

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 1st August, 1996

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Controller and Auditor-General together with the Appropriation Accounts, Other Public Accounts and the accounts of the Funds of the Republic of Kenya for the year 1994/95 - Volume I.

(By the Minister for Finance)

The Annual Report and Accounts of Homa Bay Hotel for the year ended 30th June, 1990 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Homa Bay Hotel for the year ended 30th June, 1991 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Homa Bay Hotel for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Homa Bay Hotel for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Utalii College for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister,
Office of the President (Mr. Sunkuli) on
behalf of the Minister for Tourism and Wildlife)*

The Annual Report and Accounts of Kenya Veterinary Vaccines Production Institute for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister, Office
of the President (Mr. Sunkuli) on
behalf of the Minister for Agriculture,
Livestock Development and Marketing)*

The Annual Report and Accounts of Jomo Kenyatta Foundation for the year ended 30th June, 1995 and the Certificate thereon by the Auditor-General (Corporations).

The Annual Report and Accounts of Maseno University College for the year ended 30th June, 1992 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister, Office
of the President (Mr. Sunkuli) on
behalf of the Minister for Education)*

ORAL ANSWERS TO QUESTIONS

Question No.916

TRANSFER OF KANDARA DIVISION

Mr. Kareng asked the Minister of State, Office of the President:-

(a) whether he is aware that residents of Kandara Division prefer to be in Thika District, instead of Murang'a District, where they have to travel for a long distance to reach the district headquarters; and,

(b) if the answer to "a" above is in the affirmative, when he will effect this change.

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that after complaints from several quarters on the issue, my office referred the matter to the Kandara Sub-District Development Committee (DDC) and the Murang'a DDC. So far, recommendations from the DDC have not been

received in my office for consideration. The new Thika District was just carved from the old boundaries, when Thika was a district some years back. Kandara is in Murang'a and Thika now is on its own. The area residents should pursue this matter further at the district level for us to take action.

Mr. Kareng: Mr. Speaker, Sir, we can assume for even once, which we do not think is true, that the district boundaries are carved so as to bring the administration closer to the people. If you look at the map, Kandara and Thika are just about ten kilometres from each other. Why were the views of Kandara people not sought before the boundaries were created?

Mr. Kalweo: Mr. Speaker, Sir, I agreed in the first place that we have had complaints from different quarters within that area. I know very well that Kandara is not even ten kilometres from Thika, it is just on the border. As it is a matter touching on another district, it is for the people of Kandara and Murang'a as a whole, to discuss the issue. When they agree, we will have no objection.

Mr. Ndicho: Thank you very much, Mr. Speaker, Sir. Majority of the people of Thika come from Kandara. In fact, the Mayor of Thika and his Deputy and most councillors in Thika Municipality come from Kandara. I would like to correct the Minister where he said that the current Thika District was created from the old one. This is not true, because Gatundu and Ruiru Division were not in the old Thika District. All we are asking is, and as the Member for Kandara says, by bringing these people close to Thika district, it will help them transact their businesses because Thika---

Mr. Speaker: Mr. Ndicho, please be brief.

Mr. Ndicho: Mr. Speaker, Sir, Murang'a town, which is their district headquarters, is about 40 kilometres away while Thika District headquarters is only 10 kilometres away. So, can the Government consider hearing our cries? We even appealed to His Excellency the President to rescind the decision which was brought about by hon. Kamotho and have Kandara Division in Thika District because it is just neighbouring Thika Town, where the District Commissioner is.

Mr. Kalweo: Mr. Speaker, Sir, I think, in a way, we are in agreement. It is only that, as I said, they should pursue the matter according to our procedures. These recommendations should come from the DDC. So, I request the Member concerned to go and pursue the matter on the ground, and if they need any assistance, the District Commissioner is there to help.

Mr. Speaker: Final question, Mr. Kareng.

Mr. Kareng: Mr. Speaker, Sir, we have already done what the Minister is saying. We have already passed that within our Sub-DDC. In fact, last week on 23rd July, 1996 we went to see the Provincial Commissioner with a Memorandum from our people because we have tried to get the District Commissioner to effect this change and it looks like he is blocking it. Therefore, can the Minister act on the wishes of the Kandara people? We have gone through what he is telling us to do. So, we do not know what else that he wants us to do. We have even come to see him as Members of Parliament.

Mr. Kalweo: I wish to tell the House that the people of Kandara have sat have in their Sub-DDC, but they have to present their recommendations to the DDC as a Minute. Meanwhile, I will consult the DC and he will have to explain to me why they should not discuss in the coming DDC those Minutes from Kandara Division.

Question.No 882

PLOT OWNERS IN KACHOLA MARKET

Mr. Speaker: Mr. Achola is not yet here? Next Question!

Question No.689

PERMANENT GRADER FOR KILOME

Mr. Ndilinge asked the Minister for Public Works and Housing:-

(a) what arrangements the Ministry has to station, on permanent basis, a grader to serve Kilome Constituency; and,

(b) when the roads in Kilome Constituency will be graded since they are almost impassable.

The Assistant Minister for Public Works and Housing (Mr. Mwamzandi): Mr. Speaker, Sir, I beg to reply.

(a) The Ministry has no immediate plans to station graders on permanent basis at Kilome Constituency and the available ones will continue to be rotated in the district on fair basis. Further, it is not the normal practice for the Government to allocate graders on constituency basis due to shortages.

Currently, Makueni District is having three graders which operate on rotational basis to cover all roads in the whole district. The Government will allocate the necessary funds required to facilitate repairs of the other two graders respectively. There are, therefore, no plans to station a grader on permanent basis to serve Kilome Constituency.

(b) The Ministry has plans to grade eight roads in Kilome Constituency totalling 166 kilometres at a cost of Kshs660,000 during this Financial Year. Once the grading has been done, the roads will be passable.

Mr. Ndilinge: Arising from the answer given by the Assistant Minister, could he tell the House whether they have repaired these two grounded graders? Can the Assistant Minister also agree with me that nothing has been done on roads in Kilome Constituency because his answer explains clearly that nothing has been done? If you read the last sentence from his answer you will see that it reads as follows: "Once the grading is done, the roads will be passable." So, it clearly tells us that nothing has been done. Can he tell the House whether they are going to do something on the roads?

Mr. Mwamzandi: Mr. Speaker, Sir, as I told the hon. Member earlier, the two graders are grounded, but we are looking for at least Kshs3.4 million to make them serviceable. With regard to what has been done before---

Mrs. Ngilu: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading the House by saying that he is looking for Kshs3.4 million. It is only yesterday that we approved the budget for this Ministry and funds are there already. Can he now say when he is going to grade these roads in Ukambani?

Mr. Mwamzandi: Mr. Speaker, Sir, that was not a point of order; it should have been a supplementary question. In any case, we are looking for ways and means to see that we get the Kshs3.4 million. We are certain that we are going to get it.

Dr. Otieno-Kopiyo: Could the Assistant Minister tell this House, the criterion used by the Ministry in allocating graders in a district or otherwise?

Mr. Mwamzandi: Mr. Speaker, Sir, I did not get the hon. Member clearly.

Dr. Otieno-Kopiyo: Mr. Speaker, Sir, I asked him: What is the criterion used by the Ministry in stationing a grader in a district headquarters or otherwise?

Mr. Mwamzandi: It is a normal practice in my Ministry to station graders at the district headquarters so that the district roads engineer will know where to send it when it is required. In this area, they are lucky because they have five graders. Two of them are out of order, but three are in working order. So, they can still be sent anywhere in the district whenever they are required.

Mr. Ndilinge: Can the Assistant Minister tell the House what plans he has to ensure that a grader is borrowed from either a neighbouring district or from the Ministry's headquarters in Nairobi and be taken to Kilome Constituency because it was only yesterday when we approved this Ministry's vote?

Mr. Mwamzandi: We already have three graders in the district and these will be taken to Kilome to do the work. We do not need to borrow from another district. We have three graders in his own district.

Question No.749

PAYMENT OF WILDLIFE COMPENSATION

Mr. Speaker: Mr. Orengo is not yet here? Next Question!

Question No.615

CO-OPERATIVE SOCIETY FOR NGOMENI FISHERMEN

Mr. Shidie on behalf of **Mr. Ndzai** asked the Minister for Co-operative Development:-

(a) whether he is aware that Ngomeni fishermen would like to have their own society, separate from Malindi; and,

(b) what assistance the Ministry is giving to Ngomeni fishermen in establishing a co-operative society.

Mr. Speaker: Anybody from the Ministry of Co-operative Development? Mr. Achola's Question for the Second time.

Mr. Achola: Mr. Speaker, Sir, I wish to apologise for coming late.

An hon. Member: Do not do it again!

Question No.882

PLOT OWNERS IN KACHOLA MARKET

Mr. Achola asked the Minister for Local Government:-

(a) who the owners of plot numbers 1-7 at Kachola Market in North Kanyamkago Location of Migori District are;

(b) whether the Minister is aware that Plot No.5 in the said market which was allocated to Mr. James Otieno Ogoro in 1969 is about to be reallocated to another person; and,

(c) whether he could stop this allocation referred to in "b" above.

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Speaker, Sir, I beg to reply.

(a) The owners of plots numbers 1-7 at Kachola Market, in North Kanyamkago Location of Migori District are:

Plot No.1 - Pollycarp Omolo of Apollo Okello, Nathan Owulo and Ochola Ogongo.

Plot No.2 - James Otieno Ogoro and Joseph Okoth Ogoro.

Plot No.3 - Francis Nyagwaga, Andrew Otoch and Alila Okwenge.

Plot No.4 - Judith Andoyo.

Plot No.5 - Paul Aludho.

Plot No.6(a) - Joseph Otieno and Joseph Ooko.

Plot No.6(b) - Stephen Jaivo Okech.

Plot No.7 - Okech Orindo and Bermands Ogendo

(b) A letter was signed by both James Otieno Ogoro and Paul Aludho on 21st April, 1995, exchanging Plot No.5. Therefore, James Otieno Ogoro took Plot No.2 and Paul Aludho took Plot No.5

(c) Plot No.5 in question has already been allocated, and, therefore, my Ministry cannot rescind this decision.

Mr. Achola: I would like to thank the Assistant Minister for that answer. But I would like to point out that Plot No.2 is still registered in the name of Paul Aludo. The Assistant Minister is actually misleading the House by saying that Plot No. 2 belongs to James Otieno Ogoro. Could the Assistant Minister confirm that the answer he has given me reflects the correct situation because as far as I am concerned, both Plot No. 2 and Plot No. 5 were actually allocated to a Mr. Paul Aludo?

Mr. Kamuren: Mr. Speaker, Sir, this would be a very small difference. If there is any anomaly, the hon. Member can come to my office and we correct the situation.

Mr. Achola: Mr. Speaker, Sir, could the Assistant Minister also give a general guideline as to the criteria used in allocating plots in various market centres in this country?

Mr. Kamuren: Mr. Speaker, Sir, there are no general criteria but what happens is that interested people normally apply then the Committee within the Council allocates plots to these applicants.

Mr. Speaker: Mr. Orengo's Question for the second time

Mr. Mak'Onyango: Mr. Speaker, Sir, may, on behalf of Mr. Orengo, I apologise for not having raised the Question the first time.

Question No. 749

PAYMENT OF WILDLIFE COMPENSATION

Mr. Mak'Onyango, on behalf of **Mr. Orengo**, asked the Minister for Tourism and Wildlife:-

(a) whether the Minister was aware that Ms Mourine Anyango, a five (5) year old girl, was killed by a leopard on the night of 5th November, 1993, at Rang'ala in South Ugenya; and,

(b) when her family will to be paid compensation and why there is delay in processing payment.

The Assistant Minister for Tourism and Wildlife (Mr. Sing'aru): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Ms Mourine Anyango, a five year (5) year old girl, was killed by a leopard on the night of 5th November, 1993, at Rang'ala in South Ugenya.

(b) Her family will be paid compensation during the current Financial Year, 1996/97. The delay in processing payment has been caused by late receipt of the recommendation to pay from Siaya District Wildlife Compensation Committee which reached my office on 28th November 1995 when all funds for such compensation had been exhausted.

Mr. Mak'Onyango: Mr. Speaker, Sir, while thanking the Assistant Minister for that reply, could he undertake to see that, this poor family is given adequate compensation as promised and that this does not turn out to be an empty promise?

Mr. Sing'aru: Mr. Speaker, Sir, we are going to pay the affected family as soon as possible.

Mr. Nyagah: Mr. Speaker, Sir, every time we ask Questions to this Ministry concerning compensation claims, we have always got very good answers that payments will be made and, indeed, payments are made. How about those people who have not gotten hold of us to ask Questions on their behalf? Could the Ministry ensure that payments that are due should be paid as, and when they fall due, without Members of Parliament necessarily asking Ministers Questions pertaining to these payments?

Mr. Sing'aru: Mr. Speaker, Sir, we are going to pay the family as soon as the Vote of the Ministry goes through.

Mr. Mak'Onyango: Mr. Speaker, Sir, now that the Assistant Minister has undertaken to make the payments, how much is he going to pay?

Mr. Sing'aru: Mr. Speaker, Sir, I think the hon. Questioner knows that the usual amount is Kshs 30,000.

Mr. Mak'Onyango: On a point of order, Mr. Speaker, Sir. Now, that the Assistant Minister has said that the Questioner knows the amount of compensation, since when did it become a matter of public knowledge that whenever a person is killed he can only be paid Kshs 30,000? Is that what he considers to be the worth of a life?

Mr. Speaker: Mr. Mak'Onyango, it is actually stipulated in the Act.

Dr. Lwali-Oyondi: Thank you very much Mr. Speaker, Sir. Since there seems to be a general laxity in paying this peanut compensation to victims of animal rampage, could the Assistant Minister assure the House that all those demands for compensation will be paid promptly?

Mr. Sing'aru: Mr. Speaker, Sir, I think that when funds will be available, we are going to pay this compensation.

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

(Dr. Lwali-Oyondi stood up in his place)

Mr. Speaker: Dr. Lwali-Oyondi, are you called Mr. Mulusya?

Dr. Lwali-Oyondi: I am sorry Mr. Speaker, Sir.

Mr. Mulusya: Mr. Speaker, Sir, arising from the answers that the Assistant Minister has given, does he not consider it appropriate now to bring an amendment to the Act so that human beings can be compensated at the appropriate cost now instead of ranking a human lower than a Maasai cow?

Mr. Sing'aru: Mr. Speaker, Sir, the Government is looking into possibility of amending that Act but it will take time.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: I am sorry. It is time for Questions by Private Notice.

Mr. Shidie: Mr. Speaker, Sir, what about Mr. Ndzai's Question?

Mr. Speaker: Yes you are right.

Question No. 615

CO-OPERATIVE SOCIETY FOR NGOMENI FISHERMEN

Mr. Shidie, on behalf of **Mr. Ndzai**, asked the Minister for Co-operative Development:-

(a) whether the Minister is aware that Ngomeni fishermen would like to have had their own society, separate from Malindi; and,

(b) what assistance the Ministry is giving Ngomeni fishermen in establishing a co-operative society.

Mr. Speaker: Is anyone here from the Ministry of Co-operative Development? Well, I am sorry, I will then defer the Question. Let us go to Questions by Private Notice. Mr. Kinyua Mbui.

(Question deferred)

Mr. Nyagah: On a point of order, Mr. Speaker, Sir. It has been common practice and you will agree with me, and I am not biased on this finding. I have counted three occasions on which the Minister for Co-operative Development and his three Assistant Ministers have not been answering questions in this House. What will the Chair rule on this issue? They usually walk in after a Question Time is over.

Mr. Speaker: Well, I have made my sentiments known in the past. I hope they will be there to answer them next time. Mr. Kinyua Mbui.

QUESTIONS BY PRIVATE NOTICE

ILLEGAL TRANSFER OF LAND

Mr. Mbui: Mr. Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that the Kirinyaga District Officer I, a Mr. Hongo, colluding with a lawyer a Mrs. Wambugu, a Lands Officer, a Mr. Maina and a Land Broker, a Mr. Kinguru, illegally transferred land parcel No. Mutira/Kaguyu 1597, belonging to an old poor widow, Mrs. Peninah Nyawira Mwararo to a Mr. Kariuki Ngiri?

(b) Why has the Kerugoya C.I.D. boss, who is aware of this land scandal, taken so long to prosecute the officials involved?

(c) Noting that the illegal transaction was made by the Government Officers, could the Minister direct that the said title be reverted back to its rightful owner?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I beg to reply.

(a) I am aware a son of Mrs. Peninah Nyawira, a Mr. David Kinyua together with a Land Broker, Mr. Samuel Kinguru have been charged before a court of law for allegedly uttering false documents before the Land Control Board which resulted in the sale and transfer of her land to Mr. Kariuki Ngiri.

(b) The investigations were carried out and the case brought before court under Case No. 221/270/96. The first accused was David Kinyua Mwararo, the son of the widow in question, Samuel Kiguru, the Land Broker and Mrs. Wambugu, the lawyer.

(c) The Government Officers involved in the transaction acted according to the Land Control Board Act without knowledge of the forgery.

Mr. Mbui: Mr. Speaker, Sir, there is a land scandal in Kirinyaga District involving the Provincial Administration officers without the consent of the Land Board. This is what happened in this particular case and the DO has signed as a witness so that the money may be refunded. What is the Government doing to have the DO and the Land Registrar taken to court immediately for theft? I have got a document for the ease of reference to the Minister which I will lay on the Table.

Mr. Kalweo: Mr. Speaker, Sir, I think most of these culprits were arraigned in a court in Kirinyaga and the case is going on. The issue of the land will be decided by the court because they had transferred it illegally. It will be proved in the court for appropriate action.

Bishop Njeru: On a point of order, Mr. Speaker, Sir. Is the Minister in order to mislead this House?

Can he tell this House, when the case was heard and in what court in Kerugoya?

Mr. Kalweo: First of all, Mr. Speaker, Sir, I have not deceived the House. We have to use that language in an acceptable manner. I said that there is a court case No 221/270/96.

Hon. Members: Where?

Mr. Mwaura: On a point of order, Mr. Speaker, Sir. Could the Minister confirm whether the DO, whom the Questioner has named, was actually involved and what action has been taken against the DO, a Mr. Hongo? Can he confine himself to that question?

Mr. Kalweo: Mr. Speaker, Sir, there is a role which the DO played unknowingly. But so long as the court case is there, if he will be proved guilty, then we will have to taken action against him.

Bishop Njeru: On a point of order, Mr. Speaker, Sir. We are asking the Minister to tell this House when this case was heard in a court and in what court because there are three courts in Kerugoya.

Mr. Kalweo: Mr. Speaker, Sir, I have quoted the case No 221/270/96, and it must be in Kerugoya.

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

Mr. Speaker: Sorry, Mr. Achieng-Oneko. I have given the Floor to Mr. Mbui.

Mr. Mbui: Mr. Speaker, Sir, the case that the Minister is referring to, is for three poor people. But the DO and the Registrar of Lands are walking freely. When will they be taken to court because they are part and parcel of this racket, if the Government is actually not protecting them? When are they going to be taken to court because they are criminals?

(Laughter)

Mr. Kalweo: Mr. Speaker, Sir, I am not defending the DO. I have said that those people who forged the signature of their mother were taken to court and it is for them to prove that the DO was also involved in this racket.

Mr. Speaker: Next Question, Mr. Anyona.

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

Mr. Speaker: I am sorry, Mr. Mulusya. Order! Order!

Hon. Members: Sit down!

Mr. Speaker: Order! Mr. Mulusya, sometimes I give you quite a bit of indulgence. Sometimes you must also give the Chair indulgence. Sit down, now. Mr. Anyona.

(Laughter)

REPAYMENT OF RURAL ENTERPRISE FUNDS

Mr. Anyona: Mr. Speaker, Sir, in spite of the fact that this question was deferred last week, I have not yet still received a written answer to the Question. In spite of that, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that many Kenyans, who were victims of the 1992 ethnic clashes in the Rift Valley, Nyanza and Western Provinces, are not able to repay the Rural Private Enterprise (RPE) loans owed to the USAID and local commercial banks because they are still displaced?

(b) How many people are affected and how much money do they owe the USAID and the commercial banks?

(c) Could he ensure that their properties and other assets are not auctioned by the commercial banks before they are rehabilitated into their settlements?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of any loans owed to USAID and local commercial banks by the people affected by the ethnic clashes.

(b) Arising from "a" above, part "b" and "c" of the Question do not arise.

Mr. Anyona: Mr. Speaker, Sir, if, indeed, this Minister is not aware, then clearly he is not in charge of the Ministry, or he does not care about the welfare of Kenyans. The position is that the RPE Project is funded by USAID through the Treasury and the Central Bank of Kenya (CBK). The money is then disbursed, or was then disbursed through various commercial banks and financial houses. Because of the clashes, these people are not able to repay the loans, and then the Minister says that he is not aware.

Mr. Speaker, Sir, may be before I put my question, I would like to lay some documents which will make

him aware that this is, indeed, the case, then he can answer questions I want to ask him.

(Mr. Anyona laid the documents on the Table)

Mr. Speaker: Very Well. Would you like to respond in the meantime?

Mr. Kalweo: Mr. Speaker, Sir, what I would like to say, is that we do not have any records of the people whose properties have been confiscated by District Commissioners. It was the same District Commissioners who disbursed these loans and as of now, we do not have any records.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. The Minister said that he was not aware, and before I put my next question, I wanted to make him aware and now he is trying to dodge. I have given him documents which show that there is this project by USAID to Kenyans. Could he now answer the Questions accordingly because his answers were based on the fact that he was not aware, but now he is aware?

Mr. Kalweo: Mr. Speaker, Sir, I have to study these documents.

Mr. Busolo: On a point of order, Mr. Speaker, Sir. The Minister said that these loans were disbursed by the DCs and he is not aware of the records. Is he in order to tell this House that the Provincial Administration of which he is in charge has not submitted the records of the money that they were using in the 1992 Campaign?

Mr. Kalweo: Mr. Speaker, Sir, I did not say that. What I said is that we do not have any records of any proceedings in the court whereby peoples' properties have been confiscated. Again, this money was given to lower classes of the society of our country, but it was not for campaigns as the hon. Members alleges.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. Part of the documents I have laid on the Table, constitute letters informing the various applicants that they had qualified for this project and some letters were written to the CBK asking them to release the money to pay the beneficiaries. Some of the documents I have laid are notices given to various people that their properties are being auctioned and the fourth document is a court order stopping the auction of some of the properties. In any case when this Minister says that he does not know, what he is doing in that Ministry?

Mr. Kalweo: Mr. Speaker, Sir, I do not go round asking people whether they have got cases or not. I have said that I will study these documents because of the implications involved and then I will answer the hon. Member concerned.

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

Mr. Speaker: Very well.

Mr. Mulusya: Mr. Speaker, Sir, could the Minister tell us how long it will take him to study those documents and come up with an appropriate answer on this one? We want to know that.

Mr. Kalweo: Mr. Speaker, Sir, that is not a point of order. I was completely in order.

Mr. Speaker: Can we now go to the next Question? Mr. Badawy.

ASSISTANCE TO MAWENI FIRE VICTIMS

Mr. Bawady: Mr. Speaker, Sir, I beg to ask the Minister for Local Government the following Question by Private Notice.

(a) Is the Minister aware that almost all the occupants of the 208 houses that caught fire on Plot NO 547, Maweni/Malindi, on 5th June, 1996, are to date homeless, because the Municipal Council of Malindi has advised the owners not to rebuild the burnt structures until further notice?

(b) How will the Municipal Council assist in resettling these homeless victims, without at the same time ignoring the existence, on the same plot, of over 400 other houses that were spared by the inferno?

The Assistant Minister for Local Government (Mr. Kamuren): Mr. Speaker, Sir, I beg to reply.

(a) I am aware. There was a fire on 5th June, 1996, at Plot No. 547, Maweni/Malindi and 280 houses were burnt down. The area affected was Plot No 547 measuring approximately 23 acres with over 600 structures. The Municipal Council has advised those people who lost their houses not to rebuild them for now. The decision was made after a meeting comprising of leaders in Coast Province, who recommended that proper planning be done before new structures are put up.

(b) The Council's assistance in this matter will be confined to ensuring proper planning under the provisions of the relevant By-laws. The Council is not able to settle the homeless victims since this is private land. Regarding the unburnt part of the plot comprising over 400 structures, it is hoped that the owners of the structures will be willing to vacate the land for survey and planning to alleviate the pathetic and dangerous situation currently on the ground. Thank you, Mr. Speaker, Sir.

Mr. Badawy: Mr. Speaker, Sir, it is not true that those people in the Coast Province or whatever has been stated by the Minister--- I recognise that the Council's role is to plan. I quite agree that the land is private but let me inform the Minister that the landlord has expressed consent to sell this land to the squatters including the fire victims, but the Municipal Council is the obstacle because it is not allowing the squatters to do direct negotiations. Will the Minister restrain the Municipal Council of Malindi and particularly the town Clerk, from barring direct negotiation between the squatters and the landlord and at the same time restrain the Municipal Council from converting that high density zone into a low density one thereby killing the possibility of the squatters being settled on the 23 acre plot?

Mr. Kamuren: Mr. Speaker, Sir, the Ministry will investigate to find out whether there is any interference between the Municipality and the owner of the land selling to squatters. The Ministry will at least, look into it and steps will be taken.

Mr. Mumba: Mr. Speaker, Sir, I am concerned about part (b) of the answer from the Minister, where he says---

(Hon. Munyi entered the Chamber)

Dr. Lwali-Oyondi: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister for Co-operative Development to habitually duck questions and come in after Question Time? Could he answer the Questions?

Mr. Speaker: Order! I am sorry, Mr. Kamwithi Munyi, where were you?

(Mr. Munyi gestured to the Chair)

Any way, proceed Mr. Mumba!

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Can we first hear Mr. Mumba?

Mr. Shikuku: On a point of order, Mr. Speaker, Sir. I am very much concerned because once the Chair asks you to do something, you are supposed to do so. You asked hon. Kamwithi Munyi to tell us where he has been and he just keeps standing up and bowing to the Chair. He is even ducking your order! Is he in order?

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, I did not get the hon. Members question.

Mr. Speaker: Order! Why there was an uproar, Mr. Kamwithi Munyi, is that, we realised that you were away. We called the Question a few minutes ago and you were not present neither were your Assistant Ministers. So, when they saw you coming, they brought it to my attention that, here is the Minister who was absent. I thought you wanted to tell the House where you were.

The Minister for Co-operative Development (Mr. Munyi) Mr. Speaker, Sir, I had asked my Assistant Minister to answer the Question, then I learned that he was away. I had to come, and I have come.

Mr. Mumba: Mr. Speaker, Sir, I was saying that my concern is on part (b) of the answer from the Assistant Minister to the effect that, it is hoped that the owners of the structures will be willing to vacate. That is, the owners of the 400 structures which were not affected by the fire will be asked to vacate the land so that survey and planning can be done. We have known and seen that survey and planning can be done without wananchi being evicted. Could the Assistant Minister assure this House that the survey and planning will be done without the eviction of wananchi from that area?

Mr. Kamuren: Mr. Speaker, Sir, that is correct and the people will be assisted. They will not be evicted, but the planning and the survey will be done.

Mr. Speaker: Mr. Wamalwa's Question. I am sorry, Prof. Mzee. We have got to make progress. We still have a long list of Questions.

ILLEGAL CLOSURE OF BUSINESS

Mr. Wamalwa: Mr. Speaker, Sir, I beg to ask the following Question by Private Notice.

(a) Is the Minister aware that business in Kabarnet Town belonging to people from certain communities, are being illegally closed down in breach of existing contracts?

(b) If the answer to "a" above is in the affirmative, what urgent steps is the Minister taking to protect the rights and livelihoods of the affected Kenyans?

The Minister Commerce and Industry (Mr. M'Mukindia): Mr. Speaker, Sir, I beg to reply.

(a) I am not aware that business in Kabarnet Town belonging to people from certain communities are being illegally closed down in breach of the existing contracts. At present no steps are, therefore, being taken as business in Kabarnet Town is going on without any hinderance.

Mr. Wamalwa: Mr. Speaker, Sir, there is general harassment of businessmen in Baringo Town who do not originate from that part of the country and have with me here a contract between a Mr. Barakhat Salim Bawazir and Mrs Elizabeth Chesire which was supposed to run for five years and after only year, Mrs. Chesire terminated this contract illegally and unilaterally and there are many others. I am surprised, therefore, that the Minister can stand up here and tell the House that he is not aware. I will lay this paper on the Table of the House, so that I can make him aware. Would he undertake, therefore, to investigate and come up with a more correct answer as to the true situation in Kabarnet Town?

(Mr. Wamalwa laid the paper on the Table)

Mr. M'Mukindia: Mr. Speaker, Sir, as I have just said, my Ministry is not aware of this but I am grateful to the hon. Member for laying this paper on the Table. However, I would advise any business person, woman or man anywhere in the country who has a complaint to officially launch it to our officer in the affected areas. It is not good for the complainant to launch his complaint with hon. Wamalwa, because we shall not be aware then, of what is happening either in Kabarnet or any other part of the country. However, I do give my assurance that I will look into the matter and report back to the House accordingly.

Mr. Shikuku: Mr. Speaker, Sir, that reply to me is a bit encouraging because hon. Members of this House cannot go witch-hunting, they normally have the information. Now that he has been given that information by the hon. Questioner, and he says, he is going to report to this House, is he aware that we are adjourning today? When will he get this matter rectified, and could he make a public statement to that effect?

Mr. M'Mukindia: Mr. Speaker, Sir, I think hon. Shikuku did not listen to me properly. I have just said that, on the basis of the paper that has been laid here, I will look into the matter and report back to the House once we are back from recess. However, this is also a matter of an individual contract. Something that can be handled between the various complainants and, therefore, it is within the legal rights of the parties concerned to take the matter whenever they want to do so. They are quite free under our legal system to do so. **Prof.**

Mzee: Mr. Speaker, Sir, this a very serious matter because it is not only confined to Kabarnet. There is a certain trend of getting rid of people who do not belong to a given area. This has happened in Eldoret. Houses are demolished and people harassed. I have documents to prove this. If they are not successful they then move on to landlords where they take away the tenancy. I would like to know the policy of this Government as far as operating business in any part of this country is concerned. Is it right for people who do not belong to certain communities in the Rift Valley not to be allowed to operate business in that area? There are very many people from Rift Valley who operate businesses in Mombasa. In that case, are we supposed to reciprocate?

Mr. M'Mukindia: Mr. Speaker, Sir, the policy of this Government is very well known. Any Kenyan is free to have business anywhere in this Republic, however, any business man or women has to obey the laws of the land. If they do not obey the laws of the Public Health Act, then whoever they are, whether they are indigenous or foreigners, they are bound to face the law. As far as my Ministry and this Government are concerned, there is no discrimination in terms of business either on the basis of tribe, race or any other consideration.

GRASSHOPPER INVASION IN TURKANA

Mr. Imana: Mr. Speaker, Sir, I beg to ask the Minister for Agriculture, Livestock Development and Marketing the following Question by Private Notice.

(a) Is the Minister aware that the bumper sorghum and maize crops in Kalemunyang, Turkwel and Nadoto irrigation scheme was completely destroyed by a massive invasion of grasshoppers in May-June, 1996?

(b) Is he further aware that a report was made to the District Agricultural Officer by the local community/farmers, but no action has been taken so far?

(c) Could the Minister take urgent steps to avert another imminent grasshopper invasion which is threatening the current crop?

The Assistant Minister for Agriculture, Livestock Development and Marketing (Mr. Saina): Mr.

Speaker, Sir, I beg to reply.

(a) Mr. Speaker, Sir, I am aware that sorghum and maize crops in Turkwel, Kakuma and central divisions were affected by an invasion of edible grasshoppers which were detected in early June this year.

(b) It is however not true that the District Agricultural Officer took no action when the matter came to his attention. On the contrary, the officer alerted the Ministry headquarters, and a team of experts was dispatched to the area on 11th June, 1996. They identified two types of insects as follows:-

The edible grasshoppers which were affecting the crops and in particular sorghum around the irrigation schemes. For this, hand spraying was recommended and a team of officers to co-ordinate the exercise was sent. Consequently, chemicals and spraying equipment were given to the farmers in the affected areas to protect their crops.

The tree locusts were detected as well near Lake Turkana and the first aerial spraying operation covering Kakuma and Komonthia rangelands was carried out within the month. My officers are monitoring the breeding areas around the lake with a view of carrying out another aerial spraying operation.

(c) While the situation is under control we have, however, built up enough stock of chemicals and spraying equipment for the District in case of another invasion. I appeal to the hon. Member and the local community to remain vigilant and to inform us as soon as they detect any migratory pests.

Mr. Imana: Mr. Speaker, Sir, arising from the Assistant Minister's reply, he has said that these insects were detected early June while I know that farmers detected them sometimes in May and they reported to the District Agricultural Officer. No action was taken and the crops were destroyed. Now, given that in these three irrigation schemes, Kalemunyang, Turkwel and Nadoto, farmers are dependant on farm produce, can the Assistant Minister assure this House that the Government is going to feed them until next harvest?

Mr. Saina: Mr. Speaker, Sir, the situation is not all that serious. The extent of damage done on the crops was only 25 per cent and so the farmers harvested more than a half of the expected crops. So there is no cause for alarm to make anyone call for relief food at the moment.

Mr. Anyona: Mr. Speaker, Sir, this is a very special area because they have very many problems and if you are going to subject them to invasion from locusts and grasshoppers, then I really do not know what this Government is doing. Can the Assistant Minister explain what measures he has in place through Locust Control Programme to make sure that this menace is wiped out?

Mr. Saina: Mr. Speaker, Sir, we are on surveillance to control not only locusts, but even army worms and any other migratory pests. We keep alert. We have planes to use and enough chemicals. This is also provided for in the Development Vote. We have that money to use to control pests.

Mr. Anyona: On a point of order, Mr. Speaker, Sir. This Assistant Minister is evading the Question. If they have, then how come these locusts came? What is he talking about? Where were they when the locusts came?

Mr. Saina: Mr. Speaker Sir, if the hon. Member understands the meaning of control then he would not ask that. In this case, locusts are there. We are only keeping them at bay from where the crops are. In nature, we are not allowed to kill or exterminate all the insects. We leave them to hold the balance of nature. That is scientific!

ALLOCATION OF COMPANY LAND TO INDIVIDUALS

Bishop Kimani: Mr. Speaker, Sir, I beg to ask the Minister for Lands and Settlement the following Question by Private Notice.

(a) Is the Minister aware that a portion of land belonging to Ndeffo Engacura Farmers Company, Bahati/Kabatini Block/3798 and 3799, has been allocated to individuals, and title deeds issued without the director's knowledge, yet the land was meant for allocation to the two hundred landless members of the Company?

(b) Could the Minister order the District Land Registrar to cancel all the title deeds of the allocated land and allow the directors of Ndeffo Company to settle the 200 landless members?

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Speaker, Sir, before I answer that Question I would like to correct an impression that might have been created yesterday as a result of my answer to hon. Shikuku Question. I respect the Members of the august House and I know that they are doing a good job of informing and educating the public but they said that I had said that---

Mr. Speaker: Order! Order, Mr. Sumbeiywo! There are two different times. There is Question Time and there is also an opportunity after Question Time for you to clarify anything. So, for now restrict yourself to this Question.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Mr. Speaker, Sir, thank you for correcting me. I only wanted them to know that chiefs have no power to divide land.

Mr. Speaker, Sir, I beg to reply.

(a) Ndeffo Engacura Farmers Company is a private company under the management of directors elected by the Members. I am, therefore, not aware of the allocation of a portion of the farm to individuals without the knowledge of the directors.

(b) I cannot order the District Land Registrar to cancel the title deeds of the allocated land. If the Ndeffo company directors are aggrieved by the allocations they should seek redress from the law courts.

Bishop Kimani: Mr. Speaker, Sir, the answer given by the Assistant Minister is completely misleading.

Ndeffo and Engacura belong to the freedom fighters, the Mau Mau. They bought it and were allocated one and half acres each. There were 200 members who never got any land. These two parcels of land were left to be subdivided and given to the landless. Now, the officers from the Ministry of Lands and Settlement office have taken the map and subdivided it and given it to people who are not members of the farm, without the knowledge of the directors. Two weeks ago, they encroached on the cemetery where the dead Mau Mau fighters were buried. They have now subdivided the area with graves. Could the Assistant Minister go and investigate, and make sure that this land does not go? I am fearing that those who are being given this land might face serious problems. These people have to defend their rights as they fought for Independence. They will fight for their land.

Mr. Sumbeiywo: Mr. Speaker, Sir, company farms like Ndeffo and Engacura are privately managed by the directors who are elected by the shareholders. The Ministry does not supervise their management. It is the mistake of the people because they go and hire *jua kali* surveyors. The Ministry may not---

Bishop Kimani: On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading this House. The surveyors are not private. They are surveyors in his Ministry. They have taken the land plans and subdivided it in their offices to people who are not even members of the Engacura Farm. Is he in order to mislead this House?

Mr. Sumbeiywo: Mr. Speaker, Sir, we are not aware that there is any Ministry official who is involved in the subdivision of this land. The Ministry may only provide technical services, like surveying on request and on payment of the required fee. In most cases, the directors pay licensed surveyors to do the survey. The persons are normally registered and title deeds issued by the land registrar on the basis of a list prepared---

Mr. Speaker: Order! Order! I suppose that when people have to answer Questions, I have already told hon. Members to make their Questions and answers precise.

Mr. Achieng'-Oneko: Mr. Speaker, Sir, I happen to have been an original member of Ndeffo Farm by virtue of my position as a member for Nakuru---

An hon. Member: And a freedom fighter!

Mr. Achieng'-Oneko: Of course! I do not want to repeat that I was a freedom fighter because this is common knowledge. But I want to say this: Let us be very, very serious with this question of taking the land which had been given to the freedom fighters.

Through the Chair, Mr. Speaker, Sir, can the Assistant Minister go and investigate and make sure that, that land is returned to the owner, instead of going behind the scenes and giving it to their friends or very important people in the Government?

Mr. Sumbeiywo: Mr. Speaker, Sir, while I agree that we should carry out investigations and come out with the true and correct situation on the ground today, I would like to advise the directors of the company to be very cautious about the title deeds, to ensure that there is no transaction. They should stop any transaction through the Ministry of Lands and Settlement office in Nakuru until further notice.

SHARE HOLDING IN KCC

Mr. Icharia: Mr. Speaker, Sir, I beg to ask the Minister for Co-operative Development the following Question by Private Notice.

(a) Could the Minister give a breakdown of the total and percentage share-holding of groups listed therein which comprise the ownership of Kenya Co-operative Creameries Ltd. (KCC): Individual large scale farmers; co-operative societies and others?

(b) What losses did KCC incur per year between 1989 and 1995?

(c) What proposals does the Ministry have for strengthening the KCC and the dairy industry in general?

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, I beg to reply.

(a) The breakdown is as follows:

<u>Owners</u>	<u>Shares</u>	<u>Percentage</u>
Individuals	3,324,400	60 Percent
Co-operative Societies	2,102,400	25 Percent
Government institutions	227,400	3.6 Percent
Other individuals	30,232	6 Percent

(b) The losses incurred by KCC in 1988/89 was Kshs2.8 million, 1989/90, Kshs5,166,400, 1990/91, Kshs12 million, 1991/92, Kshs14 million and 1994/95, Kshs74 million.

(c) We cannot go on revealing about KCC. There is a policy which is a dairy board policy which should be followed.

With those remarks, I beg to---

(Laughter)

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. I do not know whether you were listening to the Minister, when he was tabulating the losses of KCC. He did not mention any figures for 1993/94. He jumped from 1992/93 to 1994/95. Could he give us the losses which were incurred by KCC in 1993/94?

Mr. Munyi: Mr. Speaker, Sir, I did say that the loss in 1991/92 was Kshs14,788,400. In 1994/95---

An hon. Member: We are asking about 1993/94!

Mr. Munyi: As I had earlier on said, in 1993/94, the loss was Kshs15,382,400.

Mr. Icharia: Mr. Speaker, Sir, as you know, there has been a very big controversy over the mismanagement and looting of KCC by the former directors. We have now heard from the horses mouth that KCC belongs to the farmers. They own 95 per cent of shares. Can the Minister give an **[Mr. Icharia]** assurance that the Government is going to de-link itself from KCC completely, in view of the current process of liberalisation, and that they will not interfere with KCC any more?

Mr. Munyi: Mr. Speaker, Sir, I would like to tell the hon. Member that he should not interfere with the running of KCC. The Government should do the same.

Mr. Kirwa: Mr. Speaker, Sir, could the Minister assure this House that KCC falls under his Ministry and there is not going to be any other statement from a Government Minister to the effect that KCC is going to be decentralised?

Mr. Munyi: Mr. Speaker, Sir, the Government has got collective responsibility. For instance, the Dairy Board is under the Ministry of Agriculture, Livestock Development and Marketing, and I had earlier own answered the same question concerning this particular Ministry.

Mr. Speaker: The last one, Mr. Icharia! I think we had a Motion here on KCC.

Mr. Icharia: Mr. Speaker, Sir, the total loss incurred by the former directors who were imposed on KCC by the Government amounts to Kshs109,319,222. What is the Government going to do to recover this money from these directors who looted KCC, including the son of the President who wants to buy KCC at a throw-away price?

Mr. Munyi: Mr. Speaker, Sir, the hon. Member should not have any malicious motive because I had given the right figure, therefore the figure which he is giving is his own figure.

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

Mr. Speaker: Order! Order, Mr. Icharia! Quite frankly I do not expect you to behave that way. Mr. Icharia, can we have tempo? Cool it down! We have got two Bills to go to Committee Stage, but before that, I still have a lot of Ministers who requested to give certain Ministerial Statements and therefore that should now conclusively end Question Time. I have certain Ministers who wanted to give very brief Ministerial Statements and then from there we shall proceed according to the Supplementary Order Paper and proceed straightaway to Committee Stage.

MINISTERIAL STATEMENTS

NOMINATION OF PAC AND PIC MEMBERS

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr.

Speaker, Sir, I would like to report to the House that, pursuant to the provision of Standing Order No.145 (2), the Sessional Committee has nominated the following Members to serve the following Select Committees of the House.

PUBLIC ACCOUNTS COMMITTEE (PAC)

The hon. G.M. Ndotto, E.G.H. MP
The hon. D.L. Sankori, MP
The hon. J.S. Mumba, MP
The hon. P. Rotino, MP
The hon. P. Kavisi, MP
The hon. M.C. Wamalwa, MP
The hon. Prof. Rashid Mzee, MP
The hon. George O. Achola, MP
The hon. J.M. Shikuku, MP
The hon. G.B.N. Nyanja, MP
The hon. R.M. Maore, MP

PUBLIC INVESTMENTS COMMITTEE (PIC)

The hon. Dalmas Otieno, MP
The hon. Douglas D. Mbela, MP
The hon. F.K. Cheserek, MP
The hon. Isaac Muoki, MP
The hon. Mohammed N. Shidie, MP
The hon. James Orengo, MP
The hon. Dr. Otieno-Kopiyo, MP
The hon. George W. Kapten, MP
The hon. J. Mutere, MP
The hon. Gacuru wa Karengi, MP
The hon. J.W. Mulusya, MP

MASINGA - KITUI WATER PROJECT

The Minister for Land Reclamation, Regional and Water Development (Mr. Mohammed): Mr. Speaker, Sir, I would like to make the following Ministerial Statement on Masinga-Kitui Water Supply Project.

In view of the concern that has been expressed by leaders particularly the MPs from the area, that they require to be supplied with water from the on going Masinga-Kitui Water Supply Project, I wish to give a Ministerial Statement regarding the Project, with a view to putting the records straight.

The Masinga-Kitui Water Supply Project is being implemented by my Ministry with a soft loan from the Austrian Government, with the National Water Conservation Pipeline and Corporation as the implementing agent.

The project was designed to abstract water from Masinga Dam in Masinga Division of Machakos District with the treatment works being located down stream of the dam. From the treatment works, water will be pumped through a 51 kilometre long rising main to a storage reservoir at Kathekani near Kabati from where it will be distributed to the consumers. Some of the water will flow by gravity to Kitui Town through the existing section of Kitui-Matuu pipeline after its rehabilitation, while the rest of the water will be distributed through a back line to Masinga and the surrounding areas.

The project is designed to have an out-put capacity of 8 million cubic metres of water per day to serve a population of 180,000 people. Phase Two of the project which will be implemented at a later date is expected to produce an additional capacity of 9 million cubic metres of water per day which will be pumped to a storage reservoir at Masinga Hill for distribution within Masinga area.

Currently, the contractor is working on the treatment works at Masinga Dam and is also laying the rising main. While my Ministry is endeavouring to implement this project on schedule, it is important for all the interested parties to note that the Government is committed to alleviating water problems not only for the people of Ukambani, but also to all Kenyans irrespective of their political affiliation. The Government therefore, appeals

for their maximum co-operation in this regard.

Thank you.

NATIONAL POLIO IMMUNIZATION DAYS

The Minister for Health (Mr. Angatia): Mr. Speaker, Sir, I beg to give the following Ministerial Statement.

The Government of Kenya, through my Ministry has planned for national polio immunization days to be conducted throughout the country on 10th and 11th of August, 1996 for the first round and 14th and 15th September, 1996, for the second round.

The overall objective of this national activity is to vaccinate all children below the age of five years in this country against poliomyelitis, irrespective of their previous immunization status.

The main objective of this exercise is to eradicate polio from this country within the next three years. Through this mass campaign, the transmission of the virus that causes poliomyelitis will be interrupted and hence the polio transmission will be reduced. To achieve this goal, we plan to repeat these polio campaigns in 1997 and 1998.

This initiative is also in conformity with the World Health Assembly Resolution, 41.28, of 1988, which committed all members of this global initiative of eradicating polio by the year 2000. The Government of Kenya is a signatory to this resolution and in this regard, my Ministry has planned a series of activities which are community based to ensure that the public is sensitised and motivated to participate in this activity. We aim at vaccinating about five million children in each round and, indeed, enhance their good health. Let us all join hands and eradicate polio from Kenya in order to reduce the burden caused by this disease and, indeed, be counted as having contributed, as we did in the eradication of small-pox, to the eradication of polio from the face of the earth.

Thank you, Mr. Speaker, Sir.

Hon. Members: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! Hon. Members, you know that we have a Committee of the Whole House to do two Bills which have major amendments. I am also directed by the Order Paper to call upon the Leader of Government Business in another 40 minutes to move a Motion of Adjournment. May be, what the Chair will do is to allow, at least the two hon. Members on the other side of the House, who appear to me to have pressing issues, to participate in the Motion of adjournment and then they can ventilate what they want to say at that stage. As for now, we are going into the Committee of the Whole House.

(Hon. Ngilu stood in her place)

I am sorry Mrs. Ngilu! I think you had better leave it to the good judgement of the Chair. I have already seen that you have a very pressing issue. I have also noticed that hon. P.N. Ndwiga, probably, has something very pressing. May be the Chair, in its discretion, will be convinced to give you a chance during the adjournment Motion and then you will be able to say something.

Very well, next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

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

THE AUCTIONEERS BILL

(Clause 2 agreed to)

Clause 3

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chair, Sir, I beg to move:-
THAT, clause 3 be amended in subclause (1):-

(a) by deleting paragraph (a) and inserting the following new paragraph-

"(a) one person qualified for appointment as a judge of the High Court or the Court of Appeal under Part I of Chapter IV of the Constitution appointed by the Chief Justice, who shall be chairman";

(b) in paragraph (e), by deleting the words "to be appointed by the Chief Justice" and inserting the words "nominated by the National Association of Kenya Auctioneers and Court Brokers";

(c) in paragraph (f) by deleting the word "Attorney-General" and inserting "Chief Justice".

(Question of the amendment proposed)

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

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

(Clause 3 as amended agreed to)

(Clauses 4, 5, 6, 7, 8, and 9 agreed to)

Clause 10

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, clause 10 be amended in subclause (1) by deleting paragraph (a).

(Question of the amendment proposed)

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

(Clause 10 as amended agreed to)

(Clauses 11, 12, 13, 14, 15, 16 and 17 agreed to)

Clause 18

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT clause 18, be amended - (a) in subclause (1) -

(i) by inserting immediately before the words "The Board", the words "In addition to the powers of the Board under section 24,";

(ii) by deleting paragraph (c) and inserting the following new paragraph -

"(c) the licensed auctioneer's business is wound up or is otherwise dissolved".

(b) in subclause (4), by deleting the word "fourteen" and inserting the words "twenty-one".

(Question of the amendment proposed)

(Question, that the words to be left

out be left out, put and agreed to)

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

(Clause 18 as amended agreed to)

Clause 19

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, clause 19 be amended in subclause (1) by deleting paragraph (b) and inserting the
following new paragraph -

"(b) having received a complaint against a licensed auctioneer under section 24 in respect of his conduct
in executing court orders or in distraining, the Board considers it appropriate to suspend the licence
pending further investigation of the complaint".

(Question of the amendment proposed)

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

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

(Clause 19 as amended agreed to)

(Clause 20 agreed to)

Clause 21

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, clause 21 be amended by deleting subclause (8).

(Question of the amendment proposed)

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

(Clause 21 as amended agreed to)

(Clauses 22 and 23 agreed to)

Clause 24

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
THAT, clause 24 be amended by deleting subclauses (7) and (8).

(Question of the amendment proposed)

*(Question, that the subclauses to be deleted
be deleted put and agreed to)*

(Clause 24 as amended agreed to)

(Clauses 25, 26, 27, 28, 29 and 30 agreed to)

Clause 31

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move:-
 THAT, clause 31 be amended by inserting the following proviso at the end of the clause -
 "Provided that an auctioneer who -
 (a) had a licence valid until the 31st December of the previous year; and,
 (b) being eligible, has applied for renewal of the licence for the ensuing year but has not been notified of the Board's decision thereon,
 may carry on business within the terms of his previous licence until the application for renewal is determined.

(Question of the amendment proposed)

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

(Clause 31 as amended agreed to)

Clauses 32, 33, 34, 35 and 36 agreed to)

New Clause

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, I beg to move:-
 THAT, a new clause be inserted immediately after clause 24 as clause 25 and the numbering of the subsequent clauses to be amended accordingly:

Appeals:25 (1) A person aggrieved by a decision of the Board under this Act may, within thirty days after receipt by him of written notice of such decision, appeal against the decision to the High Court by giving notice of appeal to the Registrar thereof setting out the grounds of appeal within thirty days after the giving by him of the notice.
 (2) The decision of the High Court on an appeal under this section shall be final.

*(Question of the new clause proposed)
 (New clause read the First Time)*

*(Question, that the New clause be
 read a Second Time, proposed)*

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, I noticed that this same provision that the Attorney-General is putting on Clause 25 as a new clause was in clause 24(vii) and (viii). I do not understand what rationale he is having in just changing new numbers. What is the point?

The Attorney-General (Mr. Wako): Mr. Temporary Chairman, Sir, as the hon. Member has noted, we have already removed the similar clauses from sections (vii) and (viii), but what came out of this debate was that there was no clause which would permit an appeal against the decision of the Board. The other appeal was restricted to other functions, but for other functions there was no appeal at all. What we have done is to consolidate and ensure that any decision of the Board, not some and not other, but all the decisions of the Board will be subject to an appeal to the High Court. And I think it did come out of the Floor very clearly, I remember hon. Muite, Shikuku and others, and I undertook to do something and this is what I am doing. So, the effect of this is that all the decisions of the Board will be subject to appeal to the High Court.

*(Question, that the new clause be read
 a Second Time, put and agreed to)*

(The New clause was read a Second Time)

(Question, that the new clause be added to the Bill, put and agreed to)

(Schedule agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Auctioneers Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed)

THE PENSIONS (INCREASE) (AMENDMENT) BILL

(Clause 2 agreed to)

Clause 3

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, clause 3 be amended by deleting the word "or" appearing at the end of paragraph (b)(i) thereof.

(Question of the amendment proposed)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, the old clause 3 says that:- "subject to the provision of this Act, they shall be paid with effect from 1st July, 1986 or 1st July, 1987, as the case maybe, on every specified pension together with any other increase granted previously to the appropriate increase specified thereto in the Second Schedule."

In spite of amendment as scheduled, I find that this amendment is inadequate because I would have liked included in this particular clause, the proviso that pensions paid should be pegged against the value of money at that time. Merely saying that the figures as K£244 cannot be the same in 1986 as it is in 1996. That is one of the reasons why pensioners cannot live on their pension because the cost of living keeps on increasing. I would like this particular clause to provide for the pegging of the figures to the cost of living at the material time.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Speaker, Sir, I find this is not necessary because the increase in pension will be in proportion to increases in the salaries at that particular time. It will take care of what the hon. Member is trying to say.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, the hon. Assistant Minister does not understand what I am saying. Even if you increase salaries---

The Temporary Deputy Chairman (Mr. Wetangula): Make him understand.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, I am saying that the pensions which was there in 1986, if you leave the figures in the law, those figures will not be the same 10 years later because the cost of living and the value of money is always changing. So, it should be pegged in the Clause that, notwithstanding the cost of living, the figure will reflect the cost of living then, and therefore, should be increased. The Minister can work out the percentages. That is not my job. He should work out the percentages that will make the figure reflect the cost of living at that material time.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, I think I have answered the question. Maybe, the hon. Member did not follow the whole amendment because the amendment

seems to have taken care of what he is trying to say.

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

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

(Clause 3 as amended agreed to)

Clause 4

The Temporary Deputy Chairman (Mr. Wetangula): Minister, is this Schedule part of the Clause or is it independent of Clause 4?

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, it is part of Clause 4.

The Temporary Deputy Chairman (Mr. Wetangula): Then your proposed amendment is not very clear because you are trying to amend---

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, where is Clause 4?

The Temporary Deputy Chairman (Mr. Wetangula): Clause 4 is on page 117.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, the Second Schedule be amended as follows:

(a) by deleting the figure "£4244" appearing in paragraph 2(e) and inserting "£4244" in place thereof.

(b) by deleting the figure "£4244" appearing in paragraph 2(f) and inserting "£4224" in place thereof.

(Question of the amendment proposed)

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, before this House passes this Schedule, I think it is incumbent upon the Assistant Minister to explain to the House in layman's language, what he is proposing. I do not think he understands what he is proposing. So, I would like the Assistant Minister to stand up and explain to us what this Schedule means.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, the Schedule are the increases in pension, depending on the salary scales of particular officers.

Prof. Anyang'-Nyong'o: But Mr. Temporary Deputy Chairman, Sir, this is exactly the point I was raising. Just saying that you have increased the pensions in static figures is not going to help the worker, or you and I who are going to be depending on this pensions, ten or twenty years from today. In-built in the increase, must be a scale that slides upwards depending on the loss of value of money and the cost of living. So, just by putting these figures and the Assistant Minister saying that these figures reflect increase in pensions does not help us. So, I would like the Assistant Minister to explain to us how this increase is going to help the pensioner when the pension is due because it is not due today.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, this Pension Bill means that wherever there is a general salary increase, the pension is increased in that proportion. For this particular case, the increases are going to be shown as they are. In future, in case of any increases in salaries, pensions will be increased by the same proportion, and these proportions will be worked out on these particular percentages which are shown here.

The Assistant Minister for Commerce and Industry (Mr. Osogo): Mr. Temporary Deputy Chairman, Sir, probably I may add to what the Assistant Minister has said.

The Temporary Deputy Chairman (Mr. Wetangula): Mr. Osogo, move closer to the microphone.

The Assistant Minister for Commerce and Industry (Mr. Osogo): Mr. Temporary Deputy Chairman, Sir, I may add to what the Assistant Minister has said. In Clause 1, it gives the date at which this amendment is operative from, that is, 1991. Those figures are relevant from 1991. If they are left out, they would not be relevant.

Prof. Anyang'-Nyong'o: Mr. Temporary Deputy Chairman, Sir, what I am suggesting may not be accomplished today, but this amendment can be brought later. My proposal would be that even if we pass the 49 per cent increase of the pensions, I would recommend to the Ministry that pension funds should be worked out in accordance to the interest rates they earn when they are invested, and that the pensioner should be entitled to that interest.

Secondly, those interest rates should then be valued at the time of receiving the pension, according to the cost of living then. Now, that will mean that people earning money at that point in time will have to subsidise pensions. But that only means that when you yourself also retire, yours will also be subsidised. If that cannot be worked into this Bill now, I would recommend to the Ministry that they produce another amendment, subsequently, to take care of that.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, maybe what the hon. Member is saying may be valid for the future, for a different Bill. But this Bill which is before us deals with some specific items. If there is any need to bring what the hon. Member is proposing, maybe in future, that may be done. But for this particular Bill, this is sufficient.

Prof. Anyang'-Nyong'o: No, Mr. Temporary Deputy Chairman, Sir, the Assistant Minister is not going to get away with it. It is in this particular Bill that this amendment should have been done because it is the one dealing with the increases. I am only conceding that since you have not done it, we can approve it on condition that you do a proper amendment subsequently and bring it to this House. Give us this undertaking.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, the hon. Member has brought in the question of interest, and I think that is not relevant.

The Temporary Deputy Chairman (Mr. Wetangula): He is not being unreasonable. He is asking you whether, in future, you would consider to look into a further amendment to accommodate his views. I do not see that as unreasonable.

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, it will be considered.

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

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

(Clause 4 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Assistant Minister for Finance (Mr. Koech): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Pension (Increase) (Amendment) Bill (Bill No.7) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[Mr. Speaker in the Chair]

REPORTS, CONSIDERATION OF REPORTS
AND THIRD READINGS

THE AUCTIONEERS BILL

Mr. Wetangula: Mr. Speaker, Sir, I beg to report that the Committee of the whole House has considered the Auctioneer's Bill and approved the same with amendments.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

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

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to move that Auctioneers Bill be now read the Third Time.

The Minister for Public Works and Housing (Mr. Masinde): Seconded.

(Question proposed)

Mr. Muite: Mr. Speaker, Sir, now that this Bill is about to become an Act of Parliament, I would say that the Attorney-General should maintain close contact with the profession of the Auctioneers. I urge strongly, that the auctioneers be treated by the office of the Attorney-General as any other profession. He should, therefore, on regular basis, have dialogue with the auctioneers, seek their views, assist them to maintain discipline and where necessary, bring amendments to the Act that we have just passed in order to sustain harmonious and disciplined practice of auctioneers. I do know that I laid on the Table here, a very detailed memorandum that had been written by senior auctioneers. Most of them are good people and they do a good job. It is only a case of a few apples spoiling the basket for everybody else. It should be the business of the office of the Attorney-General not to regard all auctioneers as bad but, indeed, to have dialogue with them, isolate the bad ones, disband and take them to court, so that they can raise the standards of the business of auctioneers.

Thank you, Mr. Speaker, Sir.

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, while standing to support the adoption of the Auctioneers Bill, 1996, I would like to urge the Attorney-General to look carefully into a kind of conspiracy that usually exists between auctioneers and people responsible for auctioning, particularly public property, whereby the auctioneers know that the higher the amount it costs, the higher their percentage of income to the extent that properties are quite often auctioned at unreasonable prices. Secondly, the auctioneers all over the world are quite often very cruel to innocent citizens. For example, I know of cases where civil servants who have worked very hard and because of conditions beyond their control, got into mortgage conditions where they cannot meet their mortgage requirements, and then, auctioneers move very fast to auction their only hard earned property on this earth. So, besides the lack of other policies, to ensure that people have access to very basic needs, because a house is a basic need of every adult in this world, I would urge the Attorney-General to ensure that when this Act comes into force as an Act of Parliament, that cruel practice where innocent individuals get into the clutches of angry auctioneers - that, that practice is indeed, prevented and that this Bill which will become an Act becomes the arm of protecting the citizens of this Republic against the cruelty of auctioneers.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to endorse the comments by the two hon. Members of Parliament. As for the relationship between my office and the auctioneers, I am pleased to report that, in fact, it was because of that relationship between my office and the officials of the auctioneers who paid a courtesy call on me, that gave birth to the Task Force. Most of those members were the officials of the national auctioneers and court brokers association. I can assure the hon. Members that, that relationship which already exists will continue in the future. I was the chairman of the association of professional societies in East Africa. That association was an umbrella organization for all the professionals in this country. An issue related to professionals is something that is very dear to my heart. Therefore, I will definitely carry on in enhancing that relationship with the auctioneers. I do hope that those good auctioneers will continue to be torch-bearers and to

lead others into being big professionals in their work and we shall work together.

As for what Prof. Anyang'-Nyong'o said, implementing this Bill now gives us the necessary legislative power to be able to achieve what we have stated.

(Question put and agreed to)

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

PENSIONS (INCREASE) (AMENDMENT) BILL

Mr. Wetangula: Mr. Speaker, Sir, I beg to report that the Committee of the whole House has considered the Pensions Increase (Amendment) Bill and approved the same with amendments.

The Assistant Minister for Finance (Mr. Koech): Mr. Speaker, Sir, I beg to move that the House doth agree with the Committee on the said report.

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

(Question proposed)

(Question put and agreed to)

The Assistant Minister for Finance (Mr. Koech): Mr. Speaker, Sir, I beg to move that Pensions Increase (Amendment) Bill be now read a Third Time.

The Attorney-General (Mr. Wako): Seconded.

(Question proposed)

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I would like to take this opportunity to make a point that I was trying to make when the amendment clauses were being read; that is about the value of pension. One of the most important aspects of pension is that when you leave paid work, you should continue to lead the standard of living that you have been used to. This is the philosophy behind pension. If we have a law that simply puts figures but does not take into account that when you are earning your pension, you should continue to enjoy the standard of living that you have been used to, that pension scheme is not very useful. So, I would like to appeal to the Minister to review seriously what I was saying. He should learn that pensions funds should be properly invested so that when they are finally realised by wage earners, they do bear the value that will support the standard of living for which that pension is in the first place secure.

Thank you, Mr. Speaker, Sir.

(Question put and agreed to)

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

Mr. Speaker: I now call upon the Vice-President to move the Motion for the Adjournment.

MOTION FOR THE ADJOURNMENT

ADJOURNMENT OF THE HOUSE TO A DAY OTHER
THAN THE NEXT NORMAL SITTING DAY

The Vice-President and Minister for Planning and National Development (Prof. Saitoti): Mr. Speaker, Sir, I beg to move that this House do now adjourn until Tuesday, 1st October, 1996.

In moving the Motion of Adjournment, let me mention the fact that the adjournment comes after the House has transacted substantial business and the most important business that we have transacted during this time is the deliberations of the Budget. Let us remember that the Budget is a fundamental

vehicle through which the Government and therefore, through this House, substantial resources are made available to the wananchi for the alleviation of their problems. I want to thank the hon. Members for the keenness that they demonstrated in their deliberations as far as the various Votes are concerned.

Mr. Speaker, Sir, at the same time, the recess period should be able to give all of us the opportunity to fulfil the other aspects of us as far as being a Member of Parliament is concerned. We should always remember that the duties of a Parliamentarian are two-fold; to represent wananchi or for that matter, the voters here in Parliament and to see to it that all the necessary legislation which affects their life and well-being are deliberated properly for their welfare as we always say that: "In the spirit for welfare of society and the just Government of men". At the same time, the other aspect of our being Parliamentarians is that we must interact with our own members of the constituency to be able to listen and to understand clearly what the problems that continuously physically face them are. And I think that this recess will give us the opportunity to travel throughout in our constituencies and I hope that the hon. Members will not just merely confine themselves to their constituencies but move around the country so that when we come back here in October, we will be well equipped with information which will help us to be able to transact our business properly.

Mr. Speaker, Sir, the second point that I want to say here as we leave is to remind this august House that during the course of this Sitting, there were two very disgraceful incidents which happened within the precincts of this House. It is my belief that as we go out, we will come back having resolved collectively and individually that never again are we going to subject this House to ridicule. I have in mind here of an incident when the two sides almost came to blows as a result of one Member walking towards the Deputy Speaker. It was a disgraceful sight. Never in the history of this House have we witnessed something more disgraceful than this incident and, I hope that this incident will not be repeated. We cannot be considered seriously as leaders of this nation by the people we represent, if indeed we come and behave in a disorderly manner by coming here and ignoring all the laid down regulations which we are party to their being. I think we must be above that kind of conduct that we saw here.

I think another incident that was equally disgraceful, although it did not happen here in the Chamber, was the reported fight within the precincts of this House of two hon. Members. Let us always remember that our disputes in this House should not be settled through physical confrontation. Our disputes should be settled through persuasion and debate. We were elected by the people because they had confidence and trust in us as people who will be able to solve our problems; that we are mature and that we shall deliberate on issues in a very mature way. I am sorry, Mr. Speaker, Sir, to bring up this issue because it has given Parliament a very poor image not only one side, but on both sides. Let us hope that those few individuals who were involved will not repeat it again and that we are all going to work together in the first place to guard the image of this House and the honour of the august House.

Mr. Speaker, Sir, I have got a third point which I think is important. Yesterday, the leaders of the regional states in East and Central Africa met in Arusha. The reason for their meeting was to deliberate on the type of situation obtaining in Burundi. I want to use this opportunity to endorse fully the decision arrived at in Arusha because it demonstrates that the leaders of this region and the people therefore, have come to say once and for all that they will not tolerate those who want to usurp the rights of the people; those who want to destroy democracy in this region.

I beg to move.

The Minister for Labour and Manpower Development (Mr. Masinde): Mr. Speaker, Sir, I rise to second this Motion of Adjournment.

Mr. Speaker, Sir, I want to take this opportunity to thank the hon. Members of this House for the very lively debates that they have carried out during this Sitting. We are going on recess and we are only escaping from the debates in the House. I hope this recess will give us an opportunity to meet our constituents and I hope that emphasis will be placed on meeting women and youth groups. These are already established active groups. Some of them are social ones while others are income-generating projects. I am sure that if we visit these groups, we will be able to appreciate what our constituents are doing and probably if we notice some areas where we feel they need our advice, we will advise them. Where we notice that there are dying groups, then we can probably help to revive them and more so, it should also give us an opportunity to assist the youth in their programmes.

I am sure the Opposition side is now convinced that the National Youth Development Programme is not a KANU affair but a national affair and it is in our interests to see that the youth are kept busy and not just for the sake of being kept busy, but being productive in whichever way. This will help the nation to move quite a number of idlers from the streets and offer them something which will keep them busy not only for the sake of keeping them busy but also to help them to earn some income.

Mr. Speaker, Sir, I would like to join his Excellency the Vice-President on what he has said about the conduct of Members of this House. All Members in this House are honourable Members and we are expected to be

so both in and outside the House. I hope that as we go to our constituencies, we shall remain hon. Members and prove to our voters that we are honourable.

Mr. Speaker, Sir, the importation of the Korean and Italian styles of Parliamentary Proceedings, where fists are freely exchanged, I hope will be a thing of the past when we come back after our Recess on 1st October, 1996.

Mr. Speaker, Sir, I would like to touch on a small issue concerning road carnage. I know that yesterday and previously, we spoke about roads and accidents during the deliberations on the Vote for the Ministry of Public Works and Housing. I do not think it costs a lot to the Ministry of Public Works and Housing, to put up road boards either on dangerous black spots or rough roads or hills and slopes and so on. Quite a number of road signs have been put up in place, but they are vandalised by some fellows who are keen in destroying these public notices which are very, very helpful to the travellers. I would like to urge the Ministry of Public Works and Housing, to make sure that these road signs are placed and even replaced every time they are removed because they will help in a way to make our roads and travelling a bit safer than it is.

Mr. Speaker, Sir, I wish to take this opportunity to wish everybody a happy recess. Thank you.

(Question proposed)

Prof. Anyang'-Nyong'o: Mr. Speaker, Sir, I rise to support the Adjournment Motion. I would like to join the Vice-President, and Minister for Planning and National Development, to say something about the Budget.

We have just been discussing the Budget and it is my observation that the Kenyan Budget lacks a philosophy behind it. We, from year to year, put up figures but we do not know why those figures are being put there. I would like to propose to the Government, that the Ministries be divided into four categories as follows: One, that we have Capital Investment and Development Ministries. These will comprise of the Ministry of Commerce and Industry; Energy; Agriculture, Livestock Development and Marketing; Tourism and Wildlife. Secondly, we should have the human development and social welfare Ministries, which will comprise of Health; Education; Water; Housing; Culture and Social Services; Science and Technology; and Manpower Training. Thirdly, I think we would like to have the Physical Infrastructure Ministries, which will, include the Ministry of Transport and, Communication and Public Works. Finally, we should have the administrative Ministries, which will comprise all the others, like Local Government; Foreign Affairs; Office of the President and all other purely administrative Ministries.

Once, we divide the Ministries into those four categories, then we should know how the Budget is apportioned according to those categories. It does not make sense when you consign a development Budget of K£300 million to a purely administrative Ministry, when a development and capital investment Ministry gets a development Budget of K£20 million. It does not make sense. Once you have that philosophy of dividing the Ministries into four categories, then we should have a Budget Committee in the Government. This Budget Committee should meet prior to the writing of the Budget. That Budget Committee should sit together with the Parliamentary Estimates Committee, to discuss the Budget and how it is going to be apportioned prior to the Budget being written. This will give the technocrats in the Ministry of Finance, and the Treasury, proper guidelines as to how taxpayers money is to be used.

Mr. Speaker, Sir, then there should be a philosophy of proportionality. I have looked at our Budget, and sometimes you would find that in a capital investment and development Ministry, like Energy, you have 50 per cent of the Budget going towards Recurrent Expenditure, and 50 per cent of the Budget, going towards Development Expenditure. This does not make sense. In a development and capital investment Ministry, the proportionality should be 80 per cent of the Budget going towards Development Expenditure and investment, and 20 per cent, administration or Recurrent Expenditure. In the purely administrative Ministries, there is very little development going on. What you are really relying on is purely administrative. In other words, we have Recurrent Expenditure as the major item. In the administrative Ministries, there should be a high component of Recurrent Expenditure as opposed to Development Expenditure. That also applies to the human development and the social welfare Ministries, like Education or Health. You would realise that the biggest proportion in Education, is paying salaries and training teachers. You cannot avoid to pay and train teachers. Therefore, one would expect that a lot of money will go to towards Recurrent Expenditure.

At the same time, in the Ministry of Health, we have to train doctors and nurses, buy medicines and so on. Here, again, you would expect 80 per cent of the Budget to go to towards Recurrent Expenditure and 20 per cent to go towards Development Expenditure. Once this philosophy and proportionality is adopted, then our Budget will make sense. At the moment, our Budget is not sensible at all because figures are simply fixed and when you look at them, they do not make any sense at all. They neither rhyme nor reason.

Finally, Mr. Speaker, Sir, regarding the Budget, countries do not develop with dependency on aid. The Government is all the time complaining to the Opposition that we have stopped aid from coming to this country. That in actual fact may be good for this country. This country has enough resources to develop without being bothered by aid. Singapore and India developed without aid. This country is much richer in terms of human and natural resources than Singapore. Why we should be crying all the time that we do not have AID and that we cannot develop, does not make sense at all. I would like the next Financial Year to be a year of a self-reliance and selling our goods with our own boosters.

I beg to support the Motion.

Mr. Falana: Thank you, Mr. Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I would like to send my heartfelt condolences to the families, friends and relatives of the victims of the air crash at Marsabit. I witnessed it and I was among the first witnesses who saw that helicopter while it was blazing and burning. On behalf of the people of Marsabit, I know that we felt it most than any other Kenyan because those dedicated civil servants met their fateful death in Marsabit, which was the last station of their service on earth. We were the last people to have seen them and to have been served by them and it was such an awkward sight. On my own behalf and that of the people of Marsabit, I would like to send my heartfelt condolences to the families, relatives and friends of the victims.

Secondly, Mr. Speaker, Sir, I would like to make an appeal to the Office of the President, on an issue which is really disturbing the residents of Marsabit Town which concerns security. A "Mr. Odongo", I am not sure if he is the same "Odongo" that we at one time burned his effigy and declared him dead, although we were later told that he had gone to Ghana. "Mr. Odongo" has resurfaced in Marsabit Town, and let this issue be taken very seriously because I am not kidding. A certain "Mr Odongo" has been looming in Marsabit District for the last nine months, if not more, and somehow he has managed to recruit the local crooks into terrorising that Town.

There are incidents beginning from 25th June, 1996, and as later as Mid-July, 1996, where residents of Marsabit Town have been terrorised and their properties looted at gunpoint under the leadership of a "Mr. Odongo". He was finally arrested after having looted the Lutheran Church Mission in Marsabit, where he took off with cash and some computers. He was later arrested with those computers.

I am now informed that he has been arrested, although we do not know where he has been taken to.

Mr. Falana: Mr. Speaker, Sir, I take it that, this is big a security threat in that part of the country, because I believe that, Mr. Odongo is not acting alone, and having toured parts of that district which is right on the borderline with neighbouring countries, let the security forces of this country and the people in charge not take this thing lightly. Mr. Odongo's activities in that part of the country might be more serious than we think. So, please take note.

Thirdly, that part of the country is drought stricken. We have not had rain for the last two seasons and the residents of Marsabit are very hungry. I want to make an appeal to the Office of the President to provide famine relief food to residents of Marsabit.

Mr. Speaker, Sir, finally, water shortage has always been a problem in Marsabit. The Marsabit Town Water Project which cost Kshs60 million was supposed to be rehabilitated but that money was misappropriated and it never went to the intended use; to provide water to the residents of Marsabit Town. Some sub-standard pipes were used in instead of the GV or GI pipes. I think they used PCV pipes which are sub-standard and when water is pumped in they cannot withstand the pressure and they burst, and yet, we are told that project had cost Kshs60 million. So, the Ministry of Land Reclamation, Regional and Water Development should look into that and let us get what we are supposed to get out of that Kshs60 million project.

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

Mr. Mwiraria: Thank you Mr. Speaker, Sir, for giving me the opportunity to support this Motion of adjournment. In supporting the Motion, I would like to make several appeals to some of the Government Ministries. First, I will begin with the Ministry of Land Reclamation, Regional and Water Development. A few days ago, I spoke about the predicament of the people in two of my locations who have had to do without water from 1st, July, to the present time. Although the Government has made frantic efforts to try and restore the water, it is with regret that, I say that up to today, the water supply has not been restored in any one of the locations. To add to that, the work which has been done is purely temporary and we do require a final and lasting solution so that the people of the three locations, Kibirichia, Kirua and Ruiru can use the water on a permanent basis without friction. I want to appeal to the Ministry of Land Reclamation, Regional and Water Development to provide officers to construct a permanent and a new large intake, in order to ensure that there is adequate water for the three locations.

To touch on a very sensitive issue of leave-ways, I do not know whether people are required to give leave-ways for a pipeline and then to built houses on top of that pipeline so that people cannot maintain it. These

are some of the problems we are facing, and I do hope that during this recess, the Ministry of Land Reclamation, Regional and Water Development would attend to these two questions; restoring the water and expanding the water source and also reviewing the question of leave-ways

The second issue that I want to address is that, on the 9th of July, this year, I asked the Minister of State, Office of the President, responsible for internal security to issue a statement in this House on what Government policy is, on armed home-guards; home-guards would get guns from the Government to look after their areas. As I stated then, my constituency is surrounded by people who have been given authority by the Government to have armed home-guards. These are in Isiolo, the Boran, Somali and in Meru District, the Tharaka people, the Nyambene people in Ntonyiri and Tigania. Because North Imenti people are not armed, we have lost virtually all the livestock and it goes without saying that once somebody has got arms, he can take anything from you.

An hon. Member: He can even take away your wife from you!

Mr. Mwiraria: I hear a colleague here saying that, an armed man can even take away your wife from you, and I agree with him fully.

Mr. Speaker, Sir, the point I really want to get clarified by the Minister, is whether the Government is ready to take action when people get armed home-guards or are given guns and they misuse them. Should the Government not withdraw the guns because if people become irresponsible, then surely there is no justification for arming them? It is my view that the arms are not given to set one Kenyan against another, to set the Boran against the Somali, the Samburu against the Boran, or the Meru against Meru.

With those few remarks, I beg to support.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Mokku): Thank you very much Mr. Speaker, Sir, for giving me this opportunity to join my colleagues in support of this Motion of adjournment. I would like to thank the Leader of Government Business in the House, for moving this Motion of adjournment because it is timely. It is high time we all went back to our constituencies, meet the people, see their needs so that when we come back on 1st October, we will be ready for the new session. So, I wish every Member a happy two month recess. During this recess, I would like the Members to go and preach peace, unity and stability of this country so that we feel that we are Kenyans and one people.

Mr. Speaker, Sir, I want say one or two things about the Road Safety Network. As we read in our dailies and listen to news, we get to learn about losses of lives of Kenyans on our Kenyan roads. Kenyans are losing lives as a result of careless driving and unroadworthy vehicles being driven on our Kenyan roads. It is high time that the Ministry of Transport and Communications, Public Works and Housing, leaders and transporters sat down and came up with answers to this problem of road carnage. Let strick measures be taken against careless drivers. The rate at which we are losing innocent Kenyans through road accidents is alarming. It is almost proportional to the lives taken away by the killer disease, AIDs. Leaders ought to address this issue. They need to talk to both the transporters and commuters on the need to save lives. They need to be careful. It is not a must that somebody should squeeze himself into a vehicle which is already full. Sometimes we do not even need to blame the drivers or the turnboys alone. Sometimes we need to respect ourselves and avoid boarding overloaded vehicles.

I would also like to appeal to the administrators of the Nairobi City Council to ensure that people and vehicles move freely in Nairobi City. Sometimes you leave your house exactly at 8 a.m and get to your place of work at 10.00 a.m because of traffic jam. These jams are created by careless drivers. I appeal to the police to take care of that. They should ensure that roads are well used. If you lose two hours every day, in a year, you lose so many hours in the jams. The same thing happens in the morning and in the evening. Those people who plan roads should do something about our roads. It is high time that they did something because as days go by, the situation is becoming worse.

I would like to say something about the Ministry of Education. The northern part of Kenya including parts of Turkana, West Pokot and Tana River, are encountering drought, and as a result of that, there is need to continue the School Feeding Programme for school children. We have been reading in the dailies that some schools have closed down as children have moved away with their parents in search of food. I appeal to the Ministry of Education to make sure that, that programme continues so that these children continue learning.

I would also like to appeal to the Ministry of Education to award bursaries fairly. When awarding them, they should not consider population as a factor. Sometimes an area can be densely populated but children there do not need those bursaries. There are areas that are sparsely populated but children there need these bursaries.

Along with that, I would like to appeal to the Minister for Local Government to do something about the local authorities.

With those few remarks, I beg to support.

Mrs. Asiyó: Thank you, Mr. Speaker, Sir, for giving me the Floor to also make a contribution on this Motion on Adjournment.

First, I would like on behalf of the people of Karachuonyo to thank the Government very much for having created for us a new district called Rachuonyo. We are doing everything possible to facilitate operations in this district, and we appeal to the Office of the President to help us get some little money in order to make provision for all the necessary services that will be needed in the new district, especially by the new district commissioner and his team.

We have a small township called Kendu-Bay where there is a muslim community that has lived there for over 100 years. These muslims do not have title deeds for their land because no such arrangement has been made by the Ministry of Lands and Settlement to allocate these pieces of land to the muslim community. I really do want to appeal to the Minister for Lands and Settlement to do everything possible to get these people title deeds, so that they can not only get credit, but also develop houses and shops in those plots that they have owned over the years.

In the recent past, there have been reports on newspapers about children suffering from Bilharzia in the former South Nyanza District and especially Karachuonyo. When a research was carried out recently, it was found out that up to 80 per cent of children aged between 5 and 15 years are suffering from Bilharzia. They pass blood in their urine. This is a terrible disease and it is also very expensive to cure. I would like to appeal to the Minister to send his team there to continue examining children whose primary schools and secondary schools are next to Lake Victoria and also to the two notorious rivers called Sare both in Central Karachuonya and Kanyaluo. Unless the dangerous weed called *hyacinth* is destroyed, many of our children are going to suffer from this terrible disease as they are already doing. I am asking for not only the Ministry of Health to provide treatment but also for the Minister for Environment and Natural Resources to do everything possible to remove that weed because as soon as these children are treated, if they go to the lake or these rivers they will again catch this disease. After the weed has been removed, those of us who are fishermen can go back to the lake and get fish.

The issue of minor roads has been debated here a great deal, but unfortunately, I was out of the country and, therefore, did not participate in the debate. Karachuonyo has some of the worst roads. I am hoping that now that we have a district, there will be some machinery stationed at Kosele so that it can do all those minor roads. Without minor roads, people cannot do business. When bridges break down, vehicles cannot move from one market to another and this affects adversely the lives of the people of this country. I want to appeal to the Minister for Public Works and Housing to try and do some good work on minor roads so that ordinary citizens can move and do their business everywhere and not only in Karachuonyo.

Again, some traders have raised the prices of some primary commodities to an extent that today ordinary people cannot afford to buy sugar. It is now going for between Kshs60 and 75 a kilo in some areas and it is out of reach for ordinary people.

With these remarks, I beg to support.

The Minister for Foreign Affairs and International Co-operation (Mr. Musyoka): Mr. Speaker, Sir, I want to thank you for having enabled me to catch your eye. I want---

(Loud consultations)

Mr. Speaker, Sir, if my colleagues would allow me, in the light of the fact that I have only five minutes, I would plead for the indulgence of the House so that I can say by bit as quickly as I can.

First of all, I support this Motion of Adjournment, and in supporting the same, I want to join my good friend hon. Falana in sending out my deepest sympathy to the families and relatives of our friends who died in a ghastly accident in Marsabit. I had the privilege of accompanying the bodies from the site of the accident and I want to tell you that I have not, in my entire life, seen a worst accident. I want to thank His Excellency the President for immediately putting in place a Committee charged with the responsibility of ensuring that the root cause of this accident will be studied and understood.

Mr. Speaker, Sir, in partly responding to what my friends on the other side of the House have said about Burundi, I want also to take this opportunity to congratulate our regional fathers, and in particular, the very important role played by our President in Arusha yesterday. This is the second time that President Moi joined his colleagues in what is now Arusha Two to discuss the conflict situation in Burundi. I want to say that all of us were impressed with the business-like manner that was evident in Arusha yesterday. All of us are optimistic that the *Military Junta* in Burundi will listen to the voice of reason and be able to among other things; put in place the Parliament of Burundi which was properly elected and that was the body with a full mandate to run the affairs of that country.

I happen to be a believer in the supremacy of Parliament. This is why I am so proud to report to this House that the regional fathers came together in solidarity and up to the temerity to call on the *Junta* in Burundi to do something. The effect of Arusha Two is, indeed, two fold. I know they are going to be sceptical about the

ability of the economic sanctions to bite. But all of us hope that once the Technical Committee puts into place the modalities to bring about the working situation of the economic sanctions, all of us hope that the regime in Burundi will be brought to its knees and that democracy and security for all the people of Burundi will be restored and, indeed, the sanctity of life will be respected.

The second intention is to bring the so-called extremists down to their knees by slapping an economic ban. What the regional fathers have practically done is to ask everybody and all the factions to the conflict in Burundi to come to the negotiating table, even the so-called bandits including the representatives of the Siendende led my Mr. Leonard Nyangoma and the military in Burundi which holds the fray for the time being.

Having said that, I also want to differ with Prof. Anyang'-Nyong'o, whom I have a lot of respect for, when he said that we do not need aid. Yes, indeed in the long run, all of us hope that we will be able to get rid of aid dependency syndrome. But in the interim, I do not think that anybody can argue convincingly that developing countries such as Kenya can do without the support of our international partners. I do not like the word "donors" myself. I would rather settle for what is generally accepted at the level of Economic Commission for Africa, as "development partners". We do need these partners in the interim, until such time that our economies will be able to stand on their feet. That is why the Government is always against the calls from the Opposition against donor support.

With those few remarks, I beg to support.

Mr. Shikuku: Thank you very much, Mr. Speaker, Sir. I do agree with the last speaker in terms of the supremacy of Parliament. Let us not only talk about supremacy of Parliament, but let us make sure that it is there, starting at home here. When you think in terms of getting the majority on Standing Orders No. 147 and 148, you are not talking of supremacy of Parliament. You are talking of something else. We hope that this move will not be encouraged.

Secondly, in my experience in this House, when Parliament is adjourned this month, we expect the Public Accounts Committee and the Public Investments Committee to look at the Auditors Report, so that when we come back in October, their reports would be ready. But to our surprise, this Parliament is going on recess without the Report of the Controller and Auditor-General being laid on the Table. It was only a part of it which was tabled today. It was only Volume One. We still have Volumes 2,3,4 pending. I do not know why this has happened. Nevertheless, we would like Parliament to go for recess---

Mr. Obwocha: On a point of order, Mr. Speaker, Sir. Is the hon. Member for Butere in order to imply that the Report has not been tabled, when we know that the actual Report when tabled, has volumes 1,2,3 and Appendixes? The main Report has been tabled.

Mr. Speaker: The Report by the Controller and Auditor-General has been audited and kept away, but the proper certified Report has been tabled.

Mr. Shikuku: I stand corrected, Mr. Speaker, Sir. The other reason why we adjourn is to enable the hon. Members of Parliament to meet with their constituents. The problem is that we are adjourning today, but we in the Opposition are not allowed to hold meetings to meet our own constituents. Even greeting them in market places or whatever, you will find the District Officers, the District Commissioners and all the rest of the provincial administration interfering with us. Tear gas canisters are thrown about even on licensed meetings. I would appreciate if my hon. friends could listen, because I have experience. Those from the other side of the House are now on that side. One day, they will complain about the same thing. I do recall one incident when I was saying that the Voice of Kenya had become the "Voice of KANU". The Minister then, who is now on this side of the House used to tell me that it is there for KANU. But when he went to the Opposition, he started complaining of the same. So, when we are complaining on this side of the House today, tomorrow it will be their turn, and they will never be amused. We would like to meet our constituents and consult. There is no point of adjourning this House only to go back and you are not allowed to communicate with the people who elected you. That is not part of democracy. That is dictatorship. We shall resist that just as we resisted the colonialists.

Mr. Speaker, Sir, we are also here to tell this Government that hon. Members of Parliament are not supposed to develop. They are supposed to air the views of their people in this House through questions, motions and so forth. To talk about a Member of Parliament going to develop his constituency is actually, talking a lot of rubbish. A Member of Parliament does not develop. This is because his people pay taxes and it is from these taxes that the Government is asked to develop an area, but not a Member of Parliament.

For example, Mr. Speaker, Sir, you find that the Government has never fulfilled the request from the Kakamega DDC to tarmac the Road from Sigalala to Butere. This Government is supposed to do that and not the Member of Parliament. It was passed by the DDC of Kakamega that the road from Buyangu to Khumusalaba up to Ekeru should be tarmacked and up to today, it has not been tarmacked. I hope they are not waiting for Jesus to come before they can do that. The road from Stand-Kisa to Khumusalaba, the other day, I am glad the hon.

Member for Vihiga stood up here and complained about that, they have been soft peddling on that road and the tarmac has not been done upto date. They should not blame the Member for Vihiga or Shikuku for that, it is the Government and it is doing that from the taxpayers money. It is not the Member of Parliament.

The last point, Mr. Speaker, Sir, is, that cattle rustling in Butere and Kakamega District is really on the increase, because of the Assistant Chiefs and DOs who have now turned into cattle rustlers and are messing up the whole issue.

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Thank you, Mr. Speaker, Sir, for giving me the opportunity to say a few words on this important Motion of adjournment.

I want to start by congratulating His Excellency the President for his sterling effort in ensuring that Kenyans live as one people. He has demonstrated this through his trips throughout this country and in particular in his sterling effort through visiting what we would have regarded as Opposition strongholds and demonstrating that the Government is for all people and that development will go to all people regardless of their political opinions. His recent very successful trips through Nyanza has demonstrated that. I believe that through those efforts, many of our brothers and sisters in Nyanza will be convinced to see the light and to join KANU. The majority, I believe, are already joining KANU. However, as somebody who comes from a KANU stronghold---

Mr. Orenge: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order, to impute improper motive that the visit of the Head of State to Nyanza and elsewhere is for purposes of getting people to defect? He himself has said that the visit was to show the unity in the country, but when he talks about defection, he is saying that the Head of State goes there not as a Head of State but to supervise defections. Is he in order to impute improper motives?

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): Mr. Speaker, Sir, I am sure you know that, that was not a point of order, really. I have not said that he went to ask people to defect. I have said, by demonstrating that the Government is for everybody and that he stands for peace and unity in this country and the fact that he is bringing development to all people, through that effort, many of our Luo friends will be able to join KANU. That is all I have said, I have not asked them to defect.

Mr. Speaker, Sir, the President has also said to us, that, he believes strongly in one nation rather than tribal alliances and any of our colleagues who have been trying to promote tribal alliances, should think of this country as one, acting as one, being able to promote peace and unity as one country, rather than trying to go for tribal alliances.

Mr. Speaker, Sir, while His Excellency is doing that in what might have been considered as strong Opposition areas, I would just like to request that those of us who are typically KANU and who support him, also need his services. He should not go into Opposition strongholds at the expense of those who are solidly his. I would like him to also visit Rift-Valley and promote development there. He should also visit Western Province, the Coast Province, North Eastern and those areas that are typically KANU strongholds because it is better to count those that are solidly yours while trying to woo the others who are out there, than to ignore them because they are important. He should not ignore those who voted for him and who will vote for him. He can count on those areas.

Mr. Speaker, Sir, every morning we listen to news about the events from Atlanta where the Olympic Games are being held. Some of us are not very pleased with the performance of Kenyans. We congratulate Nigeria for showing that Africa is becoming a big sporting continent by qualifying for the final stage of Soccer in the Olympic Games. But, our boys in Atlanta are not doing very well. I have a suspicion that our organisers, the administrators, the people who are accompanying them have been wrangling between themselves and therefore the morale of our boys---

An hon. Member: It is KANU!

The Assistant Minister for Land Reclamation, Regional and Water Development (Mr. Ligale): It is not KANU! In fact Mr. Mukora, the main man of Olympics is not a KANU man, he is an Opposition man. I am suggesting that we shall [**The Assistant Minister for Land Reclamation, Regional and Water Development**] have to look into this and find out what went wrong in Atlanta.

With those few remarks, I support.

(Loud Consultations)

Mr. Speaker: Order! Order! Order, hon. Members! I have only two eyes and they are never at cross-purpose at each other. I can only call one Member at a time. Those who have not been called, stay around!

Proceed!

Mr. Wamalwa: I do thank you, Mr. Speaker Sir, for giving me the opportunity to make a few comments on this Motion on the adjournment. I am sure there is a lot of wisdom in your statement that those who have not caught your eye should stay around, I am sure they will be rewarded in the end.

I would like to take this opportunity to make an observation on the progress of multi-party democracy in this country. Only a few governments and a few leaders ever get a chance to contribute to the development of a nation such as this current Government and its leadership have got. For multi party democracy to become a reality in Kenya, those who are in charge of the reins of power must realize that they carry a grievous responsibility, not just to their parties, but to the whole of this country and to the whole of the Kenyan population, even those who are not born and certainly, a grievous responsibility to history.

Mr. Speaker, Sir, the repeal of Section 2(A) from our Constitution will go down in history as a major water-shed in the development of this country. It is incumbent upon the Government to make multi-party democracy a reality in Kenya now and they must mop up all the vestiges of one-party authoritarianism from our political life in order for multi-party democracy to thrive.

For a long time, we on this side have been urging the Government not to be timid, but to boldly go ahead and make the necessary constitutional amendments that will make multi party democracy a reality. This is not a request, I think, it is a grievous responsibility upon the Government of the day to do so. It has to be a reformist Government now, since it accepted in principle the idea of multi-party democracy.

Mr. Speaker, Sir, from time to time, we hear general statements from hon. Members on the other side of the House, that they are not opposed to a constitutional review; and that a constitutional review will be undertaken at the right time. The right time is now and this Government must go ahead and complete the process of constitutional review, to make Kenya a truly multi-party democracy. Piece meal amendments to the Constitution will not do. I am just as opposed to what happened today, in the Standing Orders Committee. Whereas those of us on this side of the House have been calling for a general review of all the Standing Orders to reflect the true nature of a multi-party democracy, the KANU side has gone ahead and amended only two Standing Orders, namely Standing Orders Nos. 147 and 148. That was done in order to give the ruling party the majority representation and chairmanship of these two accounting Committees. This is contrary to the rules of natural justice, that one should not sit to be a judge and jury of one's own case. Recent reports of the Controller and Auditor-General have revealed massive corruption scams indulged in by Accounting Officers, who are members of the Government. Unless, the accounting Committees continue to be constituted the way they are now, then a KANU dominated accounting Committee is going to go soft on the various Accounting Officers. This is not the way to get rid of corruption from our midst. Over the past few years, it had began to appear that Accounting Officers had become more ship-shape than ever before. They were taking their word seriously when they appeared before the Public Accounts Committee, just because they knew it was chaired and dominated by the Opposition. To try and put the clock back, is to try and institutionalise corruption in this country. This is something that must be condemned wholeheartedly.

There are other committees of this House which should be made to work. The various general purposes committees do not work. A good example is the Estimates Committee.

With those few words, I beg to support.

The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo): Thank you very much, Mr. Speaker, Sir, for allowing me to support this Motion of adjournment. May I at the outset join my colleagues in sending my heartfelt condolences, to the families of the departed souls of the nine people who perished in the helicopter accident at Marsabit? During my long service in the public sector, I had the privilege of working with most of those dead officers, and I know that they were actually dedicated civil servants. We pray that the Almighty God rests their souls in eternal peace. I would like to remind those who are still alive like myself, including the hon. Members in this House, that we should do the right thing. We should do our work honestly and we will be rewarded when we meet our departed brothers in heaven.

There is one issue which has never been addressed in this House and yet I consider it to be a time bomb. The time bomb I am talking about is the unemployment of the educated youth in this country. As we go on recess, we should educate our people on how to look for employment for themselves. We want our youth to get jobs which can generate income for them, so that these future leaders can earn their livelihood. We should find markets for the goods that these youths are going to produce in the Jua Kali sector.

Mr. Speaker, Sir, people who adore money have depleted our forests through cutting down of tress. As you are aware, it takes a long time for a tree to grow up and produce timber.

We have a problem in my constituency. I am very happy that the Office of the President has agreed to feed our people in the Kerio Valley, who have not seen rain water for the last three years. I am happy that those

people are being fed and hope that this is going to be a continuous exercise, so that these people can also consider themselves as part and parcel of this nation. Sometimes, it is shameful to go to a district headquarters like Iten and you do not get water there. I hope that the Ministry in charge of water development will take some action. Water which is available in Iten is not fit for human consumption and this has been proved by the Government Chemist. We hope that something is going to be done about this issue.

Civil servants who are working in Kerio Valley do not receive the hardship allowance. I would like to appeal to the Ministry concerned to ensure that, those officers who are serving in the remote areas of my district, are paid hardship allowances like their brothers and sisters who are serving in different remote areas. As we go on this recess, I appeal to my fellow hon. Members from Western Province, when they are performing their ceremonial circumcision rites to avoid chasing away people who are not prepared to be circumcised.

With those few words, I beg to support.

Mrs. Ngilu: Thank you, Mr. Speaker, Sir, for giving me the opportunity to make a short contribution on this adjournment Motion. First of all I would like to support it. In particular, I just wanted to talk about the water situation in Ukambani. This afternoon, the Minister gave a good statement on the position of water that is supposed to get to Kitui Town, which is in my constituency. But the Minister did not say exactly how much money has been set aside for the project. However, we are aware that Kshs440 million will be spent on this project. By all standards, this is a lot of money. The Minister has said that this water will be taken from Masinga through Matuu to Kabati in Kitui District, but will not get to Kitui Town. We are surprised by this statement. It would appear that there is some form of---

The Minister for Land Reclamation, Regional and Water Development (Mr. Mohammed): On a point of order, Mr. Speaker, Sir. When I was making the statement, I did not say that water will not be taken to Kitui Town. What I said was that the water will flow by gravity from Kabati Hill to Kitui Town. That is what I said!

Mrs. Ngilu: Mr. Speaker, Sir, I thank you for giving me the opportunity to make a short contribution on this adjournment Motion. First of all, I would like to support it having been here for several weeks before we take a break.

Mr. Speaker, Sir, I want to talk about the water situation in Ukambani. The Minister, this afternoon, made a good statement on the position of water that is supposed to get to Kitui town which is in my constituency. But the Minister did not say exactly how much money has been set aside for this project. However, we are aware that it is going to be a project worthy Kshs440 million. By all standards, this is a lot of money and for the Minister to have said that this water will only be taken from Masinga, through Matuu and to Kitui-Kabati without getting to Kitui town, surprised us because it would appear that there is some form of---

The Minister for Land, Regional Reclamation and Water Development (Mr. Mohamed): On a point of order, Mr. Speaker, Sir. When I was making the statement, I did not say that water will not go to Kitui town. What I said is that water will flow by gravity to Kitui town from Kabati hills.

Mrs. Ngilu: Mr. Speaker, Sir, the information that the Minister has given is very correct, but what we are asking now is when this water will get to Kitui town because the Minister is aware that when the Austrian Ambassador and the hon. Members of Parliament were visiting Kenya, the Minister very deliberately left out the hon. Member for Masinga, where the source of that water is. He deliberately left out the hon. Member of Parliament for Kitui Central and brought another hon. Member of Parliament to represent me, yet---

The Minister for Land, Regional Reclamation and Water Development (Mr. Mohamed): On a point of order, Mr. Speaker, Sir. The hon. Member is alleging that the Minister left out the hon. Member for the area, I do not carry the hon. Members with me! When I visit an area I expect hon. Members to be there!

Mr. Speaker: Order! Hon. Members! This is a timed debate, and I would encourage hon. Members not to unnecessarily interfere!

Mrs. Ngilu: Mr. Speaker, Sir, I was not informed by the Minister. He did not even inform the Assistant Minister for Public Works and Housing who is also the hon. Member for Masinga. So, deliberately, the Minister and another Minister from another constituency decided to collude and to do their own businesses. And this is one of the reasons why this---

Mr. Speaker: Order, Mrs. Ngilu! You have already ventilated enough. You are now almost treading on dangerous grounds. Can you go to something safer!

Mrs. Ngilu: Mr. Speaker, Sir, I should really think this is an issue that needs to be exhausted because the residents of Masinga today have said that that water will not be taken from Masinga. I want to support them because water that is coming to Kitui has its source in Masinga, and Masinga residents do not get water.

Electricity power that is used in this country originates from Masinga and Masinga people do not get it.

For what reason should people be used, and their sources of energy, -commodities that are so dear to them - be supplied to other people? I want to say here that I support Masinga people and until this is sorted out water should not come from Masinga to go to any other place whether it is financed by the Government of Kenya or Government of Austria. No amount of hand-outs or relief food are going to make Kambas this time give in.

One of the elected leaders and Government Minister came out to oppose what the Kambas are demanding. I do not see the reason why--

With those few remarks, I beg to support.

Mr. Badawy: Ahsante sana, Bw. Spika, kwa kunipatia nafasi hii katika kipindi hiki cha lala salama tunapojitayarisha kwenda nyumbani kuhudumia wananchi.

Masikitiko yangu makubwa ni kwamba, sikuridhishwa na jinsi ambavyo Barasa la Malindi linawachukua wale watu waliyofikwa na maafa ya kuingiliwa na moto na wale wengine ambao wamebaki tumesikia leo kwamba ni vizuri wazimbomoe nyumba zao ili kufanywe usaroveya sawa sawa.

Ningependa kueleza Bunge hili kwamba njama zilizoko ambazo zinaongozwa na katibu wa Barasa la Malindi, ni kwamba anashirikiana na tajiri ambaye ameridhika kuwauzia maskwota ardhi hiyo, kwamba aifanye iwe low-density residential zone. Hivi ni kusema zile ekari 23 za ploti nambari 547 zimepangwa kugawanywa katika ploti 154 peke yake ambazo hazitawatosha wakaazi 600 walioko pale.

Ningemwomba wa Waziri wa Serikali za Wilaya ailingilie jambo hili kati kwa sababu ploti hiyo wanakoishi maskwota na wale waliyopata maafa ya moto inazungukwa na ploti nyingine kadha ambazo ni high-density residential zone. Kwa hivyo, hakuna sababu ya kufanyiwa hila watu hawa waliofikiwa na maafa ya moto na maskini wengine kwa kusema kamba eti ploti hiyo leo inataka kupangwa na kugawanywa katika ploti ambazo hazitawatosha wale waliopatwa na moto na maskwota.

Ningeomba Wizara ya Ardhi na Makao iliangalie sana swali la wakaaji wa mijini, wale ambao hawajabhatika kuwa na makao. Hili ni tatizo kubwa sana. Nimesema wakati mwingine kwamba miradi iliyoko ya mipango ya majumba; housing schemes, ni miradi ambayo hakika inawafaa wale ambao wanajiweza. National Housing Corporation, Savings Loans na kadhalika, ni mipango ambayo havezi kuwahudumia au kuwanufaisha wale maskini kabisa. Umefika wakati kulingana na mwongozo wa mkutano wa Istanbul Habitat II kuangalia mambo ya makao ya maskini wanaoishi katika miji.

Ningependa pia kuzungumuza juu ya tatizo la utoaji wa haki za kumiliki mashamba katika Malindi. Ninasikitika kumwambia Waziri wa Ardhi na Makao, ya kwamba inatutia wasiwasi sana na tashwishi kuona kwamba hataki kutupatia jawabu juu. Ni kwa nini hati za Madunguni ambazo zilichukuliwa mwaka wa 1987, za Chembe Kibambamche, na za Jimba, hazijrudishiwa wenyewe? Hata hatuambii ni kwa nini hizi hati zilichukuliwa. Zimeweka wakulima wa sehemu hiyo katika hali ya shida sana.

Ningependa kumshukuru Waziri wa Kilimo, Mifugo na Uuzaji, mhe. Nyachae, kwa kukubali kutoa ekari 100 na kuwapa maskwota wa Sabaki katika kundi lao la Sabaki Holding Grounds. Lakini ninasikitika kumwambia Waziri kwamba, kuna habari ambayo inaaminika kwamba, wengi wa waliofaidika kutokana na ekari 100 hizo wanatoka katika Wizara yake. Ningependa kumwomba Waziri achunguze jambo hili na tunamwomba amkabidhi maamlaka ya ugawanyaji wa ardhi hiyo ya Sabaki Holding Grounds kwa mkuu wa Wilaya kulingana na mwongozo mpya kwamba ugawanyaji wa ploti ufanywe kuanzia mashinani.

Ninasikitika kuwa Wizara ya Utalii na Wanyama wa Porini, ambayo ilileta tume ya Inter-Ministerial Committee Task Force kuchunguza hali ya wafanya biashara ndogo ndogo Malindi, leo ni miaka 2 na hatujapata matokeo. Niliuliza swali hili hapa Bungeni nikaambiwa nitajibiwa baadaye na mpaka wakati huu hatujapata jawabu lolote. Wakati huo huo wafanya biashara hasa wale wa mabox, liseni inazidi kuwa ghali sana. Wakati Serikali inafikiria mpango wa Social Dimensions for Development, inasikitisha kuona zile biashara ambazo zinazowanufaisha wananchi pia zinatoka katika mikononi mwao kwa sababu ya bei ya hati ya kufanyia biashara kuwa ghali na kutokana na mashindano yanosababishwa na wageni. Kila nchi ina njia ya kuuzia, kuifadhi na kulinda wafanya biashara wake wadogo. Ikiwa tutawaacha wafanya biashara kutoka ng'ambo waje wafanye biashara ndogo ndogo, zile ambazo zitasababisha watu wetu wakose maisha mazuri, basi inaoneka tunashinda lile lengo la ule mradi wa Social Dimenesions for Development.

Ningeomba tunaporudi nyumba, tujishughulishe na mambo kadha wa kadha yanayohusu maskini, ambayo hayawezi kupatikaana kwa sababu wana matitizo kadha wa kadha yanayowaingilia.

Tunaishukuru sana Wizara ya Maji kuona kwamba ule mradi wa Maji Ya Mida Majaoni sasa unatimizika.

Bw. Spika, kwa hayo machache, naunga mkono.

Mr. Muite: Mr. Speaker, Sir, the state of insecurity in this country--- If the Chairman of FORD(A) wishes to speak I am quite happy to cede my opportunity to him. But I do not see him standing up.

I am saying that the state of insecurity in this country is a matter of great concern to every Kenyan and

every Member of Parliament, whether on this said or on that side. We gave cases of robbery with violence, motor vehicle and livestock theft, and even houses being broken into. No Kenyan is able to have a good night's sleep because of the state of insecurity. As we go on recess, we should acknowledge that it is the responsibility, not just of the police, but of all of us to assist the police in dealing with this issue of insecurity.

(Applause as Mr. Matiba conferred with Mr. Speaker)

Mr. Speaker: Proceed, Mr. Muite!

Mr. Muite: Mr. Speaker, Sir, I would like to cede my two minutes to the hon. Matiba, if he wishes to speak. I would like to appeal to the police to reconsider their approach in dealing with criminals and with Kenyans when they are arresting them. If the police are going to be effective in settling the issue of insecurity, they must adopt methods that enable them to get to the bottom of these gangs that are terrorising Kenyans everywhere. In order to get to the bottom of it, they do not only need the assistance of the public, but they also need the assistance of the members of these gangs. For example, last Monday, there was an attempted robbery in River Road. On the front page of the *Standard* of Tuesday this week, there is a photograph of a young man somewhere on top of the house. This young man is photographed with his hands high up, having surrendered. This young man surrendered and he was holding his hands very high up. The caption below said: "One of the suspects has surrendered". If you observe the clothes which this young man was wearing, they are very flowery shirt; in the photograph below that one, the same young man who had surrendered, was killed with a hail of bullets. There were three or four policemen aiming their guns on this man who had surrendered. Even in a state of war, if a soldier has surrendered, he ought not to be killed in cold blood. If the police want to deal with insecurity by getting to the bottom of this matter, when a robber has surrendered, he should be ordered to come out into the open and to squat with his hands on his head and then he can be hand-cuffed and taken to the police station. That sort of person, when arrested, would then be able to assist the police in giving the names of everybody else who is involved. So, the police must change their approach in effecting arrest; even when they are arresting innocent Kenyans, like members of the Release Political Prisoners (RPP). I am aware that, that case is in court, I am not talking about the merits or demerits of the matter in court. I am talking about the manner of arrest. These are young men and women who were not armed. They were seated down and what did we see? We saw photographs in the Press of the police brutally beating up these people in order to effect arrest. The police were two or three times more than these 30 young men and women. Why brutalise Kenyans when you are arresting them?

Mr. Kariuki: Thank you very much, Mr. Speaker, Sir, for giving me this chance to contribute on this Motion of adjournment.

Mr. Speaker, Sir, the Opposition parties, the Government and the people contribute contribute to the well being of this country. Therefore, these three groups must work together. The Opposition, the Government and the people must co-operate and work together for the sake of peace in this nation. The Government must work responsibly and likewise, the Opposition is expected to behave like a loyal Opposition to the nation and to the Government.

It is sometimes disappointing to hear that certain Government officers has taken action against the Opposition unilaterally without considering other rules and factors. This way, some of the administrative officers have fallen to trap of the Opposition because most of the time, most of the Opposition Members of Parliament want to provoke the system so that action can be taken against them for the newspapers to report the incident.

The people of this country want peace, security, employment and medical facilities to be accorded to them. But the way things are going, the peace of this country cannot only be achieved or sustained by the Government alone. It is very important that the Opposition should also contribute to the well being of peace and security of this nation.

If we dwell on constitutional changes like the Opposition is doing, Kenyans might think that there is something drastically wrong with our Constitution which is giving the Opposition a hard time in developing or in delivering the goods as expected by the electorate. I want to say that, whether we amend the Constitution or not, we are not going to amend the brains of the people of Kenya. What is important is to change the attitude of the Kenyan politicians and also the attitude of the civil servants. We must understand that we all belong to one nation and so we must be dedicated and honest people. It is apparent that if we change the Constitution from tomorrow, all that is required in the amendment of the Constitution is power sharing. We are talking about amending the Constitution so that the Opposition and the Government could be able to share power, in a country where tribalism has taken root. It would be very difficult for anybody to consider a coalition system of Government in this country.

We want a Constitution which will change the lives of street children and beggars in Nairobi and also take care of Mathari Hospital. That will be an ideal Constitutional amendment if it is effected for that matter.

I am surprised because when the Chairman of Ford(A) came to the Chamber, most hon. Members behaved as if something new had happened. I hope they welcomed him in good faith and not just laughing at him.

Mr. Speaker, Sir, there is no way the Chair can hear what I am saying if hon. Members continue with these loud consultations.

With those few remarks, I beg to support the Motion.

Mr. Kamuyu: Thank you Mr. Speaker, Sir. I also need to air my very few remarks on this Motion of adjournment. To begin with, I would like to request the Minister of State, Office of the President to issue a formal statement regarding the identity cards ID cards, whether we will use the old identity cards or the new identity cards.

(Applause)

This is because not everything that is written in the newspapers is 100 per cent correct. We ought to have been told by today by the Minister in the Office of the President which identity cards are valid. Are they all valid? If he does not tell us which identity cards are valid, then we will take what the newspapers say as being 100 per cent correct. And as you know, there is something in the air which tells me that General Elections are just around the corner. That is why the voters register will be opened soon and the identity cards issue should be streamlined because I am told by reliable sources that the registration of voters will take place early next year.

Mr. Speaker, Sir, I want to talk very very briefly about the grabbing of land in Dagoretti Constituency. Twenty five developed women's groups plots have been grabbed in Dagoretti. They are developed plots and third parties have been issued with title deeds. Now this land have been sold and re-sold. I have here a letter from Kandie, Kimutai and Company Advocates which says that Nyongera, Mahiga, Njoki and Muungano Women groups are given twenty one days to vacate their developed plots. These plots have been given illegally in the Lands Office and if anybody attempts to come and settle in any of these plots, I have instructed my people to be on the standby with bow and arrows, jembes, rungas and even petrol bombs because there is no way a women's group plot which was developed twenty years ago is suddenly grabbed. We cannot allow this kind of thing. I have reason to believe that the only language that the KANU Government understands is violence because I have tried to lobby for the cancellation of this land grabbing to the local administration by trying to talk to the Land Office and nothing is happening. These women's groups have been given twenty one days to leave their developed plots and they have no where else to go. So, they have decided to die in these same plots and be buried there, if necessary.

Mr. Speaker, Sir, one reason why I support Gikuyu, Embu, Meru Association (GEMA) is because everybody including the Luo Union, the Luhya Union, the Kamatusa are all talking about uniting themselves, but any time we mention the name GEMA, they start shaking. Why do they shake? It is because we also have to get united. We have now decided that we shall act as one and we shall make a formal application that GEMA be registered. There is nothing wrong with knowing your neighbours. There is nothing wrong with working together as a community and we are not asking everybody else from Rift Valley who are united not to work together. But we the moment we touch that point, they all start saying that we are tribalists but when in the Rift Valley they talk about uniting all the Kalenjins they are not tribalists. When we touch on the issue of GEMA, they say that we are tribalists.

Mr. Speaker, Sir, I want to go on record saying that GEMA must be revived. The GEMA communities should all unite because it is only after that that the united communities can come together as one united nation. That is the only formula. In any case, I do not see anything wrong with the Federal Government. There is nothing wrong with Majimbo. I think at the end of the day, and you can see, now, that Eldoret is being made the headquarters for Rift Valley Province. Everything is moving there, for example, the banks, Eldoret International Airport, Central Bank of Kenya, money and the ammunition factories have been set up there. Therefore, there is nothing wrong with reviving GEMA.

The Minister of State, Office of the President (Mr. Kalweo): Thank you, Mr. Speaker, Sir, for giving me this opportunity to air my views. During this Sitting, which we are concluding today, many Questions related to my Office have been asked by the hon. Members. I would like to assure the hon. Members that wherever they have these problems in their constituencies with the Provincial Administration and the police, because they are hon. Members, they should not hesitate to let me know. They should also understand that some of these Provincial Administrators are fathers or brothers of some of the hon. Members in this House, and they are human

beings. They are bound to be corrupt and to commit other kinds of crimes. Therefore, we are dealing with human beings.

Mr. Orengo: On a point of order, Mr. Speaker, Sir. Is the hon. Kalweo, who is a Minister, in order to say that many Questions have been asked about his Office, while we know very well that he does not have an office? He works in the Office of the President, but he does not have an office!

(Laughter)

The Minister of State, Office of the President (Mr. Kalweo): I am afraid, I have not heard what he has said. Mr. Speaker, Sir, we are dealing with human beings, when the hon. Members concerned encounter any problems or misunderstandings with the members of the Provincial Administration, they should inform me immediately. I promise this House that action is being taken to correct what had gone wrong. Many Questions of concern have been raised, some of them have been factual, but the others have been not true. But I undertake to investigate those allegations.

Dr. Kituyi: On a point of order, Mr. Speaker, Sir. Is the hon. Kalweo in order to make a false promise before the House about intervening to solve the misunderstandings between the Opposition Members and the Provincial Administration, when a licensed campaign rally was cancelled in Meru and when we approached him, he told us that he had no powers and that we had to approach the Permanent Secretary in charge of Internal Security, Mr. Kimalat.

(Applause)

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, it is with regard to those kind of things, I am saying that wherever they encounter them, they should inform me. Also, they should be law-abiding citizens when they get those problems. Some of those matters should be reported to the appropriate Ministries. For example, if somebody is injured, he should report that matter to the police who will investigate. Then they can also follow up the matter in the courts of law. Otherwise, when somebody brings issues here, which have not been reported to the police, it is not possible for us to follow up those cases.

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

Mr. Speaker: Order! Will you sit down?

The Minister of State, Office of the President (Mr. Kalweo): Mr. Speaker, Sir, in my Constituency, speaking as the MP for the area, the Ministry of Public Works and Housing is undertaking the gravelling of some roads, but there are other roads which we need to pursue. I request the Minister to pay attention to these impassable roads. On the issue of Identification Cards (IDs), the exercise is going on very well and we are moving to the divisions. There are some divisions where we have not moved in, but still the exercise is going on in those districts. The efforts we are making now is to go nearer to the people. We are making that effort and it is going on. We are procuring more vehicles and machines to reach the people.

Mr. Speaker, Sir, it is an on going exercise and millions of people are going to receive these identity cards. As of now, we have registered about five million people. I promise still that the exercise is going on and people should not panic. We are doing it as fast as we can. They should thank the Government for pursuing that.

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

Mr. P.N. Ndwiga: Thank you, Mr. Speaker, Sir. While I support the Motion of adjournment, I would like to point out a few things. We have been saying since 1991, that something is a miss in this Government. The events of the last few months have proved us right. During this session, we have seen Kenya National Assurance Company going down. Some many employees are now unemployed. As we go for this recess, I would have liked to hear the Minister of State, Office of the President, tell Kenyans what they are going to do with 600 former employees of Nyayo Bus Service, who are now in the streets. These employees have not been paid their salaries for June and July. Nyayo Bus Corporation has been run like a personal kiosk where a fellow goes there in the evening with a box and collects the collections of the day. Those employees have not been paid their salaries and their contribution to National Hospital Insurance Fund have not been paid. Even Kshs3.5 million belonging to their Sacco society have not been remitted. It was deducted from their salaries, but it has not been remitted to that society. This is criminal and we would like to know what is going to happen to the Director of Nyayo Bus Corporation. We want to know why he is roaming freely out there, when so many Kenyans are suffering. This has got to be addressed with utmost urgency. We know the culprit in the Kenya National Assurance, and he is

walking freely and he is actually in this House right now and nothing has happened to him. This is an example of what Nyayo Government is. They have been unable to repair even roads. The House sat up to night yesterday because of the condition of roads in this country. Not only are they failing to repair the roads, even Government helicopters are not being serviced, and it is going to affect them.

Having said that, I wish to support the sentiments expressed in this House by the Minister for Foreign Affairs and International Co-operation that Kenyans in unison must condemn what is happening in Burundi today. What is happening in that country today has no room in modern civilization, we are not interested in military coups and for once, we support what the Minister for Foreign Affairs and International Co-operation has said here. We want to speak as a single Kenya and say that we want normalcy to return to Burundi. I hope the Minister for Public Works and Housing is listening. In Runyenjes, we have two factories which produce the best tea in the world, but the tea does not get to the factory. More than Kshs1 billion in foreign exchange is being looted from this country. Now, that is irresponsible! You cannot have a Government that behaves like this. We have got to have roads so that tea which benefits all Kenyans reaches the factories.

Mr. Speaker, Sir, my people are bothered by elephants and the Minister knows this but because we are not in KANU zone, they have been left at the mercy of elephants. I appeal to the Minister to do something.

With those few remarks, I beg to support.

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, I want to thank you for giving me this opportunity.

(Loud consultation)

Mr. P.N. Ndwiga: Mr. Speaker, Sir, we cannot hear what the Minister is saying.

Mr. Speaker: Order! Order! Hon. Ndwiga is pleading that we give him a chance to hear what the hon. Munyi has to say, but I can assure the House that there is no way in which you can fail to hear what he has to say. Proceed!

The Minister for Co-operative Development (Mr. Munyi): Mr. Speaker, Sir, first of all, I wish to send my condolences to the late PC, Eastern Province, Mr. Chelang'a. He was a great administrator. To start with, he started his administration work in Embu as a DO, DC and then became a PC. I also wish to send my condolences to those other officers who perished in the same day.

I would like to congratulate His Excellency the President of the Republic of Kenya, His Excellency, President Daniel arap Moi, President Mkapa of Tanzania and the President of Uganda for having successfully held a very important meeting in Arusha. What they discussed has been talked all over the world. They did show that democracy should take place in the continent of Africa. Anyone who uses arms should be rejected. The people of Burundi should be given freedom to take back the popularly elected Government which has just been overthrown by people who have been at the fence. We are not going to allow that in Africa. Even in Yugoslavia and other countries, those people who committed war crimes are being tried for the crimes they committed against humanity.

I would like to tell the Minister for Public Works and Housing, Prof. Ng'eno, that his Ministry is very important. We did pass a very important Vote yesterday. I would like to tell him that we have very many trained people in the Ministry who should take care of our rural roads. Roads that were repaired some years back have helped us a lot. They are still in good shape. It is important to repair rural roads. I would like the Minister to ask all those qualified engineers and other technicians to take action and ensure that the current system of repairing roads is changed. They should make sure that road repairs are carried out in a way that they can employ many people. If money is given, a lot of rural roads will be done. I would like to tell the Minister that there is a killer road from Rongai to Nakuru. Many people have died on this road. It is only a small part which should be done in a good way. They should also check killer roads in other parts of the country which are very destructive. Most of our people have died and we sympathise with them. Therefore, that should be done.

With those few remarks, I beg to support.

Mr. Mulusya: Thank you very much, Mr. Speaker, Sir,---

Mr. Speaker: Do not thank me! I will go to the furthest corner of the House and call upon Mr. Anyona to contribute.

Mr. Anyona: Mr. Speaker, Sir, I will be very brief.

I think as we go on recess, we need to take stock of what has happened in this House. I believe that we are going home without having dealt with a lot of issues that face our people today.

When we go to our constituencies, we should take messages from this House to the people, and yet you will find that in a lot of cases---

(Loud consultations)

Mr. Speaker: Order! Order! Can we hear the hon. Member?

Mr. Anyona: Mr. Speaker, Sir, in a lot of cases, hon. Members are stopped from playing their rightful role in their constituencies.

Since there is no much time, I would like to raise an issue with the Minister of State, Office of the President. There is a serious violation of human rights in Kenya. I would like to use my constituency for example. I was intending since yesterday, to rise on a point of order, with a very heavy heart, to demand a Ministerial Statement from the Minister, regarding the violation of human rights, brutality, harassment and torture of our people in Kitutu Masaba Constituency by chiefs, assistant chiefs, administration policemen and district officers. That is the first issue that I wanted to raise with him. I am preparing a full dossier on this matter which I shall be bringing to this House. In the meantime, I want to give him notice that a bombshell is coming.

The second issue is that I want the Minister to make a statement with regard to illegal arrest, detention, torture and murder of a member of our constituency called Mr. Thomas Mzee Onkoba by the Assistant Chief of Nyaguku Sub-location in Manga Division by five administration policemen and youth wingers. This particular incident is a very sad story. I want to give the House brief details of the incident.

On Wednesday, the 24th of July at about 7.00 a.m. in the morning, the Assistant Chief of Nyaguku Sub-location, a Mr. Felix Bosire Onyetho arrested Mr. Thomas Mzee Onkoba from his home at Bomanagwa Village. The Assistant Chief took him and sent him there for the whole day and the following night.

Mr. Speaker, Sir, I thought Members would listen because this is very, very sad. This is the death of the father of one of our participants in the Olympic Games. There is a girl taking part in the games right now, who is a daughter of this man and while she is there, her father gets murdered by this Government.

Mr. Speaker, Sir, the Assistant Chief and the APs tortured this man at the APs camp by making him to sit on charcoal fire and burnt the whole of his back side, and destroyed his private parts and on the morning of 25th having done so much damage to this man, they took him to his own home and asked his wife to clean and dress him up again. In the meantime, they were harassing the residents of that village. After that, the man collapsed in the presence of members of his family. These people got a wheelbarrow and pushed him to the APs camp, from there they took him to Nyamira Police Station. Instead of taking the man to the hospital, because he was unconscious, he was locked up in the cell. On the 26th, the man was taken to court and charged with a fictitious offence of practising witchcraft. Since the man could not take the plea because he was unconscious, the court ordered that the man be taken to hospital. Instead of taking him to the hospital, the police again took him back to the police cells and in the course of that day, at 3.30. p.m the man died.

Mr. Speaker, Sir, the body was then transferred to the mortuary and that was the end of the story. As I said, when this man was arrested he was in a healthy state.

Mr. Busolo: On a point of order, Mr. Speaker, Sir. Can you see the way the hon. Member for Gatundu is sitting?

Mr. Speaker: Order! Order! I do not see any Member there; I can only see an object unknown to me. Proceed!

Mr. Anyona: Mr. Speaker, Sir, I must say, I am appalled by the behaviour of the House this afternoon. Here is a story of a Kenyan who has been murdered by agents of this Government and even the Opposition side is not listening. Here is a father of one of our participants in the Olympic Games who has been murdered while I am telling that story, this House goes into uproar about nothing.

If this is the way Kenyans are going to be treated by this Government, or the way we as Parliamentarians are going to take issues of human rights, lightly, then I think it is a very sad day for this country and I want to tell this House and this Government that we in Kitutu-Masaba have decided to defend ourselves and from now, on we are giving the Minister notice that we shall burn all chiefs, all APs and all your DOs who break the law and torture people.

Mr. Speaker, Sir, I beg to support.

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time for the interruption of business. The House is therefore adjourned until, Tuesday 1st October, 1996, at 2.30 p.m.

The House rose at 6.30 p.m.