

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 24th June, 1997

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Statement on Vote on Account for the Financial Year 1997/89.

(By the Minister for Finance)

NOTICE OF MOTION

VOTE ON ACCOUNT

The Minister for Finance (Mr. Mudavadi): Mr. Speaker, Sir, I beg to give notice of the following Motion:- THAT, in accordance with Section 101 of the Constitution of Kenya the withdrawal from the Consolidated Fund of the sum of K£2,961,830,754 made out in the manner set out in the Vote on Account laid in the House be authorised for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending 30th June, 1998, until such time as the Appropriation Act for the year comes into operation.

*(His Excellency the President has signified
his consent to this Motion)*

ORAL ANSWERS TO QUESTIONS

Question No. 042

GRANTS IN AID TO SCHOOLS

Dr. Lwali-Oyondi asked the Minister for Education:-

- (a) how much money the Ministry did release as grants in aid in the whole country during 1995/96 financial year;
- (b) schools which benefitted from this scheme; and,
- (c) schools which have received free text books from the Government and the criteria used in choosing the schools receiving these books.

The Assistant Minister for Education (Mrs. Ndeti): Mr. Speaker, Sir, I wish to beg for more time, maybe, in the second round, to be able to answer this Question. We have been having a problem with electricity in the Ministry. I know the answer is ready, maybe typing has been the problem, but I expect it should come any minute now.

Mr. Speaker: We will wait, then.

Question No.090

AUDITING OF CITY COUNCIL ACCOUNTS

Mr. Kamuyu asked the Minister for Local Government:-

- (a) when the accounts of Nairobi City Council were last audited;
- (b) which auditing firm carried out the exercise; and,
- (c) if he could table the current or last audit report before the House.

The Minister for Local Government (Mr. F.P.L. Lotodo): Mr. Speaker, Sir, I beg to reply.

- (a) The last audited accounts of Nairobi City Council were for the year ended 30th June, 1995.
- (b) The Council's accounts are audited by Githongo & Company, Certified Public Accountants of Kenya, P.O. Box 47089, Nairobi.

Githongo & Company are appointed to carry out the audits by the Controller and Auditor General.

(c) (i) I hereby wish to submit the certificate and Report of the Controller and Auditor-General on the abstract of Accounts of Nairobi City Council for the year ended 30th June, 1994 and Abstract of Accounts on Water and Sewerage Department for the year ended 30th June, 1995.

(ii) The certificate and report on the accounts for the year ended 30th June, 1995 has not yet been received from the Controller and Auditor-General.

Mr. Kamuyu: Mr. Speaker, Sir, I wish to apply for a deferment of this Question because I have just received this answer with a lot of figure work with about 50 pages. The details on which I wanted to ask further Questions on this particular matter---

Mr. Speaker: Okay, the Question is deferred.

(Question deferred)

Question No. 116

UPGRADING OF SOWETO SETTLEMENT SCHEME

Mr. Speaker: Is Mr. Ruhiu not here? We will leave his Question until the end. Let us move on to the next Question.

Question No. 299

REPAIR OF MUNICIPAL COUNCIL HOUSES

Mr. Kiliku asked the Minister for Local Government:-

- (a) whether he is aware that the Municipal Council of Mombasa has neglected its houses in Changamwe and Tudor estates; and,
- (b) if he could ensure that the Council repairs and repaints these houses.

The Minister for Local Government (Mr. F.P.L. Lotodo): Mr. Speaker, Sir, I beg to reply.

(a) The Municipal Council of Mombasa has not neglected its houses in Changamwe and Tudor estates. The Council awarded a contract to Theus Construction on 6th March, 1995 to 21st September, 1995 to undertake repair works on Changamwe estate. Although the company did not complete the works within the stated period, the contract was not terminated and the company is still on site.

(b) Theus Construction are undertaking the roofing works for Changamwe estate and they have completed 65 per cent of type "A" blocks; 85 per cent of type "C" and are yet to commence on type "D". The Council has written to the company to expedite on the remaining works.

Due to the poor financial position of the Council, further repair works which include painting with roofed blocks will be undertaken in the next financial year. With regard to Tudor estate, minor repairs will be undertaken as this estate has already been earmarked for the proposal. The proposed renewal work is to be undertaken by the Municipal Council and the Coast Development Authority (CDA).

Mr. Kiliku: Mr. Speaker, Sir, could the Minister tell this House how much money was involved in this contract because this contractor was given the job by Mombasa Municipal Council and he repaired only one house for Kshs1.4 and he left the site? Could the Minister tell this House what the terms of contract are, and how much money was involved and how many houses it was meant to cover? It was only one house which was repaired for Kshs1.4 and the contractor left the site in Changamwe Estate.

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, the contract was expected to cost Kshs1,756,500 and the contractor

has already been paid Kshs568,854.

Mr. P.N. Ndwiga: Thank you, Mr. Speaker, Sir. Is it not true that the decay in most of these municipalities, and Nairobi City Council as well, is because the Ministry does not give grants any more to the municipalities? Does it mean that the service charge funds collected by the municipalities end up in the coffers of the Ministry thereby making it difficult for all authorities to give the service they are required to give the citizens?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, that is not true at all. The municipalities, including the City Council of Nairobi, collect the money from the tenants but the money is not enough to repair those houses nor paint them.

Mr. Ndicho: Mr. Speaker, Sir, can the Minister tell this House whether it is the policy of the Ministry to refuse to repaint and repair the council houses thus, giving leeway for councillors and chief officers to demand and claim that since these houses are uneconomical, they should be sold and the people who are ready to buy them are these councillors? What is the Ministry's policy about the selling of council houses because they are neglected so that it is easy buy them?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, we have not decided to sell the houses. Instead, we are asking the councils to repair and paint the houses until such a time as we decide to sell them. But as of now, we are not prepared to part with a single house.

Mr. Kiliku: Mr. Speaker, Sir, part "b" of the Minister's reply says:- "With regard to Tudor Estate, minor repairs will be undertaken." When will such minor repairs be undertaken and how much will the works cost?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, the information I have now is that, the contractor has been given notice to leave. So we do not know when that construction will take place for he has to go because we are not satisfied with his work.

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. The Minister is confusing this House by saying that the contractor has been given notice to leave when he has never been on the site of tudor Estate.

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, yes, there is a response. He has to go because he is not doing the work we want him to do. We have paid him for what he has done and we are not going to pay him the balance.

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

Mr. Speaker: I am sorry. Mr. Kiliku, he is responding to your point of order!

Mr. Kiliku: On a point of order, Mr. Speaker, Sir. The Minister is talking about the contractor in Chagamwe Estate and I am talking about Tudor Estate. He said "with regard with Tudor Estate, minor repairs will be undertaken."When will these minor repairs be undertaken?

Mr. F.P.L. Lotodo: Mr. Speaker, Sir, hon. Kiliku should lend me his ears. The contractor is on the site, doing the work. "Wako huko na wanaendelea na kazi wakati huu!"

Question No.095

ALLOCATION OF COASTLINE LAND

Mr. Anyona asked the Minister for Lands and Settlement:-

- (a) why the land consisting of 10,000 hectares of a unique ecological and environmental habitat, including 14 kilometres of valuable undeveloped coastline in Tana River Delta, was allocated to a Swiss owned company, Messrs Coastal Aquaculture, in 1992, for the development of a prawn farm project;
- (b) why the allocation was cancelled in 1993 by a compulsory acquisition order; and,
- (c) what was the purchase price of the land and how much compensation was paid to messrs Coastal Aquaculture as a result of the compulsory acquisition order.

(Mr. F.P.L. Lotodo made a gesture)

Mr. Kiliku: Jambo la nidhamu, Bw. Spika. Umekubaliana na vile Waziri wa Serikali za Wilaya alifanya? Alifanya ishara ya kuonyesha kwamba mtu fulani ana wazimu!

Mr. Speaker: Order! Nidhamu yako ni juu ya nini? Hamuwezi kuniomba nitafsiri lugha ambayo mimi siielewi! Endelea.

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

The land in question is subject to Civil Case No.55 of 1994, at Mombasa High Court. The registered proprietor, Coastal Aquaculture, obtained a court injunction to stop the inquiry's proceedings by the Chief Valuer. The Government has appealed for the removal of the injunction to facilitate the inquiry proceedings for compulsory

acquisition to be finalised. The matter is, therefore, *sub judice*.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The answer that the Assistant Minister has given me is a response to the three parts of the Question but; he has only read the first part of the answer. What about the others? Why does he not complete the answer that he has given me?

Mr. Sumbeiywo: Mr. Speaker, Sir, Coastal Aquaculture were allocated one parcel of land by the Government--

Mr. Ndicho: On a point order, Mr. Speaker, Sir. I know you did not hear what he said because the hon. Wamalwa was consulting with you. He said that the matter is in court and that as it is *sub judice* right now. He has gone on to give a further answer. If the matter it is *sub judice*, can he give us the case number?

Hon. Members: He has given!

Mr. Speaker: Well, your colleagues are telling you that he has.

Mr. Sumbeiywo: Mr. Speaker, Sir, I gave the court case number. It is Civil Case No.55, 1994, at Mombasa High Court.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. My Question is being hijacked. What I was raising is that the Question has been passed and the Assistant Minister has answered part "a" of the Question. But in the written answer he has given me, there are two answers to "b" and "c". Why has he not read those and yet he has given me the answer?

Mr. Sumbeiywo: Mr. Speaker, Sir, I am sure my colleague, hon. Anyona, heard me say that the valuation exercise which he refers to in part "c" of the Question, could not proceed because there was a court injunction filed by the owner of the land. So, the valuation could not be carried out.

Mr. Raila: On a point of order, Mr. Speaker, Sir. I think I need your guidance here on the rule of *sub judice* because question "a" is asking: Why was the land allocated to the Swiss company? Whether the matter is in court or not, reasons why the land was allocated are still valid. I do not think that the Assistant Minister is justified in refusing to answer that Question on the grounds that the matter is in court.

Mr. Sumbeiywo: The matter is *sub judice*.

Mr. Speaker: Order! Mr. Sumbeiywo, what is in dispute in this case?

Mr. Sumbeiywo: Mr. Speaker, Sir, this land had been allocated to a company, but later on it was discovered that it was wrong to allocate it to that company. So, the Government wanted to acquire that land so that it could own it. This company went ahead and obtained a court injunction to stop the inquiry proceedings by the Chief Valuer. So, the matter is still in court. In that case, the valuation could not be carried out to determine the cost of the land.

Mr. Speaker: Order! From my understanding of what you are saying, the issue is the churning out of a compulsory acquisition order. Now, what the hon. Member wants to know is not why you want to compulsorily acquire the land or the legality of it, but the reasons why, in the first place, this land was allocated.

Sumbeiywo: Mr. Speaker, Sir, I was going to answer that question, but hon. Ndicho stopped me from answering it.

Coastal Aquaculture was allocated one parcel of land by the Government, LR.No.17600 of 4.386 hectares and the same company bought land from a company called Korideto (?) Ranching Company LR.No.17601 of 5.81816 hectares. The land, therefore, measures 9.568 hectares situated in Tana River District at the Tana Delta and was originally allocated to this company because they wanted to develop Aquaculture Prawn Farming Company.

Mr. Anyona: On a point of order, Mr. Speaker, Sir--

Mr. Speaker: Order! I think Members must put points of order in question to the minimum that is required. Mr. Anyona has not been given a chance to ask salient points out of this Question because there are too many, in my view, unnecessary points of order. This is your chance Mr. Anyona.

Mr. Anyona: Mr. Speaker, Sir, this is a matter of tremendous fraud involving the Government. Since there is not much time, I do not have the opportunity to raise issues. However, I do have information contained in a reputable journal; *The Africa Confidential*, of 16th December, 1994, Vol.35 No.25, which I intend to table on the Floor of the House. I would like the Minister to confirm or deny that this land was given to this company for a consideration, which money apparently ended up in private pockets and that when there was hue and cry from environmentalists and the Government, also under pressure from the World Bank, was forced to order a cancellation. It is at that point that the company that had acquired the land through fraudulent methods went to court to stop the Government from acquiring this land. Can the Assistant Minister deny or confirm the information pertaining to this document?

(Mr. Anyona laid the document on the Table)

Mr. Sumbeiywo: Mr. Speaker, Sir, I am not aware of that publication.

Question No.104

ASSISTANCE TO KENYAN ATHLETES

Mr. Obwocha asked the Minister for Culture and Social Services in view of the success achieved in track and field by our Kenyan athletes in regional and international competitions, what plans the Government has to maintain and improve track and field performance in the country.

The Minister for Culture and Social Services (Mrs. Mwendwa): Mr. Speaker, Sir, I beg to reply.

The Government is happy with the success being achieved in track and field by Kenyan athletes in regional and international competitions. Several plans have already been implemented while more are still on the drawing board to maintain and improve track and field performances in the country. These plans include:-

- (1) The building of modern stadiums, so far, at the national level.
- (2) With regard to staffing, the Government has posted District Sports Officers to the districts to promote sports and to tap sporting talents at source.
- (3) The Government is also in the process of filling vacant posts of coaches in various sports disciplines.
- (4) The Government has also established the Department of Sports within the Ministry of Culture and Social Services to co-ordinate sporting policies and programmes.
- (5) As of now, the Government, through my Ministry, is working on a sports policy intended to be the blue print on sporting development in the country.

Mr. Obwocha: Mr. Speaker, Sir, the Minister says that the Government has already built two international stadiums. Those of you who have been to Moi International Sports Centre will agree with me that it is in a pathetic state. There are no chairs because those that were there were destroyed, the equipment that was acquired was stolen, particularly the wall clock for the athletes. Worse still 200 acres of land of that stadium have been grabbed. Could the Minister tell this House whether the Ministry has now been able to get that land back and acquire the title deed?

Mrs. Mwendwa: Mr. Speaker, Sir, as far as the land is concerned, we have got it back and we are in the process of getting the title deeds. All the necessary documents are with the Commissioner of Lands.

As far as vandalism is concerned, the hon. Member will agree with me that that is not the problem of the Ministry, but the citizens of this country. When we win or lose matches they fight with chairs. The hon. Member will further agree with me that members of the public who want to watch matches in the stadium break the walls because they want to avoid paying gate fees. Without gate fees, where shall we get money for renovation and maintenance of the stadium?

Mr. Raila: Mr. Speaker, Sir, I am more concerned about the welfare of the athletes who have brought fame to this country. It is pathetic that many athletes who have won gold medals in Olympics Games in this country live in terrible conditions. They are completely neglected by the Government. We have men like Naftali Temu, Rono, Kipchoge Keino and many others who have brought fame to this country. What is the Government doing to ensure that those athletes who have brought fame to this country live in comfort after they have retired, as an incentive to the younger generation that would like to represent us in international competitions? Joe Kadenge is driving a taxi and sleeps in front of Six Eighty Hotel. Sometimes he spends sleepless nights there just to earn a living. What is this Government doing to ensure that the people who have brought fame to this country live in comfort when they retire?

Mrs. Mwendwa: Mr. Speaker, Sir, that is a different question, but I will answer the hon. Member. The Government encourages associations under which most of the sportsmen and women fall. Secondly, many sportsmen and women are in our forces and their welfare is looked after as far as their grades of work are concerned. If the hon. Member is asking the Ministry to pay the sportsmen and women as professionals, we do not have that kind of money. But, we look after them as far as our finances allow, both in the associations and in the Ministries, especially as far as the armed forces are concerned.

These are amateurs who cannot be paid like professionals.

Mr. Obwocha: Now, Mr. Speaker, Sir, that supplementary question which was asked is very pertinent to this Question. In order to improve track and field performance of athletes, they must be encouraged. There is a provision in the Kenya Amateur Athletics Association Constitution that, about 10 per cent of the money earned abroad is supposed to be kept for the welfare of these athletes, when they retire. Now, could the Minister tell this House whether or not this provision is being effected by Government? Also when are they going to have the second or the third tartan track in this country?

Mrs. Mwendwa: Mr. Speaker, Sir, what the hon. Member has stated, that 10 per cent of the earnings should be retained for these athletes to be given when they retire, is correct. But most of these athletes as I have said, fall under associations and we cannot take their money by force. When they demand what they have earned, it must be given to

them there and then. Therefore, if they request for what they have earned to be given to them immediately, instead of the 10 per cent being kept to be given as retirement benefits, it is given to them. Therefore, it is not the Ministry's responsibility.

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

Mr. Speaker: No, no, we must go back to Dr. Lwali-Oyondi's Question for the second time!

Dr. Lwali-Oyondi: Mr. Speaker, for the second time I wish to ask Question No.042.

Question No.042

GRANTS IN AID TO SCHOOLS

Dr. Lwali-Oyondi asked the Minister for Education:-

(a) how much money the Ministry released as grants in aid in the whole country during 1995/96 financial year;

(b) which schools benefited from the scheme; and,

(c) which schools have received free text books from the Government and what criteria is used in choosing the schools receiving these books.

The Assistant Minister for Education (Mrs. Ndetei): Mr. Speaker, Sir, I apologise for not answering the first time; it was me who was not ready. I beg to reply.

(a) My Ministry released a total of Kshs252,068,207 as grants and grants in aid to schools and other educational institutions in the whole country during 1995/96 financial year.

(b) The institutions which benefited are boarding primary schools, special schools and teacher training colleges which are listed below. However, the grants to secondary schools were issued through the District Education Officers. The list is fairly long, but I can give the totals in provinces as follows:-

North Eastern - Kshs3,417,300

(Loud consultations)

Mr. Kamuyu: On a point of order, Mr. Speaker, Sir. Can you save this House? The KANU side is making too much noise. They are too noisy and we cannot hear what the hon. Assistant Minister is saying.

Mr. Speaker: Order! Order! Proceed!

Mrs. Ndetei: Thank you, Mr. Speaker, Sir. I was giving the totals by provinces as follows:-

Coast - Kshs7,123,150

Eastern - Kshs16,790,935

Rift Valley - Kshs13,095,040

The grants total for that particular year for those categories of schools was Kshs40,426,425. Secondary school grants which included grants, insurance, gratuity, additional grants to ASAL areas and special provisions totalled to Kshs120 million

Secondly, additional grants were given to 25 boarding primary schools to the tune of Kshs10,254,657.90. They are as they appear on the copy which the hon. Member has, and they total to Kshs10,254,657.

(Several Members stood up in their places)

Mr. Speaker: Who asked the Question? Dr. Lwali-Oyondi!

Dr. Lwali-Oyondi: Mr. Speaker, Sir---

Mrs. Ndetei: Mr. Speaker, Sir, they are rising too soon before I finish my answer. There are more grants which were given, but the hon. Members are not patient to listen.

Mr. Speaker, Sir, there were more grants which were given to the following special schools for the handicapped during the 1995/96 financial year and the total was Kshs4 million. These schools included: Machakos School for the Blind, Nyang'oma Technical School, Mumias Secondary Vocational School, Sikri Agricultural School, Karen Technical Training Institute for the Deaf and the Kenya Institute for the Blind which totalled to Kshs4,415,000.

Mr. Speaker, Sir, the special secondary schools which were assisted were: Thika High School for the Blind, Joy Town Secondary School for the physically handicapped, Mombasa Secondary School for the physically handicapped, Koja Secondary School for the Deaf and Rev. Charles Muhoro Secondary School for the Deaf which all totalled to Kshs3,420,000.

Mr. Speaker, Sir, there were also various primary schools which got a total of Kshs19,242,000 and teacher training colleges which also received grants from the Ministry of Education which totaled to Kshs94,456,550.

The Schools which received text books from the Government during 1995/96 financial year were---

Mr. Speaker: Order! Order, Members! Mrs. Ndetei, I think you are advised to lay on the table that information because you have taken too long a time.

Mrs. Ndetei: Mr. Speaker, Sir, I just wanted to give them the total figure. I am not going to read every one of them.

Mr. Speaker: Yes, but you are taking too long!

Mrs. Ndetei: Mr. Speaker, Sir, the schools which received these books were 695. All the information is here and I would request hon. Members to look at it.

(Mrs. Ndetei laid the document on the Table)

Mr. Nthenge: On a point of order, Mr. Speaker, Sir. The Assistant Minister said that she was giving us a list per provinces. She has only mentioned four provinces and jumped the other four provinces. Could she complete that section?

Mr. Speaker: She has tabled the document. I think you can find that out. Dr. Lwali-Oyondi!

Dr. Lwali-Oyondi: Mr. Speaker, Sir, could she explain to us why Western, Nyanza and Central Provinces did not receive anything yet some of these places, particularly, in Nyanza and Western Provinces, have the highest number of people who are extremely poor?

Mrs. Ndetei: Mr. Speaker, Sir, these are schools in the arid and semi-arid land of this country and most of this assistance is given through the Ministry by various donors and it is targeted to specific areas.

Dr. Kituyi: Mr. Speaker, Sir, notwithstanding the Assistant Minister's implicit inability to see the geography of this country to know which are arid and semi-arid areas, could she explain to the House just two things? Why did Baringo District receive a grant of Kshs5,800,000 while Western Province which includes Busia District which, by any figures, has the highest poverty prevalence district in Kenya--- It is 65 per cent poverty level--- did not receive a single cent? Secondly, why did that school in Koibatek District receive 466 technical books which is larger than the total number of primary schools in Koibatek District while Busia District, no single school received technical books? Since when did Koibatek District become a hardship area and acquire 460 schools to receive technical books?

Mrs. Ndetei: Mr. Speaker, Sir, Koibatek District has usually been a hardship area all the years. In any case, I said that these funds and books are normally given through the Ministry by donors and they are targeted to specific areas. I can assure the hon. Member that there is no discrimination in the way the grants are given. They are given as they should be given.

Prof. Ouma: Mr. Speaker, Sir, you made a ruling earlier on this question of distribution by provinces.

Mrs. Ndetei: I cannot hear you!

Prof. Ouma: Mr. Speaker, Sir, that is not my problem if her colleagues do not let her hear.

Hon. Member: It is Mr. Biwott!

Prof. Ouma: Mr. Speaker, Sir, I understand hon. Biwott is not allowing her to hear!

(Laughter)

The Minister of State, Office of the President (Mr. Biwott): On a point of order, Mr. Speaker, Sir. First of all, I have not talked or interfered with the hon. Member who is answering the Question. Therefore, is the hon. Member of Parliament for Rangwe in order to insinuate what is actually in his own mind, that hon. Biwott has interfered with Mrs. Ndetei's hearing? He is suffering from hallucinations, he is suffering from what I do not know---

Mr. Speaker: Order, hon. Members! The issue here is the question about text books, nothing else!

Prof. Ouma: Mr. Speaker, Sir, I may respond that I saw the hon. lady speaking to the hon. gentleman and the hon. gentleman is the one suffering from hallucinations nobody else!

Mr. Speaker: Order, hon. Ouma!

Prof. Ouma: Mr. Speaker, Sir, the question is: The hon. lady was trying to give us a summary so that we can see equity of distribution of response to the education needs. She gave us North-Eastern, Coast, Eastern and Rift Valley schools, but we never heard anything about Central, Western, Nairobi and Nyanza Provinces. It is only fair that we should have a balanced picture, with hallucinations or no hallucinations!

Mrs. Ndetei: Mr. Speaker, Sir, I would like to request the hon. Members to look at the list I laid on the

Table because earlier on hon. Dr. Kituyi had a feeling that Bungoma District and other areas never got anything. Bungoma District is on the list having 14 primary schools that received text books, Nyamira too has received books, Kakamega has received books and so on.

Dr. Lwali-Oyondi: Mr. Speaker, Sir, I would like to ask the Assistant Minister why Geography, Civics, Agriculture, Business Education, Home Science, Art and Craft books were not supplied to anybody within Nakuru District and in particular Nakuru town?

Mrs. Ndetei: Mr. Speaker, Sir, Nakuru Municipality and Nakuru District as whole benefited. What may not be detailed here are the kind of books, but they got what others were getting and what they deserved.

Mr. Farah: On a point of order, Mr. Speaker, Sir. The impression given is that such provinces like North-Eastern province benefitted very much from this. Why is it that no district from North-Eastern Province or even arid areas of Rift Valley like Samburu and Tana River Districts benefited from the primary schools which received English text books, text books in extra curriculum and so on? Why do you not think that students from this province also need to study English, Mathematics and other subjects?

Mrs. Ndetei: Mr. Speaker, Sir, I am requesting the hon. Members to go into the details of the list I have given. He should also refer back to the grants list which also benefited North-Eastern Province quite a lot and, within that the primary schools are also given money to buy what they need.

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! I have two Questions by Private Notice, and looking at the Order Paper---

Mr. Ruhiu: Mr. Speaker, Sir, what about my Question?

Mr. Speaker: I will defer your Question to next week. Your Question is deferred and so are the two Questions by Private Notice, The reason being that we have to deal with Orders No.7 and No.8 not later than 3.30 p.m.

So, next Order!

Question No.116

UPGRADING OF SOWETO SETTLEMENT SCHEME

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

KILLING OF MASTER OTIENO

(Mr. Mak'Onyango) to ask the Minister of State, Office of the President:-

(a) What led to the killing of Master Eric Otieno, a Nairobi parking boy, on the 7th June, 1997, by the Administration Police?

(b) What steps is the Minister taking to ensure that the culprit(s) are arrested and brought to book?

(Question deferred)

NON-COMPLIANCE WITH MINISTRY'S DIRECTIVE

(Mr. Ojode) to ask the Minister for Education:-

(a) Is the Minister aware that Headmaster of Nyamos; Okok; Akala; Nyamanga; Kobondo; Koguta; Miranga; Ototo; Osodo; Magina; Nguku; Rapedhi; Got-Kojowi; Kongo; Onge'ng; Obara; Sibuoche; Wachara and Wi-Rakuom primary schools, among others Ndhiwa Constituency, are barring pupils from attending classes because of non-payment of Book Levy, Inspection Fund, Maintenance and Activity fees?

(b) If the answer "a" above is in the affirmative, what action is the Minister taking to ensure that no pupil is sent away for non-payment of the same and what disciplinary action will he take against those headmasters who are contravening the Ministry's directive on non-payment of school levies?

(Question deferred)

PROCEDURAL MOTION

LIMITATION OF DEBATE: BUSINESS OF ANNUAL ESTIMATES

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I beg to move the following Procedural Motion:-

THAT, the following limitations shall be applied to the business of the Annual Estimates:-

- (i) Each speech in the debate on the Financial Statement on the Annual Estimates shall be limited to ten minutes, excluding the Mover's speech and reply;
- (ii) On the Motions "That, Mr. Speaker do now leave the Chair" to enable Ministers to initiate debate on policy, the Mover shall be limited to a total of one hour; half an hour for moving and half an hour for replying to the debate; and all other Members speaking shall be limited to ten minutes, provided that one hour before the Question of the Vote is put the House shall go into Committee and the Chairman shall put every Question necessary to dispose of the Vote then under consideration and shall forthwith put severally the Questions necessary to dispose of the Vote;
- (ii) Each speech in Committee of Ways and Means and Committee of Supply shall be limited to ten minutes.

Mr. Speaker, Sir, I beg to move.

The Minister for Labour and Manpower Development (Mr. Masinde) seconded.

(Question proposed)

Mr. Nthenge: Thank you very much, Mr. Speaker, Sir. This is a procedural Motion. I support this Motion because it is very sensible and most of us would like to say something. If we allow one hon. Member to take most of the time, the others will not be able to speak, and we represent a variety of constituencies. Some are in urban areas like mine, others are in the rural areas, dry areas and so on. So, the money should be distributed according to the needs of the people. The needs of the people should be brought to this House by hon. Members. Therefore, this being a procedural Motion, and I see a lot of sense in it, I think it is very good that we pass it. We hope and wish that when the reply comes from the Minister, he will have enough time to explain and show us that he has grasped what we have said in our contributions. That is why he is given slightly more time than the ordinary hon. Member who gets ten minutes. So, what is said by an hon. Member in those ten minutes must be replied to by the Minister.

Therefore, I see a lot of sense in the Minister concentrating in replying us on what we contribute. I hope and wish that each Minister will pay a lot of attention. In case he has to go out, somebody in the Ministry should remain behind to take notes. This is because when we speak here, we should be very serious as we normally are. This will enable the points we make to be validated by action.

With those few remarks, I beg to support.

The Minister of State, Office of the President (Mr. Biwott): Mr. Speaker, Sir, I also rise to support this procedural Motion.

As a procedure, it has been our tradition that we regulate ourselves in order to allow every hon. Member to get an opportunity to give his general contribution on the Budget, and to specifically talk on aspects that touches their own constituencies.

With those few remarks, I beg to support.

Mr. P.N. Ndwiga: On a point of order, Mr. Speaker, Sir. I need the guidance of the Chair. This afternoon, we have noticed that members of the public have not been allowed in the Public Galleries. What is happening? What is this House turning into? It is a right for members of the public to come to their Parliament and this is their House! Can you give us guidance on this issue?

Mr. Speaker: Hon. Ndwiga, do you know, for example, that I cannot see the Public Galleries? In any case---

Mr. P.N. Ndwiga: But I have drawn your attention to that fact.

Mr. Speaker: Order! It is not a must for people to be there. It is by their application to us!

An hon. Member: But it is theirs!

Mr. Speaker: Order! Who else wants to contribute?

Mr. Anyona: Mr. Speaker, Sir, although this is a procedural Motion, and although it is an old tradition to do it this way, I have a feeling that this old tradition ought to undergo some change.

This Motion is in pursuance of Standing Order No. 81 which reads:

"The House, may on a Motion made by any Member in accordance with the provisions of this Standing Order, impose a limit in respect of the debate on any particular Motion by allotting a limited period of time for such debate or by limiting the time during which Members may speak in such debate or by imposing both such limitations."

Mr. Speaker, Sir, once upon a time, this Parliament had the Government side and the Opposition side. Then, we went into the one-party system. We have always adopted the same procedure when it comes to the limitation of debate.

Mr. Speaker, Sir, the purpose of adopting the multi-party system was to create a new vibrant democracy where both sides of the House contributed to the welfare of the nation. Now, this Motion tends to treat this House as if it was still a one-party House where only one side has the monopoly of the time, and the other side has the crumbs under the table.

Mr. Speaker, Sir, my view is that a time has come, and particularly in the next Parliament, where on a matter like the Budget, there should be equal opportunities, or as nearly equal opportunities as possible, between the Government and the Opposition.

Mr. Speaker, Sir, at the moment, the assumption on that side of the House is that they have power, and they will have power tomorrow. That is merely an assumption. It may not be the case. You may well find that this side is on that side, and that side is on this side. We want the two sides to effectively contribute to the welfare of this nation.

Therefore, I would like to feel that the Sessional Committee has not discharged its obligations fully by not considering that important aspect. I have always wondered whether these Motions originate from the Sessional Committee or whether they originate from the desk of the Leader of Government Business. This is because if they did originate from the Sessional Committee, where the Opposition is represented by very powerful Opposition leaders, I would expect that there would have been provisions for that kind of matter.

In the past, we on this side have tried to ask that, at least, the Leader of the Official Opposition should be given firm adequate time to respond to the Budget. That has been resisted by the other side of the House. It appears now that even the Opposition has given up in terms of struggle through Parliamentary procedures. We would rather, it appears now, resort to methods that are un-procedural.

I would like to say that even at this late hour, it is important for this House to consider our request. In order to reduce the level of acrimony and create more avenues for understanding and reconciliation, I would feel that even at this late hour, the Leader of Government Business should accommodate this side of the House, by allowing either the Leader of the Official Opposition, or one hon. Member who can respond from this side on behalf of the Opposition, to the Budget Speech.

Mr. Speaker, Sir, I had not intended to move any amendments at this stage, but if the Government side can graciously accommodate this side - and I am very glad that we do not have chaos today like we had the other day. It means that we have all returned to sanity---

An hon. Member: There will be chaos even now!

Mr. Anyona: Well, at least, as I am talking now, there is no chaos. So, I would like to appeal that the other side is more accommodative in terms of this kind of matter.

With those few remarks, I beg to---

An hon. Member: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I am sorry, I will put the Question now!

(Question put and agreed to)

POINT OF ORDER

NO AUTHORITY OTHER THAN PARLIAMENT
ITSELF CAN STOP DEBATE IN THE HOUSE

Mr. Wamalwa: Mr. Speaker, Sir, I thank you for giving me this opportunity, to raise what I believe to be a very important point of order.

Mr. Speaker, Sir, according to Standing Order No.74, this House shall not debate any matter which is *sub judice*, that is any matter pending before the court.

(Applause)

The relevant Standing Order reads as follows:

"No Member shall refer to any particular matter which is *sub judice* or any matter which is in its nature secret."

Mr. Speaker, Sir, there is a case which was filed in court yesterday, touching upon the matter that the House is due to debate under Order No.8 on today's Order Paper. That is a case which was filed by hon. Murungi, hon. Anyang'-Nyong'o, hon. Muite, hon. Kituyi, hon. Orenge, hon. Gatabaki and hon. P.N. Ndwiga against hon. Mudavadi and hon. Kaparo. This case was filed under a certificate of urgency, granted by the High Court on 23rd of June, and it has been listed for hearing on Friday this week.

Mr. Speaker, Sir, the essence of the case is to seek to prevent Parliament from debating the Budget, which is what we are just about to do. According to Section 60(1) of the Kenyan Constitution, the High Court of Kenya has unlimited original jurisdiction over any matter of a civil or criminal nature. The Section reads as follows:

"There shall be a High Court which shall be a superior court of record and which shall have unlimited original jurisdiction in civil and criminal matters and such other jurisdictional powers as may be conferred upon it by this Constitution or any other law."

Mr. Speaker, Sir, it is, therefore, in order for these hon. Members to seek recourse to the High Court in a matter of such importance as the Budget. There have been incidences before concerning the *sub judice* rule and there have been several cases that have been dealt with by this House. In one particular case, you have made several rulings on various points contained in that case - the Goldenberg case.

In the Goldenberg case, the Public Accounts Committee (PAC) of this House was seized of a matter. It had not finished its deliberations and had not made its recommendations and presented its report to the House. A matter was filed in the High Court touching upon the Goldenberg case and the Committee that was seized of this matter was stopped from dealing with this matter because it was pending before the court. There are those of us who believe in the *Pari Passu* doctrine, that the jurisdiction of Parliament and the High Court are mutually exclusive but yet, in practice, there have been cases where Parliament has tended to defer to the High Court in certain matters. In the Goldenberg case, you made a very extensive ruling and your own ruling stated---

Mr. Speaker: What date was that Mr. Wamalwa?

Mr. Wamalwa: It was on 11th June, 1996. In that ruling, the essence of your ruling was that, it was irregular for a matter that was pending before the House to be taken to court and you concluded that the fact was, as irregular as it was, pending before a court of law and therefore, Parliament was stopped from debating it.

Mr. Speaker, Sir, it might be argued that in the High Court case of Raila Odinga versus ole Kaparo, the court did rule because the import of Raila Odinga's case was that some people had been irregularly sworn in at the beginning of this Parliament and the court ruled that it would not interfere with matters before Parliament, but it is the same court that has accepted this case. In this case the court did not say that this matter was pending before Parliament and it could not interfere with it. I have no doubt that the judges of the High Court were aware of what happened here last Thursday. They were aware that the Budget had been read under very difficult and unusual circumstances and that it was due to be debated. They could have ruled at that point that they would not interfere with a matter pending before the House. But the court in its wisdom, did not rule that way and accepted this suit which is now pending before a court of law and it has been given a hearing date which is Friday this week. So, I think, the case before us can be differentiated with that one of Raila Odinga versus ole Kaparo because the court, in its wisdom has accepted this case. That being so, this House must be guided by Standing Order No.74 which states that the House shall not debate any matter pending before the court.

I therefore seek to move the House not to debate the Budget, until the matter pending before the High Court is heard and determined on Friday.

Mr. Speaker, Sir, I lay on the Table of the House the suit pending before the High Court and the certificate of urgency granted by the High Court itself. It is High Court Civil Case No.1542 of 1997 filed by hon. Kiraitu Murungi and six others versus Musalia Mudavadi and ole Kaparo.

(Mr. Wamalwa laid the document on the Table)

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

Mr. Speaker: Mr. Anyona, we are not in debate.

Mr. Anyona: Mr. Speaker, Sir, but I am on a point of order?

Mr. Speaker: Well, I did not hear any point of order? What is it?

Mr. Anyona: Mr. Speaker, Sir, in view of the provisions of Standing Order No.74 and also in view of the provisions of Section 60 of the Constitution, *vis-a-vis* the provisions of Section 12 of the National Assembly Powers

and Privileges Act, and I would like to read it-- It reads as follows:

"No proceedings or decision of the Assembly or the Committee of Privileges acting in accordance with this Act shall be questioned in any court."

Mr. Speaker, Sir, *vis-a-vis Standing Order No.74* and Section 60 of the Constitution and given the provisions of Section 12 of the National Assembly Powers and Privileges Act, I think it is important that those legal tangles are sorted out.

I would also like to refer to the fact that the Opposition has tabled a copy of a suit under the presumption that the suit has already been served on the Speaker.

Mr. Speaker, Sir, under the provisions of Section 6 of the National Assembly Powers and Privileges Act, it provides as follows:

"No process issued by any court of Kenya in exercise of its civil jurisdiction shall be served or executed within the precincts of the National Assembly while it is sitting, nor such any process be served or executed through the Speaker or any officer of the Assembly unless it relates to a person employed within the precincts of the Assembly or as an attachment of a Member's salary."

So, Mr. Speaker, Sir, if indeed, a process has been signed, I think it is important, therefore, to make a ruling *vis-a-vis* that provision.

Finally, Mr. Speaker, Sir, Section 29 of the National Assembly Powers and Privileges Act provides as follows:

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

Mr. Speaker: Order! Order, Mr. Raila! Mr. Raila, you should know better than that. When a Member is standing on a point of order, he shall not be interrupted. You will continue sitting down until he has finished his point of order.

Mr. Raila: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, hon. Raila! Mr. Anyona is on a point of order and you will not interrupt him.

(Mr. Raila continued standing up in his place)

Mr. Speaker: Order, Mr. Raila! You will wait. Your point of order may be important, but it cannot override the rules of the House. Order! When he finishes, if you really have anything burning you, you can attempt to catch my eye.

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

Mr. Speaker: Order, Mr. Raila. I suppose you are not attempting to muzzle another Member. So, can you, please, leave hon. Anyona to continue?

Mr. Anyona: Mr. Speaker, Sir, in my own right - I am an old Member of this House - I do not believe that any Member has the right to seek to silence me. Afterall, hon. Raila is one man whom, I and his late father, my hon. late friend, Jaramogi Odinga, taught politics. He has no business to try to silence me.

(Applause)

Mr. Speaker: Order, Members! We will not have a free-for-all debate. I will answer what the hon. Mr. Wamalwa has raised. Then again without the benefit of exactly what was referred to, I will try to remember as much as I can.

The hon. Member seeks to move or to object to this House debating the Budget on the grounds that the Order Paper now present, that is the Committee of Ways and Means, shall not deliberate on the financial statement on the grounds that certain Members of this House went to court and sued the Minister for Finance and one, Francis ole Kaparo. The suit is not against the Speaker. It is against one, Francis ole Kaparo. I am, therefore, asked by the hon. Leader of the Opposition that because there is a suit against two Members of this House by other Members of this House that this House shall cease business.

I would like to say this: I have also been referring to the various rulings that I made on the matter of the Goldenberg on the whole question of *sub-judice*. There are several but he quoted one. He quoted the one dated 11th June. There are several, others and among the very many rulings I made on that whole saga which involved the main criminal cases against various individuals named in the various cases and the various complaints, among the ruling I have made was one again dated 13th of April, 1995 which, I believe, the Chair did address itself to the question of *sub-judice*, and also much more important the whole question of separation of powers between the Legislature and the Judiciary. On page number three of that ruling, after referring to a case attempted to be filed by the hon. Raila Odinga on the 27th of December, 1994, I had this to say:

"With regard to the case filed by the hon. Raila Odinga against another party this amounts to gross violation of both the Standing Orders and the National Assembly Powers and Privileges Act. The House should address this matter at an appropriate time. It should further be noted that *de facto* proceedings have not started and I find the issue inconsequential to the operation of Parliament in the light of the affidavit sworn by the Clerk. That having been executed, I was satisfied that the court will take cognisance of the provisions of Section 60 of the Evidence Act Cap 80 of the Laws of Kenya. They stipulate that the court shall take judicial notice of the general course of proceedings and privileges of Parliament. It is my understanding that this procedure was observed by the court. This underscores the presence of mutual respect amongst the three institutions of the State, namely, the Legislature, Judiciary and the Executive. Indeed, this is in line with the doctrine of separation of powers as embodied in the Constitution of Kenya."

That is what I had to say as way back as April 1995 about the whole concept of the separation of powers.

Now, to address myself to this particular case, hon. Members participating in debate in this House who are aggrieved by their own conduct in the House and their inability to make themselves heard, in spite of spirited attempts by the Chair to make that situation prevail, move to the court and ask it to rule that Parliament must cease to do what it is created to do, in the first place, in our Constitution--- My immediate reaction and finding is this: I think for an hon. Member to move out of this House and go to court to stop this House from deliberating on any matter, is the grossest insult to this House.

(Applause)

Two, in my own understanding, no court or person can stop Parliament from doing its lawful business under the Constitution. Three, when it comes to the principle of *sub judice*, I will say that this principle is divided into two parts; namely, when it relates to civil cases and when it relates to criminal cases. I have said in the past, that in criminal cases the House must desist from talking at all about any matter that is *sub judice*. I am not informed by the Leader of the Opposition that the hon. Members who went to sue hon. Mudavadi, and one Francis ole Kaparo, instituted criminal proceedings.

To the best of my recollection, and from what I have seen, what has been instituted amounts to a civil case. In civil cases the Chair does, in practice, have a discretion, depending on various aspects, as to whether or not the House can articulate on any matter that is *sub judice*. I invite the House to look at pages 377 and 378 of "Erskine May, on *Parliamentary Practice*, 25th Edition". I will particularly look at page 378, and would like to read to the House what that particular paragraph states. The very last paragraph reads as follows:-

"Successive Speakers have exercised their discretion to allow matters to be discussed on which (although they fall within the strict terms of the *sub judice* rule) they have considered that no substantial risk of prejudicing the court proceedings would arise. The Speaker has also exercised his discretion to allow a debate under Standing Order No.20 to proceed when it seemed possible that civil proceedings in relation to a subject matter might be instituted".

The point I wish to make here is that on a civil matter, the Speaker does have discretion. Let us also go to page 326 of the same "Erskine May on *Parliamentary Practice*". This simple and short paragraph is titled "Matters Awaiting Judicial Decision", and reads:-

"The House has resolved that no matter awaiting or under adjudication by a court of law shall be brought before it by motion or otherwise. This rule may be waived at the discretion of the Chair. Exceptions have, for example, been made in matters before civil courts which relate to Ministerial decisions or concern issues of national importance."

The paragraph talks of "Ministerial decision", and I am told that hon. Mudavadi is a Minister. The paragraph continues:-

"Matters which so touch upon issues which are *sub judice* are unlikely to affect any judgement. The general rule applies to Motions for leave to bring in Bills. But the House has expressly resolved that the *sub judice* rule is qualified by the right of the House to legislate on any matter". That *sub judice* rule is thus subject to the right of the House to legislate on any matter.

(Applause)

I wish to refer, again, to the case that hon. Wamalwa referred to; namely, Raila Odinga Versus one ole Kaparo. The reasons which led hon. Raila to go to court and sue one Francis ole Kaparo were these: On 26.1.93 this House sat for the first time. Among the things it did on that day, *inter alia*, was the swearing in of hon. Members, and

the election of the Speaker. Hon. Raila went to court and challenged that meeting of the House on the ground that some of the people who took part in the election of the Speaker - he referred to the late Mr. Chepkok, among others - had not been properly elected to sit in this House. Therefore, they were not Members of Parliament, and so the whole exercise of the election of the Speaker was null and void. The court, in its wisdom, and correctly so, in my view, under Section 12 of the Powers and Privileges Act, ruled that the court had no power to question or reverse a decision of this National Assembly.

I would also like to touch on another issue that was raised. This is the service of summons on Members of this National Assembly. Section 6 of the Powers and Privileges Act bars any person from serving any summons or court process on any Member of this House when the House is sitting, and the House sits on Tuesdays, Wednesdays and Thursdays. So, any person attempting to serve summons on any hon. Member on days in which the House meets contravenes Section 6 of the Powers and Privileges Act, and so that purported service of summons is a nullity *ab initio*.

My ruling, therefore, is this: As I have said, I cannot give my discretion to any Member or a group of Members ever to go and subvert the proceedings of this House by going to court.

(Applause)

Therefore, I do rule that in spite of the case filed in an attempt to stop an already on-going debate in this House amounts, in my view, to---

Order! Order, Members! English is not my mother tongue, and number two---

Order! Order! I must get the right word. I think it is a whole abuse of the privileges of this House. Again, as the Committee looking at Standing Orders is still sitting to report on the progress, I think, it is about time for the House to know what it is they want to do as a House, if they want to remain as a Parliament, or they do not want to remain as a Parliament. So, that is my ruling.

Hon. Members: On a point of order!

Mr. Speaker: Order! Maybe Mr. Murungi, as a plaintiff, I think the best place for you to go to is to court.

*(Mr. Murungi and Dr. Kituyi stood
up in their places)*

Mr. Speaker: Order! Next Order now! Order, Dr. Kituyi! What is it?

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. I am an officer of this House and it is part of my duty that there is order in this House. I try my best to obey the Standing Orders of this House. This House is our House. When the Chair makes some ruling which appear explicitly partisan, and inconsistent with the earlier rulings of the Chair, it is our duty to bring to the attention of the Chair that there is an "abortion of justice" in this matter.

(Applause)

Mr. Speaker, Sir, you have made a very extensive presentation and it is only part of natural justice that you hear our reaction as to whether we are satisfied that the issues raised with the Chair are consistent with the substance of what we are raising. First, I want to say the following: The last bit of your presentation was in reference to Powers and Privileges Act that nobody can be served with summons in this House, I have brought it to your attention, that while the House was sitting, I have been served with summons inside the office of the Sergeant-At-Arms in this House. So, there are sometimes these problems are occurring. But that is not the main substance.

The main substance is the following: The matter before the court is not between certain plaintiffs, one Francis ole Kaparo, and one Musalia Mudavadi. Mr. Speaker, Sir, you have been served with summons and you have looked at the substance of this affidavit annexed to the certificate of urgency about the matter in court. The three paragraphs are critical to decide whether that matter requires us that we postpone the business before the House or not.

One, is paragraph No.6, that the National Assembly has not yet established the Estimates Committee, and no such Committee has met to deliberate on the Estimates for the year 1st July, 1997 to 30th June, 1998. This is an important matter to this side of the House that we follow the procedures laid down by the House, and we do not want to gloss over that.

The second defendant, one Francis ole Kaparo, declined to conduct the proceedings of the Assembly in silence or otherwise in a manner which would permit the hearing of a financial statement.

(Applause)

The last one, Mr. Speaker, Sir, is No.8, that the plaintiffs hearing that unless they are restrained, the defendants would proceed with the debate of a financial statement which was not heard by the hon. Members of this National Assembly, and consequently, no estimates within the meaning of Standing Order No.133 laid on the Table of the House on June, 1997.

Mr. Speaker, Sir, whatever arguments you have given do not negate these three principal allegations. They are not about a private person in his private capacity. Some of us have been nicely surprised that the Chair is ready to protect the supremacy of the National Assembly in matters said by the House, which might be referred to a court of law. But we wish that in other matters which were brought here like the Goldenberg, the Chair could have reacted in the same way. Does this realisation of protecting the independence of the legislature arise in a matter where the other party we are disputing is KANU?

Mr. Speaker, Sir, we have not questioned the freedom of the National Assembly to legislate anything under the sun. We are in agreement that even when a matter is in court, this House has the freedom to legislate. But, we are saying that there is a dispute in which the Chair cannot be an independent judge, because it is party to what we are fearing: the sabotaging of the natural justice in the House. That is the reason why we are excising our constitutional freedom regardless of how much you may call it otherwise. This is a constitutional freedom under the provisions of the Constitution to go to the High Court on a matter we believe you cannot give natural justice.

(Applause)

Mr. Speaker: Very well! I suppose, Dr. Kituyi, you have had your say and you are also entitled to your opinion. The opinion of the Chair is this, that I have already ruled that in this particular case, for reasons which I have already given, the House will not be stopped from proceeding on its lawful business by any authority except itself.

(Applause)

This House can vote itself and say, "we shall not proceed with this business," as that is the duty of the House. On my part, I am afraid, and I would not allow this House to be stopped from transacting its lawful business by any other authority other than itself.

(Applause)

I will not go into the merits or the demerits of the matter that has been referred to the High Court by the hon. Members. The High Court will have time and facilitate to look at whatever allegations are made there and rule whether or not those hon. Members have a right to recourse. I am not going to saying anything beyond that. The court will decide whether or not it has jurisdiction or not. What I say is that this House shall proceed---

Mr. Nyagah: We do not have an Estimates Committee!

Mr. Speaker: Order! Order! Mr. Nyagah, you are referring to an Estimates Committee. That is a matter, again, that is alleged in the plea. I prefer that it be dealt there. You know and they know that last week on Wednesday morning, I saw a list of all Committees. I was not in the Chamber that day, but there was a list of all Committees appointed by this House. Anyway, as to whether or not they validly meet is now a mute point because the hon. Members who are aggrieved will find out on Friday or on such other date as the High Court will give it to them. Can we proceed now?

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

Mr. Speaker: Order, Mr. Murungi! Listen, because you are persistent and you are an hon. Member, please, sit down. You are an hon. Member and, of course, by right, you should be heard, and you have been persisting. If I were you, and I am a plaintiff, I may be restraining myself, but if you do not feel that way, you can go ahead. He is the last one I am giving a chance.

Mr. Murungi: Thank you, Mr. Speaker, Sir. I am aware that I am a plaintiff in this case, and I do not want to discuss any merits of the case. But I feel I might have one or two comments which might persuade you to change your mind regarding your ruling.

Hon. Members: No! No!

Mr. Speaker: Order, there is no crime in a Member persuading me!

Mr. Murungi: Mr. Speaker, Sir, we did not go to court out of any contempt for this House. The plaintiffs in this case went to court, as aggrieved citizens of this country, who have a right to have any grievance that they may have determined by a lawfully established court of law, in this case, the High Court. It is in that spirit that the seven plaintiffs in this case went to court. It was not out of any contempt of either you as a person or this House.

With regard to your view that there is no institution in this country which can prevent this House from transacting its business, with all due respect, we think that, that view is erroneous. The Parliament in Kenya does not have the same superiority that the Parliament has in United Kingdom. In fact---

Hon. Members: Aah! Aah!

Mr. Murungi: In fact, the saying that "in the United Kingdom, the Parliament is so powerful that it can turn a man into a woman" does not apply in Kenya because the Parliament in Kenya is subject to the Constitution, whereas the Parliament in England is not subject to any written Constitution. The powers that the Parliament of Kenya has are subject to the Constitution of this country. I would like to refer you to Section 60 of the Constitution---

Mr. Speaker: Are you not yet through?

Mr. Murungi: No, Mr. Speaker Sir, I have not finished. I would like to refer you to Section 60 of the Constitution, which says:

"The High Court has original and unlimited jurisdiction in all civil and criminal matters in this country."

Our case falls within the ambit of "unlimited jurisdiction of the High Court."

Hon. Members: No!

Mr. Murungi: Mr. Speaker, Sir, I would like to refer you to Section 123 (8) of the Kenya Constitution which reads:-

"No provision of this Constitution that a person or authority shall not be subject to the direction or control of any other person or authority, in exercise of any function under this Constitution shall be construed as precluding a court from exercising jurisdiction in relation to any question, whether that person or authority has exercised those functions in accordance to this Constitution or any other law."

So, this means that for all the institutions and offices established under the Constitution, Section 123 (8), gives the High Court jurisdiction to find out whether those people or authorities have exercised their powers within the Constitution.

Mr. Speaker: Mr. Murungi, will you finish?

Mr. Murungi: Lastly, Mr. Speaker, Sir, the crucial issue here, and which involves the root of this debate is that it is this Parliament--- and I am now fighting for the authority of Parliament. Under Section 16 of the Constitution, it is this Parliament which should establish the Ministries, and the President should only name the individuals to man those Ministries. We as a Parliament, have never sat down to establish the Ministry of Finance or any other Ministry.

(Applause)

Mr. Murungi: Mr. Speaker, Sir, what we are saying is that since we never established the Ministry of Finance, it is illegal for hon. Mudavadi to act on pretended powers that he is the Minister for Finance and purport to read a budget in this Parliament.

(Applause)

Mr. Speaker: Very well. Mr. Murungi, it is as well that I heard you. I think on Friday, 27th June, 1997, you will have a field day in the High Court.

Next Order!

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

Mr. Speaker: I am sorry now, Mr. Anyona. I think we have finished that.

(Mr. Mulusya stood up in his place!)

Order, Mr. Mulusya! Sit down, Mr. Mulusya! What is it, Mr. Anyona?

Mr. Anyona: Mr. Speaker, Sir, I think what is happening here today is as it should be because today, the law is contesting itself. We are trying to find out whether we are following the law or not, and I am personally quite happy to participate in this kind of exercise.

I wish to raise three points in this context without going into the matter before court. But two or three aspects have been referred to which concern us, as a House, and which also concern our rules. I think we have a right, even without waiting for the court, to take cognisance, to decide whether we think we are operating within our own rules or not.

Mr. Speaker, Sir, I wish to refer to Standing Order No.133 in conjunction with Standing Order No.136 because these two are in contention. There is another one which I will come to later. One of the issues being raised is that by virtue of the fact that there were some rowdy scenes during the reading of the Budget Speech, therefore, the Budget Speech was not read. As far as I can see, Standing Order No.133 says as follows:-

"The Annual Estimates shall be laid on the Table of the House, not later than 20th of June."

The Annual Estimates are not that statement that the Minister read there. The Annual Estimates are those four big books, this year they are green. As far as I remember, those Estimates were laid on the Table of this House on Tuesday, the 17th of June, 1997.

So, in that context, the Standing Orders were complied with, but in the second place regarding Standing Order No.136, which was at issue on that day about the Minister reading his statement. Standing Order No.136 says as follows:-

"On an order of the day for Committee of Ways and Means being read, Mr. Speaker shall leave the Chair without question put, unless a Minister moves "That, Mr. Speaker Do Now Leave the Chair" for the purpose of enabling the Minister to deliver a financial statement."

Mr. Speaker, Sir, my understanding of this Standing Order is, that the Minister did not even have to read that statement, having laid the Estimates, we could have gone straight into the Committee of Ways and Means without that statement.

In any case---

(Loud consultations)

Mr. Speaker: Order, Order! I have already made my ruling a long time ago. I have said any hon. Member or any group of persons who want really to know what the law is should go to the High Court on Friday. Next Order!

(Mr. Raila moved near the microphone on the Table)

Mr. Speaker: Mr. Raila, I have recognised you to contribute on the Budget Speech.

Mr. Raila: On a point or order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Raila, you are contributing on the Speech.

Mr. Raila: Not on the Budget Speech, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Members! Order, hon. Nassir! I have given hon. Members the chance to air their views, even after I have made a ruling, and I have said I will reiterate my ruling. I have advised that those hon. Members who really want to know what the law says should be at the High Court on Friday. I have now ordered that we are on Order No.8, and the Question was proposed from the Chair last time. So, there is a debate arising. In ordinary circumstances, the first reply will go to the Official Opposition leader.

COMMITTEE OF WAYS AND MEANS

(Order for Committee read)

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

The Minister for Finance on 24.6.97

(Resumption of debate interrupted on 19.6.97)

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

Mr. Speaker: Order, Raila! What is it? We are on Order No.8. Is it on order No. 8?

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

Mr. Speaker: Is it on order No.8?

Mr. Raila: No, Mr. Speaker, Sir. But it is a very important point of order.

Mr. Speaker: I am sorry, we are now on Order, No.8.

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

Mr. Speaker: Do you want to contribute, hon. Mulusya?

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

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

Mr. Speaker: We have gone to Order No.8, hon. Raila. Can you just wait! When a Member has taken the Floor, in the middle of it, you can stand and I will recognise you. There is no harm in me listening to Members. I am paid for that.

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

Mr. Speaker: What is it? We are on Order No.8.

Mr. Raila: Thank you, Mr. Speaker, Sir. This is a very important point of order.

Mr. Speaker: Order, Members! I think there must be some kind--- Before we came to Order No.8, I gave hon. Members a chance to stand on various points of order. Now we have to come to Order No.8

An hon. Member: Call it then!

Mr. Speaker: I have called it. It is for me to decide. We have already come to Order No.8. If, in the course of the debate, Mr. Raila, you want to bring anything to my attention, I will be quite willing and ready to listen. Anybody ready for the Speech? Hon. Wamalwa!

Mr. Wamalwa: Mr. Speaker, Sir, I stand to contribute to this Budget Speech with a heavy heart.

(Applause)

An hon. Member: Illegally!

Mr. Wamalwa: I do not know why Members opposite should be so happy when I contribute with a heavy heart.

(Opposition Members withdrew from the Chamber leaving Mr. Anyona and Ms. Wanjiru)

Mr. Speaker, Sir, this side of the House feels that a great injustice has been done, and for that reason, it is not willing to participate in this debate.

Mr. Speaker: Very well, hon Nassir!

Hon. Members: KANU B! KANU A!

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Spika, asante sana kwa nafasi hii ya kuzungumza juu ya Bajeti ambayo imeletwa katika wakati mzuri sana. Kila Mbunge aliyechaguliwa ni lazima azungumze juu ya Bajeti hii ili kuwasaidia watu maskini. Katika Bajeti hii, kuna mambo kuhusu elimu, hospitali na barabara. Kila mtu aliyechaguliwa na wananchi wa Kenya anapaswa kushiriki katika mjadala juu ya Bajeti hii.

Kuzungumzia Bajeti hii haionyeshi kuwa mtu ameshinda au kushindwa. Lakini leo imekuwa kama siku ya Alhamisi wiki jana ambapo tulishuhudia yale yaliyotokea. Nimefurahi kwa sababu Wabunge kutoka upande wa Serikali wanajua maana ya Bajeti kwa sababu madhumuni ya Bajeti ni kuwasaidia watu maskini. Leo katika mjadala wa Bajeti, nitazungumzia mambo kuhusu hali ya nchi na hasa elimu katika nchi yetu.

Wale ambao wameondoka kwenda inje--- When the horse is dying, it kicks very hard. So, you should be very careful when you are near to him. Sasa ni wakati wao na wanajua kuwa watashindwa katika uchauguzi na kwa hivyo wanataka kufanya kila fujo. Hii haitawasaidia kitu; watatupwa inje, wao wanaogopa sana. Bajeti tutaijadili, tutaipitisha na mambo mengi tutayafanya. Kutoka Bungeni si kitu. Kitendo kama hicho hakitawasaidia. Hakika watashindwa.

*[Mr. Speaker left the Chair]
[Mr. Deputy Speaker took the Chair]*

Bw. Naibu Spika, hatukuchaguliwa kuja hapa kurushiana mawe kama mashabiki wa kandanda wafanyavyo. La! Tumeletwa hapa ili kuwasaidia wananchi katika kuwapitishia mambo yao. Natarajia kuwa Bw. Waziri atachukua nafasi hii kwa kutumia pesa za Bajeti, katika kuwatafutia watu kazi. Taabu tulionayo ni ukosefu wa kazi; kwa hivyo, kila senti itakayotumika, yafaa itumike katika settlement schemes pamoja na viwanda vidogo. Hii itawasaidia watu wetu.

Bw. Naibu Spika, wale watakaowasaidia wananchi ni lazima waitumikie nchi hii mpaka siku zao za mwisho.

Kuna wale wanaochaguliwa kuwa Wabunge na baada ya siku 15, wachaguliwa mara ya pili, na kuja hapa wakitetemeka, kupiga kelele na kutoka katika Bunge na kufanya fujo. Hakuna haja ya kufanya hivyo. Wiki hii ndiyo ya mwisho kwa Wabunge wa upande wa Upinzani kuonyesha aibu. Hii ni kwa sababu taabu iliyotokea wiki iliyopita, kama Wabunge wangepigana hapa, vita hivi vingekuwa katika Kenya yote.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Is the hon. Nassir in order to refer to the Opposition in blanket terms when some of us are here?

The Assistant Minister for Information and Broadcasting (Mr. Nassir): Bw. Naibu Spika, kama kawaida, Bw. Anyona ni mtu ambaye anajua mambo mengi. Simaanishi wale walioko hapa. Naongea juu ya wale walioko kule nje. Tunataka wananchi wajue Upinzani una watu wa aina gani. Ni heri wajue kuwa ushindani ni ushindani. Ukishindwa kubali kushindwa. Haifai kufanya fujo, kupiga kelele, kukimbia nje ya Bunge na hali twataka kuchaguliwa tena kurudi hapa Bungeni.

Kwa hivyo, ninaiunga mkono Bajeti hii, na kila mtu aliyechaguliwa yafaa aje awafanyie watu wake kazi. Hatutakubali tena kufanyiwa fujo ndani ya Bunge. Aibu iliyotupata mwaka huu ni kubwa na inatokana na fujo iliyofanywa katika Bunge hili wiki jana. Hata mtu akitembea barabarani anona haya sana baada ya mambo yaliyotendeka hapa juzi. Ninaona haya sana. Kwa hivyo, kila mtu aliyechaguliwa na wananchi, alichaguliwa ili awasaidie. Yafaa tufahamu kwamba Bajeti inatoa habari kuhusu fedha zilizotengwa kwa minanjili ya elimu ya wananchi, kutengeneza barabara, kujenga hospitali na kadhalika. Kwa sababu wewe una pesa za kumlipia mtoto wako karo, hutaki wale watoto maskini wafaidike. Ilikuwa ni aibu sana kwa Wabunge waliotoka hapa kufanya kitendo walichokitenda. Wote ni matajiri na sasa hawajali hali ya maskini.

Tutaunga mkono Bajeti hii kwa sababu itasaidia maskini. Ninataka kuwashukuru Wabunge wenzangu wa KANU ambao walivumilia matusi mbele ya Rais wetu. Tuliendelea kudumisha heshima ya Bunge hili. Si kusema kwamba tulikuwa tunawaogopa Wabunge wa Upinzani na ndiposa tukanyamaza. La! Ninataka Wakenya wote wafahamu kwamba Wabunge wa Upinzani ni wachache na sisi ni wengi. Tulionelea ni wajibu wetu kuweka amani katika nchi yetu. Bajeti ikisomwa na kuwe hakuna amani, ni vibaya sana. Kwa hivyo, ninataraji kwamba leo Wakenya wamefahamu tabia za Wabunge wa Upinzani. Kuogopa sio dawa. Kila mtu atakufa. Hata ukijifunika blanketi ni jambo la lazima kwamba utakufa. Kwa hivyo, kama hawa watu wana uoga wa uchaguzi mkuu, inafaa wafahamu kwamba huo uchaguzi lazima utafanywa. Ninamwomba Mtukufu Rais kwamba huo uchaguzi ufanyike haraka kwa sababu tayari tumefanya campaign. Tungetaka kuita uchaguzi ili tuone wale watachaguliwa.

Ninasikitika kwamba Professors walioko hapa hawawezi kudumisha heshima katika Bunge. Kama wangepigana umuhimu wa kudumisha heshima, hawengepeleka Bunge hili kortini.

Kwa hayo machache, naunga mkono.

Mr. Sankori: Thank you, Mr. Deputy Speaker, Sir. It is really shameful for hon. Members to behave the way they did on Thursday. It was not only shameful to this House, but to the entire nation especially in front of the eyes of the world. It is high time we realized that whatever we do here reflects our own behaviour. It was so bad that some of us were not happy to be associated with this Parliament on that particular day. May I request all the Members in this House to keep the dignity of this House.

I would like to request the Minister for Information and Broadcasting, in conjunction with the Minister for Finance, to air a programme on the Budget Speech because most Kenyans could not follow it on radio and could not get newspapers to read. Kenyans need to be enlightened on what happened on that day.

As we move towards election time, all of us would like to come back to this Parliament. I would kindly like to tell the Minister for Finance that this is a very critical time and we should deliver whatever we promise to Kenyans.

Liberalization should be taken care of. We should not put ourselves in the hands of any Tom, Dick and Harry.

We should be careful of the World Bank and International Monetary Fund. We should think about our people first. If whatever we are told to do will affect the welfare of our people, we should refuse to do it. There is no need of us making our people suffer at the expense of something that we do not know.

I come from one of the arid and semi-arid areas. These are areas like Turkana, Samburu, Kajiado, Pokot, Marsabit and so on. We request the Minister for Finance to find solutions to some of the very critical needs of the wananchi in those areas. There are many seasonal rivers which, if dammed during the dry season would help our people. Very soon we are going to face beef shortage in this country because nomads are facing problems in as far as keeping their livestock is concerned. Of late, there have been very many drought spells and these droughts affect us a great deal. In North Eastern Province, camels, goats and cattle have died. If you add the banditry problem to all these other problems, you will see that these people are really suffering.

Kenyans look to these people to supply them with meat and milk. Those people who live in the highlands can produce milk, but I would say that nomads are actually the ones who supply meat to this country. On that light, may I request the Minister for Finance to give the Ministry of Agriculture, Livestock Development and Marketing some funds to run Kenya Meat Commission (KMC). We lost a lot of animals during the drought because we had

nowhere to sell our animals. We could have sold our meat abroad, but because we did not have anywhere to sell our animals, we have lost a lot of them. I hope this Budget has taken care of that. The KMC should be revived for the sake of the nomads; the Somalis, Borans, Maasais, Turkanas, Rendilles and so on. That is the only way we can assist these people.

There is the problem of education in the semi-arid and arid areas. Because of drought, people tend to move from one place to another with their livestock and children. A few boarding schools which were given are not enough. They cannot meet the excellence that is there. The Minister should go out of his way to give more grants to the semi-arid areas, so that we can have more people educated. I have always said that people from those areas are actually very brainy. I have even given examples and I do not need to give any more. Even this House can prove that. We are losing many brainy people in those areas who are talented, simply because we cannot educate them.

Mr. Deputy Speaker, Sir, there was a time when the 10th ranked child in the Kenya Certificate of Primary Education examination was from Turkana District. For the last two to three years, Turkana District has been performing very well. Those people who have not been in those areas think those people are living luxuriously. If you went to Turkana, you would really sympathise with them. That area is so dry that you would really wonder how these people survive.

Mr. Deputy Speaker, Sir, we need more security in this country. The Government should tighten security in this country especially along the borders. Why should we have people from another country invading our country when we have got a fully fledged army that has sworn to protect our borders? We have no reason to complain that, such and such a country has invaded Kenya because of this and that. We have capable well trained people and we should use them to the maximum. Probably, the Kenya Army personnel have not been put to proper use. Because we even have so many roads that need to be repaired and boreholes to be drilled. Where does the Engineering Department of the Kenya Army do their practice? They should bring all that machinery to these semi-arid areas for practice and at the same time, benefit the locals. I hope the Ministers of State, Office of the President are listening because we think you are keeping machinery and people who should help. I do not know what the National Youth Service does nowadays. We do not see anything being done by them. We only pay them salaries for doing nothing, yet they used to construct roads and bridges which they no longer construct. I do not see any reason for this. When hon. G.G. Kariuki was a Minister in the Office of the President, he did a lot.

Thank you, Mr. Deputy Speaker, Sir.

The Minister of State, Office of the President (Mr. Kalweo): Thank you, Mr. Deputy Speaker, Sir. I will be very brief and straight to the point.

Mr. Deputy Speaker, Sir, I am here to support this Motion. The reason is that Kenyans should be proud of themselves. We are Kenyans with a Government to honour. It is shameful when people misbehave in the presence of their President, either in his capacity as the Member of Parliament for Baringo Central or the President of the Republic of Kenya. Whether he is in Parliament or anywhere else in the country, he deserves our respect.

Mr. Deputy Speaker, Sir, even the Opposition Members who showed disregard to our President have never witnessed this from their masters, the white man, who dictates to them what to do and when to do it. They have never heard of the British Members of Parliament abusing their Queen or Prime Minister; not even in America or anywhere else. It is the right of every African to know this.

Mr. Deputy Speaker, Sir, sometimes Africans are encouraged to kill one another. We do not manufacture bullets or guns but we forget that, by buying them and committing genocide, we are only promoting other countries' business, merely because one wants to become a president. In Kenya, we have a procedure to follow for anyone who wants to become a president or attain leadership and it is through the ballot box. That is what is allowed in our Constitution. It is that procedure which the Opposition Members are trying to avoid. They are avoiding to face the electorate.

Mr. Deputy Speaker, Sir, it is high time people read more books to understand certain issues. I read a book called *The First African Dance After Freedom*, and it talks of nothing else, but the misdeeds of Africans. If you interpret that, it is completely an abuse to Africans. Once one is a honourable Member of Parliament, it means a honoured Member. He or she should not behave like a child. They should know what to say and when to say it. Now, they want to disrupt the procedures of this Government, through changing the Constitution and scrapping the Provincial Administration and the rest.

Mr. Deputy Speaker, Sir, when somebody disregards himself or herself, who do they expect to regard them? They should also know that we command the majority. All we do is to be well mannered. Otherwise, we can also be ruthless; completely ruthless to them inside or even outside Parliament. But we have to hold our dignity so as not to misbehave.

Mr. Deputy Speaker, Sir, regarding security, there are those people bordering others who try to bring that ugly kind of thing. It is the duty of my office to run after these thugs, anybody misbehaving, trying to unsettle one

another, stealing cattle and the rest. Recently, such incidents occurred in the Northern part of Kenya, but my office - though I cannot say it here - is very much on the ground. Regarding the National Youth Service, they are constructing roads in the country. Kenya is large. We should also not forget the meagre finances available. Structural Adjustments really messed us up. There is much to be done by that office.

Mr. Deputy Speaker, Sir, other Ministries should also use the little money we have properly. For example, Nairobi streets are so dirty, although there are no hawkers. We shall not allow them back because the Ministry of Local Government requested some assistance from our office to try and kick these people out. So, it is the duty of every individual not to litter the City the way they like, because it looks ugly. It is more or less like when we go for music festivals and we find somebody wearing a skin and dancing to a Meru dance. That dance can also be done with modern clothing. But instead, we are depicting that we used to wear goat skins and that, we are the people of goats. We should re-orient our behaviour in one way or the other; for example, by living in a clean town. Cleanliness of a town should be the duty of everyone else, including the sweepers and those walking on these streets smartly or not smartly dressed. It is only then that this City will be clean. Something should be done to this City and strict rules should be laid down.

Mr. Deputy Speaker, Sir, driving in this city is completely odd. Police officers are now going to crack down on such drivers. Everybody is trying to drive like a matatu driver. They drive on pavements and walking paths, thus spoiling them. I am requesting Kenyans to maintain whatever we have. Spoiling the paths alongside the roads is a terrible thing to happen. Those contractors who construct roads. For example, there is a contractor putting up a bridge somewhere in my constituency. Just to drill three rods of metal bars, has already cost Kshs1 million. I requested the relevant office to go and investigate before they pay this money to the contractor on Ura Bridge, near Anchenge Primary School, to see whether that work is worth Kshs1 million. If its value is Kshs1 million, then I do not know how many millions will be required to complete the shop.

Mr. Deputy Speaker, Sir, we must be honest, but we cannot teach this art of honesty in schools because it is not possible. It is inborn. This is where religious creed has failed and people blame the Government. It is the duty of the church to try and instil discipline in their faithful. Teachers should instil discipline in their pupils so that we can bring up a disciplined society. There is much to be done, but it cannot be done by anybody else but by Kenyans themselves.

Mr. Deputy Speaker, Sir, I would appeal to the citizens to assist my security men by identifying criminals in the society. They can assist by identifying robbers among themselves because these robbers do not live in isolation, but with other Kenyans. By so doing we can curtail crime rates in the society.

Mr. Deputy Speaker, Sir, when a member of the public has been hurt by security personnel, maybe by mistake, we hear a lot of outcry. But when a police officer is killed nobody utters a word. These policemen are our sons and we should mourn when they are hurt or killed because they are either hurt or killed while serving this country. It is the duty of us all to behave like human beings and we will be in peace.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support.

Mr. Gumo: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion.

Mr. Deputy Speaker, Sir, what we saw on the Budget day was a very shameful thing that will never go out of our minds. The Opposition has been very active in trying to protect the Constitution and showing us that they are only interested in criticising us and so on. But what they did on Thursday last week showed us that they are not even fit to be hon. Members of this House because they shouted all through, particularly when the Head of State was here. They were just trying to send the message back home that they have run out of ideas.

Mr. Deputy Speaker, Sir, for us who have been here for some time, I am sure that if they were doing that and the late Mzee Jomo Kenyatta was sitting there, in fact, all of them today would be detained. They would not be in this House, but we are lucky that today we have a Head of State who is calm and who has seen many things to the extent that even when they were making noise he was calm and quiet. He looked at them as if they were just children playing around. If you can recall some time back when hon. Shikuku said that KANU was dead and the late Seroney was in the Chair and confirmed it, both of them were detained although they said it in this House. Hon. Members of the Opposition should be reminded that today we are in a different era and they should be prepared to contribute just like anybody else rather than shouting around in the House.

Mr. Deputy Speaker, Sir, Nairobi is the capital City of this country. If you go round the City, it is one of the dirtiest cities in the World. I do not know why, but it looks as if the way this City is being run is not the way it should because councillors right now do not seem to care and nobody is talking about it. They complain that they do not have money, but the services charge that is contributed in this City is enough to make this City cleaner than it is. The roads are worse than any other murrum road in this country. As we all know, when you have a tarmac road with potholes, it is the worst road. In fact, the rate at which the residents of this City repair their cars is alarming. Most of the people are now spending their money repairing cars than what they would spend on anything else. The

Government should see what to do about this. If the councillors are not able to run this City, the Government should come in and make sure that our City is run properly.

We are an agricultural country. The production of maize in this country is declining at very a high rate. Most of the farmers are not getting AFC loans because some of them have defaulted, but AFC should consider giving the farmers loans. They should give them more money per acre than before because production of one bag of maize is running to about Kshs1,000. Yet what they get after selling it is about Kshs600 which is not even enough to produce a bag of maize. I would urge the Minister concerned to intervene and make sure that next year, at least, every farm in the country is given a loan by AFC so that the production of maize can be boosted. The amount of money that we spend on importation of maize is so high that even if we paid farmers an average of Kshs1,000 per bag it will be still be cheaper.

Mr. Deputy Speaker, Sir, I would like to talk about insecurity in Nairobi. Insecurity has been a big problem in Nairobi. In fact, every other day, there is a robbery. Banks are being broken into, policemen are being shot, innocent people shot and so on. Although the new Commissioner of Police has tried very hard to beef up the security in Nairobi and other parts of the country, but our people are living in fear. If nothing is done very soon, we will be living in a situation whereby, there will be a lot of fear, and even some of us hon. Members will have difficulties in moving around. This is because there are very many guns around in the city today. We do not know where these guns come from. But we have heard that in many places, especially in the Eastleigh area, there are cases of people selling guns in the streets. It is a common occurrence and if we do not come in very seriously to stop these things, in a year or so, we might end up in a situation where we may not be able to control them.

Mr. Deputy Speaker, Sir, with regard to transport, the police purchased a lot of vehicles three years ago, known as Mahindra. Today, majority of those vehicles are broken down. It is not really proper for an institution like the police to go in for vehicles which are not known. Today, they say that out of the 500 vehicles they purchased two years ago, half of them have broken down and there are no spare parts. An institution like the police should purchase vehicles which are common, like Land Rovers which have served this country for many years. They have also served the Police Force very satisfactorily. All of a sudden, they changed to vehicles which were not known. In fact, there was a complaint earlier that these vehicles would not survive. It has proved that they will not survive. The amount of money which was spent on such vehicles was very high.

Mr. Deputy Speaker, Sir, most of the residents of Nairobi are very poor people. Most of them are living in shanties. The rents in Nairobi right now are extremely high. Many people are paying an average of Kshs1,000 and Kshs1,500 for a semi-permanent house in areas like Kibera, Mathare, Lang'ata and so on. We used to have rent tribunals in this country. We do not know what these tribunals do these days. This is because when a tenant fails to pay rent within a month, he is always thrown out. This has caused a lot of problems. This particular organisation, that is the Rent Tribunal, should be revived so that our people can have a place to rush to in case they are thrown out of their houses. Most of the landlords have become so greedy that they have no human feelings for their tenants. If you walk around today, you will find that every day, nearly 1,000 to 2,000 tenants are thrown out. So, I would like to ask the Minister concerned to revive the rent tribunals so that our tenants can appeal to such tribunals in case they are thrown out.

With those few remarks, I beg to support. Thank you.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Bw. Naibu Spika, ningependa pia kuungana na wenzangu, lakini kabla sijaenda mbali, ningependa kumpongeza Waziri wa Fedha kwa vile alivyowasilisha Bajeti. Alisoma kwa utulivu na busara, ingawa kulikuwa na fujo. Watu hawakuwa wanasikilizana, lakini alifanya kazi yake.

Ningependa pia kumpongeza Mtukufu Rais, kwa vile alivyokuwa mtulivu siku ile. Hii ni kwa sababu hizo ni taratibu za mtu aliyekomaa. Ukiona pana kelele na wewe u mtu mzima, tumia busara yako kabisa ili usionekane mmoja wao. Kama msemu unavyosema, "ukibishana na mwendawazimu, haitajulikana mwenda wazimu ni nani". Kwa hivyo, wenzetu walionyesha tabia yenye nidhamu mbovu na ikiwa tungejaribu kuonyesha tabia kama yao, tungeiweka nchi hii katika matata makubwa sana leo. Pongezi yangu ni kwa Mtukufu Rais kwa vile alivyochukulia jambo hili.

Bw. Naibu Spika, nikiungana na wenzangu katika jambo lingine, ningepomba Waziri Bw. Kalweo awe hapa kwa sababu ndiye anayehusika na vitambulisho. Ni aibu sana kwa sababu mpaka sasa, watu wengi hawajapata vitambulisho. Mwisho wa kuandikisha wapiga kura ni leo. Haijulikani nia ya Tume ya Uchaguzi, Mhandikishi Mkuu wa Vitambulisho na Waziri Kalweo ni nini! Hii ni kwa sababu watu wengi wamenyimwa haki ya kuchukua vitambulisho. Kwa wengi, fomu zikiletwa Nairobi, hayarudishwi kuonyesha ikiwa mtu anaweza kuchukua kitambulisho chake. Kwa hivyo, kuna wale ambao bado wana vitambulisho vya zamani na wanangoja vipya. Kuna wale waliopoteza na hawana chochote mkononi. Haidhuru, wale walio na kitambulisho cha zamani wanaweza kuchukua kura wakitumia kitambulisho hicho. Lakini wale ambao walipoteza na waandikisha tena, hawana chochote

cha kuchukulia kura. Sidhani kama ofisi ya Mhandikishi wa Watu ina nia ya kumaliza hii kazi. Hii ni kwa sababu watu wengi mpaka sasa bado wanangoja tu, na mwisho wa kuchukua kura ni leo.

Hata hii haraka ya kuandikisha wapiga kura mbio mbio ni ya nini, ikiwa wananchi bado hawajapata haki ya kupata kura kwa sababu hawana vitambulisho? Ni kwa nini kuna haraka namna hii na pengine mtu atakaa miaka mingi kabla ya kupata kura tena?

Mimi ningenelea Ofisi ya Rais, Mkuu wa Sheria na Tume ya Uchaguzi washirikiane kuona kwamba wale walioandikisha vitambulisho wahudumiwe mara moja ili kila mmoja apate kitambulisho chake kumwezesha kuchukua kura. Lakini sasa, utaona maelfu ya watu wameshangaa na hawajui ni lini watapata vitambulisho na siku za kupata kura zimekwisha.

Kwa hivyo, hizi siku za kuchukua kura zinafaa kuongezwa. Hakuna haraka! Hii haraka ni ya nini? Twafukuziwa nini? Ni nani anayetakikana asichukue kura ili ashindwe kupata kura na mwisho ni leo?

Pia, tungekuwa na utaratibu hivi kwamba mtu akikomaa, na kwa vile kuna komputa kwenye Tume ya Uchaguzi, akipata kitambulisho kipya, aende akachukue kura yake akangojee siku ya uchaguzi katika sehemu yake ya uwakilishi Bungeni. Hiyo ingekuwa bora zaidi. Lakini tungependa watu wafanyiwe bidii katika Ofisi ya Rais ili vitambulisho vipatikane haraka iwezekanavyo.

Bw. Naibu Spika, jambo lingine ambalo ninataka kuchangia ni hali ya usalama. Inaonekana watu wa Upinzani wanaogopwa katika sehemu zingine. Kwa hivyo, wanawahimiza watu kuvunja sheria na kutisha wengine. Tungependa Serikali iwe imara ili iweze kulinda wananchi sawa sawa. Haina maana kusikia kila siku kwamba kuna mwingine amekufa mahali, na mwingine amefanyaje, ili Serikali iende ikachukue kesi kortini! Hakuna maana. Haja kubwa ni ulinzi. Ulinzi ndio kitu cha muhimu. Tuna askari wengi siku hizi. Nafikiri kwa kila watu 500, Kenya imeandika kazi askari mmoja. Kwa hivyo, wanatosha kabisa kulinda nchi hii kuliko ilivyo sasa.

Bw. Naibu wa Spika, Masheikh wa dini ya Kislamu wana tabia ya kutumia misikiti kama vituo vya siasa. Wengine wanatumia neno Jihad ili watekeleze mambo yao ya kisiasa. Juzi, wakati Bw. Spika aliambia mhe. Prof. Mzee atoke nje, alisema: "Takbir". Ni takbir gani hapa katika Bunge lililo na Wakristo wengi? Hiyo ilikuwa kuchezea dini. Hiyo iliniudhi sana. Alikuwa anaambia nani takbir hapa? Hakuna mambo ya Jihad tena kwa sababu Jihad ilimalizika. Inafaa watu wakae pamoja na kuendesha mambo yao. Lakini katika Bunge hili, wengi wa Wabunge ni Wakristo na hakuna maana ya kuwaambia takbir. Hapa kuna watu wanaoitwa Onyango na kuwaambia takbir haisaidii.

Bw. Naibu wa Spika, kuna njia nyingine za kuchezea Islam katika nchi hii. Utaona mtu Mkristo--- Ni lazima sisi Wakristo tuchukue udhu na tunaona mtu anavaliushwa kanzu na kufanywa kama Mwislamu. Hii ni kuchezea dini.

Unaweza kuona mtu kama vile mhe. Raila au Wamalwa wakienda kule Pwani, na kuvalishwa kanzu ili waonekane Waislamu. Hii ni kuchezea dini. Mimi singependa watu wachezee dini ya Kislamu. Hata mimi zingependa, hata nikienda kwa Wakristo, kuvalishwa nguo za Wakristo. Hata kama Bishop anataka kunivalisha zile robes zake, zitakubali. Kwa hivyo huu mchezo wa kuvaa nguo za Kislamu ni uongo. Mtu akitaka kuwa Mwislamu, na aslimu. Akislimu ndio tutamfanya kama Mwislamu kamili. Hii ni jambo ambalo Waislamu wa Pwani ni lazima wakome kuchezeza kwa kuvalisha watu kanzu. Hii ni mockery na ni lazima ikome. Kama mtu ni Mkristo, yeye ni Mkristo! Kuna maana gani kwa huyo mtu kuvalishwa kanzu? Hii ni kuchezeana. Waislamu ni watu nadhifu na wanaudhu saa yote. Wakienda chooni wananawa. Haifai mtu mwenye kula ngurue saa moja asubuhi na kuenda chooni bila kunawa na anavaliushwa kanzu. Hatutaki watu kama hawa kuchezea Waislamu. Na kwa sababu ya njaa, wale Waislamu wa Pwani wanachezeza tu namna hiyo.

Bw. Naibu wa Spika, mwisho, ningetaka kusema tungeweka sifa njema. Waziri anayehusika na mambo ya uhamiaji anatuibisha. Tufika Lunga Lunga border, hakuna umeme na watu wanatumia mishumaa. Hili ni jambo mbaya sana. Kwa hivyo Waziri katika Ofisi ya Rais, ni lazima afanye bidii ili awamu ya pili ya Rural Electrification ifike Lunga Lunga border ili huko Lunga Lunga kuonekane ni pahali pazuri.

Kwa hayo machache, naunga mkono.

The Assistant Minister for Labour and Manpower Development (Mr. Ali): Ahsante sana, Bw. Naibu Spika, kwa kunipatia nafasi hii ili nami nizungumze juu ya hii Budget ya 1997/98.

Bw. Naibu wa Spika, kwanza, ninatoa shukrani zangu kwa Waziri wa Fedha, Bw. Musalia Mudavadi, kwa vile alivyosimama imara na kutoa hotuba yake ya Bajeti hii bila tatizo lolote. Masikitiko makubwa sana ni vile wenzetu wa upande wa Upinzani walijaribu kuvunja Bunge hili la heshima kwa njia mbaya sana, ili Bajeti isifaulu kwa kutosikika lakini tunawashukuru Wabunge kwenye upande wa Serikali au Wabunge wa KANU kwa nidhamu ambayo walionyeshwa mpaka Bajeti ikasikika vizuri na wananchi, na vile vile walisikia katika radio na televisheni yale yaliyofanyika.

Mambo yangu yanayofuata ni kama "the Ten Commandments". Ya kwanza ni kwamba hivi majuzi, tumetoka katika hali ya ukame na nchi nzima ilikuwa na matatizo mengi sana na watu wa Lamu pia tulipatwa na matatizo hayo. Tulikuwa na ukame wa kupindukia na hasa, wakati ule mpango wa School Feeding Programme

ulipoondolewa. Tunamuomba Waziri wa Elimu azingatie tena kurejesha mambo hayo ya kulisha watoto wa shule katika sehemu hizo kwa sababu hawana njia yoyote ya kuweza kujisaidia. Hata kama ukame umekwisha, matatizo yako kwa sababu mvua imeanza na ndio sasa tumepanda mbegu na ni mpaka wakati wa mavuno ndipo hali yetu itakuwa sawa sawa. Kwa hivyo, Wizara ya Elimu yafaa kuzingatia matatizo haya na irekebishe matatizo hayo kwa haraka iwezekanavyo, ili watoto waweze kuenda shuleni na kusoma vizuri.

Bw. Naibu wa Spika, mambo yanaotatiza Lamu wakati huu zaidi ni upungufu wa Rural Electrification Programme. Tumekuwa tukiimba kila siku kwamba Lamu itadidimia kwa upande wa uchumi kwa sababu mpango wa umeme ndio kiini cha uchumi. Hatuna viwanda vidogo vidogo vya kuweza kuendesha maisha ya wananchi huko Lamu. Tunaelewe kwamba kuna mpango mkubwa kuhusu jambo hilo, lakini tuanze na mambo yale madogo madogo.

Kama ule mtambo mwingine utakuja kubadilishwa pale Lamu kwa kuleta mtambo mkubwa, basi ile midogo midogo imezeeka sana na sasa, hairidhishi upande wa Amu kwa sababu imezeeka na haina maana wakati huu. Tunaweza kukosa umeme kwa muda wa siku mbili na wale wavuvi wadogo wadogo hawawezi kuweka samaki wao ndani ya barafu na vitu vingine vinaharibika kwa sababu fridges haziwezi kuhifadhi mboga na vitu vingine. Hata hivyo, tunaomba kwamba ile mitambo midogo midogo ingepelekwa katika sehemu ya Mokowe, Matondoni na vijiji vidogo vidogo ili wakulima au wavuvi nao waweze kufaidika. Hata hivyo, tunaomba Wizara ya Kawi izingatie mambo ya Rural Electrification katika Lamu District ni ya umuhimu sana kwa sababu bila Rural Electrification Programme, uchumi wetu utaendelea kuzorota.

Bw. Naibu Spika, kitu kingine cha maana ni usalama wetu. Tunashukuru kwa sababu kwa wakati huu, usalama umelindwa vizuri sana na ulinzi ulioko sehemu ya Lamu ni mzuri kwa sababu tuna GSU, Army na polisi lakini haitoshelezi kuwaacha hawa ndugu zetu waingie msituni bila kuwa na vifaa kama vile mawasiliano ya radio. Wanapoingia msituni, tunakuwa na wasi wasi kuhusu usalama wao. Hata sisi hatulali wao wakiingia mstituni. Kwa hivyo, mambo ya usalama yazingatiwe vizuri sana kwa kupatiwa vifaa na magari mazuri ya kuweza kupambana na hawa majangili mara moja. Hata wakati mwingine, patrol ya Helicopter yafaa itumike kunasa hawa majangili.

Bw. Naibu wa Spika, uchumi kila mara unazoroteka kwa sababu ya mambo mengine madogo. Juzi, Wizara inayohusika ilipiga marufuku kukatwa kwa miti ya kienyeji na hali miti ya kienyeji ndiyo tunatumia kutengeneza majahazi na fanicha pale Lamu. Inajulikana kwamba fanicha kutoka Lamu ndiyo fanicha nzuri zaidi kushinda nyingine mahali popote katika Kenya. Milango mizuri katika Bunge hili inatoka Lamu. Kwa hivyo, hakuna haki ya kuwazuia watu wa Lamu kutumia miti hiyo kufanya kazi zao. Watafanya kazi gani tena? Wengi wa wale ambao wanahusika katika kazi hii ni vijana na hao vijana hawana kazi nyingine. Kazi zimepungua. Kwa hivyo, tunaomba Wizara inayohusika iwaruhusu wakate miti hiyo. Hatupeleki miti hiyo ng'ambo. Sisi huitumia pale pale na hali haitutoshi. Wakati mwingine tunanunua miti hiyo kutoka Tanzania. Je, tutamaliza pesa zetu za kigeni kwa kununua miti kule Tanzania? Hiyo hairidhishi. Ingefaa Wizara inayohusika ifungue biashara mara moja kwa wateja wa Lamu.

Bw. Naibu Spika, tunakushukuru kwa sababu juzi tulipitisha Hoja hapa itolewe kwa wananchi na wanaokuza mikoko wasaidiwe na kazi inaendelea. Lakini tunataka vile vile watu waanze kuruhusiwa kupata leseni ili wafanye mambo kwa utaratibu. Kwanza juzi tumepata ripoti ya kisayansi katika semina moja ambapo ilisema kwamba miti ikikatwa ndipo humea zaidi. Kwa hivyo, kuwe na management nzuri kuhusu kukatwa kwa miti. Lakini ni bora watu wapatiwe leseni ya kuuza miti hii katika nchi za ng'ambo. Hii ni kwa sababu hizi ndevu zimekuwa nyeupe tukiendelea kukuza mikoko.

Bw. Naibu Spika, kuhusu mambo ya kuandikisha wapiga kura, nasikitika kusema kwamba watu wengi katika mawakilisho yangu hawakupata nafasi ya kujiandikisha. Hii ni kwa sababu katika sehemu nyingine, kulikuwa na mafuriko na watu hawangeweza kufika kwa vituo vya kujiandikisha. Mimi mwenyewe nilijaribu kutembelea vituo kadhaa na gari ya Land Cruiser na nikashindwa kwa sababu kulikuwa na maji mengi zaidi. Kwa hivyo, kama vile mwenzangu Mhe. Bi. Nyiva alivyosema ingefaa muda wa kujiandikisha uongezwe zaidi kwa wiki moja. Wengine wanasema mwezi mzima.

Bw. Naibu Spika, tunashukuru sisi wakaazi wa Mokowe kwa sababu Serikali imetupatia maji sasa. Mambo yamekuwa mazuri. Lakini pale Lamu ambapo ni kitovu cha watalii hili ni jambo la kuzingatiwa sana. Hii ni kwa sababu tunataka unadhifu wa pale, mji uwe msafi. Drainage system imekuwa mbaya sana na watalii wakija pale wanaona kisiwa kinanuka. Ingefaa mambo ya kisiwani yazingatiwe haraka kwa sababu hayatagarimu pesa. Si gharama nyingi. Pengine, tunataka pumps za maji kama nne. Tukipata hizi pumps basi maji ya Lamu yatakuwa yamerekebishwa.

Bw. Naibu Spika, kwa upande wa uvuvi, ile biashara ya uvuvi iliyo katika mawakilisho yangu, ndiyo second largest industry katika Pwani na ningependa izingatiwe sana. Tulikuwa na mtaalamu wa uvuvi ambaye ameondolewa na kuwa direkta na hatujapata mwingine. Basi hata yale mabaya ya kuweka samaki, vile vile yamekuwa yanaitwa "white elephants" kwa sababu hayafanyiwi kazi yoyote. Moja iko Mokowe. Nyingine iko pale barabara ya kuenda Shela. Hii ni jambo la kusikitisha sana. Pesa nyingi sana zaidi ya Kshs15 milioni zimetumiwa na Serikali kujenga vituo hivyo lakini havitumiki. Kwa hivyo, ingefaa Wizara inayohusika iyaangalie mambo haya. Kuhusu mambo ya serikali

ya wilaya tunamuomba Waziri azingatie kusaidia kupanga---

Mr. Boy: Asante sana, Bw. Naibu Spika, kwa kunipatia nafasi hii niunge mkono Hoja hii muhimu inayohusu hotuba ya Waziri wa Fedha juu ya Bajeti. Kabla sijasema lolote wacha niwasifu Wabunge wa KANU katika Bunge hili kwa namna ya nidhamu walionyesha siku ya Bajeti na hata leo. Wabunge wa KANU wameonyesha unazifu wa hali ya juu. Hii ni kwa sababu mtoto, lazima awe tofauti na mtu mzima. Na kujua tofauti ya mtu mzima na mtoto watu wazima wana nywele nyeupe. Watu wazima wana ndevu. Watu wazima wanajiheshimu katika hali ya kiutu uzima. Mtoto ni mdogo; hana ndevu; hana nywele nyeupe; hana mambo mengine. Lakini mtu mzima ni mtu ambaye akili na vitendo vyake vyaridhisha. Kitendo kilichotendwa na Wabunge wenzetu si kitendo cha mtu mzima. Hii ni maanake mtu mzima ujiweka katika hali ya kiutu uzima. Sasa swali ni moja ambalo ni lazima tujiulize. Nia ya kufanya hilo jambo lile lilikuwa nini? Nia yao ilikuwa ni kwamba Bajeti isisomwe siku ile. Tujiulize sasa: Je, Bajeti ilisomwa au haikusomwa?

Hon. Members: Iisomwa!

Mr. Boy: Sasa kama Bajeti ilisomwa na wanaendelea kupiga kelele kwamba "Moi must go" au "Reforms before Budget", na huku mhe. Musalia Mudavdi alisoma Bajeti nikuonyesha wazi kwamba nia na lengo lao na hatua waliochukua ni ya kitoto.

Mr. Deputy Speaker: Order, Bw. Boy. Boy Juma Boy, nasikitika hata ingawa hakuna Mbunge aliyesimama kwa, jambo la nidhamu, nafikiri kwa sababu ya rekodi--- I will switch to English. I am sorry. Notwithstanding the lack of objection to your language, I think in the interest of consistency in our records, the reference to Members of Parliament as children has been ruled in the past year to be unparliamentary language. I do not want to set a precedent to the contrary, notwithstanding the occasion. Will you, therefore, desist from using that language.

Mr. Boy: Asante, Bw. Spika. Kitendo kilichofanywa hakikuwa kitendo cha kiutu uzima. Swala ninalojiuliza na ambalo Wakenya wanajiuliza ni hili: Nia yao ilikuwa nini? Ni kukataa Bajeti isomwe, lakini ilisomwa. Jambo la pili ni kwamba waliamua kuchukua mazungumzo yaliotendeka ndani ya Bunge na kuyapeleka kortini. Sasa hao ni Wabunge au wanakamati wa kamati zote katika Bunge hili, lakini wakaamua kuwachana na jambo hilo na kupeleka swala kama hilo ambalo si la kiutu kortini. Kwa maoni yangu kitendo hicho si heshima kwa Bunge hili.

Bw. Naibu Spika, kama kitendo hicho kilifanywa na mhe. Mbunge aliyechaguliwa kuwakilisha watu wake ni aibu. Kitu ambacho kingekuwa cha busara leo ni kutueleza hotuba ya mhe. Musalia Mudavadi ilikuwa mbovu au nzuri. Tungetarajia watueleze ubaya wa hotuba hiyo. Tungetarajia watueleze mafanikio ya siku hiyo na kila kitu kilichotendeka kwa maoni yangu na ya Wakenya wanaoelewa ni kwamba kitendo hicho chaonyesha kutokuwa na nidhamu ya hali ya juu. Huo ni kukosa kuliheshimu Bunge na wale waliowachagua na wale wanawapatia heshima. Mbunge huitwa Mheshimiwa kwa sababu amechaguliwa na wananchi.

Bw. Naibu Spika, wakati wa uchaguzi kuna election fever. Kwa mfano, Bw. Naibu Spika, hii ni Bajeti yetu ya mwaka wa tano tangu tulipochaguliwa kuwa katika Bunge hili. Kitendo hiki kimetokea kwa sababu huu ni mwaka wa uchaguzi mkuu. Kila mtu akitajiwa uchaguzi, hasa mtu anayechaguliwa na wananchi, matumbo yake yanaguruma. Hii ni kwa sababu watu wengi hawataliona tena Bunge hili. Woga wa uchaguzi unawafanya watu wayafanye mambo yasioeleweka. Uchaguzi utamlazimisha mtu kwenda kuwaeleza watu alichowafanyia. Ikiwa kuanzia mwaka wa kwanza hadi wa mwisho wewe ulifurahia kipindi chako Bungeni bila ya kuwa na Harambee au kupigania sehemu yako iwe na maji au barabara nzuri--- Ikiwa wewe umekuwa ukifurahia kuvaa suti na tai na kuendesha gari lenye kibandiko ambacho kimeandikwa "MP" sasa wakati umefika kwako kurudi kwa wananchi na kuwaeleza ulichowafanyia.

Hii ndiyo sababu watu wanaimba kuhusu mabadiliko ya Katiba. Kwa miaka mingi tumewaona watu katika Bunge hili wakiwa na wasi wasi juu ya uchaguzi. Huu ni mwaka wangu wa 15 katika Bunge hili, na nimewaona watu wakishikwa na wasi wasi kwa sababu ya uchaguzi mkuu. Watu hawa hawajui watawaambia nini wananchi kwa sababu baada ya miezi mitatu au minne tutakuwa na uchaguzi. Wabunge wengine wamekuwa wakidai kwamba wana shughuli nyingi na hawawezi kuwasaidia wananchi. Kipindi chao Bungeni kiko karibu kumalizika, lakini hawakumsaidia mtu kupata kazi; hawajakuwa na Harambee wala hawajazipigania sehemu zao ziwe na maji.

Jambo muhimu kabisa ni kuusema ukweli. Wenzangu wanaongea juu ya mabadiliko ya Katiba, lakini mimi najiuliza: Mabadiliko ya Katiba yatamsaidiaje mtu wa Matuga? Kule kwetu tuna shida za watu kushambuliwa na ndovu na ukosefu wa barabara nzuri. Mabadiliko ya Katiba yatawasaidiaje watu wa mashambani? Wabunge hawa wanataka tuwe na Serikali ya mseto ili wawe Mawaziri hata kama wako katika Upinzani au wakiwa katika vyama vyao vya DP au FORD(K). Pia waandishi wa magezeti wana nia zao. Ukiona wakiandika sana juu ya jambo fulani, jua wanalipenda sana. Wao hawaelezi ukweli kwamba Wabunge wa Upinzani wanataka vyeo vikubwa. Hata wewe, Bw. Naibu Spika, sehemu yako ina shida ya kushambuliwa na majambazi. What does constitutional reforms have to do with that problem?

Shida za Wakenya hazielezwi, na kinachoelezwa na njia za kuwanufaisha watu binafsi. Waandishi wa

magazeti hawapendi kuwaeleza wananchi kuhusu shida zao. Wanachopenda kueleza ni kwamba Serikali ni mbaya, KANU inawaonea watu, na haitaki mabadiliko, ambayo ni mazuri kwa nchi hii. Ningependa wanieleze uzuri wa mabadiko kwa watu wa Matuga. Mimi nawawakilisha watu wa mashambani na ningetaka kutosheka kwamba mabadiliko ya kikatiba yatawafaidi watu wa Matuga na Wilaya nzima ya Kwale kwa jumla. Je, mabadiliko ya Katiba yatatuletea barabara nzuri na stima?

Hizi ni porojo za watu wanaotaka "kuonja asali". Wanaiona "asali" ikiwa mezani lakini hawailambi! Hili ndilo jambo linalowauma watu. Inafaa tukubaliane kwamba Wakenya wamesoma na kuerevuka, la sivyo tutakiona kilichomfanya punda kutomea pembe au kilichomtoa kanga manyoya.

Kwa hayo machache, naunga mkono.

(Mr. Sumbeiywo stood up in his place)

Mr. Deputy Speaker: Yes, the hon. Member for--- Is it Kerio Central?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, the constituency still remains "Keiyo Central", but by next year it will be called "Keiyo North".

Thank you very much, Mr. Deputy Speaker, Sir, for allowing me a chance to say a few words on this Budget Speech of last week. Let me, from the onset, praise my colleagues in KANU who remained patient under a lot of pressure from the other side. Eventually we ended up being the winners.

I would like to join my colleagues in praising the Minister for Finance for having been able to present the Budget Speech. Kenyans at large got his message. I would also like to congratulate him because he did not increase prices of many of the commodities used by ordinary Kenyans.

I would like to express my dissatisfaction with the behaviour exhibited here by hon. Members on the Opposite side. We Kenyans are here to develop this country. To do that, we must bring our heads together. If we disagree on anything, I am sure that we can iron out our differences very amicably and come to a compromise. This is because at the end of the day, it is we Kenyans alone who will develop this country.

I would like to join my friend, hon. Boy, in asking hon. Members on the other side--- We should not talk about constitutional reforms when our people go without water. Our people's livestock go without water because no dams have been constructed for the purpose of providing water to their livestock. We should be talking about the immediate needs of ordinary Kenyans. For example, in this year farmers in areas like Uasin Gishu, Kitale, Nakuru, Kericho, Keiyo, Marakwet and Timau, who grow food for us, never got AFC loans.

Mr. Deputy Speaker, Sir, we should be talking about AFC loans. How can the Government of Kenya assist the ordinary Kenyan farmers to be able to produce enough food to feed all the Kenyans, instead of us quarrelling in this House or outside about reforms and how we can copy the developed world. We are still developing.

We should not remain a food importing country, but we should be able to produce our own food, if only the farmers can be given the incentives by being given loans. The other day, there was a talk of the formation of farmers bank. This has not been discussed and nobody cares whether farmers in Kenya are getting the right price for their food crops which they produce. Last year, maize was retailing at Kshs450 per bag. But the hon. Members and everybody should encourage our farmers to produce enough food. We should not talk about the reforms because they do not help the ordinary citizens.

I would like to ask the hon. Minister for Finance to look into ways and means of reducing interest rates from the commercial banks because the ordinary Kenyan cannot borrow from the banks. Therefore, there is no development and an ordinary person cannot develop with a loan of 30-40 per cent interest rate. It is too high. What would you do with money borrowed at 40 per cent? We should be talking about that one.

Mr. Deputy Speaker, Sir, rural electrification has not been supplied countrywide. I would like to request that in the next phase of the rural electrification, consideration should be made in Kerio Central or Kerio Valley, and particularly, the lower part where there is no electrification except the teachers' training college which is there and our people are paying taxes.

At this juncture, I would like to thank the Government for granting hardship allowances for civil servants in Keiyo District. Since I came to this House last year, I fought for that allowance to be given to our civil servants because the civil servants in the neighbouring districts are drawing that allowance. So, there is no reason why Keiyo and Kerio Central, in particular, does not draw that allowance. I am sure, even in Isiolo, Moyale and other areas, civil servants are drawing that allowance. Although the actual allowance has not been disbursed, I would like to request that immediate action be taken so that the civil servants affected receive this hardship allowance.

Mr. Deputy Speaker, Sir, I would like to request the Minister for Environment and Natural Resources, that although they are establishing forests in Kerio Central, the seedlings that have been planted are not taken care of and therefore, they are destroyed at their earliest stages of growth. There is nobody to prune them because the excuse that

is given is that there are so many employees from that Ministry who retired under the "Golden Handshake programme". I would suggest that they employ casual workers to prune those seedlings because they would be useless at the end when they mature, because nobody would use them for any useful purpose. I am suggesting that the Ministry of Environment and Natural Resources takes care of that.

Mr. Deputy Speaker, Sir, we pay a lot of money in terms of Road Maintenance Levy. I do not know how the roads are made in this country, because they are made and within a very short time, they all have potholes. I do not know whether our officers in the Ministry of Public Works and Housing do a good job by supervising these contractors. I would like to suggest that roads in Kerio Central be taken care of. I am also happy that the officials in the field seem to have woken up and they are grading the roads, but we would like them to expand the roads, so that they can accommodate heavy vehicles and other machinery.

In conclusion, I would like to congratulate ASAL officials in Keiyo Central, particularly in Keiyo District. They have done a magnificent job and I hope they would continue to do the same, so that our people can benefit from the money donated by the Dutch and the Kenya Government.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support.

The Minister for Local Government (Mr. F.P.L. Lotodo): Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to congratulate the Minister for Finance for the able manner in which he moved the Budget on 19th June, 1997.

Mr. Deputy Speaker, Sir, quite a number of Opposition figures claim that the Speech of the Minister was not heard. It is true it was read and it was heard. My colleagues in the Opposition do not accept anything good in this Government. So, they should be ignored every now and then.

Mr. Deputy Speaker, Sir, the Office of the President is a very big Ministry and what is important in that Office is security. The GSU, Administration Police, the Police and even the Kenya Army come under Office of the President.

Mr. Deputy Speaker, Sir, if you come from a border district like me, we are different from other Kenyans in Nakuru, Baringo and Nyambene. Time and again, it has been said that we people along the international borders are going to be supplied with adequate weapons for our police reservists, formerly homeguards. I would like my colleague, hon. Kalweo, to get moving because enemies across the border cannot wait until we get them. If they know that the firearms will be supplied to us, they will be on our neck before we receive those weapons. We do not just guard the borders, but we guard even our people who are behind us. Along this line, there is money in that Office for security roads and this money is meant for areas like Marsabit, Isiolo, the entire North Eastern Province, including West Pokot and Samburu Districts.

Mr. Deputy Speaker, Sir, I have never seen at any one time this money being spent in my district. I am wondering where this money goes, year after year. Again, hon. Kalweo, if he catches Mr. Speaker's eye, he should be able to tell us what happens.

Mr. Deputy Speaker, Sir, I would now like to turn to the Ministry of Education. Most of our primary schools are under-staffed. The simple reason is that, the intake year in, year out is based on zones. If you have one zone, you are supposed to be given college chances for only two students. You may be having 50 zones in your area, so you will get 100 chances. But, for some districts like Marsabit, a zone is just like Nakuru District in size. So, you end up having only four students joining a Teacher Training College (TTC) in a year, and those remote districts are the ones which need more teachers. Hon. Kamotho from Murang'a District does not need teachers, like you and me. A zone in Murang'a is the same size as the distance from here to State House. So he gets more teachers than you and me.

(Applause)

In the end, when these students finish their colleges, they are sent out to you and to me, and they do not want to work in hardship areas like Moyale. I am asking the Minister for Education to revoke his decision, and give us more vacancies in TTCs than he gives to himself and the rest of other places like Nyandarua and Nakuru.

Mr. Deputy Speaker, Sir, I happen to come from a place called Kapenguria. In Kapenguria District, the Judicial Department uses the old African Court, which is like a garage. While Bungoma is in the process of constructing a High Court, Kapenguria is still having that *banda*. I do not know what criteria the Attorney-General uses to determine which district should have the High Court or a better building for the Judicial staff, and which ones should remain behind for the time being. I would like him to do something for the Kapenguria court.

Finally, Mr. Deputy Speaker, Sir, I would like to assure the residents of Nairobi and other towns that hawkers cannot be entertained any more in the Central Business District, (CBD). Therefore, the central part of the City and of other main towns like Kisumu, Nakuru and the rest will be free of hawkers. The problem we had three or four weeks ago in Nairobi is that, hawkers were imported, mainly from Murang'a District and parts of Kiambu District, just to

come and disrupt the residents of Nairobi.

I did give a Ministerial Statement here allocating three places for these hawkers, but they ignored that Statement.

Mr. Deputy Speaker, Sir, we gave them a chance to go to Nyayo National Stadium, behind Mang Hotel, KBS Bus Park and they refused to go to these places. They will no longer be allowed even in those places. So, they can go back to Murang'a, Kiambu and elsewhere. I would again like the Minister for Education' now that he has more money for bursaries than last year, to reconsider his former decision of giving bursaries on secondary school basis. He should consider schools in areas like North eastern, Eastern and other hardship areas. These people are on famine relief now and, therefore, they cannot be expected to raise Kshs30,000 for a secondary school student. They cannot be expected to raise Kshs52,000 for a university student.

Mr. Deputy Speaker, Sir, with these few remarks, I beg to support the Motion.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): On a point of order, Mr. Deputy Speaker, Sir. Do you not think that it is rather advisable for the Speaker's eye to look at the other side? This is because there is a Member of Parliament who is seated there. It is only this side that has caught the Speaker's eye.

Mr. Deputy Speaker: Order! I cannot forget that the only Member of Parliament to my left who stood up to catch my eye is, in fact, a Member from the right side of the House.

Mr. Kariuki: Mr. Deputy Speaker, Sir, I also wish to join my colleagues in this debate.

First of all, I would like to thank you very much, and also the Speaker, for the way you have conducted this House during these few days that we have had problems emanating from our friends on the other side of the Floor.

Mr. Deputy Speaker, Sir, it is true that no country has complete democracy and we cannot pretend that in Kenya, we are more democratic than anybody else or any other country in the world. But by our own standards, I think we have gone very far in maintaining what one would call a democratic state because we are not a police state.

This country has held elections from 1963 after Independence and even before 1963, that is from 1957. There have been elections even up to now. The purpose and reasons for elections is to let people have the opportunity of electing the people they want to lead them; the people that they want to become their leaders.

In the recent elections, in 1992, the people of this country demonstrated their will by electing, through Opposition, the Members they wanted to get and those are the people. They also demonstrated the fact that they wanted President Moi to lead them for another five years. They gave him enough people to support him towards the end.

Mr. Deputy Speaker, Sir, it was not by accident that President was elected. This is something that we need to understand. The hon. Members from the opposite side should know that they were elected and President Moi was given the mandate to run this country according to his ability. If it had happened that this country had a coalition government, it would have collapsed on Thursday. We would have been calling for elections every other day. To hold elections, this country would require Kshs2.5 billion. Do we have money for these kind of elections? I do not want to say that it is one of the best countries as far as democracy is concerned, but looking around, you will see that we have tried to bring democracy in this country.

One should ask himself why the Opposition Members are behaving the way they are doing. Are they doing this because they are so ignorant? Is it because they are not educated? Is it because they do not know what they are doing? These people are mature enough and they know what they are doing. The gentlemen on the opposite side are so frustrated that, they would do anything to sabotage not only the House, but the Government. They will make sure that there will be no elections in the next few months. They have tried their best to deceive the public of this country and to pretend that they are not out for power struggle.

What we have witnessed is that among the Opposition parties, they have a problem of putting their house in order. Look at FORD(A), it is nothing but a tribal party. Who does not see what FORD(K) is. What about DP? These are tribal alliances. They know what they are trying to do. They have failed in uniting themselves. They cannot produce a single Presidential candidate because they are all obsessed with power struggle. They will want to capture power by whatever means. Their behaviour here today is a clear indication that they not addressing Kenyans, but using the House and the Kenyan people to address their foreign masters wherever they are. They have failed to get money. They cannot get the amount of money they got in 1992. In 1992, everybody was euphoric. Both sides had euphoria but today, people have come to their senses. People are now realistic and they have told them to say what they have done in the last four years. If you see gentlemen of the standard of our friends behaving in a most atrocious manner like they did when they organized an illegal meeting in the City, it is very sad. Some people suffered. People lost their property. Who in this country can support that kind of lunacy - I am sorry maybe the word is unparliamentary. It is very true that the behaviour was unacceptable and nobody would support this idea. The other day, they wanted to take away the Mace. I do not know whether Parliament would have continued. I think this matter needs to be clarified by the Speaker, maybe next time.

Mr. Deputy Speaker, Sir, foreigners are not fighting for human rights or democracy in this country for the sake of the African Community. They are trying to create Kenya as their stepping stone in managing Africa in the direction that they decide. It is a known fact that Africans are now in another big international battle. That is, globalisation of the economy. That will be done by the foreigners and not the Africans. The African countries have nothing to offer in terms of competition. But these guys know what they want to do. They want a "white man" who will come to manage Africa. He has to be settled in Nairobi and that is why they want Nairobi to become an example to the entire Africa.

Mr. Deputy Speaker, Sir, before I finish because time is running out, I would have continued, let us ask ourselves: Since the last General Elections, what have we done for the street children, the jobless and the poor, other than struggling for power? The citizens of this country are no longer interested in who is going to be in which shell. They are interested in their survival in terms of basic needs. This is what we want to make sure that, the next government will give priority to the poorest people in this country and the security of the ordinary man. Where I come from, people are totally insecure. They are surrounded by people with guns. An experience which we have never had or seen before. People are being killed left and right because the managers of the security are either reluctant to protect some people in this country, they are tired or expect bribes in their offices before they do the work. I think time has come for us to change our political tactics in favour of the development of the ordinary person.

Mr. Deputy Speaker, Sir, food supply and distribution is the most notorious kind of project. There are people who are so hungry and yet, they do not receive this food. Instead, they are asked to pay money, so as to get this food.

With these few remarks, I beg to support.

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Deputy Speaker, Sir, let me begin by commending most sincerely, the Members of Parliament who were here through the ruling party KANU, for the maturity and wisdom which we all expressed here on Thursday during the reading of the Budget.

Mr. Deputy Speaker, Sir, I think I should also pay great tribute to the Head of State of the Republic of Kenya, President Daniel arap Moi who sat calmly here and watched the drama as it unfolded. Because there is no doubt at all that the behaviour of the Members of the Opposition was intended to provoke the Members of KANU and even much more important, perhaps to test the tolerance of our President. I think it has now been demonstrated not only in Kenya but all over the world, that our President is a tolerant person, very calm and indeed, a person who really cares for this nation. If this sort of thing had happened before any other Head of State, there is no doubt that a number of the Opposition hon. Members who misbehaved or even tried to insult many of us here, perhaps, would have been arrested, but it is not so with President Moi. This country is very lucky that, indeed, we do have such a fatherly Head of State leading this country. History will tell one day when this country will be ruled, and I hope this time does not come, by an intolerant leader. That is when Kenyans will keep on remembering the good works of President Moi and his wisdom. What a kind person he is!

Mr. Deputy Speaker, Sir, I want to take off my hat, as far as my colleagues on this side are concerned. You acted wisely. You acted in the interest of the Republic of Kenya and interest of the people of Kenya. I have no doubt when the time comes for the election the people of Kenya will know who truly stands for their own interests and who stands for their destruction. Kenyans were able to see that.

Mr. Deputy Speaker, Sir, the Budget is, perhaps, the most important act of business that any Parliament anywhere in the world is normally called upon to deliberate. It is a solemn occasion for all hon. Members, irrespective of their own political differences to listen to the deliverance of the Budget. Those who disagree with it, in keeping with democracy, will then through the debate express devious views.

Parliament is not a place for people to fight with fists, it is not a place for shouting at each other and so on. We were elected by our own people to represent them. To be deliberating quietly, respect one another, we can disagree, but we cannot fight out. We are supposed to use persuasive language to be able to put our views across. This Parliament does not belong to one person or one side. Unfortunately, hon. Members of Opposition seem to have their priorities wrong. They appear to believe that they are in this Parliament to bulldoze whatever they believe suits them. They believe that the Constitution of this country, the Standing Orders which governs the conduct of this House, can actually be waived to satisfy their whims. This cannot happen.

Mr. Deputy Speaker, Sir, not only did we see despicable behaviour on the part of the Opposition, but even this afternoon, they rose on points of order whose intention was to try to block the deliberation of this Budget. The Chair was kind enough in accordance with neutrality of the Chair, to allow the hon. Members of Opposition to put their case forward. They were then referred to the Constitution. As far as the Constitution is concerned, the issue relating to separation of powers, what Mr. Speaker said constitutes a matter that is *sub judice*, and how matters of *sub judice* are to be handled. They could not listen. They had no respect for the Chair. They walked out.

Mr. Deputy Speaker, Sir, we must make it quite clear that we support the Chair and we respect it. We are not

going to allow any action which for one reason or the other is dissatisfied to try and cast aspersion on the Chair. We have full confidence in the Chair and we shall continue to respect it. The neutrality, dignity and honour of the Chair, we will protect and we shall continue to safeguard it.

(Applause)

Mr. Deputy Speaker, Sir, we want the Chair to continue to discharge its duties without any fear whatsoever. The Chair is elected by this House to discharge its duties. It is not there to favour the views of one person or the other. It is there to do the job for this Parliament, for the interest of this country.

The other thing that I want to say quite clearly is that, the people in the Opposition have been telling Kenyans that the reason why they are behaving in this outrageous manner is because they believe in the reforms. The reforms are not achieved in this manner. Mature men and women who have been elected to Parliament know very well that, the reforms have got to be done through this House in a constitutional manner, and not by outrageous behaviour or in a primitive manner. This is a civilised House.

But I think we want to tell Kenyans one thing: It is not that we in KANU do not believe that there is no need for reforms. We recognise clearly that Kenya is a dynamic society. We also know, right from 1963, that our Constitution has gone through fundamental changes. But there is one thing that we are saying: That is where we part company with the Members of the Opposition. It does not mean that elections are identical with reforms; that any time that there is an election, it is the time to call for reforms. We do not believe that is in the interest of all the Kenyans, neither do we believe that any time we have reforms, we must have elections. That is on the contrary.

The position that we take is as follows: This is the time of electioneering and it has already started. Over six million Kenyans have already been registered. There is no doubt that every hon. Member who is sitting in this House is currently thinking in terms of elections, and asking when the elections will be held. There is no doubt that every hon. Member is thinking in terms of the elections. But the question is this: Should we now be discussing major Constitutional reforms when our minds are not that sober? The Constitution will need to be looked at thoroughly and clearly. In order to do justice to the Kenyan people, we who sit here cannot decide on behalf of all Kenyans, what the Constitution must be.

It is only a commission, as stated by His Excellency the President during Madaraka Day celebrations, which can carry out this exercise. A commission consisting of eminent and wise people will go to various parts of this country to consult Kenyans on what they want for our future, and they will come with a report. Only then, can we be able to discuss meaningfully, a Constitution for the interest of this country.

[Mr. Deputy Speaker left the Chair]

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

There can be no doubt that in order to be able to achieve that objective, you cannot rush that exercise. That commission will have to be given sufficient time to go all over the country, listen to the wananchi and the various opinion bodies. That will take quite a while. The General elections are only a few months away. If you count on the basis of the five-year deadline, and, indeed, what the people actually want, is a peaceful amendment. So, the only best time to be able to sit down, look at the Constitution of Kenya meaningfully and comprehensively, is after the elections. This is because there will be no fever.

With those few remarks, I beg to support.

Mrs. Nyamato: Mr. Temporary Deputy Speaker, Sir, the conduct of the Opposition Members of Parliament during the Budget Speech is something which all Kenyans should note. This was not the first time that we have had a Budget Speech since the last elections in 1992. But it appears that since most of them have done very little in their constituencies, they are taking this opportunity to try and impress the electorate that they can also cause some trouble. I do not know whether that trouble can be considered as a measure of development or what message they were trying to pass across.

Mr. Temporary Deputy Speaker, Sir, I must commend the Minister for Finance, hon. Mudavadi because he was able to read his Budget Speech very well. We all listened to him but of course, there were some disappointments because the noise made by the Opposition Members was too much. It was also deplorable because very old people with white hair were jumping up and down as if they were in a nursery school. It something which I have never seen for the last two years I have been in this House and it should be condemned. What example are they trying to show to their young up-coming grand children when they are making noise in an honourable House and yet, they are referred to

as hon. Members of Parliament.

Mr. Temporary Deputy Speaker, Sir, the roads in this country have become a real problem. We have so many accidents that these days, when people go on a journey, you get worried whether they have arrived or not, because of the high number of accidents on Kenyan roads. The roads themselves are in a deplorable state. The buses and the matatus are over-speeding and it is high time that speed-governors were introduced in Kenya. This matter should not be taken lightly any more because of the high deaths occurring on the Kenyan roads. It is now surpassing known diseases like malaria. Deaths on our roads are now competing with deaths related to AIDS and this is one thing which the Government should take seriously. The Ministry of Transport and Communications should come up and introduce speed-governors that we talked about here sometimes back.

Mr. Temporary Deputy Speaker, Sir, the Kisii-Chemosit Road has been discussed for many years and it has become the talk of the century. I am appealing to the Government to consider completing this road even by moving the machinery there, at least before the general elections because this is a very big matter of concern in the whole of Gusiiland. If we are going to go to the General Elections before the tractors even move to the site, this is going to cause a lot of problems to the KANU candidates because this is all that is always asked about. If anything, the condition of the same road is now becoming worse and worse. The bridge at the junction of Kisii-Chemosit Road becomes impassable when it rains. Sometimes, the buses have got to divert and pass through Sondu which is very expensive and people are not sure whether the construction of the road is going to start or not. Mr. Temporary Deputy Speaker, Sir, in Kisii District, the months of June and July are being referred to as the months of the funeral because of highland malaria and since this has been happening for the last five years, it is high time that the Government took pre-cautionary measures to make sure that we have enough drugs in the two months of June and July to be able to handle the outbreak of highland malaria that occurs during these two months. If you visit Kisii District Hospital now, and it was in the papers over the last two weeks, there have been so many patients and some of them are just lying on the floor and for somebody suffering from malaria to sleep on a cold floor, it adds insult to injury. Now that this is not something new, the Government should make sure that in the months of June and July, we have enough drugs in all the dispensaries and hospitals within Gusiiland.

Mr. Temporary Deputy Speaker, Sir, there is going to be the problem of food shortage this year. In some parts of Kisii, we already have green maize and people are travelling all the way from Nairobi to go and buy the green maize from the shambas.

Mr. Temporary Deputy Speaker, Sir, due to the demand for green maize, people are harvesting maize at night so that they sell it to those who roast it in Nairobi. Roasting of maize should now be banned because it contributes to the theft of maize in people's shambas. It also contributes to shortage of maize that would eventually be harvested in the shambas. This is something that should be looked into immediately. We should stop the theft of maize because it is going to lead to shortage of maize that would otherwise be harvested sometimes in August this year.

Mr. Temporary Deputy Speaker, Sir, I am appealing to the Minister for Education to consider employing graduate from three private teacher training colleges in Kisii. These graduates have not been deployed for the last two to three years. Last year, the number of private graduates from teacher training colleges in Gusiiland was about 1,300. We are going to have new graduates this year and the number will swell. It does not make sense for the Ministry of Education to construct more teacher training colleges when we already have private teacher training colleges that are producing teachers who are not being posted anywhere. It is better to concentrate on the private teacher training colleges that are already thereby providing all the facilities that are required than the Government to commit more money on constructing more private teacher training colleges.

Mr. Temporary Deputy Speaker, Sir, I would also commend His Excellency the President for having initiated the National Youth Development Fund. The only problem that I can envisage that the youth are going to face problems in utilising this money even if they were to start projects in the rural areas, is the problem of lack of electricity. Without electricity there is very little that they can do in terms of undertaking projects such as making furniture and carrying out other projects that need electricity. It is high time that the Ministry of Energy took up rural electrification programme as one way of assisting the *jua kali* sector that has now become the main employer in Kenya today.

Mr. Temporary Deputy Speaker, Sir, I also want to say that it was good news for the Minister for Local Government to increase the salaries of councillors. Although we have increased the salaries of the councillors, some subordinate staff serving these councils have not been paid their salaries for the last two years. An example is Nyamira County Council which has not paid its community development assistants (CDAs) their salaries dating back to July 1995. The Ministry of Local Government should look into the question of taking over some of these junior employees so that they are paid their salaries regularly. Also when it comes to the collection of market tax in the rural county councils, there seems to be no proper system of checking how much tax is collected from the markets or how it is utilised. It sometimes appears that those who collect that money pocket it. This is because some of these county councils are perpetually bankrupt and their subordinate staff have not been paid for a very long time. That is not

encouraging and most of those councils do not develop because they do not generate enough revenue to meet their own needs.

Mr. Temporary Deputy Speaker, Sir, now that we are approaching the General Elections, security in the country should be taken seriously. Here is where again the Office of the President comes in. As regards salary increases for civil servants and the police personnel announced by the President, the first priority should be given to the police. This is to enable them to take their work seriously. This is because insecurity in the county is causing a lot of concern. In some areas like West Pokot District and other areas in Northern Kenya we have it on record that most of the women have not registered as voters. This is because they fear venturing out because of insecurity. The Government should look again here into ways and means of making sure that all eligible Kenyans who have been prevented from registering as voters are registered. Due to the insecurity in those areas, a lot of women have not been able to register. Since this year a lot of women candidates have declared their intentions to stand for both civic seats and parliamentary seats, women need to register so that they can support their fellow women.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Wetangula): Hon. Members, due to the interruption that we unfortunately suffered earlier on, we shall sit up to 7 O'clock. Proceed, Mr. Moiben.

Mr. Moiben: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. I want to commend my colleagues on the KANU side of the House for having emulated the President. The President himself became a role model for us to emulate. By keeping calm in the face of the intense provocation we confirmed that we in this side of the House are men and women of substance.

I want to thank the Government for tarmacking Kitale/Endebbes Road in Trans Nzoia District. Indeed, we are grateful since it is the first project from which we have benefited since Independence. I want to plead with the Government to also tarmac the road leading to Suam on our border with Uganda, where we have a customs office. The road between Endebbes and Suam, a distance of about 25 kilometres, is almost impassable. If this road is tarmacked, and considering that now we have the East African Co-operation, it will facilitate a lot of business within the region. If we have a tarmac road from Suam through Endebbes, Saboti, Kapsokwony to Cheptais food output from these areas may even double. Now famine relief food is being supplied to both Trans Nzoia and Mount Elgon Districts, and if this road is tarmacked, there would be no need for these districts to be given famine relief.

The other thing that I would point out to the Ministry in charge of agriculture is that Trans Nzoia District, which is regarded as Kenya's granary, does not have diversified industries. I want to appeal to the Ministry to see whether it can put up a few factories for us around Kapsokwony/Endebbes in Trans Nzoia District. The climate of these areas is similar to that of Bungoma and Busia Districts. It is slightly arid and sugar cane can do very well there. I am appealing to the Minister in charge of agriculture to consider establishing a sugar factory in that area.

We have Mount Elgon Forest which supplies wood to some factories like Elgeyo Saw Mills and Webuye Pan Paper Factory. As much as we would like to benefit from these factories it is the people around them in Keiyo and Bungoma Districts who benefit from them. We supply the wood, but we do not get employment opportunities. We are appealing to the Ministry of Environment and Natural Resources to consider putting up a factory in Trans Nzoia District, around Mount Elgon where the raw material comes from. It is pointless for that raw material to be taken all the way to Webuye when it can be processed at its source.

I also want to appeal to the Minister for Agriculture, Livestock Development and Marketing in connection with tea. A lot of tea is produced in Cherangany and parts of Saboti. However, that tea is transported for nearly 100 kilometres to Kapsabet to be processed. The result is that a lot of loss is caused to farmers because the tea loses a lot of water on the way. It is important for the Minister to consider putting up factories in Saboti and Cherangany. He can start with the one in Saboti so as to process top quality tea in Trans Nzoia District.

There are people among the hawkers who are very good businessmen and they need to be supported to earn a living. So, I am appealing to the Ministry of Local Government in conjunction with the Ministry of Commerce and Industry to see how best they can address the issue of unemployment, maybe by harmonizing these hawkers in various towns. They can be given labels or identification badges so that they only sell goods which are legally allowed because others might be selling stolen items, and unsuspecting buyers end up buying stolen goods. If these people were given badges and they are centrally controlled by wearing uniforms, while carrying receipt books with the numbers, so that you can identify them, you would end up knowing that next time if you buy some goods from this hawker, he is a sincere businessman. They need to be confined somewhere and they should not be moving from Kitale to Nairobi or Nairobi to Nakuru because that is another way of trying to evade the law. So, an honest person who wants to survive must be helped.

Mr. Deputy Speaker, Sir, I am appealing to the Minister for Finance to look into the question of interest rates.

These days, if somebody goes to a bank for a loan, it is like trying to cut his life by half because nobody can afford the interest rates of 30-40 per cent. The Minister for Finance should have enough teeth to cut down the interest rates and

he should never be toothless. He must be seen to do something about the question of interest rates. Nobody in this country would accept that. The responsibility is on the Minister for Finance to see that interest rates in this country come down. We are having a very rough time and it includes the hon. Members here. The interest rates of 35-40 per cent are very high and nobody can afford to borrow and trade with many on that high interest rates.

Mr. Deputy Speaker, Sir, nobody now can even get a loan from both the AFC and the commercial banks. The AFC is non-committal. Where can a good farmer go for help, even to get the farm inputs? This situation must be addressed by the Ministry of Agriculture, Livestock Development and Marketing, the Ministry of Finance and Office of the President. Farmers, indeed, are having it very rough, and, unless we look into this situation, this nation will continue begging for food year-in-year-out.

The other matter is in relation to the so-called highland malaria. I am appealing to the Ministry of Health to see how best it can alleviate the situation. As it is today, in Trans Nzoia District Hospital, three patients suffering from malaria are sharing one bed. Malaria is very much around and, as one speaker rightly pointed out, around the months of June and July, malaria always affects our people. The Ministry of Health must look into this case so that our people are rescued from highland malaria.

Mr. Temporary Deputy Speaker, Sir, as somebody said, we thank the Ministry of Local Government very much for increasing the salaries of councillors, because they as politicians, have a lot of work. Once in a while they help us to carry out some functions, for example, harambee functions.

I am sure with the co-operation within the Government, the Electoral Commission--I do not know what we can do about the identity cards. The issue of identity cards is a thorny issue. People apply for identity cards and some have been waiting for six months, but they are yet to get them. We have been to the Office of the President to see how best they can be able to speed up the process so that these people may get the identity cards and be able to vote.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support.

Mr. Chebelyon: Thank you, very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to join my colleagues in contributing towards this Finance Bill.

In the first place, I wish to congratulate His Excellency the President for his constraint during that period of chaotic wrangles, which were brought about by the Opposition at the time of reading the Budget. Further to that, I wish also to congratulate the Minister for Finance for his endeavour and dedication that he put in place during that period. The presentation of the Financial Speech was very moving, inspite of all those wrangles which were overcome.

I would now like to turn to the contents of the Financial Speech which are very important. It is our duty as hon. Members of this House to seriously consider such important speeches, proposals and dedications presented by the Ministry of Finance. We hope that all the Ministries that have been touched in this Financial Bill will put whatever was discussed in this Speech into practice.

It is very unfortunate that year in, year out, we present a Finance Bill, we appropriate money to various Ministries, but at the end of the year, whatever has been appropriated or allocated to various Ministries seems not to have been put to use. For example, my Constituency has no electricity, and in the previous year, it was planned that the whole Constituency was to be rurally electrified. That plan never materialised. But it is even more unfortunate for my constituents because on both sides we border with tea estates. We are in the centre of two tea estates. When you look at the tea estates at night it is very bright. When you look at the rural areas which this electricity is meant for, it is very dark. For how long can these people remain in the dark ages the way we are now? So, I am appealing to the Minister for Energy to see that we evolve from the dark ages to the new age because the foreigners whom we consider to be foreigners, the tea industry farmers, the multinationals, their schools and roads are well looked after, whereas in our rural homes, we do not even have electricity.

I appeal to the Ministry of Public Works to see to it that these roads are maintained. As a dairy farmer, I know that for a cow to produce more milk, you must feed it. Kericho and Bomet Districts produce 50 per cent of the tea that brings foreign exchange to this country. The money earned as foreign exchange should be ploughed back to these areas so as to realise more productivity in good time.

Mr. Temporary Deputy Speaker, Sir, water is a basic need or a necessity. As a necessity, we are happy that water is being pumped from my constituency down to Buret Constituency and have no quarrel with that. But we should not be beggars when our area is the source of water. I appeal to the Ministry of Land Reclamation, Regional and Water Development to ensure that water is not be pumped to other people and we are left waiting for the second phase. We may have to wait until Jesus comes back to help us. But we know that our Government can do it, unless the Ministry concerned is not really prepared to help these people who really produce much to help the economy of this country. My constituency produces maize, tea, wheat and so many other crops and it should be given some incentive to produce more. Whatever is produced should be ploughed back so that it can produce more. I think, it is high time

our roads were improved and I have always been saying it and I will still continue saying it. Unemployment should not be in this country. If people are really serious about the elimination of unemployment in this country, we should use manual labour to construct roads. I went to India and I saw women constructing several miles of roads. Why do we not use people in road construction and pay them? Even the roads which are constructed manually are the best.

An hon. Member: You are right!

Mr. Chebelyon: Mr. Temporary Deputy Speaker, Sir, in this case, we should think seriously about how best we can reduce unemployment in this country. We should not always be looking for industries; let us create employment through the construction of roads by using manual labour and the unemployed youths will also appreciate it and I think that way, we will create employment. I say this is because the aid coming from overseas is normally by expatriates and machines which take the money back to the donor countries. Consultants are brought from overseas, when we have consultants here. Why do we not use these people?

For example, the road from Kipkelion right to Sotik was constructed in 1946, There were no machines, it was built by manual labour. That road is still in use, but those ones which were constructed recently have already gone out of use. So, in this case, I think, if we use manual labour in road construction, especially in my constituency where we have hills and valleys--- These days roads get worn out faster than before. So I am if people are used, I am sure this will work well. Talking about health facilities -I am not complaining - medicine should be supplied to our small hospitals and dispensaries. Whenever we allocate money here for health facilities, we should see to it that that money is put into good use.

With those few remarks, I beg to support.

The Assistant Minister for Transport and Communications (Mr. Morogo): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me the opportunity to add my voice to the Budget Speech by the hon. Minister for Finance.

First, I want to congratulate him for doing a good job despite the heckling that we had from the other side of the House. It was a bit unfortunate that we, the hon. Members, sometimes abdicate our duties and turn to unbecoming behaviour. This is very unfortunate, particularly when it comes from the august House.

I wish to say that we have a responsibility as Members of Parliament and as leaders to our people. First and foremost, what our people want us to do it is to discuss how we can assist them overcome some of their problems. I believe our people want to know how the Government and leaders can solve water problem in rural areas. They want to know how they can be assisted with road infrastructure so that they can go about their business without difficulties. These are some of the things we ought to be discussing, whether we are in the Opposition or in the Government. People down there are looking at us with a lot of hope. The world is looking at us. We believe we know what we are doing. The only way we can build this country is by discussing seriously such issues. What we saw the other day was very unfortunate and I do not think that we will help our people in any way. If anything, it is just to downgrade the dignity of this House and the dignity of our country.

Some of the issues that some of the hon. Members are raising about constitution reforms can be addressed in this House through Motions. What are they doing today about that? You will realise that they have already run away from that responsibility. The hon. Members on the opposite side have given away that responsibility to the Members of the clergy, Non-Government Organizations, foreigners and so on. May I remind them that those are not the people who can effectively bring about the change that is required. Not if we are respecting the Constitution we are talking about. Let me tell them that their duty is to represent the people they represent and respect their opinion. I respect the opinion of these people and I know that they are supposed to advise us, but it is for us to articulate those ideas in this House and not in the newspapers because that will not help much. So, I wish to urge hon. Members to be more honourable on matters that will help this country grow.

Mr. Temporary Deputy Speaker, Sir, regarding finance, I wish to add my voice to the fact that what we need in Kenya today is to finance production. We need to finance agro-based activities and industrial activities because these are some of the things that will help our economy grow. This is the surest way of creating employment for our people and I wish to thank His Excellency the President for taking time to solicit investors to come and invest in our country. This is why as leaders we must create that atmosphere where foreigners and friends can come and invest in our country to have an increase in production, create employment and hence have an economy that is desired in this country.

Mr. Temporary Deputy Speaker, Sir, I wish to mention some of the problems that people are facing in my constituency and wish to urge the relevant Ministries to come to their aid.

First, we know education is a very important element of development today and I wish to thank the Ministry of Education for allocating some amount this time more than last year to fund the education budget. But, I wish to request the Minister for Education, that when he allocates the bursary funds next time, he should consider people in my constituency. Because some of them are so badly placed that they cannot afford to pay fees. Some of them come from

very dry and difficult areas that cannot be reached by vehicles, they have to walk and it is thus very difficult for people to engage in activities that will help them get the necessary funds to be able to educate their children.

So, I would like to urge the Minister for Education to consider my constituency or my district with a better allocation next time.

Mr. Temporary Deputy Speaker, Sir, along with that, I wish to urge the Ministry of Health to consider establishing dispensaries in some of these difficult areas.

People have great problems as I said, because of bad roads and it is difficult for them to reach the health centres to receive the necessary treatment for some of the diseases that come about in such areas. So, I would like to urge the Ministry of Health to establish dispensaries in these difficult areas so that health and other medical services are brought closer to the people in order to assist them in time of need.

Mr. Temporary Deputy Speaker, Sir, I also wish to request the Ministry of Public Works and Housing to mark the road from Eldoret down through Eldama Ravine to the Molo River junction. This is one of the roads that is now becoming very busy. It is an alternative road to Eldoret and many road users are using it at the moment. But during the rainy season, when it becomes foggy, it becomes very dangerous and lives may be lost on this road because it has not been marked with white and yellow marks at the centre.

I would request that the Ministry continued with those marks from Torongo where the last mark is and continue to Molo River, so that it makes it easy for drivers and motorists on that road to travel safely.

Mr. Deputy Speaker, Sir, I wish to urge hon. Members to be more responsible because we are losing a lot of lives on our roads. I think some of the factors that contribute to this loss are poor markings of roads.

Mr. Deputy Speaker, Sir, I wish once again to urge Kenyans to be serious in building their own country. Nobody from outside will maintain peace that prevails in Kenya, but Kenyans themselves.

In African countries today where there is turmoil, it has been left to Africans themselves to solve their own problems while in European countries, for instance, when there was war in Bosnia, the governments of the world participated in restoring peace. If you look at Africa today, Africans are left to solve their own problems by themselves.

In case of turmoil in African countries, all that the foreign governments do is only to assist in repatriation of their citizens back home, leaving Africans fighting among themselves. This tells us that as Africans, we have to be serious, chart out our own destiny, cause and work for our people.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Wetangula): Order! Hon. Morogo, your time is up!

Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, 25th June, 1997, at 9.00 a.m.

The House rose at 7.00 p.m.