot. That is because there was that hyping and giving an impression that an outcome is already known, even before the voting had taken place. So, it is important, as Legislators, to try and address those difficulties and try, to the best level possible, eliminate such occurrences in future. This legislation goes along the line of trying to provide a cure for those kind of difficulties that we had.

Mr. Temporary Deputy Speaker, Sir, it is also important that the framed question is also understood by the consumers of the results, because once you get the question as framed, you will know what kind of answers are expected. More importantly, the results or data that is obtained from that polling exercise should not be used for different purposes, as has been the case in the past. It is important that this legislation is supported by Members of Parliament, so that we do not have politicians who feel that the only way to deal with this industry is also to own a polling agency. In the absence of legislation, the only way you would get into it is struggling to own a polling agency, so that you can also give an impression or perception that would perhaps help you win an election. In essence, we will be able to deal a blow to the rogue agencies that exist within this industry as we know it today.

Opinion polls in this country have also been used to create euphoria, and euphoria denies the country quality leadership. It denies the country of leaders. What it produces are just politicians who are able to speak propaganda. Opinion polls become one of the tools of propaganda and in essence the country, as a whole, suffers. So, it is important that we give support to this legislation, so that we can also improve the quality of the leaders who come on board, and who should be able to move the country forward.

Mr. Temporary Deputy Speaker, Sir, we know that many of us do not want to vote for a losing candidate. Opinion polls have been used to indicate that certain personalities are the leading candidates in essence denying Kenyans an opportunity to make an informed decision based on issues. You are just made to support because you do not want to back a person who seems to be losing. So, by and large, it is important to know that countries that have had peaceful elections---

QUORUM

Mr. Outa: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very important debate but if you look around, you will see that the Members present are not enough to constitute a quorum. So, would I be in order to ask for your direction because there is no quorum in the House?

The Temporary Deputy Speaker (Mr. Namwamba): That is a valid point of order. Can we take a tally? Indeed, the hon. Member is right. This is a critical piece of legislation.

(The Clerk-at-the Table consulted the Chair)

The Temporary Deputy Speaker (Mr. Namwamba): Hon. Members, I am advised that there are 15 Members in the House. So, ring the Division Bell.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Namwamba): Hon. Members, it is apparent that we cannot raise a quorum.

Mr. Kioni, you will have a balance of 11 minutes when the Motion is next balloted on the Order Paper. The House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 11.25 a.m.